BALLAST LIVES: AN EXCURSUS ON SOCIO-POLITICAL ACCOUNTS OF DISABLEMENT IN THE AGE OF GLOBALIZATION

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ABSTRACT

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According to contemporary fashion, humankind has entered a new era marked by epochal change, be it a globalized, postmodern, post-industrialist, late modern, high modern, meta-modern, hyper-modern, super-modern, post-Fordist or post-emotional society.

In contrast to such claims for epochal disjunction, this thesis identifies fundamental continuities in attitudes and policies toward disablement. Disabled Britons, since at least the 1970's, have sought to develop alternative explanations of disablement, exemplified by Mike Oliver's 'Social Model of Disability'. Despite the influence of a socio-political account amongst the activist disability movement, dominant ideology ensures that such pioneering ideas are subject to unrelenting disparagement and disinformation.

Despite such ridicule, this thesis shows that claims of a coherent and liberative 'disability policy' in the UK remain grandiloquent, if not entirely inaccurate. Building on the work of Deborah Stone and Mike Oliver, in particular, I will show that, despite modest progress, British disability policy remains indelibly marked by seventeenth-century assumptions and prejudice.

This thesis contributes to the development of disability theory by providing a critical socio-economic analysis of contemporary policy and radical theorising, a task that has yet to be substantially addressed in the UK. Furthermore, by examining legal, historical, economic, political and social sources, I contend that the absence of contemporary disability policy will be shown to provide explicit benefits to the elite, to the detriment of efforts to promote and protect the emancipation of disabled Britons.

The over-arching premise is that socio-political accounts of disablement continue to provide unparalleled analytical and theoretical insights into *a process of disablement*, not least as a particular brand of capitalism is in the ascendancy: the struggle for global hegemony aided by the advancement of a single market modelled on U.S. lines.

TABLE OF CONTENTS

CHAPTER 1 11

INTRODUCTION 11

- Scope 14
- Semantics 15
- Biography and predilection 16
- Schema 17

CHAPTER 2 21

THE INVISIBLE EPOCH: PRE-CHRISTIAN HISTORY TO THE NINETEENTH CENTURY 21

- Introduction 21
- Judaism and its successors 24
- Disability in Antiquity 26
- The Middle Ages 28
- The waning of the middle ages: controlling the pauper 33
- The industrial revolution 36
- Entering the twentieth century 46
- Conclusion 66

CHAPTER 3 68

THE DEVELOPMENT OF DISABILITY-SPECIFIC POLICY 68

- Introduction 68
- Employment 69
- The Access to Work Scheme 104
- Conclusion 105

CHAPTER 4 108

NEW LABOUR AND A RETURN TO THE NEW POOR LAW 108

- Introduction 108
- New Labour – addressing the DDA's flaws? 110
- Getting to grips with the 'undeserving' poor 113
- New Deal for Disabled People 125
- Interpreting the evidence 135
- Conclusion 143

Chapter 5 145
CONTINUITY AND CHANGE: A CRITIQUE OF THE "THIRD WAY" WELFARE STATE 145
Introduction 145
Theorising social policy 148
Inclusive government, quango's and news management 160
Neo-liberalism, contemporary social policy and disabled people 165
Neo-liberalism and the growth of the corporate-welfarist state? 172
A novel alternative: demand-side policy 176
Conclusion 180
CHAPTER 6 183
GLOBALIZATION, FAIRY TALES AND POLITICAL OPPORTUNISM 183
Introduction 183
What is globalization? 185
General Agreement on Trade in Services (GATS) 205
Conclusion 207
CHAPTER 7 210
DISABILITY POLICY, DISABILITY THEORY AND POLITICAL ACTION 210
Introduction 210
Postmodernity 212
Modelling impairment & disability 221
Self-identity: socio-political interpretations 223
Challenging the majority world 224
Bringing social accounts to the academy 231
Reassessing social interpretations, the social model and *The* Social Model. 244
Conclusion 248
CHAPTER 8 251
CONCLUSION 251
Areas for further research 264
BIBLIOGRAPHY 266

LIST OF FIGURES

Figure 1: Poor relief expenditure in England and Wales 1696 – 1803 (adapted from Daunton, 1995: Table 17.1) 39

Figure 2: Comparison of unemployment rate for 'Registered Disabled Unemployed' and 'Unregistered Disabled Unemployed' in open employment 1978-81. *Source*: Brown, 1990:145, Table 8.2. 85

Figure 3: Planned New Deal spending for 2002-2003; % of total claimant group *vs.* % of total spend 140

Figure 4 Support for reduction in inequalities in key social policy areas by 'elite' group: adapted from George, 1998: 23, Table 4. 190

LIST OF TABLES

Table 1: Disposition of DDA Part II complaints in 1999 and 2002, prepared from data provided by Meager *et al*, 1999: 207 and Leverton, 2002: v. 97

Table 2: DDA Part II cases by jurisdiction; adapted from data supplied by Meager *et al*, 1999: 164; IDS, 2000: 8 and Leverton, 2002: 77 98

Table 3: Success rates of DDA Part II cases heard by Tribunal; adapted from data supplied by Meager *et al*, 1999: 212, Table 6.23; IDS, 2000: 10, Table 8 and Leverton, 2002: 90, Table 35. 98

Table 4: Success of DDA Part II cases at tribunal, by type of applicant representation; figures obtained from Meager *et al*, 1999: 214, Table 6.26; IDS, 2000:10, Table 9 and Leverton, 2002: 98, Table 42 99

Table 5: Nature of representation for applicants at tribunal hearing, figures obtained from Meager *et al,* 1999: 102, Table 4.1; IDS, 2000: 9, Table 6 and Leverton, 2002: 83, Table 26 100

Table 6: "Part II cases by year of registration in the UK (1st December 1996 – 1st September 2000)" reproduced from Table 5, Leverton, 2002: 65 101

Table 7: Actual government expenditure on the NDDP Pilots to March 2001 and estimated government expenditure to June 2001, calculated on figures provided by Dean and Kent, 2001: 5, Table 5 131

Table 8: Planned spend on selected New Deal Projects during Fiscal Year 2002-3 (*Source: HoC 2003: 21*) 139

Table 9 – *Source*: Table 7.16 "How found current job or place on programme", Grewal *et al.* 2002: 142 141

Table 10 - *Source*: 'Table C8: Current receipts' (HM Treasury 2003) 175

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Professor Mike Oliver has played a pivotal role in the development of disability theory and my own understanding of disability as oppression. His contribution to the ideas developed here, both through his writing and supervision, cannot be adequately acknowledged but were, nonetheless, fundamental.

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Chapter 1

INTRODUCTION

The aim of this thesis can be simply stated: to review, update and critically examine the continued persuasiveness of socio-political accounts of the production of disablement, with particular regard to the increasingly ubiquitous contemporary themes of:

1. A 'moral economy' of welfare
2. Post-modernity (or post-industrialism, late modernity, high modernity, meta-modernity, hyper-modernity, super-modernity, post-Fordism or the post-emotional society), and
3. Globalization.

Supplementary to this central aim, though necessarily constrained by margins of format and resources, this thesis seeks to respond to two challenges introduced to disability studies in recent years; firstly, Gleeson's claim that:

> … the essence of the challenge before historical materialism in respect of disability [is]: to demonstrate scientifically the historicity of disability through studies of how impairment has been lived in past societies. The parallel task is to construct theoretically informed analyses of how disability is lived and produced in the range of contemporary societies. (Gleeson, 1999: 31)

Secondly, Carol Thomas's assertion that:

> … materialist writers in disability studies need to be able to update their analyses to take theoretical account of contemporary developments in capitalist economic systems. (Thomas, 2002:47)

Thus, at one and the same time, this thesis seeks to marshal historical evidence, review contemporary socio-economic and political developments, propose tentative conclusions and, as result of those conclusions, make a case for the continued utility of socio-political interpretations of disablement.

Whilst the research paradigm is principally concerned with socio-political interpretations and their explanatory value to a process of disablement, it should be acknowledged that my approach utilises critical social, rather than strictly Marxist, theory. Thus, rather than presuming that the fundamental question has already been addressed, I will seek to establish whether socio-political accounts provide any meaningful contribution to disability theory. More importantly, I will seek to review political and policy developments in order to ascertain whether a primarily socio-political analysis remains useful to an analysis of contemporary developments.

The pre-eminent focus in this thesis is contemporary British policy, with particular emphasis on the various programmes introduced by the 'New' Labour government, first elected in 1997. However, in order to respond adequately to Gleeson's call for scientific historicity, early chapters will review and evaluate global evidence, such as it is, on disablement in pre-industrial society. Existing materialist accounts inevitably place particular emphasis on the transition from a feudal to capitalist economy and, in view of the various public policy measures that accompanied this transition, this period of English history is scrutinised in some detail.

Whilst this thesis primarily responds to the challenges outlined above, it must be acknowledged that the research and theoretical paradigms have been indelibly influenced by Paul Abberley's call for a 'liberative social model of disability'. Such model, unlike existing Durkheimian and Marxist models, would fully acknowledge 'a notion of social integration which is not dependent upon impaired people's inclusion in productive activity' (Abberley, 1997:35). As I hope to show, contemporary politics gives little cause to believe that Abberley's goal is capable of achievement; far from accepting disabled people who are not engaged in remunerative work, there are contemporary claims for a transition from *citizenship* to *employmentship* (Sinfield, 1986 cited by Rodgers, 2000:47) and from worker to consumer (see particularly Bauman, 1998).

The practical effect of both Abberley's influence and contemporary political themes on the focus of this study is exemplified by my emphasis on employment and welfare programmes. Despite such emphasis, it should not be assumed that I believe employment to be the pre-eminent issue in disability policy or politics, despite policy-makers and theorist's predilection to presume that it is. Rather, various elements of social and civic life must be addressed, jointly and systematically, if progress is to be achieved. Nonetheless, the nature of existing disability movement objectives, political dogma (or, more fashionably, 'discourse') and social policy ensures that the economic circumstance of disabled people, whether financed by employment or welfare, remains a subject that demands detailed examination.

An inescapable conclusion from the historic account of policy responses to disablement is that its origins lie in measures to combat pauperism; internationally, disability remains intimately linked to indigence and, whilst the burgeoning disability studies 'industry' too often ignores the connection, this thesis seeks to redress the balance. The growth of 'disability-studies', in the widest sense of the term, has tended to obscure the relationship between disability and poverty yet, as will be shown herein, policy is primarily concerned with the coincidence of these circumstances. Policy-makers are little concerned with those disabled people who enjoy financial independence but are, instead, exercised by those who would presume to stake a claim to public welfare assistance, a distinction that has become yet more pronounced with Third Way discourse and exemplified by 'New' Labour policy.

As importantly, viewing disablement as a discrete 'problem' related to personal incapacity, rather than a preventable outcome of systemic factors, discourages critical analysis of that very system. Even if unintentionally, reifying disability strengthens individualised accounts – including what are often described as the medical, tragedy, charity and economic models of disability – by divorcing analysis from wider socio-economic developments and, in so doing, perpetuates the *status quo*. In my judgement, disablement is principally the product of economic imperatives, such that any attempt to analyse disablement in isolation from the wider political and policy environment risks the propagation of illusory deduction and flawed policy-responses.

Any attempt to discuss contemporary social/cultural life – including disablement – without reference to the increasing prominence of postmodern discourse, and the insights offered, risk partiality. Further, many postmodernists (although not all, see for example Harvey, 1990 and the mark of Bauman's socialist roots, still discernible in his seminal analyses, 1997 and 1998) necessarily posit materialist accounts in and of modernity, thereby implying that their authority is weakened by the march of time; a claim that subsequent discussion will suggest is premature.

It may be an acknowledgement of postmodernity's 'incredulity towards metanarratives (Lyotard, 1984:xxiv)' or simply a sign of theoretical diffidence, but the disparate analysis that comprises this thesis does not presume to advance a Social Theory of Disablement, something that Mike Oliver has been seeking for some years (Oliver, 1990a). If anything, the endeavours contained herein make the construction of such a theory more remote, not least because of my efforts to situate disablement within the more expansive population of the poor and excluded; the 'other'.

Scope

The primary focus of this thesis relates to the material conditions of disablement and, whilst I refer to benefits that might aid independent living, this area of policy/action is not substantially addressed herein. That this area has been dealt with only incidentally is not intended to suggest that it is viewed as unimportant. Rather, my focus precisely addresses the prominence afforded paid work (the phrase: 'paid work' is used advisedly, note for example Ruth Levitas' analysis of the continuing invisibility of unpaid work – usually undertaken by women – which in 1995 was estimated to benefit the national economy by between £341 billion and £739 billion, 1998: 8) by the policy-maker for, it will be claimed, disability policy has always been intimately connected to poverty and pauperism, a connection that has impeded thoroughgoing and 'joined-up' policy responses to disablement, not least with New Labour's conflation of inclusion and paid work.

The independent living movement is a vital and active part of the wider disability movement (that the phrase 'disability movement' is not a precise term of art is acknowledged; it is used here as a shorthand reference to disabled people and our supporters who voluntarily collaborate to pursue political goals). Its insights and agenda have been an important catalyst for and standard against which disability activism and policy are measured but, vitally, it is also a discrete field of study.

Introduction

The aim of this thesis is to paint a 'broad stroke' picture of the experience, outcomes and policy responses to disablement, to highlight both their politico-economic genesis and their ideological foundations. This task presents significant challenges in view of the constraints imposed by the PhD format. Perhaps more importantly, the political origins of the UK's independent living and disability-income movements have already been recorded (Campbell and Oliver, 1996) and the interaction between policy and movement agendas extensively explored (Priestley, 1999).

Flowing from the foregoing, some explanation of what may be viewed as an emphasis on employment and the economic sphere needs to be acknowledged and justified. Whilst broadly conceding Shakespeare's admonition regarding mono-linear economic accounts, but rejecting his judgement that they 'are misguided' (Shakespeare, 1997:225), the proposition to be explored here is that socio-political accounts of disablement still have considerable exploratory power, indeed, we might go so far as to suggest that it is *only* socio-political accounts that adequately explain the construction of disablement. I emphasise 'disablement' and, in using this term, refer to a *social process* of disabling individuals who have impairments; it is essential to grasp this distinction, if only because it will be maintained throughout the thesis. The development of a social theory of impairment, important though this task may be, will also not be attempted here. An inevitable by-product of this thesis will be a defence of the Social Model of Disability, a phrase first coined by Mike Oliver (1984).

Semantics

By nature, I am suspicious of word games. Part of this is caused, I am sure, by a surfeit of contact with non-disabled people with a professional connection to disability, whose careful use of 'acceptable' terminology too often appears to conceal exploitative attitudes. This leads neatly to an acknowledgement of a semantic preference on my part: I invariably and implicitly acknowledge my self-identification as a disabled person with use of possessive verbs 'us' and 'we'. There are two reasons for this:

(a) An acknowledgement of the influence of biography in the construction of meaning; the entire research paradigm – from initial interests, through methodology and implementation – has been intimately and fundamentally influenced by *my* experience of impairment and disablement and the meanings that *I* attach to that experience.

(b) 'Disabled person' is primarily, in my estimation, the personal ascription of the status of 'belonging'. I reject the view that my status is reducible to some juridical or functional matrix because, for me, disability is incompatible with the imposition of status, negatively construed, by a third party. My identity as a 'disabled person' is influential of biography and a matter of pride. In explicitly acknowledging this biography, I necessarily reject the normative academic judgement that disabled researchers and theoreticians are unable to approach the subject with the requisite level of detachment, indeed, in accord with critical theorists, I explicitly aspire to 'politically significant theory' (Calhoun, 1995).

Biography and predilection

I have already acknowledged that biography is significant to academic endeavour; my life experience is fundamentally influenced by my status: 'disabled person', but my work within the international disability movement has been equally influential. Over the past decade, I have undertaken research and advocacy projects in the USA, the European Union and in former Eastern Bloc countries; I have also worked closely with advocates in Africa, Asia and Latin America and, latterly, my work has brought me into close contact with governmental agencies, be they national, regional or supra national.

I have enjoyed the privilege of reviewing existing policy measures and, in collaboration with others, of drafting new policy. Accordingly, rather than merely reviewing public policy and the policy-making process, I have benefited from opportunities to participate in, and contribute to, such process. Reference to this experience is not made for the purpose of personal aggrandisement, but to account for the acquisition of 'privileged' information; candid discussion over a beer can be infinitely more revealing than published policy papers and, whilst such exchanges have not been cited in this thesis, such candour has undoubtedly influenced this enterprise.

The inability to refer to reliable background evidence, which appears to accurately reflect the goals of some significant contemporary policy changes, has been a recurrent irritation. Although I have tried, assiduously, to ensure that the evidence presented here supports the claims made, the sometimes contradictory nature of public pronouncements and private discussion is, as a result, poorly accounted for. I hope that confidence will not be betrayed by stating, quite clearly, that my insistence on interpreting disability policy through wider politico-economic factors has been a tangible and logical response to such disparity.

Without wishing to devalue contemporary themes in disability studies, it should also be acknowledged that for the past 5-years I have managed, reviewed and disseminated evidence on the first international database of human rights abuse inflicted on disabled people. Any claim that the close examination of such disturbing evidence has left me entirely unaffected would be, at best, disingenuous; likewise, I find it difficult to approach the imposition of disability on people with impairments dispassionately. Discovering the degree of public and judicial indifference for the welfare and human dignity of disabled people is an influential revelation.

Schema

Whilst the significance of history to contemporary responses to disablement has been unequivocally identified (Oliver and Barnes, 1998: 25, Braddock and Parrish, 2001: 12), authoritative analysis remains meagre. Disabled people are, to a significant extent, absent from the historical record (Oliver, 1990: xi), except as the faceless beneficiaries of other's largesse. The evidence that does exist is culturally and religiously specific and, consequently, widely divergent between civilisation, locality and era; although the weight of evidence suggests that some disabled people have endured unfavourable treatment; there are exceptions, such that particular impairments have been treated as a divine blessing.

Chapter 2 seeks to present the available evidence, highlighting disparity and, perhaps more significantly, emphasising the substantial influence of scholarly postulation to efforts to illuminate what has gone almost entirely unrecorded. The range of this first substantive chapter, spanning Old Testament Judaism to inter-war Britain, is possible only because of the paucity of reliable evidence and emphasises the practical obstacles inherent in any effort to respond to Gleeson's call for 'scientific historicity' (1999: 31).

Such obstacles are neatly encapsulated by Henri-Jacques Stiker's expansive assessment that disabled people were either 'normal anomalies' or part of the 'demonic underside' of society (1999: 77). Whatever the explanation for the absence of disabled people from recorded history, the gulf between the alternatives presented by Stiker's dichotomy: so common as to preclude comment or so marginalized as to be invisible, is inimical to the elaboration of a scientific historicity; we simply know so little of disabled lives that the range of possibilities confounds us.

Vitally, chapter 2 establishes what becomes a familiar pattern in this thesis: the investigation of wider economic and social policy as a means of contextualising programmes affecting disabled people for, as I hope will become clear, only rarely has policy placed disabled people at the forefront. Historically and contemporaneously, it will be claimed that public policy has been formulated to achieve goals other than the empowerment of disabled people; with few notable exceptions, policy has been constructed to achieve mainstream economic, political or social objectives.

A liberal approach to history, emphasising rationality and benevolence, may predominate but, as critical studies have repeatedly shown, too often bears scant resemblance to reality. Such is the case in the development of UK disability policy that, as chapter 3 demonstrates, appears designed to keep the disabled worker *out* of mainstream employment, rather than facilitate their entry into it. It is clear that the full import of policy predicated on the needs of disabled people, but constructed to maintain the *status quo*, remains poorly understood. chapter 3 provides detailed analysis of the work and conclusions of the Tomlinson Committee, established in 1941 to make proposals for the 'rehabilitation and training for employment of disabled people'. The chapter also contains detailed examination of the 1944 Disabled Persons

(Employment) Act, the legislative response to the Tomlinson proposals and the first UK legislation specifically directed at disabled people.

Whilst the Disability Discrimination Act, irrespective of flaws, may be viewed as a positive measure, it came into force contemporaneously with a series of regressive Tory initiatives, intended to drive down the Exchequer cost of disability benefits. Such initiatives were pursued with even greater vigour by the incoming 'New' Labour government, after its election success in May 1997. Chapter 4 reviews the Labour government's disability-related activity, with particular attention devoted to its highly publicised welfare reform programme. As will be seen, the reform process was ruthlessly managed and implemented, not least with a concerted campaign to create an image of rampant fraud and unjustified payments.

The chapter also examines, in some detail, Labour's 'New Deal for Disabled People' [NDDP], concluding that whilst evaluation was heralded as key element of the programme, it is almost impossible to obtain meaningful data on its substantial costs or modest outcomes. This being so, it is necessary to question why the government appears dedicated to a programme that is unable to evidence tangible benefits; the search for explanations begins in chapter 5.

Far from being the party of innovation and reform, the Labour government has engaged in a benefits discourse that is at least 200 hundred years old; more alarmingly, the government returned to a Poor Law ideology by once again transferring financial risk from the community to the individual. There was, however, some innovation, including the introduction of the concept of social exclusion, the growing use of non-elected quangos to propose policy and sophisticated news management. Novel means were applied to the advancement of traditional perspectives and both the means and underlying rationale are extensively reviewed in chapter 5, leading to the claim that the Third Way was imposed on the country through a sophisticated programme of moral vilification, substitution of politics for managerialism and a manipulative relationship with a decreasingly critical media.

There is a danger that globalization, as a buzzword of our time, risks becoming all things to all people. Chapter 6 seeks to describe globalization, present conflicting views as to its existence and effects and considers whether the globalization orthodoxy results in a convergence in national policies. For some, globalization is an essential element in an economic project begun during the Second World War and driven by the USA's desire to promote a "grand area", defined as regions that the country would need to dominate, both economically and militarily, to ensure the supply of raw materials required by its domestic industries. As will be shown, in 1944, world leaders embarked on a process that would lead to the creation of the World Bank and International Monetary Fund, lay the groundwork for the General Agreement on Tariffs and Trade [GATT] and the promotion of a hegemonic project that demands insulation of the market from the democratic process.

As will be clear, the view presented here is that domestic disability policy has been intimately affected by this global project and that subscription to its aims is the most compelling explanation for New Labour's welfare reforms. Whilst the effects of globalization have been discussed in a multitude of contexts, the effect on disablement had, prior to the work of Chris Holden and Peter Beresford, been entirely ignored. Their insightful and vital contribution to the debate is discussed at some length in chapter 6, before turning to consider the additional impact of the General Agreement on Trade in Services [GATS] on disabled people.

The last substantive chapter in this thesis: chapter 7, seeks to assess disability theory and political action, with a critical analysis of socio-political accounts, postmodernism and the alleged retreat of many within academe from emancipatory theory. An increasingly arcane and esoteric debate within disability studies has, it will be claimed, largely severed the historic links between the social movement of disabled people and those who presume to study disablement. While it may be chic to overlook systemic oppression, by doing so we contribute to the perpetuation of such oppression; much harm has been done in the name of 'totalising theory' but, it is claimed here, an abandonment of an ethical approach to social studies is both intellectually and politically short sighted.

Chapter 2

THE INVISIBLE EPOCH: PRE-CHRISTIAN HISTORY TO THE NINETEENTH CENTURY

To fully appreciate the experience of disability in current society and social policy as a response to it, an understanding of history and its relationship to culture is vital. Indeed, there is little doubt that current perceptions and responses are influenced by history and culture...

Mike Oliver & Colin Barnes (1998: 25)

Introduction

The paucity of reliable and coherent historical data concerning the situation and policy treatment of disabled people (Braddock & Parish, 2001:12) prior to the nineteenth-century might, quite reasonably, encourage one to presume that disabled people did not exist before biomedicine – and its cause of normalising the aberrant – achieved its prominence, for:

> Just as the nature of traditional scholarship rendered women in the ancient world inconsequential and invisible—save a few remarkable ladies—people with disabilities have been all but invisible, save a handful of blind prophets. (Edwards, 1997: 29)

Such paucity of data is particularly evident in this chapter, where efforts to describe the history of disability become, particularly from the fourteenth-century, little more than an examination of policy responses to *poverty*. That disability policy should be subsumed, or perhaps more accurately shrouded, by responses to poverty may be viewed as a disadvantage; I do not hold that view. As will be discussed in subsequent chapters, administrative efforts to create a largely fallacious distinction between disability and poverty afford distinct political advantages, even if the experience of disablement is largely indistinct from that of poverty. As will be shown, it is certainly the case that both the non-disabled poor and disabled people have consistently seen the *symptoms* of their exclusion confused with the *cause.*

One feature that, in my view, should be of considerable concern to disability theorists is the infrequently questioned view that the distinction between the deserving and the undeserving poor has produced varying outcomes. Whilst the assumption that the deserving poor – invariably presumed to include disabled people – have fared better, both with the bureaucrat and in public opinion, than have the undeserving poor has undoubtedly influenced the study of poverty; the incontrovertible fact that disability and poverty go hand in hand has, itself, received inadequate attention. As we shall see later in this and the subsequent chapter, whilst disabled people are invisible in contemporary treatises on poverty, the fluctuating borders between 'deserving' and 'undeserving' poor, the imposition of increasingly exclusionary validating devices and the public vilification of welfare recipients – of whatever kind – indicate that assumptions of disparity in treatment and outcome may be misplaced.

That disabled people have existed throughout history is unquestionable; Oliver and Barnes note that (1998: 25): 'The existence of impairment is as old as the human body and in the earliest known societies it is a 'human constant' (Scheer and Groce, 1989: 23).' Acknowledging the lack of reliable data on the incidence of disability through history, Margaret Winzer nonetheless expresses the view that:

> It is difficult even to estimate the true numbers of people with disabilities in any early society. Confined by the uncertainty of historic data and the paucity of records, we can only guess at prevalence, although the most easily supported assumption is that disabling conditions were noticeably more prominent than they are today. Plague, pestilence, and poverty—all precursors of major and minor disabling conditions—were the constant companions of humans in their trek through history. (Winzer, 1997: 76)

To these general observations, we might usefully add Braddock and Parish's constructive tripartite account of the difficulties facing researchers in seeking to compile a history of disability in the West:

(a) Utilisation of primary source evidence in existing literature is 'extremely limited';

(b) The existing archive of historical accounts primarily describes services and treatment from the perspective of the professionals providing such services, with the result that historians are 'put in the perilous position' of interpreting history based only on the claims of those professionals, and

(c) Histories of disability are rarely representative of a cross-disability [sic.] or, more appropriately a cross-impairment, perspective that portrays 'historical interconnections' (Braddock & Parish, 2001:12).

It might appear no more than a banal truism to note that generic terms intended to include some people with impairments – the term: 'disabled people' in the UK and 'people with disabilities' in the USA, for example – only became common currency in the late twentieth-century. Nonetheless, to ignore this issue is to ignore the vital detail that it is only very recently that society succeeded in grouping a substantial and heterogeneous group under one banner. Thus, use of the terms: 'disabled people' or 'people with disabilities' does not simply indicate the triumph of political correctness; it denotes an important social and linguistic outcome – the claimed identification of a disparate group with sole reference to the existence of impairment(s).

This chapter examines available evidence on the historical situation of disabled people but, before commencing substantive enquiry, it may be appropriate to repeat Martha Edwards' warning of the elemental role of culture in colouring our interpretation of history:

> At the heart of disability studies is a recognition that disability is a cultural construction; that is, that "'disability' has no inherent meaning." It is not appropriate to investigate the phenomenon of disability in ancient societies from the perspective of a medical model, whereby people are deemed inherently able-bodied or disabled according to medical definition and categorization. Rather, if disability is viewed as "relational and not inherent in the individual," the risk is much lower of contaminating the ancient evidence with modern cultural assumptions. (Edwards, 1997: 29)

Thus, we must acknowledge that contemporary notions of 'disability' and qualifying impairments are substantially different to those of our forebears. Accordingly, historical sources refer to specific and often overlapping impairment-types – 'the lame', 'the deaf', 'lepers' – that bear little resemblance to contemporary appreciation of the terms. In an effort to reduce the effects of semantics, the modern but strictly inadequate term: 'disabled people' will be used throughout this chapter.

Judaism and its successors

In *A History of Disability*, the French historian Henri-Jacques Stiker notes that:

> Exploring the situation of disability in Jewish culture and society up to the Christian era, we must admit that the social practices of this society are very difficult to determine. We have the text of the Bible. It is a prodigious document but, at the same time, one that conceals. We have only this text and parallel texts such as the Midrash or Talmudic writings. Recent years have witnessed the emergence of a reading, deceptively called materialist, that attempts to reconstitute the socio-political setting in which the biblical texts arose. But the extreme difficulty of such a reading is apparent, and the resulting hypotheses are still flimsy. (Stiker, 1999: 23)

Despite these difficulties, Stiker contends that the Bible contains a great many references to impairment and disability, leading him to view disability as 'an everyday reality'. In addition to the prosaic nature and treatment of disability, Stiker emphasises the 'sacred reality' of disabled people's *un-cleanliness*, a status that carried with it vitally important barriers to religious life:

> And the LORD said to Moses, "Say to Aaron, None of your descendants throughout their Generations who has a blemish may approach to offer the bread of his God. For no one who has a blemish shall draw near, a man blind or lame, or one who has a mutilated face or a limb too long, or a man who has an injured foot or an injured hand, or a hunchback, or a dwarf, or a man with a defect in his sight or an itching disease or scabs or crushed testicles; no man of the descendants of Aaron the priest who has a blemish shall came near to offer the LORD's offerings by fire; since he has a blemish, he shall not come near to offer the bread of his God. He may eat the bread of his God, both of the most holy and of the holy things, but he shall not come near the veil or approach the altar, because he has a blemish, that he may not profane my sanctuaries; for I am the LORD who sanctify them." So Moses spoke to Aaron and to his sons and to all the people of Israel. (Leviticus, 21.16 – 24)

Thus, for Stiker, Old Testament text demonstrates that disabled people were burdened by what he calls 'cultic impurity' and ritually excluded from much of the religious life of their communities. However, 'the theological currents that derive from it': Christianity and Islam, remove the 'pollution of the disabled', permitting at least some access to the wider community of believers, if not full participation (1999:25).

Stiker summarises as follows:

> Sin and defect deny the disabled a religious role, but they introduce an ethical and social imperative. The person who is so tried is not condemned, even if the religious signification that he bears dooms him to a very precise and circumscribed form of exclusion…
>
> Before any explicit interdiction arises to inscribe this conception in law and social order, disability serves to separate what is God's from what is man's, the sacred from the profane… (Stiker, 1999:27 & 29)

Trying to account for the contradictory status afforded disabled people is difficult, however, it would seem even for Stiker. On the one hand, disabled people are subject to an inflexible religious prohibition that seeks to separate God from the profane but, on the other, their predicament is clearly viewed as being 'of man' – in the sense that sin is of man, rather than God – and, as such, demands that disabled people are included within the body of Christian community. It should be noted, however, that such inclusion was a matter of social responsibility for the non-disabled majority, rather than a matter of privilege for the disabled individual – illustrating the preferred status of the 'pure' over the 'profane' disabled. According to Stiker's thesis:

> We could say, almost without paradox, that the nonintegration of the disabled in religious practice is the precondition of their nonexclusion from the culture. (Stiker, 1999:31)

In the interests of equity, it should be acknowledged that, even for the modern theologian, divorcing disability from sin and, therefore, better allowing for the integration of disabled Christians into the modern church, remains problematic. For many disabled people, involvement with the Christian church continues to be marked by religious obsession with impurity and the need to 'cure' impairment by casting out sin.

Disability in Antiquity

Existing documentary evidence suggests that the ancient Egyptians were the first society to examine the prevalence and pathology of specific impairments, whilst also seeking to ameliorate the effects. Margaret Winzer (1997: 81) notes 'oblique references' to learning difficulty, epilepsy and deafness in the Eber papyrus (1550 B.C.), a document comprising 877 remedies and evidence of the ancient Egyptians' impressive understanding of anatomy. Importantly, Winzer asserts that the ancient Egyptians, unlike their cultural neighbours, were concerned as to the 'personal and social well-being' of *some* disabled people: (1997: 82)

Significantly, it is clear that the ancient Egyptians, like so many since, were influenced by an impairment based 'beauty-contest', so that some disabled people were afforded opportunities for advancement and inclusion, whilst others were reviled and excluded. Impairment-based disparity in the situation and treatment of the disabled population would also appear to have been a feature of ancient Greek life: Martha Edwards (1997: 29) notes that references to deafness in particular, although meagre, do appear in the surviving material. A striking example of the significance of cultural perceptions toward impairment and disability is Edwards' revelation that, to the ancient Greeks, deafness was perceived 'as an intellectual impairment' because of the attendant barriers to verbal communication, leading her to observe that the expression 'deaf and dumb' was an entirely accurate description of perception for the ancient Greeks (1997: 29).

The significant difficulty in seeking to adduce meaning from ancient sources is evidenced by the different emphases – between civics and superstition – Winzer and Stiker apply to the Greco-Roman treatment of disabled people. Winzer stresses the imperative for a *"vital state"*, something that might only be achieved with a strong and, by implication, non-disabled, citizenry. Such beliefs have not, of course, been very far from us ever since. Lennard Davis reminds us that eugenic perspectives, so often viewed as extreme, have often achieved widespread intellectual appeal (Davis, 1997: 1).

Thus, the ancient Greeks and Romans enacted laws intended to dispose of those people who could not contribute to the creation or continuation of such a "vital" state. By comparison, Stiker suggests that it was religious belief, rather than eugenics, that lay at the root of historic attitudes; thus the birth of 'deformed' infants warn that the anger of the gods may result in misfortune befalling the group:

> Deformed infants are exposed because they are *harmful, maleficent.* They implicate the group. This is why they are exposed only by the decision of a council of wise men; it is not usually the parents who are in charge of such a matter, but the social body, the state...
>
> Only much later does there appear a rationalization that justifies exposure on the grounds of eugenics or the impossibility of mixing good blood with bad. At the root of this is a religious phobia, at times associated with sterility or in any case of the same order: the divine curse. Abnormal births are *expiated,* by public order. Monstrosities are linked to the fear of collective sterility, to a fear of the extinction of the species or of its departure from the norm. But this possible insecurity is not only biological, it is insecurity in face of the divine, linked to the wrongdoing of men and anger from above. This is why the act is not primarily a killing but a return to the hands of the gods. (Stiker, 1999: 39-40)

Although Stiker claims, without providing supporting evidence, that eugenic principles did *not* lie at the foundation of the destruction of disabled children, and Winzer merely refers to the need to protect a 'vital state', there can be no denying that Greco-Roman attitudes toward disability indicate that disabled people occupied a precarious position. It should also be noted that then, as since, soldiers wounded during military service might be afforded 'special' treatment. For example, the Greek indigent war-wounded were amongst the beneficiaries of both medical care and public assistance, although entitlement to public assistance was dependent upon the judgement of the Council of Athens (Stiker, 1999: 45/6).

Thus, even in the case of the war-wounded, the Ancient Greeks required applicants to submit to a formal process of assessment for eligibility to state assistance. Whilst it would be instructive to learn of the criteria applied by the Council of Athens in assessing claims, such information has yet to become known.

Of particular relevance to this thesis, Winzer cites evidence that Roman law developed to account for proprietary interests and fundamental rights to citizenship of disabled people:

> When confronting mental illness, Roman law took madness into account chiefly to protect property and the members of the community. Under Roman law, mental defectives *(mente capti)* were designated as deficient in intellect and provided with guardians. Roman law recognized that those who were born deaf but were capable of speech were persons at law and proficient to discharge legal obligations; those deaf from birth without speech, however, were considered incapable and were classed with madmen and infants, unable to perform any legal act on their own behalf. The law was based on the belief that deaf persons who could not speak had not been deprived of their rights; rather, they had been relieved of the responsibilities of citizenship they could not meet. (Winzer, 1997: 88, citing Gaw, 1906: 401-23).

Before expressing scorn for the Roman's apparently arbitrary construction of legal and civic status, we would do well to recall that few contemporary societies can claim the absence of similar arbitrariness. It is important to note that, in addition to protecting the elite's interest in and control over property, the law, then as now, was employed to permit or renounce disabled people's rights and responsibilities or, indeed, the very right to life, for:

> In the ancient world philosophy and medicine were closely intertwined: medical prescriptions and philosophical assumptions about disabling conditions mirrored each other, to be echoed in legal mandates. (Winzer, 1997: 86)

Although the emphasis may no longer be on philosophy, many writers would argue that the contemporary practise of medicine still fails to adhere to the scientific objectivity so often claimed (Foucault, 1976).

The Middle Ages

In comparison to the modestly expanding literature on the situation of disabled people in ancient history, and following the development of medical science in the eighteenth-century, information concerning the situation of disabled people in the thousand-years comprising the medieval period is scarce indeed. Stiker acknowledges this paucity in the following terms:

> When we finish reading the historians of the Middle Ages, our disappointment is great. This is not the fault of the historians. Is it simply because we stand before one of the silences of history? Can this silence to be broken by future works? Most certainly…

> I shall get to this in some detail, to lend support to the saying, so pertinent here: "We only talk about those not present." In other words, if the historical account is so brief, it is perhaps because the disabled, the impaired, the chronically ill were spontaneously part of the world and of a society that was accepted as being multifaceted, diversified, disparate. (Stiker, 1999: 65)

The elegant, if convoluted, prose adopted by Stiker must not be allowed to distract readers from the fundamental dichotomy that he proposes:

(a) Either disabled people were a "*normal anomaly*" who were simply invisible – or at least ignored – in the wider populace of the poor, or

(b) They were part of the 'demonic underside' of society; marginalized at the extreme boundaries 'with the races of monsters, savages, readers of dreams, sorcerers and alchemists… (1999: 69)'

> But this is not to say that the disabled, congenital or adventitious, are integrated in the contemporary sense of the term; rather, they no longer symbolize metaphysical and biological difference that questions the species and the social unit. They now constitute a difference to be loved, helped, aided, furthered. They will continue to be indicators of another world, not in the emotional register of religious fear but in that of spirituality and morality. These two are very distant one from the other; in the former case, we meet a behavioural praxis of radical rejection, in the latter, conduct based on fundamental acceptance. In the strictly religious universe, deformity frightens objectively by the danger that it represents; in an ethical and charitable universe, it may still cause subjective fear, but it becomes the touchstone for submission to a greater order. (Stiker, 1999: 77)

According to Stiker, as the medieval period progresses, the Christian church, particularly in response to the ministry of St Augustine, increasingly acted to ameliorate the barbarism of the secular world. As importantly, Augustine encouraged changing attitudes toward disabled people – decreasingly treated as monstrous and a signification of the anger of gods, they become part of the rich creation of God – 'it is no longer a question of giving back to the divinity [as with excluded children] but of accepting a gift (Stiker, 1999: 76)'. Although Stiker makes no claim as to the success of Augustinian principles, the reassuring tone of his assertions are inconsistent with other sources and events. For example, whilst Stiker claims that fear and revulsion occasioned by impairment were reduced by Augustine's theology, subsequent religious events indicate that the 'abnormal' continued to provoke precisely these emotions with disabled people continuing to be: 'subject of superstition, persecution and rejection (Barnes, 1991: 12)' late into the Middle Ages.

Eight hundred-years after Augustine's death, *The Malleus Maleficarum,* literally *'The Witch Hammer'*, published in 1487, viewed disabled children as a product of their mother's sexual union with Satan and, as Barnes (1991: 12) has pointed out:

> The idea that any form of physical or mental impairment was the result of divine judgement for wrongdoing was pervasive throughout the British Isles in this period. And the association between disability and evil was not limited to the layman. Protestant reformer Martin Luther (1483-1546) proclaimed that he saw the Devil in a profoundly disabled child. If these children lived, Luther recommended killing them. They were the focus of a mixture of emotions which embodied guilt, fear and contempt.

The preceding discussion emphasises the impact of religion in cultural perceptions of people with impairments but reveals little of the practical situation of disabled people in medieval Britain. Gleeson (1999) goes some way to addressing this omission in his important study of the *Geographies of Disability*. Vitally, whilst industrial capitalism brought a particular variety of exploitation, that which existed under feudalism was all-embracing and self-serving:

> An important distinction between feudal and capitalist modes of production is the absence of any formal separation between political and economic power in the former. Anderson ... describes the feudal order as a juridical compound of economic exploitation with political authority. (Gleeson, 1999: 75)

Although Gleeson avoids the tendency to romanticise this period, he nevertheless emphasises that the feudal mode of production was based on a 'natural economy', where neither labour nor its products were commodified. Importantly, 'commodity relations' (Gleeson, 1999:81), where they existed, were primarily confined to larger urban areas and capital, as 'self-expanding wealth' (Gleeson, 1999: 76), was all but absent. Indeed, citing Le Goff (1988: 222), Gleeson claims that in no part of the medieval economy was accumulation a priority; for the peasant, the goal was subsistence and, for the ruling classes, it was straightforward profit maximisation (pages 81 and 78, respectively).

There is no doubt that the feudal system was exploitative, binding the poor to the discipline of the manor and severely limiting any prospect of geographic mobility.

Nonetheless, the poor retained a significant degree of personal autonomy: once the Lord of the manor had received a percentage of the smallholder's yield, any surplus was available for personal consumption and 'economic reproduction' (Hilton, 1985: 5, cited by Gleeson, 1997: 81):

> In summary it may be said that the peasant household was a largely self-sufficient economic unit which had to satisfy certain clearly enunciated demands imposed upon it by the ruling classes. The most important of these obligations were the exactions through which the non-producing land-owning class confiscated the surplus product of the peasantry.
> (Gleeson, 1999: 82)

Turning to the situation of disabled Britons in the medieval period, Gleeson is firmly of the view that the subsistence nature of the peasant economy demanded the labour of *all*, precisely because it precluded the luxury of being able to consider any 'bodies as unproductive (1999: 83)'. Building on Thompson's (1994) analysis of task-orientated time (discussed further at page 63), Gleeson proposes a number of factors that, he suggests, better ensured the inclusion of disabled people within the feudal mode of production, including:

(a) The self-determination of tasks available to the medieval peasant that permitted the matching of 'work rhythms with… corporeal abilities' (1999: 85) and that were free from external valuation of input (1999: 96);

(b) Cohesive and mutually supporting social relations (1999: 85);

(c) The imperative that all should contribute to the sustenance of the 'peasant social order', evidenced by examples of local agrarian by-laws that reserved the task of gathering residual grain after harvest to disabled people (a task referred to as 'gleaning', 1999: 86);

(d) The sub-letting of land by those unable to cultivate it (1999: 86).

The invisibility of disabled people from the historical record and subsequent enquiry ensures that Gleeson's claims are largely deductive, although he does cite evidence that the aged were pressed into service as the need arose, including the case of an elderly blind woman who assumed baby-sitting duties during the harvest period (1999: 83) and, of significant evidential value, refers to two small-scale data sets provided by surveys of the poor in Norwich (1570) and Salisbury (1635). In both cases, the majority of disabled people were engaged in 'meaningful economic activity' (1999: 90 and 92). Vitally for present purposes, Gleeson proposes a resolution of Stiker's dichotomous assessment of the situation of disabled people in medieval times (see page 29, above), precisely that they were 'a "*normal anomaly*" who were simply invisible (or at least ignored) in the wider populace of the poor (Stiker, 1999: 69)' or, as Gleeson puts it (1999: 95/6):

> Does this assumed ubiquity of impairment explain its relative invisibility in records surviving from the middle ages? I venture to say so. *Impairment itself* was probably a general feature of peasant social space in feudalism. Bodily impairment was doubtless an accepted, prosaic element of peasant life, and may only have marked itself out when, on occasion, it was seen to have spiritual significance; an example of this being the many miraculous cures of medieval cripples catalogued by Clay [1909].

Further:

> Overall then, the social space of impairment must be seen as distinct from, *yet embedded within,* the general terrain of everyday life for the feudal peasantry. The domain of impairment may have differed from general social space in its physical extent, its gender contours, and the significance of its institutional outcrops, but the two terrains were not opposed to each other. The social space of impairment cannot be presented as marginal to the realm of everyday village and manorial life; it must, rather, be placed within the quotidian peasant landscape. Again, this is not to deny the singularity, or heterogeneity of forms, of everyday life for impaired peasants; this is simply to oppose the notions that these differences always either placed impaired people outside the congress of peasant life, or distinguished them as dependent and burdensome members of the community. (Gleeson, 1999: 97)

The claims that disability was invisible in history because disabled people were a normal anomaly, advanced by both Gleeson and Stiker, are vitally important in view of a number of critiques made of materialist accounts. It would be premature to develop this discussion here, but its significance is emphasised and will be further explored in the closing chapters of this thesis.

The waning of the middle ages: controlling the pauper

Whether with specific regard to disablement or wider issues of social policy, the enactment of the various British Poor Laws exerted a climacteric influence, in both this country and further afield. In the remainder of this chapter, I will seek to describe the development of ideas and policy introduced in the fourteenth-century and continuously refined into the twentieth. Whilst it is certainly the case that there is a great deal more historical data relating to the genesis of policy responses to *poverty* – and the concomitant creation of the deserving and undeserving poor dichotomy – available from the fourteenth-century, disability remains largely hidden within the generic category of the 'impotent poor', a category that comprised the elderly and very young, as well as, and to an unknown extent, disabled people. As we will shortly see, whilst social historians may have undertaken substantial study into this period of English history, disabled people remain little more than a footnote.

Economic and social turbulence

The historian Asa Briggs confidently asserts that; "Any account of the 'waning of the Middle Ages' usually starts with the Black Death, the 'Great Pestilence' of 1348 and 1349" (1999:83) and there can be no doubt that the massive loss of life occasioned by the Black Death – with between a third and a half of the population wiped out in a single generation – was to exact a substantial cost. But the Black Death was not the only crisis faced in the fourteenth-century: a 'little ice age' at the beginning of the century, great floods in 1315 and 1317, failed harvests, sheep and cattle plagues all contributed to social and economic devastation. As Briggs notes, these events taken together were to occasion the worst agrarian crisis since the Norman Conquest (1999: 84), with the result that scarcity affected town and country alike. Although the Black Death struck rich and poor without distinction, the combined effects of the plague and these other crises ensured that the poor paid a particularly harsh price, not least with a significant reduction in alms, quite simply 'The supply of charity dried up (Briggs, 1999:84).'

Economic difficulties would soon expand to affect all, with runaway inflation – that saw both grain and livestock prices almost double between 1305 and 1310 – and an increased tax burden, necessary to finance the unsuccessful war with Scotland. Against this background it is unsurprising that there should have been civic strife and urban discontent, nor that landowners should find it difficult to obtain the services of an adequate labour force. With access to the ear of the monarch and Parliament, it was inevitable that the landowner's case would overwhelm that of the poor. Despite the crises' impact on the poor, landowners were able to obtain a royal ordinance of 1349 and the enactment of the Statute of Labourers in 1351, both of which sought to depress wages to pre-Black Death rates and prevent the giving of alms to the non-disabled. In spectacular fashion, the wealthy acted to protect their interests, and reverse the market trend for increased wages occasioned by the shortage of labour, with the imposition of regressive legislation to force a potentially recalcitrant labouring class to toil for artificially depressed wages.

Although the Statute of Labourers was vigorously enforced, the ongoing competition for labour between landowners, in combination with increasing protest by some within the labouring class, conspired to dilute its effect. Though the legislation may have been failing, the need to protect class interests remained just as pressing, such that legislators revisited the problem with the Poor Law Act of 1388, which again sought to fix wages but with the additional expedient of restricting worker mobility. Thus, the fourteenth-century legislation, invariably credited as providing the foundation of poor relief, was actually directed at forcing the labouring class to accept artificially depressed wages and to prevent their moving to another area in an effort to find better-paid work. In his authoritative account of the development of the British welfare state, Derek Fraser notes that, 'Laws against vagrancy were thus the origins of poor relief.' (1984: 31).

This detail is fundamental, because it serves to cast doubt on comfortable notions of a progressive and increasingly philanthropic state, a view about which Fraser is unequivocal:

> It was undoubtedly fear of social disorder in the two and a half centuries following the Black Death which gradually converted the maintenance of the poor from an aspect of personal Christian charity into a prime function of the state. With approximately one-third of her population removed by plague, England's fourteenth century economy had a chronic labour shortage and a paternalistic state attempted to introduce wage control by the Statute of Labourers 1351. This was reinforced by the Poor Law Act of 1388 which not only tried to fix wages but also to prevent that mobility of labour which would cause wages to rise... whenever economic conditions prevailed which encouraged men to wander the country in search of employment, the late medieval and early modern English state sought to restrict this mobility for fear of its social consequences. (1984:31)

Whether the state was motivated by an uneasy combination of paternalism and fear, as Fraser suggests, or the cynical desire to protect the interests of the elite, there can be no doubt that the various Poor Laws were constructed on a distinction between 'rogues, vagabonds and criminals' on the one hand, and the 'impotent poor' on the other. It would seem that such distinction produced little practical disparity in treatment: early in the sixteenth-century, vagrants who were: 'women great with child', 'men and women in extreme sickness' or 'persons being impotent and above the age of sixty' were entitled to plead their condition in mitigation; but were, nonetheless, subject to punishment for vagrancy. The word 'punishment' is not used lightly, Fraser, for example, suggests that:

> Tudor legislation was just as repressive (and ineffective) as earlier vagrant laws had been, but the stocks and the beatings did not deter men whose economic plight forced them to uproot themselves. (1984: 31)

The distinction between the 'impotent' and the idle was of greater consequence after 1536, when:

> ... parishes were authorised to collect money in order to support the impotent poor who would thus no longer need to beg... For the able-bodied poor... there was still the harsh treatment of earlier vagrant legislation. (Fraser, 1984: 31)

The industrial revolution

Although there is a great deal more information concerning the treatment of the poor in general, and the 'impotent' poor in particular, from the end of the medieval period, both contemporary and historical accounts place different emphases on the data and draw sometimes very different conclusions. The situation of the poor during and immediately after the Industrial Revolution remains a matter of ongoing controversy, with historians broadly divided between optimists and pessimists.

Whilst the situation of the poor, particularly before, during and after industrialisation, may be contentious, there can be little doubt that the eighteenth and nineteenth-centuries remain crucially important to the development of contemporary disability policy, not simply because of the social, political and economic reforms that accompanied industrialisation, but in the evolution of welfare policies introduced in the medieval period.

At the outset, we must note that the treatment of the poor in Elizabethan England was unique in that voluntary relief was supplemented – and in many cases supplanted – by *public* relief funded by tax revenue. The legislation placed a duty on *parishes* to maintain the 'impotent' and to find work for the non-disabled poor, a formulation that ensured that relief – from either source – became a subject of considerable political significance. However, Martin Daunton is unequivocal in his emphasis that the *local* nature of relief provision offered important safeguards for the poor, by reducing the capacity of the wealthy to influence development of relief until the nineteenth century:

> A tax-funded poor law on the English model was only possible because there was a relatively strong central state providing a general framework within which 15,000 separate parishes could operate, and ensuring that landowners paid their contributions. At the same time, there had to be a willingness to leave the administration of the tax and the payment of relief in local hands in order to secure wide support, drawing upon the existing community structures of authority and power based on church-wardens and overseers. The ability of large landowners and ratepayers to impose economy, and to restrict the granting of relief, was consequently limited. The daily control of the poor law rested with an unpaid overseer of the poor, under the general supervision of the vestry meeting of ratepayers, which approved the rate and heard petitions against the overseer's decisions. The local justices of the peace, who were drawn from the gentry and clergy, had oversight of the accounts of the parish, and could attempt

> to shape the general policy of the county, particularly during the inflationary period at the turn of the eighteenth and nineteenth centuries. There was, however, no need for the parish to accept their advice, and the justices usually preferred to leave the operation of the poor law to the overseers and vestries. (Daunton, 1995: 450/1)

The primary importance of local control and administration of poor relief was that those receiving it were not vilified, as they would be once control passed to the state, because periodic recourse to relief was common to most families at one time or another (Daunton, 1995: 452). Whilst local relief was sufficiently generous to ensure that: 'there was no great discrepancy between the standard of living of those receiving welfare and those dependent on earnings from the late seventeenth to the early nineteenth centuries (Daunton, 1995: 450)', national policy – exemplified by Elizabethan poor laws that sanctioned the seizure, thrashing and forced repatriation of 'rogues and vagabonds' to their place of settlement…' – remained harsh (Daunton, 1995: 460).

That there should have been such disparity between local and national policy is unsurprising: the various but increasingly local settlement regulations would have discouraged the poor from moving out of their home parish, even were transport adequately developed and available to them, encouraging a parochial outlook. It is, after all, one thing to contribute to the welfare of one's neighbour – whose circumstances and family would likely be known to the rest of the community – but quite another to contemplate the maintenance of 'strangers'. Thus, it is perfectly conceivable that people could be fiercely supportive of the maintenance of their neighbour, but vehemently opposed to any policy that might encourage the growth of indolence and sloth. Perhaps more importantly, national policy was determined and implemented by the wealthy; whilst common bonds might positively affect the provision of local relief, very different priorities influenced the lawmaker.

Characteristic of the elite's criticism of Poor Relief measures are the comments of Sir Francis Brewster, made in 1695:

> There is no Nation I ever read of who by a Compulsory Law, raiseth so much Money for the Poor as *England* doth; That of *Holland* is voluntary… but our Charity is become a Nuisance, and may be thought the greatest Mistake of the Blessed Reign, in which that Law passed, which is the Idle and Improvident Man's Charter (attributed to Sir Frances Brewster and quoted in Daunton, 1995: 447, *emphasis* in original text).

Brewster's comments appear to accurately encapsulate the popular, or at least influential, mood as within twenty-years, fourteen provincial towns and the City of London had established Corporations of the Poor – primarily intended to discourage the 'exploitation' of local ratepayers – that were quick to establish workhouses as a means to 'deter the work-shy, encourage labour discipline, and reform morals (Daunton, 1995: 453).' The Workhouse Test Acts of 1722 and 1723 regularized the various local schemes and permitted parishes to form unions, build workhouses and apply a labour test as a condition for the payment of relief, but such schemes also provoked local opposition as the Corporations consumed local funds but weakened parish control over its expenditure.

The workhouse may have been intended to promote labour discipline and reduce the cost of poor relief, but it was an experiment that failed on both counts. Whilst the establishment of the workhouse may have provided a short-term disincentive to seeking relief, it did nothing to increase the resources available to the poor. Furthermore, it was intended that the workhouses should be self-financing, an aspiration that was never realised. By 1802, about 4,000 parishes in England and Wales were housing 83,468 paupers – just 11 per cent of the total long-term recipients of relief – leaving the vast majority of the poor reliant on outdoor relief.

Although the workhouse may have been planned as an incentive to honest industry, Gilbert's Act of 1782 merely legislated for reality – workhouses were increasingly specialist institutions for the 'impotent'. This issue is of vital importance to the thesis to be advanced here: in the space of just sixty-years an experiment in the regressive deterrence of indolence was transformed into the provision of institutional support for the young and elderly who were incapable of supporting themselves. The popular mood can all too often defy logic and empiricism, a lesson that politicians of all generations appear willing to exploit.

Whilst the policy debate may have been dominated by views on the situation of the 'able-bodied' poor, Daunton is clear that the 'impotent' poor were the primary beneficiaries of public welfare; indeed, he suggests that the principal reason for escalating expenditure was increasingly generous payments to this group. There is no doubt that in England and Wales poor relief expenditure grew by a factor of ten between the end of the seventeenth and the beginning of the nineteenth century: from £400,000 to £4,267,965 (see Figure 1, below).

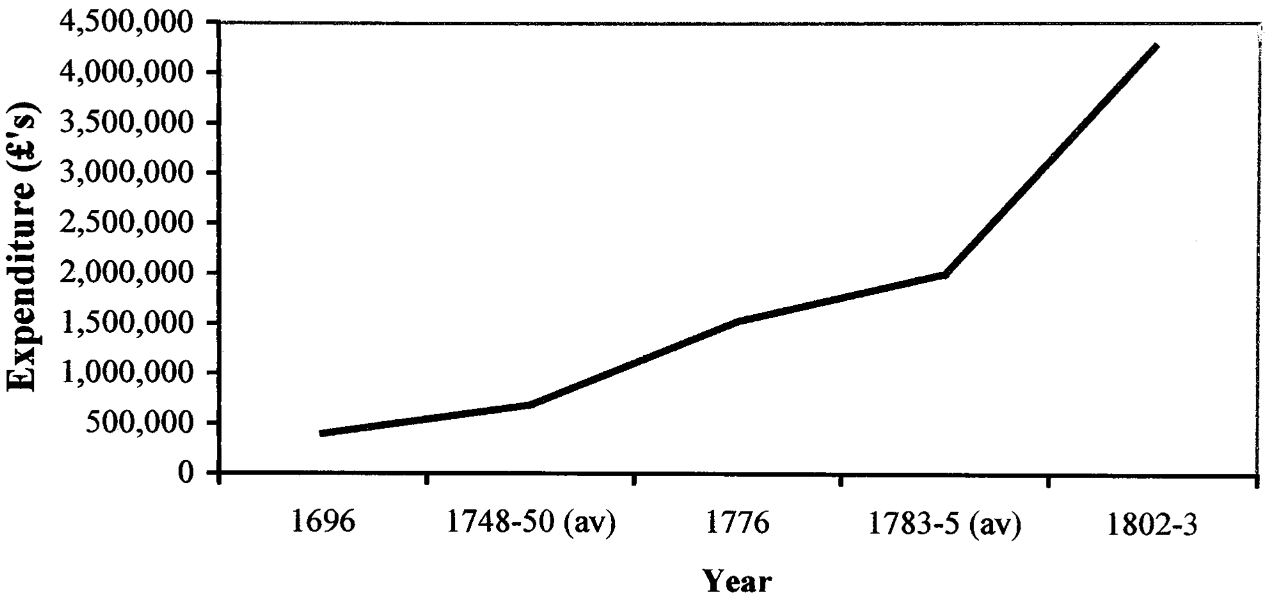

Figure 1: Poor relief expenditure in England and Wales 1696 – 1803 (adapted from Daunton, 1995: Table 17.1)

The birth of the 'disabled state of being'?

Informative though the studies previously described may be, the situation of disabled people is accorded scant attention. Published in the same year as Fraser's *The Evolution of the British Welfare State*, Stone published her study of 'disability as an administrative category in the welfare state' (Stone, 1984: 4). Rather than providing a purely historical account of the development of welfare systems, Stone sought to analyse the development of disability as a discrete administrative category and its fiscal implications, principally through a discussion of the 'distributive dilemma'. This dilemma is, according to Stone, resolved through the twin distributive mechanisms of *work* and *need.* Despite the very different emphases in the work of Fraser and Stone, the similarities in the identification of key issues are striking.

Taking as her starting point the royal ordinance of 1349, Stone suggests that:

> ...the early laws in the evolution of English welfare policy had two purposes: they sought to control the old need-based system of begging and vagrancy so that it would not inhibit development of the wage labour system, and they sought to establish a new need system based on new rationales and validating devices. (1984: 34)

Stone's analysis offers a stark alternative to the reassuring idea of a post-Enlightenment society being driven by the force of reason to provide for those who could not provide for themselves, substituting an account that emphasises the subjugation of workers. For Stone, a central goal of Poor Law Reform was the promotion of self-interest and welfare maximisation for the elite, precisely the economic doctrine propounded by Adam Smith's influential *Wealth of Nations*, whilst ensuring that the labouring classes were forced to accept work on the terms that their employer chose.

Whether the state was motivated by an uneasy combination of paternalism and fear, as Fraser suggests, or the cynical desire to promote market-economy ideology, as Stone proposes, there is complete agreement that the various Poor Laws were built upon a distinction between 'rogues, vagabonds and criminals (Fraser, 1984: 31)' on the one hand, and the 'impotent poor' on the other. Although the Poor Laws provided for the collection of a fund for distribution to the deserving poor, it is clear that *vagrancy*, rather than *pauperism*, was the primary target for intervention. In any event, these laws:

> ... constituted the beginning of a new secondary system of distribution, one based on culturally acceptable reasons for nonparticipation in the labour market. (Stone, 1984: 36)

The increasing segregation of the 'blameless poor' was, primarily, a means of identifying those thought capable of work. An acceptance that, '...children, the sick, the insane, defectives and the aged and infirm' were deemed incapable enabled a process of "definition by default" (Stone, 1984: 40), where those who fell outside these five categories were capable of work. Thus, it is important to note that the initial categorisation was concerned with the identification of the non-disabled who 'should' be engaged in wage-labour; the forerunner categories of the 'disabled' were merely the 'leftovers'. Thus, there was no desire to categorise the impotent so as to provide any appreciable benefit, there was, rather, a grudging acceptance that not all the poor could be cajoled into submitting to wage-labour.

Whilst the meaning of such terms as: "children", "sick", "insane", "defectives" and "aged and infirm" may have been so obvious as to make refined definition unnecessary in Elizabethan England, 'if these categories were to function as a means of defining the ablebodied [sic.] population by default, they needed to be shaped as administrative categories (Stone, 1984: 41).' Herein lies the genesis of the 'disabled state of being' that was administratively defined and which, because of the 'benefits' bestowed, required successively more complex 'validation devices' to restrict membership.

> ... the system of categorical exemptions created by the end of the nineteenth century was a response to the long-standing policy dilemma: how to reconcile the distributive principles of work and need without undermining the productive side of the economy . (Stone, 1984: 51)

Vitally, according to Stone, English welfare provision evolved from a system for controlling vagrancy, the primary purpose of which was inhibiting the promotion of workers self-interest whilst promoting employers' self-interest (Stone, 1984: 54).

Closing the floodgates

Precisely because of the origins and rationale behind welfare provision, taxonomy became a pre-eminent concern. Despite that anxiety, Stone notes that the categorisation of:

> Disability... has always been ... problematic ... both because no single condition of "disability" is universally recognized, and because physical and mental incapacity are conditions that can be feigned for secondary gain. *Hence, the concept of disability has always been based on a perceived need to detect deception.* The problem of a validating device - a means to define and determine disability - is central to the current crisis of disability benefit programs. (Stone, 1984: 23, *my emphasis*)

Stone's view of the importance of validating devices, as a means of preventing deception in the early development of policy remains, this thesis will argue, radically influential in contemporary legislative and policy initiatives, substantiating the view that economic rationality survives as the pre-eminent base. Where economic rationality provides the foundation for provision and the selection of competing claims to finite resources becomes necessary, it is self-evident that the efficient state would wish to delimit receipt of benefits flowing from categorisation as 'disabled'. From here, it is but a short step to the exigency of constructing ever more sophisticated taxonomy as a barrier to entitlement.

In pursuing discussion of validating devices and the distributive dilemma, Stone describes the primary role of taxonomy:

> The definition of a category is essential to its restrictiveness, because the definition is the boundary; every definition is a mechanism for allocating people to the category. (Stone, 1984: 24)

Stone makes the essential point that early development of the welfare state was marked by an important ideological change: the category of the blameless poor were allowed back into full citizenship, something specifically precluded in the Poor Law regime, by an acknowledgement that poverty could be blameless (Stone, 1984: 24). *Ergo*, classification as 'disabled', rather than 'normal', permits exclusion from the obligation to access the distributive system *via* employment, the principle that neo-liberal ideology holds so dear, without fear of officially sanctioned recrimination. However, if membership of this 'privileged' group, excused the customary obligations of capitalist society, were to be restricted, the process of categorisation would necessarily become increasingly refined.

Emerging from this process of refinement was the burgeoning role of the medical profession, which assumed responsibility for furnishing an 'objective' measure of entitlement for entry to the disabled category. Indeed, there was a direct link between the formation of disability as an administrative category and as a medical phenomenon: deception. It was the spectre of paupers seeking to deceive the beneficent bureaucrat that ensured the medical profession's dominance in matters of disablement (Stone, 1984: 28). Additional evidence for the role of fiscal economics in the development of social policy was provided by a review of disability related literature, published five years before Fraser and Stone's account, by Topliss (1979), who identified four characteristics of historical provision for the 'needy poor':

(a) They were all largely ineffectual

(b) 'The provision of welfare measures was advocated on grounds of economy and good management as well as on grounds of compassion'

(c) Concern for the 'orderly management of men and affairs', promoted by finding work for 'idle and potentially mischievous hands'; the process of finding employment for those thought capable of work was 'promoted' by removing the 'sick and impotent' from the work place to places of shelter, and

(d) A distinction between the 'impotent poor' and 'sturdy vagabonds' (Topliss, 1979: 2-3).

Whilst increasing charitable provision for disabled people may have been due, at least in part, to the altruistic and liberalising assumptions of individuals, Topliss (1979:5) pursues her analysis by emphasising the central role of 'economic rationality' in the development of all governmental social policy, reflecting the assumptions implicit in the Poor Law that: 'work was available for any able-bodied man if only he looked keenly enough for it.'

Stone's analysis of the 'disabled state of being' owes its origins to the need to define who was non-disabled, but subsequent social development has served to obscure the economic-rational origins of this distinction, concealing such classification with a more acceptable patina. Running concurrently with the development of a philanthropic gloss on history, and perhaps precisely because of this interpretation of social history, it was *disability*, rather than the ideological construction of *disablement*, that became increasingly value-laden. The origins of a 'normal state of being', as the antithesis of a 'disabled state of being', may be straightforward, but the implications of this dichotomous classification have become increasingly complex and value-laden.

Victorian Developments

For two-centuries, the relief of poverty remained a localised system, administered by the parish poor law authorities and, precisely because of its parochial nature, subject to considerable regional variation (Fraser, 1984: 34). By the beginning of the nineteenth-century, social policy and practice concerning the relief of poverty was so fragmentary and incoherent, and its shortcomings so widely perceived, there were growing calls for abolition of the Poor Law. The abolitionist case will be familiar to students of contemporary welfare theory and can be usefully summarised in the words of J. R. Poynter (cited by Fraser, 1984: 38).

> What encouragement have the poor to be industrious and frugal when they know for certain that should they increase their store it will be devoured by the drones, or what calls have they to fear when they are assured, that if by their indolence and extravagance, by their drunkenness and vices, they should be reduced to want, they shall be abundantly supplied?

From about 1820, the abolitionist case was gradually eroded in the search for a compromise solution, which would rid the Poor Law of its defects but stop short of abolition. What has become a recurring theme in welfare debates – the cost of poor relief to the wider community – became a fundamental issue in calls for reform. Despite a fall in the cost of poor relief, to £6 million in 1822, by 1826 the figure had begun to rise once more. In 1831, the figure was over £7 million, but fears over social stability reinforced the case for reform, precisely because that expenditure was unable to prevent the Swing Riots of 1830.

In February 1832, the new Whig government appointed a Royal Commission whose report fundamentally informed the Poor Law (Amendment) Act 1832, which was modelled on it. The Commission's report was authored by Edwin Chadwick, one of the leading *laissez-faire* economists of the time, and Nassau Senior, both of whom were convinced that poor relief acted as a disincentive for the adult non-disabled rural labourer:

> Senior saw wage levels as a reflection of the free market economy, but the allowance system interfered with wage movements. Instead of wage levels being determined by the value of labour they were being decided by Poor Law authorities. What had been originally intended as a floor below which people could not fall had become a ceiling above which they could not rise. (Fraser, 1984: 42)

Whatever the shortcomings of the Commission report, and criticism was rife both at the time and subsequently, Senior and Chadwick's report was wholeheartedly accepted by government and implemented by means of the legislation. As to that legislation, there were clear principles behind it: "By the time of the Poor Laws of 1834, the means by which the idle poor were to be discouraged from their indolence was categorically provided by the workhouse principle of less eligibility. This canon ensured that inmates were provided with a subsistence standard of living, below that of the worst paid 'independent labourer'" (Burden, 1998: 53 and Digby, 1989: 33, quoted in Burden, 1998: 162): "The main thrust of the 1834 Act had been the workhouse test, whereby indoor relief (i.e. in the workhouse) for the non-disabled poor would be so distasteful that independent labour would be preferred to welfare dependence."

In addition to the important element of less eligibility, Fraser identifies an additional theme of the Poor Law (Amendment) Act: administrative centralisation and uniformity. He also emphasises that ideological factors lay behind Senior and Chadwick's unshakeable belief that:

> Most pauperism was wilful, the deliberate choice of men who naturally pursued their own best interests. Instead of discouraging pauperism the Poor Law encouraged it by offering such generous benefits. To Chadwick's logical mind the solution was clear: simply reverse the syllogism. If men quit the class of labourer to join the more eligible class of pauper, then obviously they would quit the class of pauper and join the more eligible class of labourer were the relative conditions to be reversed. Instead of relief being of a standard above that of an industrious labourer, it must be below. Hence the Poor Law would be encouraging industry rather than idleness. It was devastatingly simple yet potentially a powerful inducement to self-help and, as Chadwick described it, 'a great engine of social improvement'. (Fraser, 1984: 44)

Support for such analysis is provided by Tom Burden, when he cites another extract from the Commission Report:

> The first and most essential of all conditions, is that the situation of the individual relieved shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class... we do not believe that a country in which that distinction has been completely effaced, and every man, whatever be his conduct or his character, ensured a comfortable subsistence, can retain its prosperity, or even its civilisation. (Burden, 1998: 53)

As can be clearly seen, the Poor Law (Amendment) Act of 1832 was promoted on the grounds of economic utility, rather than philanthropy. It should be remembered that quite apart from the harsh conditions applying in the workhouse, there were wider implications flowing from the receipt of poor relief. The Victorian Poor Laws denied those in receipt of poor relief the right to vote, therefore effectively and completely denying their citizenship. Indeed, receipt of poor relief was considered, *de facto*, incompatible with any claim to citizenship. This development is crucial and stands in stark contrast to Daunton's claim that whilst poor relief remained subject to local control, beneficiaries were spared such moral condemnation.

Entering the twentieth century

It might be thought that efforts to trace policy and legislative development subsequent to the Poor Law Reform Act, with the greater availability of both primary and secondary evidence, would be a great deal easier, but such is not the case. Much of what appears has been produced by individuals with a vested interest in the positive portrayal of these developments (see for example Hall's critique of the 'naïve eulogy' of special education 1997: 16; Braddock & Parish, 2001). It is also the case that there are invariably disparities between the accounts of those *implementing* policy and those on the *receiving end* of it. Such disparities seem likely to intensify as disabled people increasingly reinterpret and critique these policy developments, a project that cannot be adequately undertaken here. Nonetheless, it is appropriate to describe the development of social – and particularly disability – policy and legislation in Britain at the dawn of the twentieth century.

Of primary concern to the arguments presented in this thesis, it will be seen that provision for disabled-Britons has rarely moved beyond an obsession with the dis/utility of disabled people and, inevitably, reveals a penchant for training us 'defectives' for some 'useful' contribution to the greater good. In the remaining pages of this chapter, I will chart the development of programmes that sought, in a frequently half-hearted way, to increase disabled people's economic participation before the Second World War, when disability first became the subject of specific legislation.

Poor law ideology stumbles on

Historical events rarely fall within neat chronological limits but, with social affairs, the twentieth century brought increasingly systematic study of the distribution of wealth and poverty and, with the election of a Liberal government in December 1905, the beginning of modest policy reform. The new century began, inauspiciously, with a Conservative government whose priorities were primarily those of the Treasury, so that defraying the costs of war, rather than increasing social welfare expenditure, was the first priority. Acute under-employment and seasonal unemployment lingered, the distribution of income had remained largely static since 1867 and there was an identifiable growth in the numbers of low paid, unskilled jobs linked to mechanization. Finally, the discursive boundaries of the 'social question' – as social welfare was expressed at that time – were set by still competing perceptions of the proper relationship between individual and state (Thane, 1996).

It was war, rather than social policy, which occupied popular and political thought through 1899 – 1902, with the imperialist might of Britain held hostage by a relatively small band of Boer farmers. The effect on the national consciousness was immense, particularly when the absence of decisive military success was ascribed to the number of army volunteers rejected on health grounds. Importantly, such concerns were subject to increased media scrutiny when the war ended; national ignominy outlasted the war and was to be compounded by a growing realisation that Britain's industrial might was also under increasing threat:

> How to avert both these dangers [physical and economic decline] became a major concern among employers, politicians and in the press, although optimism remained that solutions could be found. One solution was the improvement of administrative and managerial efficiency. Germany was looked to as a model in these respects. Emphasis was increasingly placed upon the need to improve the physical and productive efficiency of the mass of the population, and to increase the size of that population. This gave a new urgency to discussions of the extent of poverty, sickness and physical disability. (Thane, 1996: 56).

Whilst renewed attention to poverty and short-term sickness might have a positive effect on social reform as a whole, disability was viewed a great deal less optimistically. The disparity in attitudes between the non-disabled and disabled is shown to be most acute amongst the Fabian socialists, particularly the Webbs, whose penchant for efficient reform led them to the newly emerging eugenicist movement. The primary target of genetic determinists were the 'feeble-minded' who, it was felt, should be segregated in institutions, so as not to contaminate the national stock, although then, as now, the eugenicist was only too willing to expand the classification of the genetically flawed to account for morality. In this way the habitually work-shy and women with a 'predisposition' to give birth to illegitimate children also became subject to eugenicist attention (Thane, 1996:56).

Fear of the deteriorating physical condition of the populace led to the establishment, in September 1903, of an Interdepartmental Committee on Physical Deterioration, the very title of which, as Thane (1996: 64) notes, presumed a decline from a formerly enhanced state, despite scant evidence for such presumption. The Committee Report, published in 1904, contained little that was revelatory, but much of value: working-class health and nutrition was inadequate but could be addressed with environmental improvements; fifty-three recommendations offered a thorough schema for the improvement of child and adult health. Despite efforts to prove the contrary, there was little in the Report that supported the eugenicist cause; vitally, the Committee found no hereditary link for the nutritional and wider health inadequacies endured by the poor.

Treasury and Cabinet opposition to social spending presented an intractable barrier to expansive action on social issues, but were powerless to address the growing problem of unemployment or, more particularly, the well-attended demonstrations against it:

> The combination of high unemployment and the unprecedented unwillingness of some at least of the unemployed to accept their fate passively, demonstrated more starkly than before the absence of systematic public provision for the unemployed. (Thane, 1996: 66)

Although the Conservative government resisted reform of the Poor Law, it was persuaded to pass the Unemployed Workmen Act of 1905, the first governmental acceptance of a responsibility for the unemployed in Britain, that authorized the establishment of distress committees with responsibility to register applicants, investigate claims of distress and provide work. The Act was of greater symbolic than practical importance: the government was entirely indifferent to its implementation and failed to address considerable regional variation in its administration. Vitally, the Act would operate for just three-years, a feature that was disingenuously attributed to the need to thoroughly review the relief system. Just before the Unemployed Workmen Act came into force, Balfour announced such a review with the establishment of a Royal Commission on the Poor Laws and the Relief of Distress.

As Balfour had expected, the Conservative government lost office in December 1905, some four years before the Royal Commission would eventually publish its findings, and it was thus spared the potentially thorny issue of Poor Law reform. The incoming Liberal government was not elected on a social reform mandate, indeed, the 'social question' remained largely ignored in the run up to the election and, for the first two-years of office, the Liberal government was exceedingly cautious about such issues, not the least because of rapidly diminishing revenue.

The genesis for social reform was the retirement in, April 1908, of Campbell-Bannerman and the resultant ascendance of reformist politicians in the newly constituted Cabinet that followed. Asquith became Prime Minister and David Lloyd George, a man with personal experience of poverty, was to enter the Cabinet as Chancellor of the Exchequer. Also making his entry into the Cabinet was another young politician with social reformist zeal – Winston Churchill – who was appointed president of the Board of Trade. Asquith quickly recognised the need for expanded social provision, if only to win popular support for his government and to counter an antagonistic and Conservative House of Lords. The measure that appeared ripe to win such support was old age pensions, a matter that had received escalating attention since the introduction of contributory pensions in Germany in the 1880's (Thale, 1996).

In August 1908, the Pensions Act passed into law, bringing a 'pension for the very poor, the very respectable and the very old' (Thale, 1996: 77). Specifically, a maximum of 5 shillings a week to people aged over 70 who were able to show requisite moral rectitude – abhorrence of the undeserving poor was still plainly evident – and who had avoided recourse to poor relief after 1 January 1908. Liberal plans did not end with the old-age pension however; soon after the legislation was passed, and following a five-day visit to examine the German national insurance scheme, Lloyd George set his civil servants the task of finding a way to fund a similar scheme in Britain.

Of relevance to current discussion, Lloyd George returned from Germany with high hopes for expanded welfare provision, including an 'invalidity pension', for all who were unable to work because of disability or permanent sickness. Then, as now, the Treasury proved to be an unyielding barrier to such aspirations and an inclusive invalidity pension was rejected in favour of benefits for the most severely disabled.

In February 1909, the Royal Commission, established by the Tories five years previously, finally produced not one, but two reports, reflecting the divergent views of the commissioners. However, and as Thane notes:

> It is wrong to represent the Majority Report as standing on the side of 'reaction', while the Minority carried the red flag of progress. Arguably, many of the Majority recommendations were the more politically and financially feasible and more in tune with popular feeling at all levels. (1996: 83)

Despite the publication of a majority and dissenting report, there was much that the Commissioners agreed upon, not least condemnation of the existing poor law system.

Imperative to our purposes, both reports allocated much space to discussion of the non-disabled unemployed, but only the minority report emphasized that poverty was not a single problem, but a complex of many, including sickness and disability, which should be addressed separately through the local authorities; unemployment, seen as a national problem was, according to the minority report, to be dealt with by national government. There can be no doubt that Beatrice Webb had a substantial impact on the work of the Commission, both in her attempt to lead it into Fabian Socialism

(Fraser, 1984: 158/9) and by exerting substantial influence on the production of the minority report.

Whatever the stance of the Commission, it soon became clear that Lloyd George continued to hold the view that public insurance was the most appropriate way of protecting people from poverty caused by the 'accidents of life', a view emphasised in his 1910 'Memorandum on Coalition' (Lloyd George, 1910). Furthermore, and in stark contrast to the popular mood, Lloyd George was determined to prevent any possibility for moral judgement of the poor, an exercise that would be made entirely irrelevant with universal entitlement earned by contributions.

Perhaps the final justification for Lloyd George's view was provided by the political expediency exemplified by its benefits:

(a) Promotion of social progress

(b) Provision of a neat solution to the political choice thrown up by the two reports of the Royal Commission, and

(c) Reducing the risks posed by the increasing attraction of socialist ideas promoted by the newly formed Labour party (Fraser, 1984: 162/3).

Whilst Lloyd George's progressive insurance principle offered political advantages, vested interests also posed significant risk. Friendly societies, Trade Unions, the insurance industry and the increasingly powerful medical profession all had much to lose from the imposition of a national insurance scheme and subsequent research has shown that Lloyd George faced the delicate task of balancing these interests with his desire to introduce the scheme (Gilbert, 1966). Certainly, friendly societies, trade unions and private insurance companies had been competing to offer sickness coverage to better-paid workers for almost a century. Lloyd George won the support of these interest groups by promising them administrative control of the national insurance scheme and, according to Bolderson, his task may have been aided by the threat of insolvency facing the societies and brought about by demographic and industrial changes (1991: 11).

The other important feature of the Pensions Act 1908 was the availability, for the first time, of access to general medical practitioners provided through 'panels', although in-patient treatment was limited to those who contracted TB. Disability (in the modern sense, and rather than impairment) was not a matter that received much attention in the Act, save for negative attention. Lloyd George originally intended to include an invalidity pension in the National Health Act, a measure that the Treasury insisted should be confined to people who were severely disabled on the grounds that it would require higher contributions than the working man could afford. Crucially, even when savings were made by the abandonment of widows' pensions and the rate of sickness benefit was increased, invalidity benefit remained at half that level on actuarial advice. Thus, the friendly societies' practice of reducing benefit after a period of sickness was perpetuated, despite the hardship this was long known to have caused. Three-quarters of a century earlier an eminent actuary (Ansell, 1835) had commented on this practice:

> It is... common for the rules of Friendly Societies to provide that when a member shall have been sick for a given term, generally either three or six months, the allowance made to him shall thenceforward be greatly reduced, often by one half of its original amount; although the member's illness, and consequently his necessities, may be both unmitigated. A practice directly the contrary of the one mentioned would appear to be extremely rational; and by the operation of the prevailing rule a man is very often obliged to apply for parish relief, which is a moral calamity that it should be the first object of Friendly Societies to avert. (Quoted by Bolderson, 1991:12)

The irrational nature of cuts in sickness benefit was not the only problematic feature of a system largely imported from the friendly societies. The National Insurance Act authorised benefit whilst the claimant was rendered 'incapable for work' by a specific disease or by bodily or mental disablement, without defining 'incapacity'. The result was that payment was sometimes refused except where the individual was entirely paralysed or unconscious, a matter that a departmental committee was forced to address, at length, in 1913. The friendly societies also appeared to differentiate between incapacity to undertake the 'ordinary' [*former*] occupation and incapacity for *any* occupation. The National Insurance Act retained this distinction, applying the 'ordinary occupation' test to temporary incapacity and the 'any occupation' test to prolonged disability – a feature that remains familiar to contemporary claimants.

> Thus the traditions of the friendly societies were incorporated into national health insurance. Because of the contribution money freed by the abandonment of widows' pensions, sickness benefit between 1911 and 1914 was higher than that which 'the lower orders of the poorer section of the working classes' could be expected to provide by their contributions and generous compared with unemployment benefit. However, the crucial role played by commercial insurance in the administration of health insurance cash benefits meant that a powerful disincentive to their future upgrading was built into the scheme from the beginning. It was not in insurance interests that the state scheme - either through its basic benefits or by payments out of the approved society surpluses - should be 'adequate' since this would discourage further savings with which workmen could buy private insurance. (Bolderson, 1991: 11-12)

Prior to progressing to the war years, we should also note a spectacular piece of legalised discrimination against disabled people [as well as elderly and young workers] introduced by the Trade Boards Act 1909, which was intended to bring employer and worker representatives together to set minimum wages for those in the primarily non-unionised 'sweated' industries. This legislation is of symbolic importance, providing another early example of government intervention with the 'free-market' to depress wages. The Act applied to four trades, employing 200,000 workers, but there was no restriction on paying less than the negotiated minimum to disabled workers.

Assessing Liberal policies

Once again, our review of history reveals scant evidence of the situation of disabled people, nor substantial policy intervention in their lives. There can be no doubt that for those disabled people who survived until the age of 70, the receipt of an old-age pension would have been as welcome as for the non-disabled elderly. Despite the importance of the National Insurance Act for wealthier employees, coverage was dependant upon contribution, fixed at 4 pence a week for male employees and 3 pence a week for female on enactment.

To a significant extent, the state scheme merely replicated the benefits offered better-paid workers by the friendly societies and trade unions over the previous hundred years. The Act did nothing for poor workers or for those who were outside the labour market and, therefore, completely unable to contribute. There were also difficulties in ensuring that casual and short-term workers were covered by the scheme, not the least because many employers were keen to avoid the 3 pence a week contribution they were required to make to the employee's national insurance policy.

In the absence of empirical evidence, we can but speculate whether disabled people, seeking to make a living from paid employment, would have been excluded from protection for want of the necessary wage surplus. We have already seen that the Trade Boards Act, which applied to workers in the poorest paid industries, excluded disabled people from minimum wage rates negotiated for the remainder of their trade. There is little reason to assume that workers in other industries were not subjected to the discriminatory wage differentials that the government was prepared to retain under the 1909 Act.

Although payment of national insurance contributions entitled the worker to sickness benefit and medical attention, there were no benefits at all for the worker's family; in particular, anyone who did not pay their weekly contribution (including the worker's family) were excluded from access to panel doctors. In these circumstances, it is impossible to avoid the conclusion that many people would have continued to be permanently impaired as a result of disease, injury or illness, the effects of which could have been effectively ameliorated or cured by medical treatment, just as they had been before 1911.

Finally, with particular reference to materialist accounts, we should emphasise the conflict between the welfare of the working population and commercial interest, a conflict graphically described by the Minority Report of the Royal Commission on the Poor Laws and the Relief of Distress:

> Any attempt to *enforce* on people of this country – whether for supplementary pensions, provision for sickness or invalidity, or anything else – a system of direct, personal, weekly contribution must, in our judgment, in face of so powerful a phalanx as the combined Friendly Societies, Trade Unions and Industrial Insurance Companies, fighting in defence of their own business, prove politically disastrous. (*Minority Report of the Royal Commission on the Poor Laws and the Relief of Distress* at p. 921, cited by Fraser, 1984: 164)

Whilst noting the significant fact that in creating and supervising a compulsory system of national insurance, 'the state was compelling its citizens to provide insurance for themselves rather than providing simple state medicine and sickness benefits (Fraser, 1984: 166).'

War and its aftermath

As has been seen, as at 4 August 1914, when the Declaration of War was made, the only public relief for disabled people was that which existed under the Poor Law or, for those who became disabled when working and contributing to the state scheme: the new National Insurance scheme. Unsurprisingly perhaps, provision of disability benefit for the war wounded enjoyed a longer history than that for civilians. Indeed, since Elizabeth I had first been 'troubled whensoever she takes the air by those miserable creatures (Department of Health and Social Security, 'History of War Pensions', unpublished but cited by Bolderson, 1991)', cash provision had been legislated for disabled sailors and soldiers and paid out of local rates (Bolderson, 1991: 14).

Following the restoration, when Parliament supported a standing army, disabled servicemen gradually became a national responsibility, both with institutional care at the Chelsea (army) and Greenwich (navy) Hospitals. It must be noted, however, that Parliament did not provide adequately for the operation of these hospitals, both of which were long reliant on public contribution and deductions from servicemen's pay. In a manner mimicking the results of the Poor Laws, when demand outstripped supply, hospital services were supplemented by cash allowances paid to 'out-pensioners' (Bolderson, 1991).

Allowances paid to disabled servicemen were related both to their length of, and to rank in, service – with higher awards made to more senior ranks – and to demonstrable temperance. The pensions paid were discretionary within broad limits and took absolutely no account of the existence or otherwise of an ex-soldier's dependants, although charitable sources might. The Royal Patriotic Fund, for example, which was established during the Crimea War, provided money to widows and dependants who were denied adequate funds from service pensions. The premise upon which such payment was made is amply described by a report of the War Relief Funds Committee: 'the funds should be looked on not as a right belonging to all, but as charity to be carefully administered among all who are truly deserving assistance', a condition that might only be satisfied according to 'careful enquiries into the position of the applicant (Bolderson, 1991:15/6, quoting HMSO, 1920: 7)'.

Demand for a rapidly expanding army was not being adequately met and, in reviewing what might be done to address this, the government realised that volunteers were being asked to abandon their families to fortune whilst they fought, a situation that had particular implications for pensions and allowances paid. In November 1914, the White Paper: *Allowances and Pensions in Respect of Seamen, Mariners and Soldiers and their Wives, Widows and Dependants* (HMSO, 1914) provided for an increase in, amongst other things, disability pensions, whilst also introducing a modest allowance for a wife and discretionary allowances for children.

The White Paper's proposals were roundly attacked in Parliament, although the new-found generosity led one of the loudest critics – Labour MP George Barnes – to wryly remark that:

> … it is a somewhat arresting reflection that this improvement in public opinion has come about only when we have ceased to draw our soldiers from the poorest and least articulate section of the community and begun to draw them from the homes of the better to do. (*Hansard*, 68 col. 459 (18.11.1914), quoted in Bolderson, 1991:17)

Asquith defended his government against such attacks and, emphasising a plethora of 'difficult issues of policy', he recommended that a Select Committee of the House of Commons be appointed to examine military allowances and pensions. His suggestion was acted upon and, on 19 November 1914, the Committee was appointed. The detailed findings of the Committee are beyond the scope of this thesis, but it suffices to note that the Committee settled for flat-rate cash benefits and exhausted considerable time and energy in deciding on the rate of such an allowance and the basis upon which that rate should be set. They opted for income maintenance supplemented, for those who had been contributing to National Insurance, by a reduced rate sickness benefit and, in the case of hardship, for locally administered charitable funds. Thus, the government was able to neatly side-step its responsibility for the war wounded, who would continue to rely on charitable giving – and all that entailed – as a safety net when service pensions were incapable of preventing real hardship.

Thompson (1997) notes that the care of disabled ex-serviceman came up for debate again on 24 June 1915 when, during a debate on local government boards, Sir Godfrey Baring pointed out that 2,000 'permanently incapacitated' men had already returned from a war that had begun less than a year before. Baring expressed concern to avoid: 'what in the past has been a scandal – that is to say, men who have served their country and given of their best, *who perhaps have been a little improvident*, reduced to begging for their bread or going to the workhouse (quoted in Thompson, 1997: 89/90, *my emphasis*)' and encouraged his colleagues to consider whether light work might be found for them in the various departments of state. It should be noted that even when discussing a national 'scandal', Baring is unable to bring himself to portray such impoverishment without reference to the taint of personal profligacy and failing.

Baring's point was made, in a subsequent debate on 5 July 1915; members of Parliament were assured that arrangements had been made to put the recently launched Labour Exchanges in touch with veterans invalided from military service. As Thompson notes: 'There was no outward pretence here of understanding or enhancing the working of the labour-market, simply a desire to find work for the war-disabled able-bodied… (1997: 90)' Nonetheless, such desire was equivocal, with various government officials accepting the principle, whilst excluding their own department from such a scheme, on the unsubstantiated assertion that demand for such ex-servicemen already outstripped supply (*Hansard*, 27 July 1915).

On 21 October 1915, the Naval and Military War Pensions Bill returned to the House of Commons from the Lords with various amendments. Whilst debate in the House emphasised discord about how the pension scheme proposed by the Select Committee should be administered, the debate did bring an important acknowledgement that the state had a responsibility to ensure that disabled ex-servicemen were both returned to health and enabled to earn a living best suited to their circumstances and 'general condition'.

As Thompson notes:

> The situation at the time appeared to show a firm acceptance by Government of an obligation towards disabled ex-servicemen, but no particular desire to become encumbered with meeting their needs through its own departments, preferring instead for the voluntary sector to oversee the provision of health, training and employment. (1997: 91)

As Bolderson's detailed analysis makes clear, even when impairment was caused by war the government was slow to act and, when it did, there were lingering concerns that pensions permitted disabled ex-serviceman to shirk employment. Indeed, in a 1916 article entitled: 'The Dischargeable Disabled Soldier', *The British Medical Journal* – showing quite dazzling bigotry and abysmal timing – felt compelled to comment that pensions paid to disabled ex-servicemen were not to be a 'means whereby he may live in idleness for the rest of his days' (quoted in Bolderson, 1991: 22).

If there was a shortage of compassion for the war wounded, there was barely hidden contempt for the estimated 100,000 men who, though always unfit for military service, had nevertheless slipped through the recruiting process and only later been found unfit for service. Unlike the war-wounded, these men's situation could not, it was argued, be attributed to war and was not, therefore, any responsibility of the government. Whilst the government may not, with hindsight, have acquitted itself well, the 1917 Warrant introduced, through what would later be called the 'Disabled Man's Charter', an attendance allowance, intended to contribute to the personal care costs of ex-servicemen who were unable to care for themselves (Bolderson, 1991).

The question of adequate service pensions continued to rumble through the House of Commons and a series of Select Committees, with a succession of incremental changes in its practical administration. Much debate remained locked into dispute about setting 'appropriate' pension levels and, again of particular interest to this thesis, we should note that whatever the general sentiment of obligation to the war wounded, some businesses were happy to use the receipt of a disability pension to excuse lower wage rates to ex-servicemen. The labour movement responded by seeking to ensure that such depression of wages would not serve to drive down the pay of their non-disabled members (Thompson, 1997: 94), but appeared little concerned as to the situation of the ex-servicemen.

If progress toward adequate and appropriate pensions was incremental, providing medical care and supporting the employment of disabled ex-servicemen fared little better. With regard to employment, policy-makers already had experience in the operation of the workmen's compensation schemes, that showed elderly and infirm workers, considered 'bad-risks', were excluded by employers and insurers alike. Hospital treatment either continued to be provided to those who could afford to pay for it or to those admitted to voluntary hospitals, with the interests of medical and hospital groups – not least medical consultants – obstructing those of the poor and hindering progress. Accordingly, by 1914, industrially injured workmen and the uninsured were still denied specialist or institutional care, outside that provided by the Poor Law or the voluntary hospitals, which were widely divergent in the range of skills offered, quality, accessibility and admission policies (Bolderson, 1991: 31).

Neither were there many opportunities for re-training, although a number of voluntary societies, including the Soldiers and Sailors Help Society, offered limited opportunities. There were also schemes that appear similar to some of the more gauche rehabilitation programmes of later years, where arts and crafts were carried on in convalescent settings; one such scheme was provided by the Heritage School of Arts and Crafts. The methods employed and the attitudes of the medical profession to this state of affairs are amply illustrated by a *British Medical Journal* report that assured its readers:

> … the main point is that the soldiers have been helped on their way to independence by associating with the child cripple whose motto is "happy is my lot". To each limbless man an orderly has been assigned in the shape of a boy similarly handicapped. ('The Care of Disabled Soldiers' (7.8.1915) *BMJ* (1915) II p. 227, quoted in Bolderson, 1991: 31)

We need not trace the progress of the now ubiquitous official committees – special or ordinary, subordinate or main – but should acknowledge that 'Disabled ex-servicemen never received the same medical care as wounded soldiers who could be expected to return to the front (Bolderson, 1991: 35).' As to progress in employment, the King's National Roll, a scheme promoted by the Manchester businessman Henry Rothband, amounted to the only positive initiative. Vitally, Rothband's efforts were to lead to discussions during 1918 that included various government departments, the Labour Resettlement Committee and the Ministries of Pensions and Labour which, whilst they achieved absolutely nothing of lasting value, did see the Ministry of Labour make proposals for Britain's first voluntary scheme to provide temporary 'light-employment' that would include older and industrially injured men, rather than just the war wounded. The Ministry of Pensions resisted the idea, for civilian and war-wounded alike, helping to ensure that at Armistice, there were still no plans in place to find work for disabled ex-servicemen and:

> By that time it had become clear that the turnover among disabled workers employed during the war had been considerable, and that the employment situation of disabled men would deteriorate with the release of 'substitute' workers, munition workers, and lightly impaired men who were still in the army.
>
> By December 1918 there were 500,000 discharged disabled men. Belatedly the government began to consider seriously what action should be taken, but the problems it had shelved during the war were to prove intractable in the stormy aftermath. (Bolderson, 1991: 37)

Ironically, no matter how inadequate the treatment of the war wounded, even before the Armistice, politicians were talking optimistically of the opportunities provided by reconstruction at War's end. They were to face, instead, the spectre of revolt, with growing reports of impending Bolshevik insurrection (Fraser, 1984: 181). Such fears, or more importantly government responses to them, had little impact on disabled people – irrespective of how they acquired their impairments – as the government, persuaded that social policy could be used to promote social unity, chose housing as the ideal promoter of stability.

Finally, in 1918, antipathy to Rothband and his plans for a King's Roll, together with the differing priorities and concerns of the Ministries of Pensions and Labour, were overcome when John Hodge and G. H. Roberts, the Ministers in charge of the respective Departments, submitted a proposal to the Cabinet for a plan to gently compel employers to reserve certain occupations – deemed suitable for 'light-work' – for the war disabled, although preference was *not* to be given over other disabled and elderly workers. The general election was announced before plans could be substantively acted upon and the Cabinet Demobilisation Committee was informed that 'there were no powers to oblige employers to reserve occupations for disabled men (Bolderson, 1991: 39).'

Pressure to promote some form of preferential treatment was not so easily countered, although declining industrial fortunes ensured that there were strong countervailing pressures. In 1919, a Prime Minister's appeal was finally sent to employers, albeit in deferential terms, in which workers were asked to co-operate with employers in finding suitable work for disabled men. Within three-months of the appeal being made, there were warnings that extremist groups were intent on resorting to violence unless the needs of disabled servicemen were addressed. Although fears were expressed for the welfare of the King, prevarication remained the order of the day. In the first four months after the Armistice, the number of registered unemployed disabled men had increased fourfold, from 4,450 to 20,000. By June, this figure had increased to 40,000, with another 40,000 due for discharge from hospital; by comparison, in April 1919, less than 10 per cent of the total male disabled population had been found work (Bolderson, 1991: 40).

In September 1919, four years after Rothband had first suggested it, the government finally launched what was to be called the King's National Roll, not through a belated sense of guilt, but because fear of the Bolshevik uprising was now so endemic that some form of intervention was politically expedient. According to a Departmental Minute of 1919, the object of the Roll was 'to absorb into employment all disabled ex-servicemen and to "secure, as far as possible, an equitable distribution of such men among several industries (cited by Thompson, 1997: 99)."

Whatever the object of the scheme it was greeted with a lukewarm response: the scheme fared badly despite lengthy consultations with both sides of industry. The inauguration of the King's National Roll coincided with a rail strike; employers found 'loopholes'; local authorities were apathetic; some industries (e.g. coal and rail) gave priority to the reinstatement of industrially injured workmen; the Amalgamated Society of Engineers and the Federation of Engineering and Shipbuilding Trades were hostile. The training scheme met with suspicion from the trade unions, some of which used their position on the local technical advisory committees to dam up the flow of recruits for training, fearing that their influx threatened the status and bargaining power of their skilled workers. The attitude of the unions towards the ex-servicemen was largely influenced by their fear of further dilution of labour, arising out of the wartime expedient of the Munitions Act of 1916 that had forced them to give up restrictive practices (Bolderson, 1991: 41).

Trade union hostility was not easily dispelled and there were a number of instances where disabled ex-servicemen, having been trained to undertake a trade, were refused union membership and therefore prevented from taking up their trade. Exploitative businessmen were quick to offer low paid work, advertised with the caveat that preference would be given to ex-soldiers. As Thompson points out, whilst such preference was evident in advertisements for jobs paying 25 shillings a week, they were somewhat rare for jobs paying £750 per annum (1997: 99). Further, clumsy appeals were made for women in poorly paid jobs to show their gratitude to the war wounded, by surrendering their jobs to them. Whilst there may have been some national sense of debt to those disabled by war, it seemed that it was far from universal, nor imprinted with the stamp of generosity.

For employers to become enrolled on the King's National Roll, they were required to give an undertaking that 5 per cent of their workforce would be disabled ex-servicemen. The percentage commitment was not accidental: there were estimated to be 16 million workers in the labour force at that time, of which 800,000 were known to be disabled as a result of war (Thompson, 1997: 101). By 1920, it was reported that somewhere between 16 and 20 per cent of employers had come onto the Roll, although government departments – who were not part of the scheme – claimed to have exceeded its requirements. What the civil service were less keen to admit was that most of the disabled ex-servicemen employed were given temporary positions, a matter that only came to prominence during a House of Commons debate on 2 April 1925.

The relative failure of the scheme undoubtedly led to a change in government tactics and, later the same year, a senior civil servant was telling an interdepartmental committee on severely disabled ex-servicemen that:

> The question whether there is an obligation on the part of the State to men of this class is simply a question of whether the compensation already provided is adequate', a view that was, coincidentally, taken up by the Chancellor of the Exchequer soon afterward (Bolderson, 1991: 42/4).

Inevitably, time served to dull the national conscience and the economy endured the customary cyclical swings so that, whilst questions continued to be asked in the House of Commons, the only obvious consequence was an exponential proliferation of rhetoric. Nonetheless, the statistics indicate an anomaly: although the majority of employers – including government departments – had *not* participated in post-war efforts to increase employment amongst disabled people, the unemployment rate for this class of worker remained consistently lower than that for the non-disabled workforce. In 1925, as unemployment rose again, just 5 percent of disabled ex-servicemen were unemployed, compared to 11 percent of the non-disabled workforce. There is no compelling explanation for this anomaly.

Whatever the disparity in unemployment rates between disabled and non-disabled workers, the overall rate was sufficiently high to warrant forewarning. As early as February 1918, a report from the Ministry of Reconstruction was advising that 'unless a scheme of general insurance is devised and launched at the earliest possible date it may be impossible to avoid the disastrous chaos of unorganised and improvised methods of relieving distress (*Report of the Insurance Sub-committee, Ministry of Reconstruction*, 12th February 1918, cited by Fraser, 1984: 184).'

No matter how prophetic the warning, government was slow to act, with the result that responses were predictably *ad-hoc*; the first of these was Addison's 'out-of-work donation' which was originally intended for demobilised soldiers but, with growing unemployment, was soon extended to all. As a non-contributory, subsistence level, payment the donation established the principle of state responsibility for the maintenance of the unemployed and was to have far-reaching consequences. No matter how modest the scheme was intended to be, it provided benefits that went beyond those available through the insurance schemes and, as reliance on the donation increased, so the implications for its removal became all the more dire.

As Fraser notes: 'Thus, instead of a planned approach, the Lloyd George Coalition was at the end of 1919 stampeded into' the Unemployment Insurance Act of 1920 which, with a deepening economic crisis, was guaranteed to undermine any notion that the scheme was founded on insurance principles; political expediency demanded that the unemployment scheme provided adequately for a growing unemployed population and, in so doing, effectively ensured that the scheme was nothing other than a return to outdoor-relief. 'With the so-called extended or uncovenanted benefit began the dole. This was the age of the depression (1984: 184).'

So, whilst the plight of disabled people – even disabled ex-servicemen – was insufficient to stir the national conscience to provide against their impoverishment, the very real fear of widespread social unrest was capable of forcing the government to abandon any pretence of the insurance principle, so as to pacify what in earlier times would have been described as the 'sturdy beggar'. If the First World War era tells us anything, it is that disability was viewed as sufficiently negative to prick the national conscience whilst also seeming to remove the people so affected from the alarming mass of sturdy beggars. At one and the same time, the assumption of inability kept disabled people from employment and obviated any perception of their being a threat to public order.

Inevitably, and conforming to a practice that has since become endemic, once economic considerations outweighed the fear of social unrest, the political mind was exercised by the need to reduce public expenditure and the preferred mechanism for justifying this was the claim of abuse. Although contemporary familiarity with this technique has largely inured us to its significance, we should give credit where it is due; painting a picture of shameless abuse when most were labouring under the weight of economic depression was a political triumph. Can there be anything that more effectively defeats concern for one's fellow than the belief that he is prospering at our cost? The practical policy effect was the imposition of the 'genuinely seeking work test', a mechanism that would see 3 million claims disallowed from its introduction in March 1921 to its abolition in March 1930 (Fraser, 1984: 188).

This new climate of financial stringency was also to affect the Poor Law; in 1929, the local guardians were swept away and their powers passed to the local authorities, which 'were instructed to form public assistance committees for the relief of destitution (Fraser, 1984: 1881)'. At the same time, the local authorities were put under pressure to transfer functions unrelated to the relief of non-disabled people to existing departments.

The remainder of the inter-war period was marked by a recurring battle with economic depression and the social consequences of it; access to relief was subject to the fluctuating compromise between social reformers and economic conservatives. The political need to address the scourge of impoverishment occasioned by economic depression was significantly reduced by the unequal geographic distribution of unemployment; whilst it remained a national problem, its effects were not shared equally throughout the country.

Thus, the majority 'in asking the unemployed to bear the full brunt of the depression, displayed a lingering feeling that somehow the men out of work deserved to be less eligibly placed than the rest. It still lay in the logic of the Benthamite greatest happiness principle that the unemployed should suffer, for the greatest happiness of the majority (Fraser 1984: 195)...' If this were true for the non-disabled unemployed, it would seem that there was equally scant regard for the disabled unemployed, whose 'obvious' rejection from the labour market can be presumed.

Although the First World War had resulted in a system of publicly funded war pensions, the civilian disabled remained entirely reliant on worker's compensation, national health insurance or the Poor Law. The King's National Roll was not formally abandoned until 1971.

Conclusion

As this chapter has illustrated, the search for historical evidence regarding the situation of disabled people remains largely unproductive and contradictory, even within the early decades of the twentieth-century. Whilst there is evidence to suggest that disabled children were murdered, there is also evidence to show that the systemic murder of disabled infants was not universal; indeed, it is possible to identify Greco-Roman programmes intended to promote the welfare of disabled people.

Vitally for materialist accounts of disablement, we have reviewed evidence that suggests that, historically, the existence of impairment(s) was sufficiently common to ensure that people with impairments were largely invisible as a discrete class within society; they were what Stiker describes as a 'normal anomaly'. Such analysis is particularly important in that it shows that the existence of impairments did *not* lead, inexorably, to disability. Taking disabled people for granted was possible only because they were an ever-present feature of life.

Although the development of England's Poor Laws has been subject to substantial investigation, identifying the particular situation of disabled people within that rubric remains problematic. Perhaps the most significant difficulty rests with the assumption that disabled people – or more accurately the 'deserving' poor – have fared better in England than is actually the case. As the history of welfare provision is being written, where disabled people are mentioned at all, it is within the generic category of the 'deserving poor'.

There can be no doubt that an authoritative history of disablement remains long overdue, with the 3,000 year period – beginning with the ancient Egyptians and ending with the introduction of the 'welfare state' in the mid-Twentieth century – still alarmingly silent on the subject of disability and disabled people. Stiker's comments in relation to the Middle Ages: that disabled people either were a "normal anomaly" or marginalized at the extreme boundaries of society appears equally true for much of history.

Discussion of the seminal work of Deborah Stone has shown that disability, though a category by default comprised of those considered impotent and excused the moral imperative to engage in waged labour, assumed particular importance during the industrial revolution. The suggestion is not, as several contemporary theorists insist, that the industrial revolution and a capitalist agenda which accompanied it 'created' disability, but that classification of disabled people as a discrete category was a corollary to it. In sparing disabled people from the often barbaric measures intended to force the indigent into work, the capitalist system was marking this group out as surplus to requirements.

One vitally important lesson from the evidence presented in this chapter is that the situation of disabled people was not simply affected by benign neglect; as the foundations of a welfare state were being laid, vested interests – from the insurance industry and wider business community, medical profession and labour movement – were influencing policy responses to disablement. Equally importantly, the comfortable notion that disability policy has been driven by enlightened human concern is hard to maintain. Even those whose impairments were caused because of war faced substantial opposition to measures to promote their economic security or employability; far from enlightened concern, the historical record depicts a cynical disregard for the well being of disabled ex-servicemen and their dependents.

From the mid-twentieth century, legislation and policy began to address disability, if not always as a discrete area for public policy, then as an issue deserving greater attention. The next chapter traces the development of legislation and policy from the 1940's, until the dawn of the new millennium and, for the first time, allows us to examine policy that was specifically focused on disabled people.

Chapter 3

THE DEVELOPMENT OF DISABILITY-SPECIFIC POLICY

> *...common social conditions did not produce common social security benefits as classification and technical qualifications had usurped need as the determining factor.*
>
> *Derek Fraser 1984:207*

Introduction

A recurring theme in the previous chapter was the invisibility of disabled people from the historical record; where disabled people do appear, it is invariably in relation to policies related to the relief of poverty and the control of the pauper, both of which steadily expanded from the sixteenth century. The treatment of disabled people during this war on pauperism was primarily policy by default; disability, where it was addressed at all, was a largely inconsequential matter, confined to the residuum of the residuum.

With political concessions to collectivist sentiment impelled by the Second World War, we witness the genesis and development of policies directed toward the 'problem' of disability. The aim of this chapter is not simply to analyse the legal and policy initiatives introduced from 1944 onward, but to initiate a process of examining the postulates that underlie such initiatives and to begin an assessment of the extent to which such initiatives can be viewed as amounting to a coherent policy response. In stark contrast to previous discussion, such aims are aided by the relative abundance of primary data and secondary analysis, resources that will be widely utilised in this chapter. Quite apart from the greater confidence with which the subject can be approached, the increased availability and reliability of sources also enable tentative propositions on policy agendas to be advanced, as a precursor to positing contemporary developments from the UK in what may be more wide scale political themes.

In an effort to aid investigation of key issues, analysis will be undertaken with reference to policy-areas: employment and civil rights, rather than simple chronology. The primary reason for adopting this approach is an attempt to ensure that themes are better revealed; the growth of centralised administration and the attendant departmentalisation of social issues mean that policy in one area can be, and often is, developed according to entirely different priorities and criteria than those applying in other governmental departments.

Employment

From rugged individualism to nationalised collectivism?

Claims that increased social solidarity, prompted by the Second World War, provided the foundations of the post-war welfare state have been common. Indeed, in Fraser's estimation, it was the commonality of war experience that provided the key to understanding 'the transformation from the divided society of 1931 into the united people of 1940'; put simply: 'the 'people's war had to produce a people's peace (Fraser, 1984: 209)'. Richard Titmuss provides precedent for claims of revolutionary social solidarity (*Problems of Social Policy*, 1950) but, as others have noted, such optimistic claims now appear unwarranted; Page, for example, suggests that social reforms of that time had more to do with political exigencies and the workings of the British electoral system (Page, 1996: 83-4, see also Harris, 1986, Pimlott, 1989). Baldock goes further, suggesting that the social reforms:

> Can be understood less as expressions of social solidarity and more as politically necessary to retain the support of a suspicious working class (1999: 467, from where references to Titmuss' work have also been taken).

Whatever the source or longevity of any post-war consensus, the situation of disabled people remained poorly addressed. Thompson notes that in the late 1930's, Parliamentary questions concerning the still unresolved problems of disabled ex-serviceman were beginning to be couched in terms that showed greater anxiety for the situation of the *employer*, than the disabled-employee (1997: 110) and by 1939, there was no question but that disabled ex-servicemen had lost their privileged position in the labour market. Whilst we have noted that such workers had enjoyed an unemployment rate significantly lower than that of the non-disabled population (page 63), by 1939 the situation had reversed. It would also seem that whereas wartime provision of health services for bomb victims and those of working age improved, this was achieved at the expense of services for elderly and disabled people (Baldock, 1999: 467, citing Page, 1996: 68-70).

By 1941, conscription was creating a significant shortage of manpower at home and the shortage of 'physically fit' workers ensured that, for the second time that century, disabled workers were in demand. In October 1941, representatives of the labour movement, employers and the Treasury – but, conspicuously, not disabled people – agreed to proposals, drawn up by Bevin, for a training and employment scheme for *all* disabled people aged 16 and over, irrespective of the nature or cause of their impairment, who were unable to obtain or return to work. The Interim Scheme for the Training and Resettlement of the Disabled was never intended to rehabilitate long-term disabled people; rather, the more modest goal was to maximise their potential to undertake work beneficial to the war effort: the price extracted by the Treasury for the Interim Scheme's broad scope of coverage. 'This, in the view of the Ministry of Labour, meant *training for the short term, leading to unemployment in the long term* (Bolderson, 1991: 105, *my emphasis*).'

There was transparent conflict in policy objectives between the Ministry of Labour and the Treasury: the Treasury's sole concern was to fill jobs directly related to the war effort, in this they were engaged in a purely utilitarian and short-term exercise. Indeed, in a letter to the Ministry of Labour and National Service, dated 17 April 1941, the Treasury makes it plain that any attempt to extend training to those injured by industrial accidents would be opposed by the Chancellor of the Exchequer, because it interfered with the reparative principles of workmen's compensation legislation

(Bolderson, 1991: 105). By comparison, the Ministry of Labour doubted that a scheme confined to training disabled people for 'war occupations' adequately served the needs of either disabled people or the war effort. In particular, the munitions training and employment scheme was absorbing disabled people without any reference to their particular needs for training or disability-related workplace adjustments.

Whilst inter-departmental disagreements undoubtedly existed, Bevin evidently remained eager to extend and expand opportunities for disabled people, including:

> … those who require continued medical treatment or who are prevented-for a longer or shorter period-from working a normal week, or giving a normal output, or who, for any other reason, cannot be fitted into ordinary industrial employment… (Memorandum to Lord President's Committee, LP (41) 182 (4th November, 1941), quoted by Bolderson, 1991: 105/6)

In December 1941 and with the Cabinet's approval, Bevin appointed his Parliamentary Secretary: George Tomlinson, to chair an inter-departmental civil service committee, charged with the task of making 'proposals for introduction at the earliest possible date of a scheme of the rehabilitation and training for employment of disabled people not provided for by the Interim Scheme (HMSO, 1942, cited by Bolderson, 1991: 107).' The committee was heavily influenced by Bevin's goal of achieving a lasting post-war scheme to improve the rehabilitation, training and employment prospects of *all* disabled people. Fundamental to their approach was the belief that a comprehensive scheme covering all disabled people, irrespective of the cause of impairment, was justified on grounds both of welfare and of economics (Bolderson, 1991: 107). However, and this vital point has, it would appear, too often been lost, the Committee also went to considerable lengths to appease vested interests, consulting widely with the labour movement and employer's representatives although, conforming to a pattern that his since become customary, failing to obtain the views of the people whose interests it was supposed to be advancing.

Exploding the myth of Tomlinson – keeping the cripple out of the workplace

Whatever Bevin's motivation and goal, it is abundantly clear that contemporary assumptions regarding the intentions of the scheme introduced by the Tomlinson Committee have little basis in fact (*cf.* Hyde, 2000: 328). Explicitly, any idea that sheltered employment schemes were intended to promote the goal of preparing disabled people for transition to open employment is entirely fallacious. Although unable to take evidence from the TUC, it is clear that the Committee was aware of the labour movement's concerns and was anxious to ensure that such concerns were addressed in their deliberations. The TUC's pre-eminent anxiety was to ensure that 'unfit workers should not go into competition with the fit (FWB(43)1 (12.1.1943), PRO LAB14/429, quoted by Bolderson, 1991: 109)'.

Rather than resurrecting the problems arising from Sir Godfrey Baring's 1915 appeal for light work to be found for disabled ex-servicemen, the Tomlinson Committee were intent on placing the incompletely rehabilitated worker into 'institutional sanctuaries', thereby removing them from the industrial setting. Thus, the TUC's fear of the unfit competing for work with the fit was placated, precisely so that the disabled worker should only ever be allowed to compete on equal terms with the non-disabled. Fundamental to this approach was the belief that the embryonic rehabilitation science would be capable of 'curing the cripple', eventually returning those who were no longer impaired into their previous employment, or an alternative deemed suitable to their skills and talents. On such grounds, the Committee's efforts might be seen as having little to do with disability, and more to do with keeping disabled people out of the mainstream workforce. A view that Bolderson specifically supports:

> The corollary of providing jobs for those fully rehabilitated and able to take their place independently in open employment was to make alternative arrangements for those who were severely disabled, and could not do so, in sheltered employment - *thus protecting industry from disabled people who would not be productive*. In this way some of the trade union fears could be allayed, and employers' objections forestalled. *The 'burden' on industry would be limited - although not as limited as the employers would have wished.* A major motive for an extended scheme of sheltered employment, therefore, was to make the provisions for re-settlement and rehabilitation into open employment viable: it was not intended to provide a stepping-stone to open employment. *The criticism made of sheltered employment since - that it affords no mobility to its disabled workers -*

> *presupposes an entirely different function for it from that envisaged by the Tomlinson Committee.* (Bolderson, 1991: 109/10 *emphasis added*)

Although never explicitly referred to by the Committee, its proposals reveal a tripartite taxonomy:

(a) The 'disabled made fit';

(b) The 'partially disabled', and

(c) A residuum: those 'completely disabled';

Each of whom would be dealt with entirely separately. The 'disabled made fit' would proceed directly into mainstream employment; the 'partially disabled' would find themselves in the institutionalised sanctuary of sheltered employment and those who were excluded from these two categories were simply dismissed as irrelevant to any discussion of employment. The Tomlinson Committee reported to Parliament in January 1943; included within their Report was a request for formal consultation with industry, before the drafting of any legislation. Within a month, the Ministry of Labour's Joint Consultative Committee had appointed a special joint committee of the TUC and British Employers Confederation [BEC].

Government may have acted swiftly on the Tomlinson recommendations, but the 'special joint committee' was unable to act with the same alacrity; BEC were already heavily committed, with a variety of war-related tasks, and were unable to meet with the TUC to consider Tomlinson's proposals until July 1943. The Committee did little more than rubber-stamp the Tomlinson approach, but it is worth noting:

> The employers' side of the newspaper and printing industry objected to the quota arrangements because they feared bureaucratic controls and stressed that most of the skills necessary for the trade could only be acquired through apprenticeships lasting five to seven years; the Shipbuilding Employers Federation did not envisage that disabled people could undertake heavy labouring in competition with the able-bodied, and the Engineering Federation asked what the government intended to do about remunerating disabled people in employment so that they would be 'economic' from the employers' point of view and able to maintain themselves. They would have preferred the government to pay the employers subsidies, a suggestion which had been part of Bevin's original plan. (Bolderson, 1991: 112)

Perhaps inevitably, the idea that there should be penalties for failing to comply with quota requirements, or that the law might impede an employer's ability to dismiss disabled people (should dismissing a disabled employee mean that the employer fell below quota), was unwelcome to employers. There were also efforts to curb the scope of any subsequent legislation, because employers denied that they had *any* responsibility for workers who were disabled, other than as a direct result of war injuries or industrial accident. The government response was, apparently, to remind employers that disabled people incapable of 'rendering reasonably effective service' would be banished to the institutional asylum of sheltered workshops and to assure that prosecutions would not lightly be entered into: an undertaking that, as subsequent discussion will show, custom entirely honoured (Bolderson, 1991: 113 and see discussion on page 77, below).

It is vital to acknowledge that, no matter what the longer-term effects of the Tomlinson Committee proposals, employment amongst disabled people increased substantially during the war years. Steve Humphries and Pamela Gordon (1992) note that the Second World War 'was to transform radically the working lives of disabled people in Britain (1992: 129).' With a chronic shortage of labour, occasioned by the call up of non-disabled men into the armed forces, women and disabled people enjoyed greater opportunities for both employment and advancement, as 'Management suddenly realised the hidden potential of disabled workers (1992: 129)'. Two-years after the beginning of the war, labour shortages were sufficiently acute for the Minister of Labour, Ernest Bevin, to launch a programme to target disabled people for employment. Between 1941 and 1945, 426,000 disabled people were interviewed, by officials from the Ministry of Labour, to help them find work. Almost 73 per cent (310,806) of those interviewed were placed into employment, or provided with training to promote their employability and, as Humphries and Gordon note, a large proportion of the disabled people interviewed had previously been officially classified as 'unemployable' by staff working in labour exchanges (1992: 132). Such gains were not to be sustained at war's end however, when disabled people were 'demoted or discarded by employers on a mass scale' to be replaced by non-disabled ex-servicemen (Humphries and Gordon, 1992: 136).

The Disabled Persons (Employment) Act 1944

The government acted expeditiously to implement the Tomlinson proposals: The Disabled Persons (Employment) Bill was first presented to the House of Commons on 2 December 1943, with the Second Reading occurring a little over a week later, on 10 December. During reading of the Bill, Bevin notes that the cost for its implementation was estimated at £3 million, a sum he viewed as an investment (Thompson, 1997: 113). The Royal British Legion expressed formidable opposition to the Tomlinson proposals, believing that all but disabled ex-servicemen should be excluded from its remit; such views continued to be expressed as the Bill made its way through Parliament (Thompson, 1997: 114; Bolderson, 1991: 114) to the extent that:

> Many MPs clearly had little empathy with disabled people other than those who had acquired their disabilities defending the country in the armed services (Thompson, 1997: 114).

The remaining issues to be resolved were the size of the employing entity that should be required to comply with the quota provisions and the exemption of government departments from its remit. Tomlinson had proposed that the quota provisions should only apply to employers of 25 or more people, a figure that, it was argued, would exclude an estimated 80 per cent of the retail and service sector. Bevin accepted this argument and reduced the figure to twenty. As to the exclusion of government departments, this was justified on the specious grounds that in any court action for non-compliance, the government would be 'trying to take itself to court (Thompson, 1991: 115).'

By the time of the Third Reading, on 4 February 1944, there were few amendments proposed and the House had moved to self-congratulatory mode. The Bill passed to the House of Lords, returning with few amendments on 23 February 1944. These amendments, all concerned with drafting, were debated in the Commons on 1 March and the Bill received Royal Assent the same day (Thompson, 1997: 115). Thus, the UK's first legislation to deal with disabled people as a distinct group in society (Oliver & Barnes, 1998): the Disabled Persons (Employment) Act 1944, was enacted.

Section 1 of the 1944 Act defined 'disabled person' as:

> … a person who, on account of injury, disease, or congenital deformity, is substantially handicapped in obtaining or keeping employment, or in undertaking work on his own account, of a kind which apart from that injury, disease or deformity would be suited to his age, experience and qualifications; and the expression "disablement", in relation to any person, shall be construed accordingly.

Whilst the Act contained 23 sections, it was those relating to the establishment of registration, the quota scheme and sheltered workshops that were to be of lasting importance to disabled people. Section 6 of the Act declared that: '… the Minister shall establish and maintain a register of disabled persons…', the practical result of which, for the individual concerned, was the issue of a registration card, known for decades as the 'Green Card'.

The provisions in the remainder of the Act were intended only for those individuals "registered as handicapped by disablement" (Section 6(3)). Registration was *not* open to all disabled people, a prerequisite being that the individual was: "a person capable of entering into and keeping employment, or undertaking work on his own account (Section 7(1))."

Consequently, if it was felt that the 'condition' of a disabled person was such that s/he was too 'handicapped' for work, they were excluded from registration, denied any official assistance in finding employment and, of course, absent from any statistics concerning unemployment amongst disabled people. Such an individual was not considered 'economically active'; no matter how much they might wish to be. The person concerned was not prevented from seeking or taking up employment, but, any employer prepared to facilitate such employment was unable to count the employee toward the 3 per cent quota, even though, paradoxically, the employee was more 'severely handicapped' than others who were so registered.

Section 9 of the Act created an obligation on employers, with a 'substantial number of employees' (Section 9(1)), subsequently set at 20, to employ a quota of disabled people, fixed generally at 3 per cent. Failure to meet the quota was *not* an offence, but an employer who was below quota *and* employed a person other than a "person registered as handicapped by disablement" committed an offence for which, on summary conviction, s/he may have been liable to a fine not exceeding £400 or to imprisonment 'for a term not exceeding three months, or to both such fine and such imprisonment'.

The Act afforded no individually enforceable right to employment, or against discrimination, for disabled people. Section 7 of the Act required a district advisory committee to consider the facts and report upon them to the Secretary of State for Employment, who *may* have instituted proceedings.

Keeping disabled people out of the labour market: mainstream employment

The results achieved by the Disabled Persons (Employment) Act in facilitating disabled people's mainstream employment cannot be described as anything other than disappointing; the Act's limited utility was primarily caused by the absence of any political will to implement it, illustrated by the fact that the last prosecution under the Act occurred twenty-years before its repeal. In evidence presented to a House of Commons Select Committee in 1990/1, it was contended that there had only ever been ten prosecutions under the Act. Of these, one case was dismissed, two received the maximum fine and the rest received fines of £5, £25 or £50; the fines totalled only £434 and amounted to an average fine of just £62 (*Hansard*, 6 June 1989; Law Society, 1992).

Failure to meet the quota system imposed by the Act was almost universal; the highest percentage of employers *ever* meeting their quota was 53.2 per cent in 1965. The figure dropped progressively thereafter, with only 24 per cent achieving the quota in 1991/2 (Law Society, 1992). By comparison, the number of exemption permits issued by the Department of Employment had exceeded those complying with the scheme since 1972, whilst '... block permits are issued and the process of applying for exemption has become routine (Barnes, 1991:86)'. Nonetheless, in 1986 it was estimated that 17.2 per cent of those employing organisations failing to meet the quota were in breach of the DP(E)A, permits not having been obtained (*Hansard*, 6 June, 1989). As stated previously, government departments were never obliged to comply with the requirements of the Act, although their stated policy was that they would seek to do so voluntarily. Their failure in this regard was evidenced by the fact that *no* government department *ever* achieved the targets (*Employment Gazette*, 1990). Thus, support for disability-related work programmes, amongst UK employers, was no greater after the Second World War than it had been after the First.

Perhaps the strongest argument for retention of the Act was the vacuum that would be left by its abolition; it became abundantly clear that such fears were not shared by the Government, which initiated at least three public attempts to abolish the quota scheme. In 1973, the Department of Employment suggested abolition in favour of a voluntary system, resulting in the transfer of responsibility for its operation to the Manpower Services Commission, (DE, 1990). In 1981, the Manpower Services Commission issued a discussion document that posed the fatuous question 'Is special employment protection for disabled people by statutory means necessary and justifiable for the future (MSC, 1981)' and in 1990, the Government expressed doubts as to whether the quota scheme could be made to work (DE, 1990; Barnes, 1991).

Of perhaps greater practical and political significance, however, were remarks contained in a 1978 article for the *Employment Gazette* (MSC, 1978) where, having claimed that: 'future strategy must be to help as far as possible to reduce the high rate of unemployment among disabled people and to reverse the present trend for increasing numbers of disabled people to become long term unemployed' the writer proceeded to forewarn that judgements would have to be made regarding 'how much of the available resources should be channelled towards disabled job seekers and how much they must concentrate on meeting general employment and training needs...' (MSC, 1978:292-3; see further discussion beginning at page 83). Herein lies the ubiquitous barrier to the development of policy: balancing the desire to put disabled people into employment, whilst not having – or being unwilling to commit – the funds to ensure that such desire can be attained.

The most prevalent rationalization for abolishing the quota system was that the declining number of disabled people willing to register made it impossible for employers to comply with the Act's requirements; such view was expressed by the then Minister of Employment when he stated: 'Only 1 per cent of the workforce have registered as disabled. So by definition it is not possible to meet the 3 per cent quota'

(*Hansard*, 22 May, 1990). The use of such arguments for abolition were difficult to rationalise; if Government estimates showed 3.8 per cent of the population were eligible to register (Prescott Clarke, 1990), a more lucid response would have been to question why so few disabled people bothered to do so. That question was answered by Department of Employment research, which clearly indicated that disabled people would register, if they felt it would lead to a job or suitable training scheme (Foster, 1990).

In view of the foregoing, it is hardly surprising that the Department charged with responsibility for disabled people's employment was largely indifferent to the task; a leaked internal report acknowledged the low status and priority given to work with disabled people within the Employment Service (ES, 1989). The report went on to note that there was little senior management commitment to work with disabled people, with resources being taken away for activity unrelated to the employment of disabled people, but considered to be of 'greater importance' (Graham *et al*, 1990: 14).

Keeping disabled people out of the labour market: the institutional sanctuary

In accordance with the Tomlinson proposals for institutional sanctuaries, Section 15 of the Act acknowledged that not all disabled people would be able to enter *open* employment, and provided for the creation of sheltered workshops. Such workshops were to be established as non-profit making companies subsidised by public funds (Lonsdale, 1986; Barnes, 1991: 71). From creation until the late 1970's, sheltered workshops performed what was seen as a 'humanitarian', rather than economic function, a view confirmed in 1973 during a major review of sheltered employment (Lonsdale 1986; Barnes, 1991: 71).

In 1983, the government 'requested' that Remploy produce a business plan, as the first step in eliminating their trading deficit, a goal that was first achieved in the financial year 1986/7 (Barnes, 1991: 73). This proved inadequate to prevent continued opposition to sheltered workshops and in 1990, the Department of Employment (as was) openly advanced economic arguments to justify the run-down of sheltered *workshops* in favour of further sheltered *placements* (DoE, 1990, Hyde, 1998), arguments that signalled '...a significant retreat from the idea of employment as a right, and a return to the begging bowl (Barnes, 1991: 75)'.

At the time of writing, the provision of some form of 'sheltered' work activity for disabled people remains subject to governmental equivocation: in August 1999, the Employment Service was still publishing consultation papers on proposals for reform of the sheltered employment scheme (*The Supported Employment Programme: A Consultation on Future Development*), which brought new phrases to the disability policy lexicon: in particular 'supported factories and businesses' which exist within the 'supported employment programme'. Although the imperative to operate supported units within a 'commercial environment' is well understood, they continue to receive subsidies from the DfEE's Supported Employment Programme and remain singularly unsuccessful at moving disabled people into mainstream employment (2% per annum according to the House of Commons Select Committee on Education and Employment; paragraph 138, *Ninth Report*, Session 1998-99).

First steps toward a disability-income

There is a great deal made of the 'post-war consensus', a halcyon period presumed to have endured until the 1970s. As has previously been mentioned, a recent study suggests that claims for a consensus on the shape and form of the 'welfare state' are exaggerated, with practical politics merely serving to ameliorate traditional differences between left and right (Timmins, 1996: 249).

Whilst practical politics may have served to discourage radical reform by either major political party, supposedly apolitical think tanks were, by the late 1950s, proposing reforms that would become extremely familiar by the close of the century. The Institute of Economic Affairs was one such think-tank; formed in 1957 and dedicated to promoting the 'free-market', their staff were quick to propose radically new social and welfare policy including, in their 1961 publication: *Health Through Choice*, a 'move away from taxation and free services to private insurance and fees (Timmins, 1996: 251).' In 1958, the Director of the Conservative Political Centre: Peter Goldman, was claiming that:

> We squander public money on providing indiscriminate benefits and subsidies for citizens, many of whom do not need them and some of whom do not want them. (Conservative Political Centre (1958) *The Future of the Welfare State*, p.8, cited by Timmins, 1996: 252)

Academic effort from those on the left of the political spectrum was also providing strong and ultimately politically persuasive pressure. Although Seebohm Rowntree's 1950 report suggested that, with the exception of some elderly and disabled people, poverty had been eliminated in Britain, later the same decade Richard Titmuss, Brian Abel-Smith and Peter Townsend generated a body of work that would propel poverty back onto the public and political agenda (Timmins, 1996: 255 and 256, citing Banting, 1979: 69-70). An explicit link between poverty and disability would not be addressed for another decade, with the seminal work of Peter Townsend (Townsend, 1974 and 1979).

Subsequent work by Abel-Smith and Townsend questioned the widely held belief that subsistence level measures of poverty were appropriate in an increasingly affluent society and began, instead, the search for a relative measure. Their calculations used two levels of income to reassess the numbers of Britons living in poverty: first, they took the supplementary benefit level – the benefit paid to those judged to be in need – as providing an 'official' poverty line; secondly, they accounted for supplementary payments available for special need and the additional amounts claimants were allowed to receive without an affect on benefit payment, leading to the proposal that 140 per cent of supplementary benefit levels provided a more accurate measure of those 'on the margins of poverty'. Their work yielded results of substantial political importance, not least the claim that at least 7.5 million Britons were living in poverty or at its margins, including some 2.5 million children. Identifying a trait that would forcefully re-emerge by the end of the century, they also showed that half a million of these children were living in households where the man was in work. The theoretical work of Abel-Smith and Townsend was soon put to sound practical use, with the launch in the early 1960's of the Child Poverty Action Group [CPAG] and the arrival of 'the single-issue pressure group in British politics (Timmins, 1996: 257).'

Optimism concerning the possibility of successfully campaigning for social change triggered an upsurge in the number of such pressure groups and, following responses to a letter published in the *Guardian* newspaper, included the 1965 establishment of the Disablement Income Group [DIG] by two disabled women: Megan Du Boisson and Mary Greaves (Hasler, 1994: 279; Campbell and Oliver, 1996: 62). DIG was (and remains) the epitome of the single-issue pressure group – campaigning for a national disability income – but, despite its founders having impairments, DIG has always comprised an alliance of disabled people and non-disabled professionals.

In July 1967, DIG held its first national rally in support for a pension for the civilian disabled (Timmins, 1996: 258). DIG's lack of grassroots support within the disabled constituency was, and remains, a controversial matter for some disabled people but DIG was undoubtedly influential in establishing the political climate that would result in the introduction of a number of disability benefits. Interestingly, these benefits were first touted by Richard Crossman, the Labour Minister for Social Security, but introduced by Keith Joseph, Conservative Secretary of State for Social Services, after the Tory election victory in 1970. The first such benefit was Attendance Allowance, introduced the same year for disabled people needing 'attention or supervision' throughout both day and night. In 1973, a lower rate was added for people needing attendance during *either* the day *or* the night (*SSC*, 1997/8, Section II).'

The following year, the government also responded to a critical report on 'invalid tricycles', a mobility aid first provided by the state in 1921 when they were introduced for war pensioners and later made available to civilian disabled people. The 1974 report: *Mobility of Physically Disabled People* (DHSS, 1974) condemned the 'invalid tricycles' as dangerous and proposed that they should be replaced with a car and assistance for disabled people able to drive. The government chose instead to make available a flat rate, non-contributory, cash allowance: Mobility Allowance, which was introduced in 1976. Both allowances comprised significant departures from the contributory principles of the Beveridge-scheme, payable to disabled people who had never made National Insurance contributions and irrespective of the cause of their impairment. Further, neither benefit was either means-tested or taxable.

Dismantling consensus

The modest progress made in combating poverty and economic inequality, including that endured by disabled people, that had been made possible by an albeit disputed 'post war consensus', came to an end under a Conservative Government in the 1980's, which according to Walker adopted a "proactive strategy of inequality" (1997b: 5, however, please see more detailed examination of the academic analysis of the unravelling of the welfare state in chapter 6) intended to "reverse a trend of increasing income equality that had lasted for half a millennium (Seymour, 2000: 42)."

Far from respecting any preceding consensus on poverty and inequality, Tory social policy was, according to Walker, marked by a tripartite ideological foundation:

(a) 'The welfare state produces dependency; dependency is morally incapacitating' [in the words of Oppenheim: "At its most reductionist, the New Right redefined poverty as 'dependency' which was seen as a behavioural problem caused by the welfare state itself (1997: 18)]."

(b) 'All other forms of welfare provision are superior to that provided by the state, but provision by the private sector is best.'

(c) 'An enterprise culture that demands high financial reward for entrepreneurial activity will see the benefits trickle down to the remainder of society.'

Ideological postulates that were operationalized with the following policy ambitions:

- 'Cutting social expenditure;'
- 'State-subsidised privatisation or the extension of market principles within the welfare state;'
- 'Replacing universal benefits and services with selective, means-tested — in the Conservative euphemism, 'targeted' — ones;'
- 'Reducing taxation to provide incentives and encourage the growth of alternative forms of private and voluntary welfare; and'

- 'Centralisation of resource control and decentralisation of operational responsibility (Walker, 1997b: 5-6).'

In an Orwellian reversal of accepted wisdom, Prime Minister Margaret Thatcher and her party promoted inequality as a catalyst for endeavour, but 'There never was a sound economic case behind the strategy of inequality, only ideological dogma and self interest (Walker, 1997b: 10).' dogma that saw one of the sharpest rises in income inequality anywhere in the world (see Oppenheim, 1997: 23). Inequality was compounded by mass unemployment: until the 1970's, unemployment was rarely higher than 2.5 per cent of the workforce, whilst in the 1980's and 90's, it reached 17 per cent in Northern Ireland and 15 per cent in the north of England (Convery, 1997: 170). Perhaps the greatest single cause of this mass unemployment was savage recession in the same two-decades (Convery, 1997: 172/3; Gallie, 2000: 281). No matter how severe the unemployment rate for the non-disabled majority, as a plethora of reports published in the same period showed, that for *registered* disabled people was consistently between 2·5 and 5 times greater (Manpower Services Commission, 1979; Croxen, 1984; Martin, Meltzer & Elliot 1988; UN, 1991) with disabled people consistently experiencing longer durations of unemployment (Lonsdale, 1985; UN, 1991; MSC, 1979).

However, the fallibility of the statistical methods applied to assessment of unemployment amongst disabled people was emphasised by the Employment Policy Institute (1992) when it reported that over 1.2 million disabled people were potentially unemployed but missing from contemporary accounts, a discrepancy that could be attributed to:

(a) The stigma associated with identifying as disabled (Albeda, 1984: 7)

(b) A failure to account for disabled people living in residential institutions (Martin, White and Meltzer, 1989; Barnes, 1991: 63/4), and

(c) The failure to account for 'discouraged workers' (Barnes, 1991: 63/4).

The British Government's own figures certainly showed that unemployed disabled people who *were not* registered as 'disabled' with the Department of Employment substantially exceeded the numbers who *were* registered (see Figure 2, below).

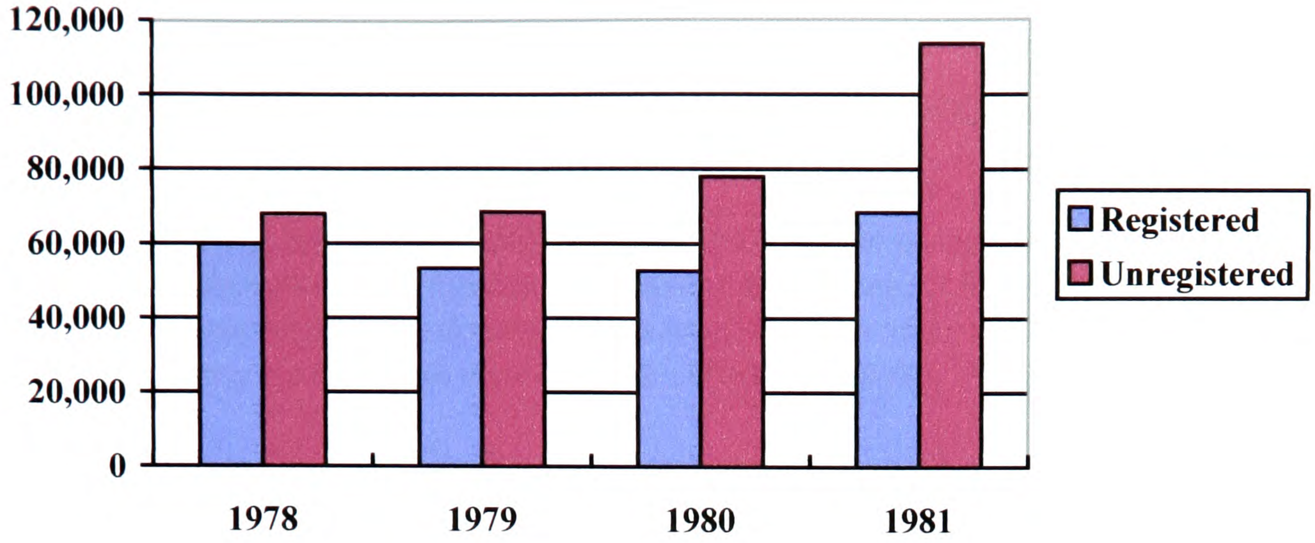

Figure 2: Comparison of unemployment rate for 'Registered Disabled Unemployed' and 'Unregistered Disabled Unemployed' in open employment 1978-81. *Source*: Brown, 1990:145, Table 8.2.

As a means of differentiating between those who are out of work but actively seeking it, and those who have withdrawn from the search for work (discouraged workers), the terms 'economically active' and 'economically inactive', respectively, were coined. According to Schmitt and Wadsworth (1994: 114):

> Since 1986, the number of economically inactive, working age British men has consistently exceeded the number classified as unemployed... so that by 1992, 2 million men of working age were no longer actively seeking employment in addition to the 1.7 million officially recognised unemployed.

Significantly, the same authors suggest that there is evidence that the rise in economic inactivity was *not* due to a voluntary reduction in labour supply, but to a reduction in the demand for workers to undertake low-skill occupations (1994: 115) amongst whom inactivity is most concentrated. This phenomenon is particularly relevant to disabled people, most of whom have poor educational or vocational qualifications and are, consequently, more likely to be engaged in semiskilled work (Lonsdale, 1985: 124).

The disparity between unemployment *per se* and economic inactivity was addressed, with particular regard to disabled people, in the SPCR survey on *Employment and Handicap* (Prescott-Clarke, 1990). The usually restrictive conception of 'economically active' as those in work or actively seeking it was extended, by means of a liberal interpretation of people who were 'wanting work', comprising:

> ... a much broader definition than the claimant based official unemployment figures. The survey took account of the fact that someone may have given up looking for work because of their handicap [sic.] but may nevertheless want to work. (Prescott-Clarke, 1990: 5)

According to Prescott-Clarke, the number of people who were occupationally handicapped and economically active was put at 1,272,000, of whom 78 per cent (987,000) were working, waiting to take up a job or on a government scheme, and 22 per cent (285,000) wanted work. The incidence of a 'discouraged worker' effect amongst disabled people was self-evidently high, even when confining analysis to the broadly drawn category of the 'economically active'; a third of those reporting that they would like to work, but who were not currently in work, are described as not actively looking for it.

Unemployment rates and duration amongst disabled people, whilst a damning indictment of policy in themselves, were not the only disadvantage faced: wage differentials (Prescott-Clarke, 1990) and a propensity for underemployment were also evident (Albeda, 1984; Walker, 1982 and Thomas, 1982) with the predictable result that:

> In the United Kingdom ... it has been estimated that about two thirds of all significantly impaired individuals live at or around supplementary benefit level. (Albeda, 1984: 14)

Despite the substantial and consistent exclusion of disabled people from meaningful employment, the Disabled Persons (Employment) Act remained the only substantive legislative measure to promote any kind of employment for 51-years. The 1944 Act was only repealed by the Disability Discrimination Act 1995. Whilst not solely concerned with promoting employment amongst disabled people, successive administrations 'tinkered' with disability policy in a lukewarm and piecemeal fashion. For example, section 12 of the Employment and Training Act 1973 detailed the need for the careers guidance service to make provision for disabled people; the Health and Safety at Work Act 1974 required employers to ensure that the working environment was safe and, in doing so, were required to take a 'relevant disability' into account; the Companies' Act 1985 requires Directors to include a statement in their annual report concerning the company's policy toward disabled people; the 1988 Employment Act established Employment Training schemes and section 25 (2)(b) of the Act allowed for the inclusion of arrangements to encourage increases in the opportunities for employment and training of disabled people.

A recurring theme: disabled people and benefits

In view of the regressive nature of Conservative welfare policy, described above, it was entirely predictable that attention would eventually be focussed on disabled people. Using a theme that has since become ubiquitous, the government introduced proposals under the guise of 'promoting the independence of disabled people' in the 1990 White Paper '*The Way Ahead - Benefits for Disabled People*' (HMSO, 1990). One such measure was the proposal for a new means-tested benefit, originally known as 'Disability Employment Credit', but later renamed Disability Working Allowance (DWA) that was aimed at people whose impairment(s) put them at a *disadvantage in getting a job* and was paid tax free and in addition to low wages or earnings from self-employment. To be eligible for DWA, applicants had to be working 16 hours or more a week.

The Government claimed that DWA was a means to encourage people with disabilities 'to return to or take up work by topping up low earnings' and was aimed particularly at people receiving Incapacity Benefit or Severe Disablement Allowance. The Allowance acknowledged the disincentive to work posed by the loss of pre-existing benefits with a 'two-year linking rule', which enabled qualifying individuals to return to Incapacity Benefit or Severe Disablement Allowance, on the same terms as they left it, should work prove impossible. The scale of DWA paid was dependent upon the applicant's capital, income from work and hours worked. Additional sums were payable when the applicant had a partner or dependent children, including disabled children.

Despite the apparently innovative nature of DWA, its ability to attract disabled people back into work was severely limited. As Barnes, Mercer and Shakespeare observe:

> It was predicted that DWA would help around 50,000 of the 2 million disabled people of working age, yet in 1995 there were merely 4,000 recipients, and it was estimated that only 200 of these had entered employment because of the benefit incentives (Barnes, Mercer and Shakespeare, 1999: 137, citing Berthoud, 1995).

Explanations for the failure of DWA to help 92% of the predicted beneficiaries are varied – ranging from labour market conditions to employers' aversion to appointing disabled workers – and inconclusive. Nonetheless, Richard Berthoud identifies an elemental irony that illustrates the muddled thinking that has bedevilled UK disability policy: DWA is available to all who are receiving a benefit based on their incapacity to work which, after April 1995, meant only those deemed *entirely incapable of undertaking any work* by doctors appointed by the government (Berthoud, 1995: 85).

It should also be noted that disabled people were not the only – or perhaps even primary – beneficiaries of DWA. Its focus on disabled people in receipt of Incapacity Benefit or Severe Disablement Allowance and its goal of subsidising low wages suggests that DWA might equally be viewed as a wage subsidy for low-pay work and a means to reduce the number of people receiving benefit but contributing nothing to the national economy.

Promoting Civil Rights

Disabled Britons' campaign for civil rights is a matter of some dispute; according to Barnes and Oliver, disabled people had been actively campaigning for equal rights since the 1970s (1995: 111), whilst others suggest that the process started at least 50 years earlier (*cf.* Colin Low's contribution on page 23 of Campbell and Oliver, 1996). It is symptomatic of the invisibility of our history from the academic and official record that it is so difficult to identify the birth of the disability rights movement.

There are stages in the struggle for equal rights that can, however, be identified with some certainty: the 1982 report by the Committee on Restrictions against Disabled People [CORAD] provided 'evidence of over seven hundred cases of discrimination and recommending ADL [anti-discrimination legislation] (Campbell and Oliver, 1996: 15).'; the formation of the Voluntary Organisation for Anti-Discrimination Legislation [VOADL] in 1985, subsequently renamed the Rights Now Campaign (Gooding, 1996:

2) and which would survive in similar guise until 2003 and, finally, the publication, with the support of BCODP, of Colin Barnes' *Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation* in 1991. It is equally clear that calls for legislation went unheeded by successive governments, which had consistently denied that discrimination even existed (Barnes, 1991: 228; Barnes and Oliver, 1995: 111; Doyle, 1996: 1).

In addition to the difficulties inherent in adequately describing the genesis of the British disability rights movement (a task that I fervently hope will be addressed soon), efforts to trace the parliamentary history of attempts to enact anti-discrimination legislation are equally opaque; Barnes and Oliver (1995: 111) claim that since 1982, there were 13 unsuccessful attempts, whilst Gooding insists that there were 17 (1996: 2). What is beyond question is that on every occasion, such attempts had come from Private Member's Bills, that they achieved impressive levels of cross-party support and that they were consistently defeated by procedural means.

Veteran disability rights campaigner and parliamentarian, Jack Ashley, is rightly credited with introducing the first anti-discrimination Bill in 1982 but, reference must be made to the effort of another veteran campaigner: Alf Morris MP, whose Private Member's Bill would result in the Chronically Sick and Disabled Persons Act 1970 [CSDPA]. Although clearly intended to improve the situation of disabled Britons, the more proactive sections of the Bill were sacrificed, in order to permit progress of the remaining provisions (cf. Oliver, 1983 and Oliver and Barnes, 1994: 269 for the more critical view that professionals were the primary beneficiaries). It is important to note that Morris's CSDPA was the first substantive legislation in favour of disabled people since the 1944 Act (discussed at some length, above) and that it originated with a principled individual MP, rather than with the government.

The CSDPA introduced an obligation on local authorities to identify disabled people that resided in their area and, having done so, to 'provide for their needs'. The inevitable result was the establishment and maintenance of a new register by local authority social service departments. The scope of the Act was extensive, including references to 'welfare and housing (such as home helps, aids and adaptations); access to and facilities at public premises and educational establishments; the setting up of advisory committees and co-options to local authority committees (Bagilhole, 1997: 63).'

Whilst the scope of Act may have been extensive, the results achieved have been far more modest. Barnes, for example, referring to access to the built environment, notes the entirely voluntarist approach to increasing accessibility (Barnes 1990); rather than creating a legal obligation to ensure physical access, the Act 'requests' those in charge of premises to which the public have access to 'make adequate provision for disabled people', including toileting needs, a facility extended to all universities and school buildings by section 8 of the Act. Six-years later, the 'request for provision' was extended to places of employment by the Chronically Sick and Disabled Persons (Amendment) Act 1976. Crucially, the Act would always be restricted by the failure to allocate funds for its implementation and local authorities were required to implement the Act within existing budgets; because of this voluntarist approach, provision 'tend[s] to be uneven and many are vulnerable to economic pressures' (Birkett and Worman, 1988: 33, cited by Bagilhole, 1997: 63).

The Act specifically called for provision to be made only 'so far as it is in the circumstances both practical and reasonable', a phrase whose meaning was not defined in the Act and, accordingly, could be left to local authorities to interpret as they saw fit (Barnes, 1990: 172). As Bagilhole comments, the phrase: 'can be used to cancel out the very intentions of the Act (1997: 64).' Perhaps the most succinct appraisal of the Act is that provided by Hill (2000: 79):

> A second category of policies, with only indirect consequences for the minister's own department, are those whose enactment and implementation depend on another agency. Legislation giving powers, and even sometimes duties, to local government comes into this category. The Chronically Sick and Disabled Persons Act of 1970 is a classic example in this category. While it seems to involve the development of a national policy for disabled people, in practice, its dependence on local government makes it a gesture in which central government involvement is comparatively slight... Individuals and voluntary organizations are likely to have to work hard to make local government implement it. Clearly, it is easier for a minister to accept this kind of legislation than to develop a policy that effectively changes the direction of a great deal of work going on *within* the department. In the above case, the policy making may be more 'symbolic' than real; ministers may hope to derive kudos without really enacting innovations.

Whatever the shortcomings of the CSDPA, it would be another 25-years before so expansive a piece of disability-legislation would proceed through parliament. As Gooding has noted, the campaign for anti-discrimination legislation in the UK was emboldened and advanced by the enactment of the Americans with Disabilities Act 1990 (Gooding, 1996: 2), so much so that within the year Alf Morris introduced a private member's bill modelled on the ADA: the Civil Rights (Disabled Persons) Bill [CR(DP)B]. In a now familiar pattern, the bill was soon defeated, as was a similar bill reintroduced by Morris in 1992 (Gooding, 1996: 2; Doyle, 1996: 4). Finally, during the parliamentary session 1993-4, disabled people and our supporters finally had cause for optimism, when for the first time such a bill completed the Committee Stage in the House of Commons (the CR(DP)B reintroduced as a private member's bill by Roger Berry in November 1993). Such hopes were to be dashed when, in May 1994, the Bill was defeated by procedural means at the report stage.

The destruction of the CR(DP)B is of fundamental importance, both to subsequent discussion and to understanding why a government that had so resolutely denied that discrimination against disabled people existed should perform a very public *volte-face*. Tellingly, although the Minster for Social Security and Disabled People, Nicholas Scott MP, had introduced absolutely no amendments to the Bill during the Committee Stage, once the Bill returned to the House of Commons, last-minute amendments were tabled as a cynical means of 'talking out' the Bill.

Tom Clarke MP identified a particularly damning indictment of the Conservatives' reluctance to engage in constructive debate or to resolve dispute as to the precise content of the Bill. Most telling was Mr Clarke's observation that in 15-hours of discussion during the Committee Stage of the DDB, intervention from Conservative Members amounted to just 2½ minutes (*Official Report*, 10 February 1995, at col. 590). The tactics used, and the ammunition provided during the demonstration of filibustering, par excellence, would subsequently attract significant adverse comment (HC Deb, vol. 242, cols 960-1011 and HC Deb, vol. 243, cols 1077-1102).

On 15 July 1994, Nicholas Scott, in one of his final duties as Minister for Social Security and Disabled People, made a statement to the House of Commons in which he informed Members of the publication of the Green Paper: *A Consultation on*

Government Measures to Tackle Discrimination Against Disabled People 1994. It was clear from the outset that many of the issues that had been vital elements in the Civil Rights (Disabled Persons) Bill were to be omitted from the Government's Disability Discrimination Bill.

On 24 November 1994, Scott's successor, William Hague, outlined the provisions contained in the government Bill [hereinafter referred to simply as 'DDB'] in the House of Commons. At the same time, Harry Barnes MP indicated his intention to re-introduce a private members' Bill, as a means of ensuring that the restrictive nature of the DDB was adequately debated. At noon on the 12 January 1995, the Government published the White Paper *Ending Discrimination against Disabled People* followed, somewhat unusually, by the DDB receiving its First Reading *and* publication later the *same* afternoon. Harry Barnes was quite clear as to the reasons for this turn of events: 'news management' (*Official Report*, 10 February 1995, col. 570). It is certainly the case that the publication of a White Paper, intended to inform politicians and the nation of the Government's legislative intentions in a specific area, followed 4 ¼ hours later by the publication of precisely that legislation, is a bizarre way of proceeding. The Bill proceeded through both Houses of Parliament and received Royal Assent on 8 November 1995.

As the foregoing has shown, the evidence suggests that combating discrimination against disabled people was never a primary aim of the DDA, rather, the Act was introduced to defuse a growing political storm caused by the manner in which the government disposed of the Civil Rights (Disabled Persons) Bill (Gooding, 1996: 2). Whatever the political genesis for the legislation, the preamble to the Act claims that it is intended to:

> ...make it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises...

Despite such intent, it must be emphasised that the DDA is deficient in a number of areas (for a more detailed analysis of the Act's provisions, and failings, see Gooding, 1996). Primarily, the protection from discrimination is restricted to those who can show that they fall within the legislatively constructed class. Thus, the existence of statutorily defined 'disability' becomes the fundamental requirement for claiming the

Act's protection, in addition to indicating that medical perspectives on disability remain influential in the policy sphere. The fundamental failure of the DDA to include all those reasonably perceived as 'disabled' provides proof positive of legislative inadequacy (people with severe disfigurement, for whom additional measures had subsequently to be drafted, and people diagnosed with cancer, who remain inadequately protected at the time of writing, for example).

Although of greater evidential difficulty, it must be remembered that alternative approaches might have been adopted, including those where the existence or otherwise of an 'impairment' is immaterial. For example, it is possible to create a general duty to ensure accessibility – to employment or to goods facilities and services – so that failure to provide such access is actionable by *anyone*, not just a disabled person; such an approach might even hint at the beginnings of a legal model that adequately addressed the logic of the social model of disability. Alternatively, it is possible to found legal obligations on the principle that the *discriminator's attitude* is the crucial factor, rather than the *characteristics of the complainant*. Thus, whenever a causal relationship is shown between less favourable treatment and the physical or mental characteristics that the *discriminator imputes* to the complainant, there is a *prima facie* case to answer.

Whenever the law imposes an obligation on the complainant to prove that they are a 'disabled person', within the terms of anti-discrimination legislation (hereinafter referred to simply as ADL), the defence's invariable and entirely sagacious opening gambit is to show that the complainant cannot fall within the definition, thereby bringing any action to an immediate close. The outcome is that no matter how progressive and broad the protection sought by legislators and/or pressure groups, advancement is irredeemably obstructed by a game of legal semantics; experience from the USA shows that the judiciary are sympathetic to such tactics and too often ignorant of – or hostile to – the purposive intent behind the legislation (Hahn, 2002).

An issue that exemplifies the muddled thinking behind construction of the DDA, and that continues to offend is that legislation making it 'unlawful to discriminate against disabled persons' actually provides a formula for 'justified' discrimination. Thus, in addition to making it *unlawful* to discriminate against *some* disabled people in *some* circumstances, the Act also provides *statutory approval* for discrimination, defensible by its own legislative formulae. Objections to this arrangement may be dismissed as an exercise in semantics but, it is contended, legislative approval for discrimination within ADL is both symbolically and intellectually odious. Far from 'justifying' discrimination, the more acceptable and explicable formula would have been to exempt specified circumstances from the ambit of discrimination; thus, for example, failure to make adjustments in the circumstances of *this* case are *not discriminatory*.

Another issue that is difficult to reconcile with the legislation's stated aim is the exemption of small employers from the ambit of Part II, 'Employment'. Whilst excluding employers with less than 20 employees (since reduced to 15) provides a neat political solution to economic fears, such measures are superfluous from a legal point of view. Employers are not required to appoint, transfer or promote suitably qualified disabled people at *any* cost and, indeed, issues of cost only arise where the circumstances of the employee or applicant require that reasonable adjustments be made. Even where adjustments are necessary, the obligation is to do only what is 'reasonable'. Accordingly, in assessing what is reasonable for an employer, *irrespective of the size of the organisation*, the legislation already ensures that they are not required to incur unreasonable cost or disruption. It is difficult to view the small-employer exemption as anything other than a sop to 'commercial interests'.

The DDA's treatment of education and transport were particularly revealing of the rushed and ambivalent nature of the Act. It must be emphasised that the government had not referred to either education or transport in its consultation exercise, but included limited reference to both after receiving overwhelming support for protection in these areas during the subsequent consultation exercise. The failure to provide for non-discrimination in education was fundamental and cynical. Unless and until disabled people are offered equal access to education, advances in employment opportunity – for all but low-grade, entry-level work – must be substantially hindered (discussion of the utility of pushing poorly qualified disabled people into entry-level and minimum-wage employment will be discussed below; further, education was subsequently addressed by the Labour government with the enactment of the Special Educational Needs and Disability Act 2001). Although support for mainstream education is not universal amongst disabled people, with some people with sensory impairments preferring segregated educational provision, there is also growing evidence of the difficulties inherent in special education (see, for example, Hall, 1997; Clough and Barton, 1995; Armstrong and Barton, 1999). In his insightful assessment of special education John Hall, under the blunt heading: 'Involuntary segregation is culturally deviant', highlights the dubious ethics behind segregated education:

> That compulsory segregation requires justification is not a matter for concern solely within the education service. Most modern democratic states build in substantial safeguards to protect citizens from the worst excesses of the police and the bureaucracy and, apart from the protection of life itself, the next most important area to safeguard is the liberty and rights of the individual.
>
> As far as liberty is concerned, there is an expectation that the individual will be able to move freely within society and participate fully in the life of the community - making use of its services and opportunities on an equal footing with all other citizens. There is also an expectation that such freedoms will only be curtailed if an individual knowingly engages in violent or otherwise anti-social behaviour or becomes dangerous to himself or others through developing a mental illness… It is hard to think of examples of involuntary segregation which fall outside this scenario of perceived societal threat yet, with scarcely a second thought, we continue to segregate (in many cases compulsorily) a minority of our children for the duration of their educational careers. It is high time we seriously asked ourselves why this is. (Hall, 1997: 5)

Although I do not subscribe to the Victorian view that increasing educational attainment amongst 'disadvantaged' groups is the solution to all ills, it is demonstrably the case that unless there is equality of access to education, a substantial proportion of disabled people will continue to be denied the educational and subsequent vocational chances that their non-disabled peers enjoy. The failure to address education was both fundamental and insupportable.

When William Hague announced the government's intentions for the DDA in the 24 November 1994 House of Commons statement, he conceded that: "Transport is another crucial area for disabled people (*Official Report*, 24 November 1994, col. 744)". However, later in his statement he made it clear that no matter how 'crucial' transport might be, the government had no intention of requiring an accessible public transport system in the near future (*Official Report*, 24 November 1994, col. 744).

I have previously discussed the shortcomings of the original bill and the subsequent enacted legislation in detail (Light, 1995 and Light, 1996); rather than repeat that critique here, it will suffice for current discussion to note that the Act conformed to new right discourse by creating a tightly constrained and individualised approach, rather than a collective response to institutionalised and endemic discrimination.

Assessing the DDA's impact

Results achieved by the legislation are instructive and, based on American experience, entirely predictable. There have been three substantive investigations into results achieved by the Act:

(a) *Monitoring the Disability Discrimination Act (DDA) 1995*, Institute of Employment Studies, May 1999 (Meager *et al*, 1999);

(b) *Monitoring the Disability Discrimination Act 1995, Phase 2, First Interim Report to the Department for Education and Employment*, Income Data Services Ltd, March 2000 (IDS, 2000), and

(c) *Monitoring the Disability Discrimination Act 1995 (Phase 2)*, Income Data Services Ltd. (Leverton, 2002)

It is not intended to analyse these studies individually or in detail here, but in order to provide data from which subsequent propositions can be supported, it will be necessary to highlight recurring themes.

Meager *et al.* report on the implementation of the DDA during the first 19-months of operation (1999:1), the authors also, in my opinion, provide the most perceptive and far-ranging analysis. In particular, Meager speedily identified common themes that would subsequently bedevil the DDA: the lack of finance acting as the main bar to individuals bringing complaints (1999:14); the complexity of the DDA definition of 'disabled person' (1999:15); the failure of 'normal day-to-day activities' to account for activities that were only work-related (1999:16); alarming ignorance of the precise terms of the legislation by tribunals (1999:17 & 20); 'significant reliance on medical evidence in many tribunal cases (1999:18)' and the 'significant barrier for potential applicants [of] … reluctance to identify themselves as 'disabled', or to display or publicise their condition through taking a case (1999:19).'

The disposition of complaints alleging breach of Part II of the DDA is not consistently reported through these studies although, rather helpfully, they are in the first and the last. In both cases, the vast majority of complaints reviewed relating to employment (Part II of the DDA) failed to make it to a tribunal hearing. The results of both studies are reported in Table 1, below. That less than a quarter of complaints made result in a tribunal hearing is likely to be a matter of some frustration for applicants. Meager reports that 'notions of justice' and 'not letting them get away with it' were common motivations for the complainants interviewed during the case studies (1999: 73), despite these principled motives, very few complainants will find that they have their day in court.

Disposition of case	1999 Study (% of cases)	2002 Study (% of cases)
Heard by Tribunal	22	18.8
Conciliation – ACAS	40.8	39.7
Case 'settled privately or withdrawn'	33.7	37.8
Cases 'struck out by the tribunal or disposed of in some other way'	3.5	3.7

Table 1: Disposition of DDA Part II complaints in 1999 and 2002, prepared from data provided by Meager *et al*, 1999: 207 and Leverton, 2002: v.

In all studies, the vast majority of complaints heard alleged dismissal and suggest that the DDA is either yet to impact on recruitment or that employers are extremely successful in ensuring that their recruitment process does not discriminate against disabled people (please see Table 2, below). As will be seen, the variation in complaint lodged by jurisdiction remains remarkably consistent throughout all three studies.

	1999 Study (% of cases)	2000 Study (% of cases)	2002 Study (% of cases)	Mean (% of cases)
DDA 1 - dismissal	68.5	68.6	68.5	68.53
DDA 2 - other detriment	16.9	18.7	17.5	17.70
DDA 3 - recruitment	10.8	9.2	8.9	9.63
DDA 4 - reasonable adjustment	26.3	31.2	32.7	30.07

Table 2: DDA Part II cases by jurisdiction; adapted from data supplied by Meager *et al*, 1999: 164; IDS, 2000: 8 and Leverton, 2002: 77.

The 'success rate' – or the number of complaints heard at tribunal that result in a finding in favour of the applicant – is quite appalling across all three studies (Table 3, below) and could not be described as encouraging for disabled people who felt that they had been discriminated against in employment.

	1999 Study (% of cases)	2000 Study (% of cases)	2002 Study (% of cases)	Mean (% of cases)
Successful at hearing	15.90	23.00	19.5	19.47
Unsuccessful/dismissed	84.1	77.00	80.5	80.53

Table 3: Success rates of DDA Part II cases heard by Tribunal; adapted from data supplied by Meager *et al*, 1999: 212, Table 6.23; IDS, 2000: 10, Table 8 and Leverton, 2002: 90, Table 35.

The consequence of access to qualified legal representation in Industrial Tribunal cases is well documented (see, for example, Tremlett & Banerji, 1994), and in accordance with such reviews, the three DDA studies also report significant variation in success rate, according to whether the applicant was represented and by which agency provided that representation. The unhelpful result is that only when applicants engage professional legal representatives, whose court fees cannot be met from legal aid, are chances of success at tribunals significantly increased (see Table 4, below).

	1999 Study (% of successful cases)	2000 Study (% of successful cases)	2002 Study (% of successful cases)	Mean (% of successful cases)
In person	12.0	15.6	13.7	13.77
Solicitor	26.9	32.1	25.7	28.23
Barrister/counsel	36.4	39.7	28.9	35.00
Trade Union official	15.2	25.4	20.4	20.33
Other representative	11.7	19.47	28.1	19.76
Represented, but unsure by whom	0.0	n.a.	n.a	0.0
Not represented, not present	0.0	n.a.	0.0	0.0

Table 4: Success of DDA Part II cases at tribunal, by type of applicant representation; figures obtained from Meager *et al*, 1999: 214, Table 6.26; IDS, 2000:10, Table 9 and Leverton, 2002: 98, Table 42.

Having established that the applicant's success at tribunal appears to be radically affected by whether and by whom they are represented, it is instructive to note the nature of representation of which applicants at tribunal hearings were able to avail themselves. As Table 5, below, shows, almost a quarter of applicants represented themselves, with solicitors providing the next most frequent form of representation (13.43 per cent of all cases studied). Trade union officials and barristers provide the next most common forms of representation (13.47 per cent and 13.43 per cent of total tribunal hearings, respectively). It is unfortunate that disabled people's organisations, which might be expected to combine knowledge of the legislation with awareness of the reality of disablement, represented applicants in just 0.23 per cent of tribunal hearings, a situation hastened by the difficult financial situation confronting many such organisations. Regrettably, mainstream sources of free advice and assistance – CAB's and law centres – are also infrequent sources of representation (5.77 per cent and 3.87 per cent, respectively).

	1999 Study (% of cases)	2000 Study (% of cases)	2002 Study (% of cases)	Mean (% of cases)
In person	22	21.0	21.4	21.47
Solicitor	18	16.6	17.6	17.40
Barrister/counsel	12	14.1	14.2	13.43
Trade Union official	13	14.4	13.0	13.47
CAB/advice organisation	6	5.7	5.6	5.77
Law centre	5	4.0	2.6	3.87
Disability organisation	< 1	0.2	0.5	0.23
Friend/relative	5	3.9	4.0	4.30
Consultant	5	4.5	3.0	4.17
Other	1	7.0	4.9	4.30
Represented, but unsure by whom	4	n.a.	n.a.	1.33
Not represented and not present	3	2.2	4.3	3.17
Not known	9	6.4	8.9	8.10

Table 5: Nature of representation for applicants at tribunal hearing, figures obtained from Meager *et al,* 1999: 102, Table 4.1; IDS, 2000: 9, Table 6 and Leverton, 2002: 83, Table 26.

By comparison, respondents were almost twice as likely to be represented by a solicitor or barrister as were applicants (Meager *et al*, 1999:103, Table 4.2; IDS, 2000:9, Table 7 and Leverton, 2002: 84, Table 27). In view of the not entirely surprising result that solicitors and barristers increase their clients chances of success (but even more so when representing respondents, it would seem; see Meager, 1999:215, Table 6.28), the data reported immediately above offers at least one compelling explanation for the quite appalling success of people bringing cases under the DDA.

Turning from the barriers faced by individual complainants to the Act's potency, the DDA's capacity to combat discrimination must be called into question by the derisory reparation awarded in successful cases. Leverton reports that:

> At 1st September 2000 the Part II database contained details of 119 awards in successful DDA claims. The average compensation award was £9,841 and the median award was £4,000. With regard to awards for injury to feelings, the average award was £3,565 and the median award was £2,500.70 these figures relate to all entries made on the database since the entry into force of the Act. (2002: 110)

Although these average and median awards have increased since Meager's study, his comments remain apposite: "case studies revealed a low level of satisfaction with remedies and awards amongst successful applicants (1999: 25)." Of particular significance to the propositions developed in this thesis, such awards appear to follow the pattern of the (rare) fines imposed under the 1944 Disabled Persons (Employment) Act and could not be viewed as providing an effectual incentive for compliance.

Finally, the number of DDA cases registered provides some indication of its success. Leverton provides just this information (Table 6, below) and it can be seen that there are very few people seeking a remedy for discrimination under the DDA. To put these figures in context, the Department for Work and Pensions report an annual inflow of 700,000 people onto Incapacity Benefit and yet, even in the year with the greatest number of employment-related cases registered (1999), DDA complaints amount to less than half a per cent of the annual inflow onto Incapacity Benefit. Whilst it cannot be claimed that all of these people have lost their jobs due to disability discrimination (references to the number of people moving onto IB each year offers no clue to the extent of discrimination in recruitment or the provision of reasonable adjustments, both of which would significantly increase the pool of disabled people who might have cause to register a complaint against an employer) the disparity in figures, I would contend, indicates just how few disabled people are seeking recourse to the DDA for discrimination that has been shown to be endemic.

Year	Number of cases registered
1996	17
1997	1,381
1998	2,245
1999	2,931
2000	2,334
Total number of cases registered	**8,908**

Table 6: "Part II cases by year of registration in the UK (1st December 1996 – 1st September 2000)" reproduced from Table 5, Leverton, 2002: 65.

What does this brief review of the empirical data tell us about the effectiveness of the DDA? Firstly, that consistently less than a quarter of applicants will have the satisfaction of having their complaint heard by an employment tribunal, three-quarters of cases going to conciliation would be settled privately or withdrawn. Put simply, in three quarters of the complaints lodged, it is almost impossible to establish, independently and definitively, the adequacy of DDA Part II processes or outcomes. Furthermore, an undisclosed number of those cases resolved outside a tribunal will result in the successful applicant having to accede to a gagging clause to ensure resolution of their complaint. The circumstances of the discrimination, the conduct of the employer and the reparation agreed will remain a closely guarded secret.

Secondly, it is demonstrably the case that Part II of the DDA has had a minimal impact on the recruitment of disabled people; I conceded, above, that this *may* be due to employers' effective implementation of non-discriminatory employment practices; however, empirical evidence suggests that this is not the case. Stuart *et al.* (2002) show that whilst many employers claim to have a good knowledge of the DDA and its requirements, such claims are insupportable when knowledge is tested (2002: 25-8). More telling still, only 6 per cent of the employers surveyed had any formal written policy on disability (2002: 32, Table 3.11) and 84 per cent reported that their organisation had made no changes to employment policies since the introduction of the DDA. Perhaps predictably, in view of these findings, just 13 per cent of surveyed employers currently had disabled employees.

Thirdly, the studies show that less than a quarter of applicants whose complaints reached an employment tribunal were successful. It should also be remembered that less than a quarter of all complaints recorded would reach a tribunal at all; thus, less than 6 per cent of all cases recorded will result in a successful tribunal hearing. Of the small minority of complaints reaching the tribunals, applicants' chances of success are significantly increased, statistically, if they are represented, particularly by a solicitor or barrister. A little over 30 per cent of applicants were represented by such a professional legal adviser at the tribunals although respondents were twice as likely to be so represented. There can be no doubt that the absence of legal aid for representation at the tribunal, although sometimes available for the preparation of a case, has had an identifiable effect on the administration of the DDA, with the vast majority of applicants denied such specialist representation and, as has been shown, thereby reducing the likelihood of success.

Fourthly, the average financial award achieved by successful applicants at tribunals was £9,841 for compensation and £3,565 for injury to feelings. Taken at face value, these figures are less than generous, but when it is remembered that over two-thirds of the complaints recorded related to dismissal, it is difficult to avoid the conclusion that where disabled people lose their job because of proven discrimination, the compensation they will receive is equal to approximately 6-months of average UK earnings. Are we to assume that all of the people losing their jobs were facing retirement anyway (so that their 'loss' from discriminatory dismissal would be modest); that the legal system, despite all the evidence to the contrary, perpetuates the fallacy that disabled people will soon find alternative work as a result of all the 'special schemes' available to them; or simply that the loss of work for a disabled person is considered unworthy of more generous compensation?

Levels of reparation are not merely important for the victims of discrimination; in order to have an impact on changing behaviour and policy, it is essential that discriminators face the glare of adverse publicity and that they are widely perceived by other employers to have been dealt with in a robust manner. We have already established that the scale of reparation is unlikely to provide a realistic financial disincentive to discrimination but, to compound this weakness still further, "The use of confidentiality agreements, or 'gagging clauses', in settlements" that "was a common practice in the case studies (Meager *et al*, 1999: 27)" serves to limit the public relations damage caused to employers found to have discriminated.

Finally, we have seen that of the 5,506,000 working age, "DDA disabled" people in the UK (DfEE, 2001:111, Footnote 4, referring to *LFS*, Summer 2000), just 8,908, or 0.16 per cent, of them had felt it necessary to complain of discrimination in employment during the first 4-years after the DDA's implementation.

In November 1999, a report by the House of Commons Select Committee on Education and Employment reviewed the results achieved by the DDA and commented:

> It is clear that discrimination on the part of employers contributes to the disadvantage experienced by disabled people in the labour market. One of the key measures of success proposed in the Welfare Reform Green Paper was a reduction in discrimination against disabled people. We believe that there is still a long way to go before this target is met, particularly in the field of employment...
>
> The evidence which we received from employers and their organisations revealed that simple prejudice and discriminatory practices on the part of employers are not the whole story. Employers' awareness of, contact with, and experience of employing, disabled people, and their ability to access appropriate support from the agencies which help disabled people with their job-seeking (such as the Employment Service and a number of voluntary sector organisations), are also critical. (Education and Employment Committee, *Ninth Report*, Session 1998/1999 at Para's 15 &16)

The Select Committee highlight a number of additional issues considered likely to impact on the effectiveness of the DDA, including access to education and training, benefit eligibility rules, a plethora of 'pilot schemes and financial incentives' and access to personal assistance, many of which will be explored in the following chapter.

The Access to Work Scheme

In the interests of thoroughness, it should also be noted that having finally legislated, no matter how ineffectually, to protect disabled people from discrimination, the Conservative Government was quick to diminish practical measures to assist disabled people into employment. As has already been noted, the DDA received Royal Assent on 8 November 1995 and, within two months, that is before any of the employment measures of the DDA came into effect, the Government was seeking to reduce disability expenditure by surreptitiously tinkering with eligibility to Access to Work, the most successful employment scheme for disabled workers to date. Opposition to these plans, once they became public, would cause yet another *volte-face* in disability policy.

Conclusion

The preceding chapter of this thesis outlined the treatment of disabled people from pre-Christian to the pre-war period. As a result of the nature of social and policy responses, much of that discussion was focussed on the 'war on poverty', rather than specifically upon disabled people. It has been acknowledged that disabled people comprised a category by default, a group that were nominally excluded from the moral imperative to be engaged in paid work; an imperative that comprised an essential response to the transition to industrialisation. Put simply, disabled people were viewed as incapable of work.

In this chapter, we have reviewed the growing analysis of disability as a discrete issue for policy response; from the background and coming into force of the first English legislation aimed specifically at disabled people: the Disabled Persons (Employment) Act 1944 and on to repeated efforts to pass civil rights legislation in favour of disabled people. Vitally, we have explored, in some detail, opposition to measures to increase the employment of disabled people, both from government departments and others representing vested interests, including employers and the labour movement. Such opposition led both to a failure to actively implement the measures introduced by legislation and to the banishment of many disabled people from employment, either through their diversion into supported/sheltered employment or from a complete refutation of their ability to undertake employment and attendant denial of registration under the Act.

Such exclusion was replicated in the renunciation of educational opportunity for disabled children although, ironically, whilst disabled adults were largely viewed as unemployable, disabled children were provided with vocational training in preference to formal education, presumably in an effort to ensure that employment prospects would be improved. For too long, educational policy has been driven by the aim of keeping disruptive children from the classroom and, with an evident disregard for the needs of disabled children, it was seen as uncontroversial to include them within this excluded category (Clough and Barton, 1995).

There has also been discussion of a number of welfare measures introduced for disabled people, including Attendance Allowance, Disabled Living Allowance and the Disability Working Allowance, together with the retrenchment of welfare provision under a Tory government in the 1980's.

Finally, we have extensively reviewed efforts to enact civil rights legislation in favour of disabled people. A recurring theme in these political efforts has been the refusal of successive governments to engage in debate of the substantive issues, preferring to wreck the struggle for full and enforceable civil rights by procedural means. After twenty-five years of parliamentary effort, disabled people were denied meaningful influence in the process when the government imposed the Disability Discrimination Act on them, more as a means of defusing a political crisis than ending discrimination.

The disparate and wide-ranging measures discussed within the chapter reveal, I would suggest, some consistent themes: firstly, the exclusion of disabled people and the discriminatory attitudes that lie behind such exclusion. Secondly, an inability to remove disablement from the political agenda; despite a plethora of legislation, the government consistently failed to address the problems or satisfy disabled people and their supporters. Finally, and most importantly, it is impossible to evince a genuine intention to combat the exclusion of disabled people from economic independence or to prevent the discrimination that lies at the root of much of this exclusion.

To apply such themes more closely to the goals of this thesis, substantial evidence has been adduced to show that, even where government finally responded to the chronic exclusion of disabled people from the economic life of the country, appearance has been of greater importance than substance. Successive governments have been forced to introduce reform according to the dictates of the Treasury and vested interests. The development of disability-programmes in the UK has had little to do with the needs of disabled people – who continue to be treated as individuals with problems (whether functional, attitudinal or both), rather than a social group subject to systemic oppression – and everything to do with promoting the "efficient" operation of markets.

Whatever the shortcomings of the policy and legislation described to this point, as the next chapter will show, they mark the high-water mark for disabled people. New Right dogma, that saw a retrenchment in welfare policy in the 1980's, has indelibly influenced subsequent policy initiatives, to the extent that disabled people have found themselves embroiled in a resurgence of the deserving/undeserving dichotomy which, in stark contrast to the assumptions implicit in the various Poor Laws, precisely require that disabled people make a transition from welfare to work, irrespective of the barriers that remain largely untouched.

The limited success of the DDA reported here does not, in my estimation, show that anti-discrimination legislation is ineffective or pointless, rather, it merely illustrates that such legislation interacts with an already complex web of rights, entitlements, duties and political priorities. Decisively, and as appears to be the case with the DDA, ADL may be used as a means of defusing a political problem, rather than combating discrimination; it is of greater symbolic than practical purpose.

Chapter 4

NEW LABOUR AND A RETURN TO THE NEW POOR LAW

When one voice rules the nation
Just because they're top of the pile
Doesn't mean their vision is the clearest
The voices of the people
Are falling on deaf ears
Our politicians all become careerists...

God bless the Civil Service
The Nations saving grace
While we expect democracy
They're laughing in our face
And although our cries get louder
Their laughter gets louder still
Above the sound of ideologies clashing

Billy Bragg, 'Ideology' from the album Victim of Geography, ©
Billy Bragg 1993

Introduction

We have, thus far, shown that disabled people are largely absent from the historical record until at least the First World War and that, even when disabled people became a more visible part of the *policy* record, their treatment was marked by ambivalence and the influence of vested interests. In this chapter, I will continue with a review of the development of disability policy since New Labour's election victory in May 1997. As will clearly be seen, this Government entered office with the stated goals of supporting effective civil rights for disabled people and undertaking a radical overhaul of the welfare system. Regrettably, the laudable aims claimed by New Labour have been fundamentally influenced by a political agenda that, far from advancing the aim of inclusion, has served to denigrate disabled people and redraw the boundaries between the deserving and undeserving poor. We have witnessed a typically neo-liberal response to the 'problem' of disability, a problem defined in relation to the imperative to browbeat welfare recipients into work.

It might be thought that the waning of Tory governance and the election of a New Labour government in May 1997 provided an obvious and identifiable point of departure for public policy, but as this chapter will show, such aspirations have proven overly optimistic. Of vital importance to this thesis, New Labour's disability policy must be construed within a wider political framework, as a single element in a new political hegemony. It is the positing of disability policy within wider political imperatives that goes to the heart of this thesis and, it will be claimed, continues to commend a social model approach to disability studies.

Whilst the Labour Government has pursued an active programme of changes to welfare and benefit programmes, for the purposes of this thesis, attention will be concentrated on two apparently over-riding priorities: tightening access to benefits (Incapacity Benefit (IB) and Disabled Living Allowance (DLA) in particular) and advancing supply-side work programmes, primarily within the context of the New Deal for Disabled People (NDDP). However, before moving to a detailed analysis of these programmes, a brief synopsis of DDA-related reform will be provided.

It must be emphasised that the very nature of the reform process makes this chapter complex and convoluted; to such difficulties must be added the essential task of providing detailed analysis of contemporary policy, including protracted examination of budgets and expenditure on the New Deal for Disabled People. As will become obvious, thorough investigation of the available information reveals inconsistencies and the 'loss' of substantial sums of money earmarked for the New Deal programme. That New Labour policy in relation to disabled people has been contradictory will be largely self-evident; showing that such policy amounts to little more than rhetoric, whilst also suggesting that it is only explicable as part of a wider economic agenda, is more challenging. Challenging or not, I believe that the discussion that follows is essential in order to emphasise the extent of continuity through periods of ostensible transformation, not least the disparity between propaganda and substance. As we shall see, whilst disability may be firmly on the political agenda, policy remains anything but groundbreaking.

New Labour – addressing the DDA's flaws?

The Labour party's 1997 election manifesto contained an unequivocal commitment to disabled people's civil rights:

> … we support comprehensive, enforceable civil rights for disabled people against discrimination in society or at work, *developed in partnership with all interested parties*. (*new Labour because Britain deserves better*, 'Real rights for citizens', unnumbered copy retrieved, on 16 February 2003, from http://www.psr.keele.ac.uk/area/uk/man/lab97.htm, *my emphasis*)

Soon after the election, the government reassigned overall responsibility for disability issues to the Department for Education and Employment, from the Department of Social Security. In a press release issued in May 1997, to publicise this transition, Andrew Smith, Minister for Employment, Welfare to Work and Equal Opportunities, justified the reassignment as a means of better:

> … work[ing] towards ensuring that disabled people fulfil a wider role in society as people able to take advantage of education, training opportunities and the employment market. I intend disabled people to play a full part in the opportunities that our Welfare to Work initiative will provide. (HoCL, 1999: 8)

That the release should focus on the Welfare to Work initiative appeared to mirror government priorities for disabled people, as subsequent developments to be outlined in this chapter will show. A further press notice from the Department for Education and Employment, released on 1 October 1997, made reference to a three-point strategy on disability rights, to include a commitment to implement the remainder of the DDA's provisions, but without specifying the strategy itself.

Whilst the Government was still preparing its programme for 'comprehensive and enforceable' civil rights for disabled people, it was already acting to introduce changes to Part 4 of the Education Act 1996, relating to children with special educational needs [SEN]. In October 1997 the Government published the Green Paper: *Excellence for All Children: Meeting Special Educational Needs* and, following the usual consultation exercise, then published *Meeting Special Educational Needs: A Programme of Action* in November 1998. This report outlined action to be taken over a 3-year period to implement the Green Paper's recommended changes. Whilst it may seem that such effort has little to do with civil rights, as will shortly become clear, the changes to SEN would subsequently be conflated with proposals to combat discrimination in education.

On 3rd December 1997 Smith defined the previously mentioned "three-point strategy" as an intention to (a) "establish a Ministerial Task Force to undertake a wide consultation on how to implement comprehensive and enforceable civil rights for disabled people;" (b) "move to establish a Disability Rights Commission;" and (c) "go ahead with implementing the remaining rights of access to goods and services in the Disability Discrimination Act (Department for Education and Employment Press Notice, 3 December 1997, cited in HoCL, 1999: 8)."

Later the same month, the Disability Rights Task Force [DRTF] was established, "to advise on how best to deliver the Government's manifesto commitment to comprehensive and enforceable civil rights for disabled people ('The Disability Rights Task Force', http://www.disability.gov.uk/drtf/, downloaded 23 April 2003)." The DRTF's terms of reference were:

> To consider how best to secure comprehensive, enforceable civil rights for disabled people *within the context of our wider society*, and to make recommendations on the role and functions of a Disability Rights Commission...
>
> The Task Force will take *full account of the costs* as well as the benefits of any proposals, so far as is quantifiable and practicable, and in particular ensure that its recommendations for a Disability Rights Commission achieve *value for money* for the taxpayer. (http://www.disability.gov.uk/drtf/, downloaded 23 April 2003, *my emphasis*)

Although the newly elected government had acted swiftly to set its manifesto commitment in motion, it had also, as the manifesto pledge had made clear, located that commitment within a wider context: this would not be civil rights at 'any cost' or on 'any terms' but rights "developed in partnership with all interested parties". Such a collaborative approach was underlined by the nominees for the DRTF, which included disability activists alongside representatives of the labour movement, disability charities, local authorities and the business community. That the DRTF's terms of reference provide so prominent a stipulation of cost/benefit analysis is, at best, gauche; however, it must also be acknowledged that anxiety about the fiscal effects of disability policy have, of course, been a recurring theme throughout this thesis.

On the 24 November 1998, the Queen's Speech confirmed the government's intention to introduce legislation necessary to establish the DRC; the Disability Rights Commission Bill received Royal Assent on 27 July 1999 and the Commission began work on 25 April 2000. On 13 December 1999, the DRTF's final report: *From Exclusion to Inclusion* was published, a wide-ranging and incisive document containing 156 recommendations, encompassing the broad areas of the legislative definition of disability, education, employment, access to goods, services and premises, travel, the environment and housing, participation in public life and local government, health and social services. The Government issued an interim response – confined to the Task Force's non-legislative proposals – in March 2000. It was another year before the full response to *From Exclusion to Inclusion* was finally released; *Towards Inclusion – civil rights for disabled people* was published on 5 March 2001.

On 11 May 2001, the Special Educational Needs and Disability Act 2001 received Royal Assent; Part 1 of the Act dealt with SEN and was clearly the product of priorities established previously by New Labour (proposals were first announced in the Green Paper: *Excellence for All Children: Meeting Special Educational Needs* in October 1997; HMSO, 1997). By comparison, Part 2 of the Special Educational Needs and Disability Act amounted to a legislative response to the DRTF's key education recommendations, amending Part 3 of the DDA – so that all providers of education were included within the duty to avoid discrimination in access to goods, facilities and services – and Part 4 of the DDA – granting rights for disabled people in education.

On 22 January 2003, Andrew Smith made another disability-related announcement, with the revelation that the Government intended to publish a draft disability Bill before the end of the year. Although short on detail, the written statement from Smith promised changes to the DDA that would affect "the public sector, transport and premises, some widening of the definition of disability" and "cover membership of larger private clubs in the DDA" (retrieved from http://www.dwp.gov.uk/mediacentre/pressreleases/2003/jan/csd2201-flying.htm, on 16 April 2003).

Getting to grips with the 'undeserving' poor

Incapacity Benefit

In 1995, shortly after the DDA received its Second Reading in the House of Lords, the Conservative government introduced a new benefit: Incapacity Benefit [IB], in response to the conviction that, were eligibility criteria tightened, 'undeserving' claimants would be forced off benefits and into work. Introduced to replace Sickness and Invalidity Benefits, and including the imposition of an 'all-work test', IB was expected to contribute to exchequer savings estimated at £2.5 billion by 2001.

That the changes introduced in April 1995 were prompted by fiscal motives is clear, as IB was launched, Ministers were predicting that up to 220,000 people who had been in receipt of Invalidity Benefit would lose entitlement during the first two years of the new benefit *(Disability Now,* April 1995*).* Were ministerial predictions to prove accurate, the government would make savings estimated to be in excess of £400 million in the first year, rising to £2.3 billion by the year 2000. However, governmental aspirations to decrease claims by making the Benefit harder to obtain proved overly optimistic: by December 1996, only 19,000 people had been declared 'fit for work' as a result of the harsher medical tests. Of these, 6,520 people had lodged appeals against the decision ('Incapacity Benefit fails to produce savings', *Disability Now*, February 1996: 4)

By May 1996, the Conservative government acknowledged that, having tested 1.5 million people during the first year of the Benefit's existence, 75,838 were assessed as not being entitled to receive it. However, and most strikingly, according to the Benefits Agency, of the almost 76,000 denied the benefit, only 289 found jobs. The government was dealt an additional blow when it was found that far from making significant savings, estimates were now suggesting that '... the scheme may have saved as little as £5 million, while costing £55 million in running costs ('Incapacity losers lose twice', *Disability Now*, May 1996: 3).'

Disabled people voiced considerable anxiety about the 'all-work test', introduced with IB and, with the election of the New Labour Government, may have hoped that the

Conservative's savage assault on IB would end. If so, they were to be disappointed. In December 1997, the recently elected Labour Government was bringing additional pressure to bear on recipients. Under the headline 'Disability tests to be tightened', the *Financial Times* reported the Government's intention to "significantly tighten" medical assessments, particularly the widely despised 'all-work test' ('Disability tests to be tightened', *Financial Times*, 23 December 1997 at page 8). Not content with existing strategies, and with the transparent mark of Labour spin-doctors, merely claiming wide-scale fraud was now considered insufficient to the task ahead. Public support for wider welfare reform was being sought with the claim that: 'Separately, DSS figures emerged last night showing that more than a third of the £24bn spent on disability benefits annually goes to households with incomes above the average.'

Whilst the DSS figures may have 'emerged separately', the *Financial Times* article had clearly conflated the arguments, an extremely fortuitous result in view of the Government's agenda. In stark contrast, a front-page article in the *Guardian*, published the same day, provided an entirely different 'spin' on events. Under the headline, 'Labour "is using black propaganda"', the paper was unequivocal about the Government's difficulty with welfare reform and, in view of the important issues addressed, and the article will be extensively cited:

> Tony Blair was last night mounting a frantic damage-limitation exercise over government plans to cut disability benefits, as growing anger led to arrests of wheelchair-bound protestors in Whitehall.
>
> But the Government's fight-back appeared to make matters worse. Disabled people were incensed at what they saw as a black propaganda campaign by Labour spin doctors, desperate to extricate ministers from their difficulties over the planned cuts.
>
> ... Disability groups were outraged by government inspired reports that many benefit claimants were well-off.
>
> According to the reports £10 billion of the annual bill for disability benefits goes to households on above average incomes. Some £3.5 billion goes to the 25 per cent of households with the highest incomes, either £20,000 a year for a single person or £27,000 for a couple.
>
> With the Department of Social Security last night distancing itself from this interpretation of figures, disability organisations accused the government machine of resorting to underhand tactics to get ministers off the hook...
>
> Stories were planted in the media about people claiming disability benefits when they were fit to work. In fact, most disabled people are past

> retirement age and official estimates have suggested only one in five might be of working age, unemployed and capable of work with the right kind of support.
>
> Yesterday's income figures, released selectively ahead of official publication next month, brought the mood among disability activists to boiling point. Reports suggested 40 per cent of the £24 billion bill for disability benefits went on payments to households with "above-average" incomes. On the face of it this was solid justification for means-testing or taxing the allowances. However, DSS - which admitted it was the source of the figures - said later this figure was debatable, and did not take account of the income required by disabled people to meet their extra costs.
>
> "The reason they receive benefit, and may therefore seem to have a higher income, is because the government recognises they have extra needs," a spokesman said.
>
> Disability groups called for an end to partial briefing of the media... (*Guardian*, 23 December 1997:1)

As was soon to become clear, the government-fed media campaign was part of a larger scheme; welfare reform was a central feature of the Labour party's electoral mandate and the Government seemed intent on achieving those ends, if not always by the promised means:

> ... we will face up to the new issues that confront us. We will be the party of **welfare reform**. In consultation and partnership with the people, we will design a modern welfare state based on rights and duties going together, fit for the modern world... (Labour Party, 1997)

The transition from election manifesto to legislation began in March 1998, when the Government published the Green Paper on welfare reform: *New ambitions for our country: A New Contract for Welfare* (Stationery Office, 1998a) which detailed a 'philosophy of encouraging work for those who can and providing security for those who cannot.' Political activity surrounding the Green Paper was stage-managed and relentless, perhaps most visibly with the announcement that the Prime Minister would personally conduct a touring 'welfare roadshow' to explain the necessity of welfare reform. As Fairclough comments:

> The 'welfare roadshow' is a good illustration of New Labour's management of news and 'media spin' ... The day before the 'roadshow' was launched with a speech by the Prime Minister in Dudley, his press secretary, Alastair Campbell, told the press lobby briefing that the Government believed it was vital for the debate to be based on 'facts and not fiction, myths or scare stories', and referred to a series of 'welfare reform focus files' just produced by the Department of Social Security setting out facts and figures about various benefits. He gave a foretaste of

> what Blair would say in Dudley, including the claim that 'benefit fraud was costing the country £4 billion a year, enough to build one hundred new hospitals'. (Fairclough, 2000: 129)

A message that would be repeated virtually verbatim in newspaper articles by Blair in *The Times* and the *Mirror* the following day.

In October 1998, the Government announced proposals for the reform of disability benefits and issued the Consultation Paper *A new contract for welfare: Support for Disabled People* (Stationery Office, 1998b). Although there is not a single mention of fraud in the document, the claim that benefit was going to those who were undeserving remained (see, for example, paragraph 11 on page 2 and Annex 2 of the Consultation Paper). Amongst the specific disability-related proposals contained in the Paper were:

- An increase in the amount of Severe Disablement Allowance paid to those under 20-years of age and the exclusion of people over that age from eligibility;
- Allowing 3 and 4 year old 'severely disabled children' to claim the higher rate mobility component of Disability Living Allowance;
- Establishing a Disability Income Guarantee – of £128 for single people and £169 for a couple each week – made up of Disability Living Allowance and Income Support, confined to 'severely disabled recipients under 60' (it should be noted that the £128 a week guaranteed for single people amounts to 39% of average earnings (DWP, 2002: 43, Table 3.2);
- Expanding the All Work Test to include a capability assessment which 'can be used to help them plan a return to work' and changing the name of the test to reflect 'this more positive approach';
- Require those claiming incapacity benefits 'to take part in a single gateway interview which will help them to plan a route back to independence as well as ensuring they receive the benefits to which they are entitled';
- Expand 'specialist disability services to help disabled people into work and their retention in work'

- Modernising rules regarding the Incapacity Benefit 'to strengthen the link between work and entitlement', meaning that the Benefit will only be paid to those who have recently been in work and contributed adequate qualifying National Insurance payments; and

- Effectively introducing a 50 per cent tax on Incapacity Benefit for those receiving 'income from occupational and personal pensions' (Stationery Office, 1998b).

The Welfare Reform and Pensions Bill was published on February 10, 1999, sparking what was to become one of the Labour Government's most divisive projects, both within and without the party. What was abundantly clear was that the Government was inflamed with reformist zeal. The *Guardian* newspaper quoted the Social Security Secretary Alistair Darling promising:

> … radical change to benefits culture… there is no unconditional right to benefit. People have a right to expect help to get into work, and security if they cannot. In turn they have a responsibility to take that help up…
>
> It is the poverty of ambition and poverty of expectation that is debilitating. If you are going to crack that, you have got to confront it and do some things which people think are tough. (Ward, 1999)

Clauses 53 and 54 of the Bill, concerning the restriction of IB to 'recent contributors' and the reduction in Benefit for those receiving pensions, respectively, were subject to particular opposition. Hostility to the Bill was extensive: the Government's majority of 176 was reduced to just 40, with 67 Labour MPs voting against the Bill during the 20 May Report debate. The mood of 'rebel' Labour politicians was summed up in a newspaper article by the veteran disability rights campaigner, Lord Alf Morris, who claimed that: "The real story is not that disabled people are abusing the system, but that the system is abusing them (Morris, 1999)."

The Bill was to continue its stormy passage through parliament with the revelation, in September 1999, that it contained elements rejected as too extreme by the Government's Tory predecessors. On Saturday September 25, 1999, the *Guardian* reported the disclosure of confidential Whitehall documents showing that Conservative Chief Secretary to the Treasury: Michael Portillo, had proposed reducing incapacity benefit for those disabled people that had occupational pensions as a cost-cutting measure, only to have the plans obstructed by the then Social Security Secretary, Peter

Lilley ('Disability cuts echo scheme Tories rejected', *Guardian*, Saturday September 25, 1999).

Damaging revelations continued, not least the claim that the Government were perfectly happy to use the issue of disability-benefits as a way of proving the extent of 'New' Labour's break with its socialist past ('Labour revolt that spun out of control', *Guardian*, Wednesday 9 November 1999). Fairclough (2000:8) provides support for the thesis that New Labour's 'research' with focus groups had confirmed that there was political advantage in identifying a suitable target to establish New Labour's 'toughness'. Darling's defence of welfare reform, reported in the *Guardian* article, ('Disability cuts echo scheme Tories rejected', *Guardian*, Saturday September 25, 1999, above) specifically uses the phrase 'tough', a word that Fairclough has identified as one of New Labour's 15 strongest 'keywords' (2000:17).

Opponents of the Bill, in both Houses of Parliament, were able to extract some concessions from the Social Security Minister, including an increase in the financial threshold for the proposed means-test of Incapacity Benefit from £50 to £85 and that the grace period for ineligibility, to be applied to those who had not made the equivalent of one-year's National Insurance payments in the last two years, would be increased to four years.

The Welfare Reform and Pensions Act 1999 received Royal Assent on 11 November 1999. Analysis of IB reforms would be incomplete without recording the greatest irony arising from the turbulent progress of reform: the savings identified as necessary at the beginning of the process were achieved *before* the Bill received Royal Assent, as a result of a department under spend attributed to 'customer levels rising less than was anticipated' ('Ministers' £750m disability saving', *Guardian*, Friday January 21, 2000). Nor should we abandon discussion of IB without emphasising its application as a political expediency: whilst New Labour's goal was to reduce the fiscal burden of Incapacity Benefit, "in the 1980s and 90s it became a mechanism for removing people from the unemployment register by securing their early retirement when they remained capable of work (Rodgers 2000:4)." The significance of the political imperatives exemplified by the successive administrations is succinctly described by Grimes (1997: 102):

> If those administering the programme are trying to help those capable of work back into a job, then they are likely to take a more generous view of incapacity, since there is little virtue in sending people on a programme that they cannot ultimately benefit from. If on the other hand the objective is to remove people from the welfare system and save money, they are likely to take a less generous view since the application of sanctions is more likely to achieve that end.

Of wider policy concern, and as Rodgers goes onto emphasise,

> The issue of principle surrounding this controversy is that the social insurance principle upon which the benefit was based is undermined by means testing: *discretionary payment converts the citizen with entitlements to payment in to a problem claimant.* (Rodgers, 2000: 4, *my emphasis*)

Critics have, quite rightly in my opinion, emphasised the regressive nature of taxing IB but, of far greater significance, New Labour's Welfare Reform and Pensions Act advances efforts to dismantle an insurance-based state welfare system, to be replaced by occupational or private schemes, something that is, I will later suggest, a common goal advanced by the Washington consensus. That the government under spent on disability benefits by precisely the amount Darling had announced he was seeking to claw back *via* the reforms introduced by the Welfare Reform and Pensions Act is a coincidence that beggars belief. The claim that these regressive reforms could not have been abandoned when the £750 million saving was discovered, two-months before the reforms were announced, simply will not hold water.

Disability Living Allowance and the Benefit Integrity Project

Attendance and Mobility Allowance, which had been in existence for 22 and 16 years, respectively, were subject to growing accusations that they were failing to meet the need of *all* disabled people. The policy response was the introduction, in 1992, of Disability Living Allowance [DLA]: 'a benefit based on care and mobility needs, payable to people who become disabled before they reach the age of 65 (House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Section II).' As might be expected from the titles of the allowances that it replaced, DLA contains components concerned with both care and mobility needs and is payable without any means-test, record of employment or national insurance contributions. Civil service estimates before the Allowance was introduced assumed that approximately 140,000 disabled people would claim the lower rate of care and 150,000 the lower rate of mobility, but it soon became clear that the straightforward differentiation between lower and higher rates of both components were overly optimistic:

> DSS research showed that the lower rates have been well-targeted on the intended groups, but that people receiving lower rate awards were scarcely less severely disabled than people on the higher rates, and that a majority of lower rate recipients were more severely disabled than anticipated. (*Evaluation of Disability Living Allowance and Attendance Allowance*, DSS Research Report, 41, 1995, cited by the House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Section II, Para. 7)

A significant innovation instituted by DLA was the introduction of 'self-assessment', replacing medical assessment with the applicant's experiential appraisal of the impact of their impairment(s). The emancipatory nature of this system was soon compromised, however, with the realisation that there had been a substantial increase in the number of people claiming the benefit. The Conservative Government ordered a Benefit Review of DLA in 1996; the Review was published on 12 February 1997 with a key 'finding' that 27 per cent of DLA awards were 'incorrect' and attributable to:

> (a) "Departmental error 1.1 per cent"
>
> (b) "Customer error 9.6 per cent"
>
> (c) "Suspected fraud levels 1 and 2 - 4.5 per cent"
>
> (d) "Suspected fraud levels 3 and 4 - 10.7 per cent"
>
> (e) "Confirmed fraud 1.5 per cent"
>
> Levels 1 and 2 indicated a low degree of suspicion and were not reported in the headline fraud figures. Levels 3 and 4 indicated strong suspicion. Cases categorised as confirmed fraud were those confirmed either through admission or third party evidence such as medical opinion; this categorisation was made irrespective of whether any subsequent action led to prosecution.
>
> The Review concluded that the headline figure for fraud in DLA was 12.2 per cent: the sum of cases categorised as levels 3 and 4 and confirmed fraud. These findings were extrapolated to provide an estimated annual expenditure loss from *overpayments due to fraud* of around £499 million. (House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Annex D, Synopsis Of The DLA Benefit Review, Sections 3-5)

Subsequent progress of the Benefit Review – and its successor Benefit Integrity Project [BIP] – could, but for the hugely detrimental effect on disabled people, be described as farcical. Copies of the Benefit Review were sent to disability organisations and a meeting to discuss proposals between disabled peoples' organisations [DPO'S] and the DSS was planned for 25 March 1997, eight days after the General Election had been called. On 13 February 1997 (that is whilst the Conservatives remained in government), a story on page 24 of the *Financial Times* succinctly summarised the results of the Benefit Review, published the day before, under the provocative title: "Benefit fraud costing taxpayers £3bn a year". The article painted a picture of rampant fraud '*with large numbers of illegal payouts going on disability benefits*'. An 'unnamed source' at the Department of Social Security 'admitted that about 12 per cent of pay-outs under the disability living allowance were "known to be fraudulent or suspected of being so"' leading to claims that of the £3.7 billion DLA budget, 'about £499m ... was being paid to fraudulent claimants.' 'Unjustified' or 'fraudulent' claims may have been suspected to cost 'about' £499 million, but the Department also admitted that, as a result of 'administrative errors', they had incorrectly paid a further £300 million in DLA during 1996.

As of February 1997, the DLA Benefit Review had been imposed without any reference to disabled people or their representative organisations. On 23 February 1997, the Minister of State for Social Security, Alistair Burt MP, 'gave an undertaking on the Benefit Review during the Committee Stage of the Social Security (Fraud) Bill that "We will be involving disability groups and the DLA Advisory Board in discussion on the findings and as we consider what actions need to be taken." (House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Section VII, Para. 49)' Parliament was dissolved on 8 April 1997 and the planned meeting with disability organisations was therefore postponed until 29 May 1997. The *1997 General Election Guide*, produced by the Cabinet Office to regulate administration during the General Election, made it clear that:

> While essential business must continue, by custom Ministers should observe discretion as regards the initiation of any new action of a continuing or long-term character. (*1997 General Election Guidance*, Cabinet Office, March 1997, cited by the House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Section VII, Para. 51)

In accordance with this Guidance, the meeting with disability organisations, scheduled for 29 May, was postponed, but in spectacular breach of the Guidance, all other arrangements for the launch of the Benefit Integrity Project went on apace. The Benefit Integrity Project [BIP] was formally launched on 28 April 1997, three days before the General Election. The effect of civil servant's enthusiasm to introduce the BIP, election or not, was to frustrate the undertaking previously given by Alistair Burt: to consult with disability organisations. More importantly, it gives an alarming insight into the policy-making process and intimates that civil servants were keen to pursue the BIP, irrespective of the involvement of a democratically elected government. As the Social Security Committee put it:

> In our view all work on BIP should have been suspended during the General Election campaign. It should have been for the incoming Ministers to make the decision whether to launch BIP once they were in full possession of the facts. Ms Ursula Brennan told the Committee that officials had seriously underestimated the controversy that BIP would cause. But whether controversial or not, BIP would appear to fall quite definitely into the category of 'a new action of a continuing or long-term character' as described in the General Election guidelines. Indeed calling into question the benefit claims and financial security of hundreds of thousands of the most severely disabled people would appear to us most likely to arouse controversy and concern. New activity, especially of such a sensitive nature, should not have been launched during the General Election campaign. Baroness Hollis told the Committee that with hindsight she agreed that an 'undeniable' error of judgment had been made. (House of Commons Social Security Committee, *Fourth Report*, Session 1997-1998, Section VII, Para. 52)

Error of judgement or otherwise, the New Labour Government not only adopted the Review but also, it would seem, replicated the Tories penchant for neutralising public opposition by means of a series of unattributed stories and briefings. Unwelcome though it may have been Labour's willingness to continue with investigations into alleged fraud was predictable: when in opposition, the Labour party expressed its support of the Tory Government's efforts and had included targets for the reduction of fraud in its own pre-election statements.

By February 1998, the alleged £499 million lost in fraudulent claims and administrative errors had mysteriously increased, such that the lead article in the *Daily Mail* of 2 February 1998 proclaimed: "£1 BILLION LOST IN DISABLED BENEFIT 'ERRORS'". Notwithstanding the prominent headline, it is only on reaching the penultimate paragraph on the second page that the *Daily Mail* finally admits that their estimate of errors in payment of DLA was calculated on the assumption that 18.25 per cent of all DLA claimants are 'getting too much', the same proportion of the '33,490 living allowance [sic.] claimants ... investigated by the end of November' who had had their DLA reduced.

Regrettably, these revelations raise a number of anxieties; not least, the twelve-month delay in commenting upon Benefits Agency figures released in February 1997 and significant miscalculation by the DSS. It appears that DSS staff had managed to 'double-count' cases where *both* the care and mobility components of DLA were disallowed, with those that had *had only one of the components disallowed.* Whilst 'double-counting' will have had a significant effect on the accuracy of the published figures, their precision was all the more questionable because 'renewal' cases were included with BIP cases. Some people receive DLA for life, others for shorter and proscribed periods. The reason for this distinction is that some claimants are fully expected to achieve improvement, after therapy or surgery for example, and are therefore required to establish their continuing eligibility for DLA by attending a renewal assessment. By including those people who were *always expected* to have their DLA reduced or withdrawn, there will, of course, be a collateral increase in the total number of claimants who *appear* to have had their benefit reduced *because* of the BIP. That these people would have had their DLA reduced or suspended, *irrespective of the BIP*, was entirely disregarded by the *Daily Mail* report.

Within a week of the *Daily Mail* article, the *Observer* became the first broadsheet newspaper to raise doubts about not only the level of fraud claimed, but also the purposes for which they were publicised. In an article entitled: 'Ministers 'rig' benefit books, say disabled', the *Observer's* Social Affairs Correspondent, Heather Mills, offered an alternative view, stating that the published figures:

> ... were inflated and overpayment is a fraction of those touted. Disability groups have calculated that only about one in 10 claimants has received too much. They also believe that thousands are now living in a climate of fear created by such stories. (Mills, 1998: 1)

The political agenda for the exercise was clear to Richard Brewster, chief executive of *Scope*: "The political use of these figures is harmful to disabled people. We are told this is about welfare to work but it is really a punitive attack on disabled people, based on flawed information (Mills, 1998: 1)." Although public condemnation was relatively sparse, Mills claimed: "privately, senior back-benchers are also concerned. One said: 'The subtle message of this is fraud and actually they haven't uncovered any.'" The article concluded with a brief but damning indictment from the Citizen's Advice Bureau: 'It is difficult to avoid the conclusion that the figures have been rigged ... (Mills, 1998: 1)'

In developments redolent of the collateral government campaign to win the 'hearts and minds' of the public with a series of leaked documents and unattributed briefings relating to Incapacity Benefit, the *Financial Times* reported, on 19 March 1998, that the much publicised reforms to DLA might produce unexpected results: 'Government advisers... admit that reforms may lead to more not fewer people claiming the benefit (The *Financial Times*, 19 March 1998, 'Advisers say more can claim disability cash', from un-numbered cutting).' Whilst this revelation was important in itself, the article reported quite astounding levels of incompetence or party-political propaganda:

> A report published last week by the Disability Living Allowance advisory board... said that evidence from a survey of 1,200 disabled living allowance recipients showed that in 63 per cent of cases the benefit award was "in conflict with the facts".
>
> However, in evidence to the Commons Social Security Select Committee yesterday, board members admitted to flaws in the survey, complaining that in 66 per cent of cases there was insufficient medical evidence on which to base a judgement. (The *Financial Times*, 19 March 1998, 'Advisers say more can claim disability cash', from un-numbered cutting)

'Flaws in the survey' would soon become something of an understatement:

> Supplementary information provided by the DSS showed that … fraud savings for the first year of BIP *might now be revised down to nil* … Starting from one position that DLA had a serious problem with fraud, the DSS has moved sharply in barely one year to the position that *DLA has virtually no level of fraud whatsoever.* (House of Commons Social Security Committee, *Fourth Report*, Session 1997-98, Section VII, Para. 58 & 59, *my emphasis*).'

Inevitably, the revelation that there was 'virtually no … fraud whatsoever' was not received with great enthusiasm by the British media, nor was the Social Security Committee's *Fourth Report* for the Parliamentary Session 1997-1998, which contained a catalogue of poor administration, ineptitude and constitutionally significant examples of civil servants acting *ultra vires*.

New Deal for Disabled People

Against this background of unsubstantiated but oft-repeated claims of fraud, the New Labour Government also sought to introduce 'positive' measures to increase employment: a plethora of 'New Deal' programmes, announced by the Chancellor of the Exchequer, Gordon Brown, during the 2 July 1997 budget speech. The Chancellor immodestly billed the government's proposals as 'the first steps to create the new welfare state for the 21st century' (HCD, vol. 297 col. 308). Launched with great fanfare and implemented with a keen eye on marketing, outlining the programmes and seeking to provide some assessment of the efficacy of the disability-related elements is anything but straightforward. However, and as will subsequently become clear, discussion of New Deal for Disabled People is vital because it provides another example of the mismatch between perception and reality in disability policy.

Five mainstream New Deal programmes were introduced, nationally, between 1998 and 2000 in which 'disabled people have participated, to varying degrees' and for whom 'the usual eligibility rules can be relaxed' (House of Commons Select Committee on Education and Employment, *Ninth Report*, 9 November 1999 at Para. 104). With specific regard to disabled people, the Chancellor was of the view that:

> In 1997, no one in our society who wants to do some work should be excluded from the right to work because of disability or incapacity. So, as a final element of our welfare-to-work strategy, we shall bring forward proposals to help those who are disabled or on incapacity benefit, and who want training or work. To fund that programme and other measures, I have set aside £200 million from the windfall fund. (HCD, vol. 297 col. 310)

The Chancellor's announcement provides the first step in a bewildering series of events and circumstances that seriously undermine the integrity of NNDP, turning policy analysis into something akin to a Miss Marple mystery, as efforts are made to account for something over £150 million that either failed to materialise or was applied to projects outside the main NDDP programme. The trail of missing funds begins in 1999, when the House of Commons Select Committee on Education and Employment reported that the funds *actually* made available to NDDP were £195 million, £5 million already having apparently gone astray (*Ninth Report*, 9 November 1999, at Para. 109). We will return to the financial – and indeed other – inconsistencies flowing from NDDP as the programme's progress is reported in the pages that follow.

Unlike the other schemes, the New Deal for Disabled People was both experimental and voluntary, a disparity justified by Hugh Bayley MP, Minister for Social Security:

> … because the difficulties, the obstacles in the way of obtaining employment for many disabled people, are considerably more severe than for some of the other groups we are working with. (House of Commons Select Committee on Education and Employment, *Ninth Report*, 9 November 1999, Question 374)

The Scheme had a further noteworthy dissimilarity with the mainstream New Deal programmes: there were no opportunities for subsidised employment under NDDP, thereby raising the spectre of employers having to choose between a non-disabled applicant who brings a wage subsidy, and a disabled applicant who does not (House of Commons Select Committee on Education and Employment, *Ninth Report*, 9 November 1999 at Para. 129; although entirely coincidental, the World Bank appears particularly anxious to avoid subsidising disabled workers, see Andrews 1999). The potential impact of the availability of subsidies should not be underestimated: although the DDA is intended to prevent discrimination in employment, employers were still complaining about the need for subsidies to comply with their obligations under that legislation some four-years after enactment (DSS, 1999). At the same time, representatives of small business continue to refer to the presumed 'burden' of employing disabled people, not least because of the reduced productivity attributed to such employees (see House of Commons Select Committee on Education and Employment, *Ninth Report*, 9 November 1999, Question 374).

The NDDP comprised four strands:

(a) The now ubiquitous personal adviser service,

(b) 'Innovative schemes',

(c) An information campaign, and

(d) Research and evaluation.

Eligibility for NDDP was dependent entirely upon applicants being in receipt of a 'disability-related benefit', that is Incapacity Benefit, Severe Disablement Allowance or Income Support by virtue of incapacity.

The personal adviser service was piloted in 12 areas, with the Employment Service operating the first six beginning in September 1998 (referred to in subsequent DWP reports as "PAS Tranche 1") followed, in April 1999, by six 'private, voluntary and local authority run pilots' (New Deal for Disabled People website: 'Background', retrieved on 28 February 2001 from http://www.dfee.gov.uk/nddp/background.htm; it should also be noted that these pilots were subsequently referred to as "PAS Tranche 2" by the DWP). Successful bids to run the first 10 'Innovative Schemes' were announced on 16 July 1998 and were launched the following month, whilst 14 further schemes began in July 1999 (Dean & Kent, 2001: 5), their purpose being 'to explore how best to help people on incapacity benefits move into or stay in work (*New Deal for Disabled People (NDDP) – Brief History NDDP 2 Year Pilot*, retrieved 3 May 2003 from www.newdeal.gov.uk/ english/unempdisabled/ pdfs/background.rtf)'.

During the 1998/99 parliamentary session, the House of Commons Education and Employment Committee reviewed opportunities for disabled people, including the NDDP, noting that:

> A process to enable strategic lessons to be learned is clearly needed and the *Government has stated that there will be no national roll-out of the NDDP until it is absolutely clear what works.* (*Ninth Report,* 1998/99 Session, House of Commons Education and Employment Committee at paragraph 124, *my emphasis*)

A statement that subsequent events showed to be incorrect; despite equivocation about the results, Gordon Brown announced the national 'rollout' of the NDDP Extension during his July 2000 Spending Review, justifying its enlargement as a means to allow the Government to continue 'to test and evaluate the most effective ways of helping disabled people on incapacity benefits move into work (retrieved from New Deal for Disabled People website on 28 March 2001, http://www.dfee.gov.uk/nddp/background.htm).' In announcing the extension, Brown emphasised what had become a recurring theme: that the government's 'strategy for ensuring employment opportunity for all who can work, match[es] rights with responsibilities (HM Treasury, 2000: Para 3.25).'

On 13 November 2000, Margaret Hodge, Minister for Disabled People, and Hugh Bayley, Social Security Minister, announced skeleton plans for a national network of Job Brokers that would offer 'guidance and support' to get people in receipt of incapacity benefits back to work. The Scheme would be primarily provided by the voluntary and private sectors and, as part of the process of inviting tenders to provide Job Brokering, a prospectus was launched later the same day. The Government's intention was to offer recipients of Incapacity Benefit an interview with the new Working Age Agency, an amalgam of what were the Employment Service and part of the Benefits Agency, charged with the duty of identifying 'job-ready clients' and providing them with details of both suitable vacancies and local Job Brokers. Whatever its duties, it is not at all clear whether the Working Age Agency staff have any specialist qualifications or experience to enable them to assess job-readiness, or whether the Government views appointment by the Agency sufficient qualification in itself.

Evaluating the New Deal for Disabled People

In view of the Government's emphasis on evaluating NDDP, it is surprising how difficult it has been to find *any* meaningful or consistently objective data on the Pilots. Evidence provided to the Education and Employment Select Committee by Susan Scott-Parker, Director of the Employers' Forum on Disability, may offer one clue:

> How can you run a pilot if you are not clear what it was you were trying to test? (House of Commons Select Committee on Education and Employment, *Ninth Report*, 9 November 1999, Question 63)

Whilst evaluation was heralded as a key element of the NDDP, the search for a 'true' measure of its effectiveness has been both animated and prolonged. Explanations of the difficulties involved were rehearsed by the House of Commons Select Committee on Education and Employment's *Ninth Report* and included 'the difficulty of isolating the effects of New Deal from other influences…' and the shortcomings of 'counterfactual' assessments: 'what would have happened if the programme had not been in place'. This second impediment was explored in detail by one of the Committee witnesses, Professor Jane Millar of the University of Bath, who advised that the 'absence of a comparative control group' made it especially difficult to design experiments to evaluate national programmes. Such difficulties were soon to be resolved, however, with the announcement in January 2001 of Exchequer-led proposals to place 20 per cent of NDDP 'job-broker' applicants into a control group (Prasad, 2001a). The plans were not, however, well received and in early June 2001, the Government announced that establishing a control group would be postponed until January 2002, allowing the first six-months of the scheme to be used to: 'develop and test how best to implement random assignment (Prasad, 2001c).'

The £200m earmarked for the launch of the New Deal Pilots in 1997 was to be applied during the life of that parliament (retrieved on 28 March 2001 from http://www.dfee.gov.uk/nddp/background.htm); on 18 July 2000, Gordon Brown announced the establishment of an Employment Opportunities Fund 'worth £875 million in 2001-02 increasing to £1.4 billion in 2003-04', that would allow the various New Deal schemes to become permanent (Treasury press notice: 'Education: Investment in our Future', Reference SR2000/X5), funded by the balance of Windfall Tax receipts and 'additional resources'. It should also be noted that the Employment

Opportunities Fund 'is additional to resources allocated to Welfare to Work within the Department for Education and Employment and Department for Social Security Departmental Expenditure Limits (Treasury press notice: 'Education: Investment in our Future', Reference SR2000/X5)'.

In order to attempt any constructive evaluation of the NDDP it is necessary to return to the funding mystery, first referred to above (at page 126), where the £5 million shortfall in NDDP funding, between the Chancellor's 2 July 1997 budget speech and the Select Committee on Education and Employment's figure (*Ninth Report*, 9 November 1999, at Para. 109, please see page 126, above). Confusion is compounded, however, by the revelation, in 2003, that 'The total budget for NDDP from 1997-2002 was £45 million…' (*Employment for All: Interim Report* by the House of Commons Work and Pensions Committee, Fourth Report Session 2002-3, 11 April 2003, Volume 1 at paragraph 63, page 21). Thus, in the course of almost exactly 5-years, there appears to have been a shortfall of £155 million, or 77.5 per cent of the funds promised when NDDP was launched, noted by House of Commons Committees. This also ignores the additional period for which the £45 million NDDP funds the Committee referred to were consumed; as has previously been stated, the sum initially allocated to NDDP was to be expended 'in the life of this parliament', which came to an end on 8 May 2001. Yet *Employment for All: Interim Report* by the House of Commons Work and Pensions Committee refers to the spend 'between 1997 and 2002'.

Any attempt to undertake a cost-benefit analysis of the NDDP not only reveals a startling lack of reliable data on the number of people who started work, kept it and at what cost, but also reveals the figure expended on NDDP reduced still further. Dean and Kent state that total "government expenditure on NDDP Pilots to end March 2001" was "£24.2 million" (2001: 5, Table 1). Even if we are generous, make no allowance for higher proportionate costs at start-up and extrapolate these cumulative costs to the end of June 2001 – an additional three months to take us beyond the life of that parliament – it is impossible, on the data provided, to calculate a cumulative spend of more than £26.9 million; it is not possible to account for funds amounting to £173.1 million, or 86.5 per cent of the sum initially pledged (the figures used to extrapolate this expenditure are provided in Table 7, below).

Pilot scheme	Cumulative expenditure (£m) for period to March 2001 (Dean and Kent 2001: 5)	Mean monthly cost of pilot scheme (£)	3-month additional expenditure to end of parliament (£)	Estimated total government expenditure from launch of scheme to end or parliament (£m)
PAS Tranche 1 (30 months)	8.29	276,333	828,999	9.1
PAS Tranche 2 (24 months)	11.39	474,583	1,423,749	12.8
Innovative Schemes (30 months)	4.52	150,667	452,001	5
TOTAL	£24.2m			£ 26.9m

Table 7: Actual government expenditure on the NDDP Pilots to March 2001 and estimated government expenditure to June 2001, calculated on figures provided by Dean and Kent, 2001: 5, Table 5.

Moving from fiscal matters to increased work opportunities created by the NDDP, the search for definitive data or an identifiable benefit for disabled people is equally elusive. Returning to Dean and Kent's study, in calculating the costs per job of the Pilot Schemes, the authors report 3,462 disabled people leaving Tranche 1 of the Personal Assistance Scheme (provided by the Employment service) to take up work in the 30-months between October 1998 and March 2001 (2001: 8, Table 5) at a cost, it will be recalled, of £8.29m. They also report 2,553 disabled people leaving Tranche 2 of the Personal Assistance Scheme, provided by voluntary, local authority and private providers, to take up work in the 24-months between April 1999 and March 2001 (2001: 9, Table 6; less jobs created over a shorter period and at greater cost than found by the Employment Service) at a cumulative expenditure of £11.39m. Finally, Dean and Kent report that 1,324 people left the Innovative Schemes for work in the 30-month period October 1998 to March 2001, at a cumulative cost of £4.52m (2001: 10, Table 7).

These figures tell us that 7,339 disabled people taking part in one of the NDDP pilot schemes, to March 2001, left the Scheme to take up a job, at a total cost of £24.2m. What we do not know is how many people remained in work for a period beyond the 6-months required for NDDP providers to receive 100 per cent of the payment available under their contract with the government or, for that matter, whether the jobs were full time or part time, permanent or fixed term or, most importantly, whether they were actually jobs that disabled people were content to take.

Burchardt, in a study entirely unconnected with the NDDP Pilots, notes that 'one-third of disabled people who make the transition into work are already out of work again by the following year (2000: 26).' and evaluation of the NDDP pilots suggests similar difficulties. In their evaluation of the Personal Adviser Service Pilot Scheme, Loumidis *et al* (2001) found that of the participants who reported moving into paid work since meeting a Personal Adviser, only 54 per cent were still in full-time work (30 or more hours a week) at the time of the survey interview, whilst 27 per cent were working part-time and 19 per cent were not in paid work; further, 'one-fifth ... were in work for no more than 16 months (Loumidis *et al*, 2001: 5).' Equally pertinent, the Loumidis reports that:

> The key goal of the Personal Adviser Service was to help people find or return to work and, according to administrative data, 22 per cent of all the people (or 4,800 clients) who had had a first interview had found employment by June 2000... (2001: 4)

As might be expected, there were commonalities in the characteristics of disabled people who started paid employment since meeting a Personal Adviser, comprising those:

- With the least severe impairments
- Who had been in receipt of incapacity benefits for short periods
- Whose health condition or impairment had first affected them more recently
- With formal qualifications
- Who were not studying when claiming
- Who were lone parents and
- Living in Employment Service, rather than private, public and voluntary sector partnerships led areas (Loumidis *et al*, 2001: 162).

Thus, early NDDP results highlight the danger of 'cherry-picking', a risk that is heightened by the tendency: 'for staff [to become] increasingly 'outcome-focused' as the pilots progressed, and move away from a more 'holistic, client-centred' approach (Loumidis *et al.* 2001: 8 and 33).' The payment structure of the Job Broker scheme is unlikely to counter this tendency, with 92.5 per cent of funding being outcome related; £100 payable when a client is signed on to a scheme, with the remaining payments divided equally between the point at which the client obtains full time work (now reduced to 16 hours or more a week) and the point at which they have been employed for 6-months (undated Social Policy Forum paper at http://www.hsj.co.uk/socialpolicy/new_deal2.htm). Vitally, for a government committed to public-private partnerships (I believe that the preferred terminology is now 'private finance initiative') and the efficiency of the free market, the news that Employment Service assistance was more successful could not have been welcomed.

The Select Committee interim report: *Employment for All* (House of Commons Work and Pensions Committee, Fourth Report of Session 2002-03, retrieved on 2 May 2003, from http://www.publications.parliament.uk/pa/cm200203/cmselect/ cmworpen/401/401.pdf) provides further criticism of the shortcomings of the NDDP and other disability-related employment programmes, not least chronic underfunding:

> 63. One of the main criticisms of NDDP is that is it severely under resourced and that the budget does not reflect the size of the task to be achieved. There are less than a million JSA claimants and around 850,000 lone parents on benefit, compared with 2.7 million incapacity benefits claimants. The total budget for NDDP from 1997-2002 was £45 million compared with £139 million for NDLP, £486 million for ND25+ and £1,347 million for NDYP. The planned spend for 2002-3 is £58 million for NDDP, £142 million for NDLP, £303 million for ND25+ and £354 million for NDYP.
>
> 64. The funding for New Deal for Disabled People is not in proportion to the numbers of people targetted [Sic.] and does not reflect the level of support required by participants. The Committee agrees with evidence from a range of organisations calling for an increase in the funding allocation of NDDP in relation to the other New Deal programmes (HoC, 2003: 21).

The shortcomings do not end there, however, despite NDDP, in November 2002 there remained 2.38 million IB claimants, 45 per cent of whom had been on benefits for 5-years or more (2003: 7 at Para. 8); a provider in Wales reported a significant mismatch between the jobs that NDDP participants would like and those that were available

(2003: 14 at Para. 24); there was an embarrassing failure to ensure that Jobcentre Plus was accessible to disabled people, particularly those with hearing impairments, for whom RNID research found that 60 per cent were unable to communicate with Jobcentre or careers staff (2003: 17, at Para. 39); ongoing problems with DEA turnover and lack of a specialised career path with the service (2003: 17, at Para. 41; redolent of problems reported 13-years before, see page 79, above); ongoing funding and administration problems with the Access to Work scheme (2003:19-20); the financial risks to IB and DLA recipients of moving back into work (2003: 25 and 26) and attracting IB recipients into the scheme (2003: 22 at Para. 65).

The latter problem now seems likely to be addressed by the government proposal to impose compulsory work-focused interviews at Jobcentre Plus, for new and recent IB claimants (2003: 9 at Para. 11 and see original proposals in *Pathways to work: Helping people into employment*, DWP 2002:21). However, and as the Committee has noted, it seems unlikely that Jobcentre Plus will be able to cope with this new requirement until well after the roll out of Jobcentre Plus, scheduled for March 2006. As benefit sanctions will be applied to IB recipients who fail to attend that interview, it behoves the government to ensure that Jobcentre Plus is actually accessible to disabled people (2003: 18, at Para. 46)

Further analysis of the voluminous reporting of NDDP (I have reviewed well over 1,000 pages in six DWP reports) and the other employment programme changes introduced by New Labour to assist disabled people into work are unnecessary; the benefits of the programme were summarised most succinctly on the Government's New Deal website:

> *Analysis of benefit records could not identify a statistically significant NDDP effect.* ('Research on the new deal for disabled people pilots', 19 July 2001, retrieved from the New Deal website on 23 August 2001, http://www.newdeal.gov.uk/english/press/presslisting.asp?ASD1907, *my emphasis*).

Interpreting the evidence

During early drafts of this thesis, I was troubled by the apparent contradiction of publicly supporting civil rights for disabled people, whilst simultaneously subjecting disabled people to a damaging series of press briefings, clearly intended to build public support for (or, at least, reduce public opposition to) a reduction in disability-related welfare payments; an apparently contradictory process. However, as research has continued, it has become clear that no such policy contradiction is implicit:

> … the desire of government to reduce cash benefit expenditures should mesh with the rights of persons with disabilities [sic.] to be self-supporting, since an obvious way to reduce public expenditures is by integrating persons with disabilities into the workforce instead of warehousing them. (Andrews 1998: 1)

Tania Burchardt's 2000 report: *Enduring Economic Exclusion* offered a penetrating analysis of policy and legislation introduced during the 1990's, a report that serves to highlight the disparity between policy pronouncements and practise (Burchardt 2000). Reviewing the developments between the Conservative Government's 1990 Green Paper on disability benefits and Labour's various reforms, Burchardt comments:

> There can be an uncanny sense of déjà vu about policy pronouncements on disability. (Burchardt, 2000:2)

In short, it is difficult to view New Labour's programmes, introduced amidst considerable furore, as anything more than the triumph of gloss over substance; however, the wider implications of this deceptive project affect far more than disability or, indeed, wider welfare policy for as Fairclough has commented:

> The whole process of welfare reform has been carefully managed, and this has included careful calculation and control of language. Language has been used to promote the outcomes that the Government is seeking. *The precise management of that process has inevitably had the effect of discouraging dialogue and making it more difficult — it is very difficult to engage in real dialogue with someone whose every word is strategically calculated. Discouraging dialogue means discouraging democracy, shifting the process of welfare reform from politics to management.* (Fairclough, 2000:132, *my emphasis*)

Taken at face value, New Labour's extensive programmes to increase employment amongst disabled people are both praiseworthy and novel; however, it must be remembered that the vast majority of attention and funding has been concentrated on supply-side dynamics.

> … while the government has acknowledged the impacts of environmental and social barriers to work, it continues substantially to rely on traditional, medically informed, views of impairment and incapacity. As a result the policy focus remains, for the most part, at the level of the disabled claimant. (Drake, 2000:421)

If obtaining reliable data on the success of the NDDP is difficult, seeking to respond to Drake's challenge are, at the present time, quite impossible:

> …judgements [of success measures for the government's 'Welfare to Work' policy] should be based on the answers to three main questions: what progress has been made in guaranteeing the civil rights of disabled people? To what extent have disabled people who wish to work found satisfying and properly remunerated jobs? And how far do social security and related structures afford genuine citizenship to those disabled people not in work? I contend that government policy has been, hitherto, asymmetrical. While there has been ever closer scrutiny of the impairments and general circumstances of disabled benefit claimants, far less attention has been paid to the employment practices of the private sector… What is needed is a social inclusion audit. (2000: 422)

Despite the recent political anxiety over any negative interaction between benefit levels and labour force participation amongst disabled people, there is unequivocal empirical evidence to show that: (a) reducing benefit levels, and (b) raising eligibility criteria, have only a *minimal effect* on the numbers of disabled people exiting the labour market and claiming benefit. Adrian Thompson, a scholar employed by the Department for Work and Pensions, explicitly states that:

> ... disabled people only exit the labour-force when they have to. The availability of benefits does not, it seems, encourage them to exit. (1997: 95)

In advancing this claim, Thompson refers, at some length, to his own econometric study, undertaken in the UK, as well as citing a number of American studies, beginning with that by John Bound and Timothy Waidman (1992):

> Using historical data from the National Health Interview Survey, Bound and Waidman tested the assumption that if the current recipients of disability transfer payments were truly incapable of work, then they would expect to find (prior to the introduction of those payments) a large number of men reporting themselves as both having health problems and being unemployed, or at least not in regular employment. If many currently in receipt were capable of work then the historical records would show large numbers of disabled people in employment. (Thompson 1997: 95/6)

According to Bound and Waidman, the proportion of people identifying themselves as disabled in the USA was relatively constant during the 1950s and 60s; increased slightly during the 1970s and regressed during the 1980s. Interestingly, the rise in the 1970s could be attributed to an increase in the reporting of *specific* impairments, rather than an across-the-board increase in disability rates. Having identified a relatively consistent level of self-reported disability, the authors sought to explain why there should be increases in benefit claims, despite the consistent proportion of disabled people. Far from identifying a preference among workers to withdraw voluntarily from the labour market, Bound and Waidman propose a number of alternative explanations for this apparent paradox:

(d) An increase in survival rates amongst people acquiring impairments;

(e) The earlier identification of health problems;

(f) A reduction in the number of people confined to institutions, and

(g) Decreasing mortality rates.

Important though the work of Bound and Waidman is, they appear to have missed an elemental explanation for this paradox that would, three-years later, be proposed by Richard Berthoud in relation to UK policy:

> … 'a fairly constant number of impaired people' are forced to claim out of work benefits because they are finding it increasingly difficult to find a job. (Berthoud 1995: 84)

Thompson then discusses (at page 97) the work of Gruber and Kubik (1994), which examined the effect of a substantial increase in denial rates for disability related benefits, resulting from restrictive policy guidance issued to those responsible for assessing disability benefit entitlement. This policy, adopted unevenly across the USA during the 1970s, allowed Gruber and Kubik to test the claim that decreased benefit eligibility increased labour-force participation. Were the claim accurate, those states where denial rates were highest should show a corresponding and causal increase in participation rates. However:

> At the end of a sophisticated study, which allowed for the health of the individual to be taken into account using the body mass index (BMI) as a measure of health, Gruber and Kubik concluded that a rise in denial rates of 30% only led to an 11.1% decrease in non-participation rates, and only amongst the most able-bodied applicants. *Those who are disabled using the BMI are unaffected by increases in denial rates; this latter group it seems have no choice but to claim.* (Thompson 1997:97; *my emphasis*)

To underline the vital conclusion: *the denial of benefit to the most severely disabled applicants had no affect on their labour force participation; such people have no choice but to rely on disability benefits for their income, thereby raising grave doubts as to the efficacy of seeking to force disabled people into work by denying access to social assistance programmes.*

More recently, the Deputy Secretary-General of OECD has admitted that governments appear powerless to affect disability-claimant levels:

> Our study also yielded a disheartening message for policy makers: different policy approaches by different countries had little or no effect on outcomes. The most striking – and devastating – commonality was that the outflow from disability programmes to a job is virtually nil in all countries. Starting to receive disability benefit generally means that you will never work again. We found this to be the case even in those countries that make big efforts to reintegrate persons with disabilities. The United States and Australia, for instance, offer substantial monetary incentives to get people off disability benefit and back into work. Nevertheless, the result is depressing: very few people who receive disability benefit ever manage to find work. (Ásgeirsdóttir, 2003: 3)

Although the NDDP is the most widely researched element of the New Deal programme, trying to obtain accurate data from which an objective assessment of its effectiveness might be made appears impossible. Nonetheless, on the data that is in the public domain, it is abundantly clear that whilst there are more disabled people in receipt of IB than lone parents on benefit and JSA recipients *combined*, the NDDP has been astonishingly under-funded.

To give some idea of the wide variation in such investment, figures provided by the Select Committee Report: *Employment for All*, are summarised in Table 8, below.

Dividing total number of claimants by total planned spend, in each of the selected New Deal categories, discloses a per-claimant budget for IB claimants – those who can enter the NDDP projects – of £21, whilst the per-claimant budget for lone parents is £167 and JSA claimants (NDYP and ND25+) £753. The gross mismatch between labour market exclusion and New Deal budget allocation is graphically illustrated in Figure 3, below.

To achieve parity in investment for jobseekers, lone parents claiming benefits and incapacity benefit recipients, funding for the JSA-related programmes (NDYP and ND25+) would have to be *reduced* by 74 per cent; funding of the NDLP increased by 16 per cent, *whilst the funding for NDDP would have to be increased by 802 per cent.* With this readjustment, parity across these New Deal programmes would be achieved, with a per-claimant budget of £193.80.

	NDYP & ND25+	NDLP	NDDP	TOTALS
Proposed New Deal spend 2002-2003	£657m	£142m	£58m	£857m
Number of relevant benefit claimants	872,000	850,000	2,700,000	4,422,000
Investment per claimant	£753	£167	£21	
Per cent of total planned spend	76.66%	16.57%	6.77%	100.00%
Per cent of claimants	19.72%	19.22%	61.06%	100.00%

Table 8: Planned spend on selected New Deal Projects during Fiscal Year 2002-3 (*Source: HoC 2003: 21*)

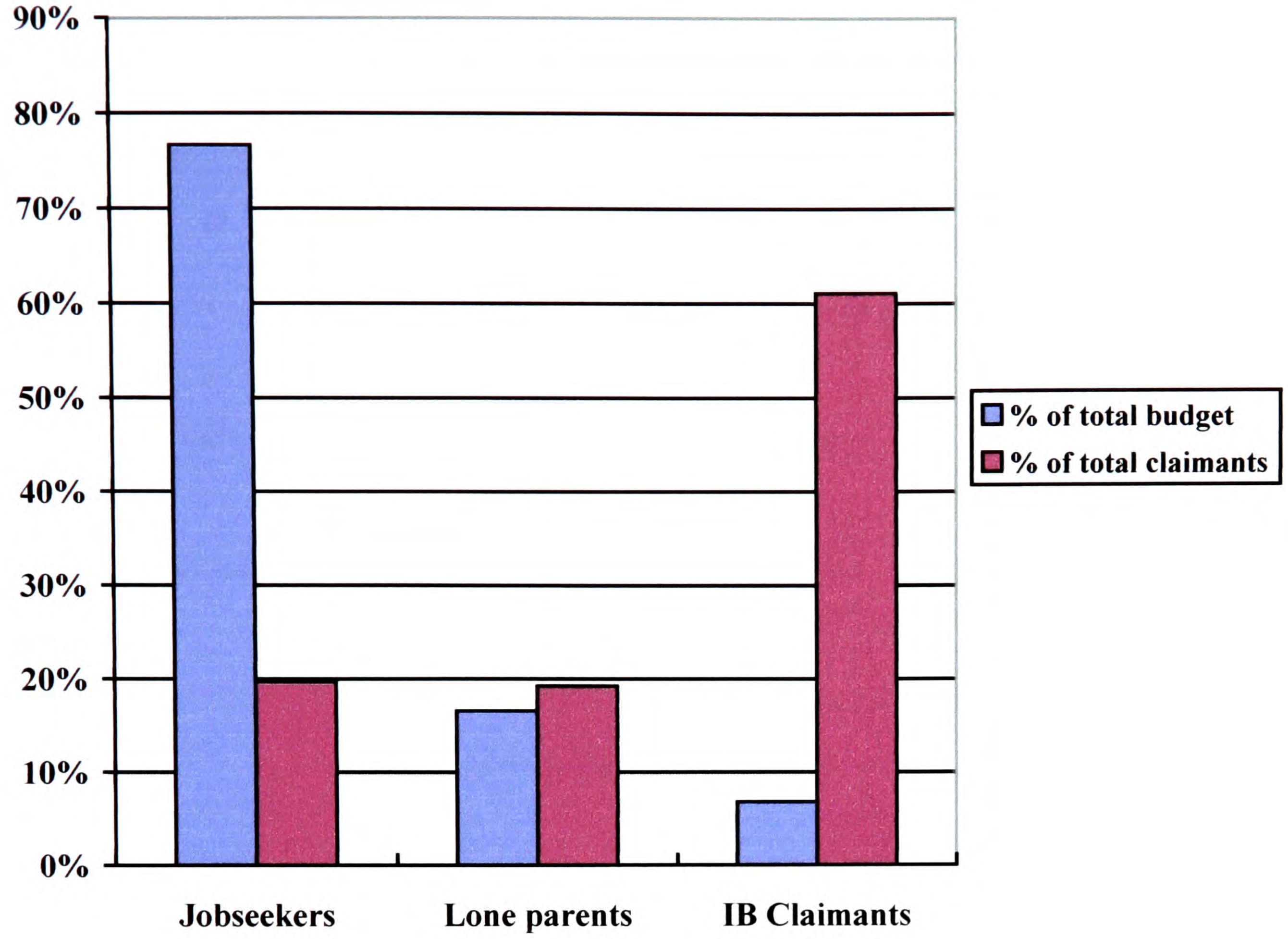

Figure 3: Planned New Deal spending for 2002-2003; % of total claimant group *vs.* % of total spend

It is wholeheartedly conceded that these figures must be treated with some care; we have no means of establishing the number of IB claimants assisted into work through one of the mainstream New Deal schemes. Nonetheless, acknowledging that this quantitative analysis should not be taken out of context cannot, in my opinion, diminish its utility in identifying trends in the priority accorded to the various benefit-based programmes for employment-promotion.

Despite the flurry of activity, reported at length above, it is difficult to avoid the view that state responses to the unemployment of disabled people are 'much ado about nothing'. Using the government's own figures, and in common with historic trends, just 3 per cent of disabled workers found their jobs with the assistance of state services, whilst 61 per cent found work through their own efforts, or with the assistance of friends and relatives (see Table 9, below).

Source of job-find		%	Source %
Individual effort	Applied directly to employer	20	
	Answered advert in newspaper etc.	17	
	Asked friend, relative, colleague etc.	16	
	Advertised for job in newspaper etc.	8	
			61
Private sector	Private employment agency	4	
			4
Public sector	Visited careers office	1	
	Talked to DEA	1	
	Visited Job Club/Programme Centre	1	
	New Deal Personal Adviser	0	
			3
Other	Some other way	27	27
		27	95

Table 9 – *Source*: Table 7.16 "How found current job or place on programme", Grewal *et al.* 2002: 142

Thus, despite significant investment in state employment assistance for disabled people, the public sector does not achieve, nor has previously achieved, more than a statistically insignificant effect on labour market attachment. In this, we can most assuredly claim that government employment measures are more spin than substance.

Whether the Exchequer's contribution to the NDDP has been £200 million, or considerably less (as it would seem), the fact remains that allocation decisions were made according to a government agenda over which disabled people patently had little influence. Having published a commitment to disabled people's civil rights in its 1997 election manifesto, but singularly failed to implement the required change in the six-years since it was first elected, it does not seem unreasonable to ask why attention and funds were not directed at strengthening civil rights legislation and providing substantial resources to the DRC, which it established, to ensure compliance with the law. In other words, to be entirely novel and introduce policies and programmes targeted on demand-side dynamics.

Even without strengthening the DDA, it is clear that rigorous enforcement of its existing provisions is not on the policy agenda, evidenced by the DRC's own statements and by policy maker's continued preference for 'soft' measures, like education and persuasion, exemplified most recently in the Work and Pensions Committee's obvious enthusiasm for the 'business case' (2003: 29). Trite though it may be, it remains worth enquiring whether the same Committee would propose that it was necessary to make and publicise a business case to combat discrimination based on gender or race. I do not believe the question to be facetious or inconsequential; that it remains acceptable to propose a business case for compliance with legislation in force evidences the still equivocal nature of attitudes toward disabled people and the discrimination that we endure.

Finally, we cannot abandon discussion of New Labour policy without emphasising a strident conflict in policy. In chapter 3, the modest legislative achievements of the DDA – and substantial hurdles facing disabled people seeking its protection – were examined. The most striking feature of DDA implementation has been that a little under 70 per cent of complaints recorded under Part II of the DDA have consistently related to dismissal, yet the New Labour Government has, thus far, done little to encourage employers to retain workers who become disabled.

Although this government is keen to promote prevention in place of cure, this does not appear to apply to the employment of disabled people. The Government is now proposing to 'get tough' with new and recent IB claimants, insisting that they attend a work-focussed interview at pain of benefit sanctions, in order to encourage their move back into work. However, and here is the paradox, IB is targeted at those people "who should not be expected to seek work in return for benefit (HoC, 2003: 14, at Para. 26)", precisely the line that is drawn between IB recipients and others by the Personal Capability Assessment; the government's response to this paradox was to state that:

> The PCA therefore sets a level of incapacity at which it is felt unreasonable to require a person to seek work in return for benefit. It is not a level at which work is impossible. (DWP 2002: 11)

Anyone familiar with the writing of George Orwell or Joseph Heller will, no doubt, find such a claim both familiar and amusing. Less comical is the inescapable view that not only has New Labour taken us back to the New Poor Law, it is seeking to redraw the boundaries between the deserving and the undeserving poor. This government is transporting us into a Kafkaesque world, where even those incapable of work and subject to endemic exclusion from the labour market are made 'undeserving' by their failure to find and retain employment.

Conclusion

Whilst much in this thesis stands as a damning indictment of government disability policy, it is difficult to avoid the view that the material contained in this chapter is the most disturbing. Elected on a manifesto that included a commitment to comprehensive and enforceable civil rights for disabled people, amendments to the Disability Discrimination Act were only released on 3 December 2003. Whilst the government may have been slow to act on this manifesto commitment, its claim to be "the party of welfare reform (Labour Party 1997)" has been pursued with alacrity. What is particularly alarming is that reform has been achieved by means of a demonstrable willingness to vilify disabled benefit recipients by means of a series of insupportable allegations leaked to the press by 'unattributed' sources.

Such tactics are reprehensible, not because they are directed at disabled people, but because those choosing this course of action could have been in little doubt that it would prove difficult to substantiate such claims. The unavoidable conclusion is that the 'facts' of the matter were irrelevant. Refutation of the allegations would come long after the government had achieved its goals and, as has been shown to be the case, those newspapers that had enthusiastically disseminated the original misinformation would be less enthusiastic in acknowledging that their failure to critically examine claims made in unattributable briefings has made them unwitting accomplices.

The implications of such a scenario are of enormous magnitude, not simply in relation to disability policy, but as an indication of the 'health' of our democracy. We appear to have a government that is prepared to use misinformation and propaganda to mollify its citizens and a Fourth Estate that, if not actually complicit in such a state of affairs, is unwilling or unable to call government to account.

As this chapter has shown, changes to the welfare system were followed by a much-trumpeted 'New Deal' programme, funded from windfall taxes and billed as a means to support a move from benefits to work. In the case of the New Deal for Disabled People, it has been shown that the £200 million purportedly set aside for the scheme has failed to 'identify a statistically significant NDDP effect ('Research on the new deal for disabled people pilots', 19 July 2001, retrieved from the New Deal website on 23 August 2001, http://www.newdeal.gov.uk/english/press/presslisting.asp?ASD1907)'; nonetheless, and despite assurances to the contrary, the scheme was subsequently extended countrywide. In addition to asking why so expensive a scheme with such negligible benefits should be rolled out nationwide, I have also sought to establish how this £200 million was spent. As has been shown, not only is it impossible to undertake such analysis with material in the public domain, it is equally impossible to account for 86.5 per cent of the set aside funds.

If we were to adopt a narrow approach to the analysis of government policy, we might simply leave the issue there. However, precisely the aim of this thesis is to assess contemporary developments in relation to socio-political accounts; my aim is not simply to show that disability policy is defective, but to establish whether other purposes are achieved. As will shortly be seen, I believe that such a case can be made.

In the succeeding chapter, I will show that New Labour policy is not nearly as novel as some would have us believe and that the priorities inherent in that policy are fast becoming international. In view of the sums expended, the modest results achieved and the government's continued determination to pursue the NDDP/Welfare to Work programme, it would also seem appropriate to seek rationalisation for this continued enthusiasm in the face of lacklustre results. By examining contemporary disability policy in the context of wider international imperatives, I believe that forceful propositions can be advanced to explain what, at first blush, appears to be an entirely irrational resolve.

Chapter 5

CONTINUITY AND CHANGE: A CRITIQUE OF THE "THIRD WAY" WELFARE STATE

> *One measures the carrying capacity of a bridge by the strength of its weakest pillar. The human quality of a society ought to be measured by the quality of life of its weakest members. And since the essence of all morality is the responsibility which people take for the humanity of others, this is also the measure of a society's ethical standard. This is, I propose, the only measure the welfare state can afford, but also the only one it needs. This measure may prove insufficient to endear the welfare state to all of us on whose support its fate depends - but this is also the sole measure which resolutely and unambiguously speaks in the welfare state's favour.*
>
> *Zygmunt Bauman 2001b: 79*

Introduction

The last chapter provided detailed analysis of New Labour policy directed specifically at disabled people. As has already been stated, whilst suppositions can and have been made regarding the efficacy of such policy, I believe that it is necessary to situate disability-specific analysis within the wider social, economic and political landscape. Whilst it is true that disabled people have been subjected to major reforms and innovations, they are not the only or, certainly in terms of fiscal expenditure on into-work programmes, the most substantial group affected. What we are witnessing is a drastic and unilateral redrafting of the social contract and, as will become clear in this chapter, to fully understand reforms in disability-specific programmes I believe that it is vital to examine wider political aspirations and underlying dogma.

Thus, in the first part of this chapter, *disability is entirely absent from the discussion.* The aim in these opening pages is to provide a brief analysis of systemic adjustments to the welfare state, many of which have crossed national and regional borders, before assessing the extent to which explanations and critiques of mainstream policy reform are applicable to disability programmes.

Unemployment and welfare policy have achieved a remarkable international congruence, irrespective of national politics (Muller 1994, Stiglitz 2003). There has also been an increased tendency in modern social policy studies to denounce liberal welfare provision as an obstruction to macro-economic development, such that even if welfare programmes can be adequately funded in the short term, they should be curbed to promote long-term stability (George 1998: 32, Stiglitz 2003). The political imperative to link receipt of working-age welfare benefits to some form of work or training – often categorised under the generic term: 'workfare' – has seen the introduction of such schemes in the USA, Britain, Canada, New Zealand and Australia. It is claimed that such congruence has nothing, however, to do with improving the lot of those excluded from the labour market but is, instead a:

> … statistical exercise meant to wipe the [poor and the underprivileged] off the register of social, and indeed ethical, problems through the simple trick of reclassification. (Bauman, 2001b: 75, following Ulrich Beck, 2000)

The cost of such congruence for particular sectors of society have been much explored and evaluated (Ignatieff, 1995; Lund, 1999; Gray, 2000; Powell 2000, Stiglitz 2003). Although diagnoses of the disease have been as diverse as the proposed cures, there does appear to be evidence of a growing political hegemony in attitudes toward social policy. It is equally clear that whether the arguments are advanced by right, left or the new middle way (Third Way), the origins of the discourse lie at a far more fundamental level than social policy: we are engaged in what is presently an unequal 'renegotiation' of the reciprocal rights and duties of state and citizen. Whilst contemporary discourse, like its eighteenth and nineteenth century progenitors, may accord the *duties* of citizens, or more accurately *some citizens* (for all the hot air expended on welfare fraud and benefit dependency, there has been a deafening silence in relation to, for example, tax evasion and avoidance or corporate welfare) a higher profile than either the rights of those citizens or the *corresponding* obligations of the state, it is this interrelationship that is at issue.

Analysis here will, of necessity, do no more than amplify contemporary themes. However, links to the development of state services and disability policy, described in preceding chapters of this thesis and, indeed, the incestuous relationship between western capitalism, the growth of a centralised and managerial state and the dispersal of power between constituencies within it – defined in relation to geography, 'individual' characteristics (gender, ethnicity, impairment, age, sexuality *etc.*) or ownership of the forces of production – should not be lost. My concern is to ensure that exposition of the *particular* should not cloud the *universal*, that discussion remains milieu-sensitive. With that anxiety acknowledged, the task of this chapter can be identified as a critical analysis of contemporary public policy and, perhaps most importantly, consideration of that policy in relation to wider historical, social, political and economic developments.

Traditional accounts of disability are too often merely policy-descriptive (Gleeson, 1997); a central tenet of this thesis is that if we are to comprehend social and political responses to disablement (amongst other social processes), it is *essential* to contextualize such analysis. Even were we to accept that disability has engendered discrete and coherent policy, such that we might justifiably refer to a 'disability programme' (something that I am not prepared to concede at present), seeking to discuss such policy in isolation from the imperatives by which it has been informed would, at best, provide a partial and distorted view, for: "Any analysis of social security and employment policies towards disabled people must evince an understanding of the context in which they have been developed (Drake, 2000: 421)."

It should also be emphasised that the necessity to contextualize the discussion is made more pressing by the current zeal for postmodernist and post-structural discourse. We cannot simply identify commonality of themes and outcomes; we must undertake the project in anticipation of the inevitable charge that it aids and abets a felonious proclivity toward 'meta-narrative'.

Theorising social policy

In a triumph of understatement, Rhodes comments that "the nature of the contemporary welfare state dilemma ... is difficult to disentangle from ideology" (1996: 307); it is also too often 'based on national, endogenous factors: class conflict, elite dominance, pluralist distribution of power, technological imperatives, corporatism, the force of existing institutions and regime theory. All these approaches have seen the development of the welfare state in different countries as the result of the interplay between forces of a national character (George, 1998: 30)' rather than as part of a global trend. We might also add that the recurrent subdivision of attention has also served to bolster the neo-liberal propensity for individualisation by focusing attention on a plethora of symptoms, rather than the systemic cause.

Chapter 3 introduced the contested nature of the historical origins for the welfare state with a comparison between Titmuss' 'utopianism' and Baldock's 'realpolitik'. We return to the competing claims of, and for, social policy here, with a summary of the paradoxical nature of transformation and continuity in the 1990s.

Reforming the state: ideology and the construction of consensus

Whilst it may be elegant and politically rewarding to credit Margaret Thatcher's 1979 election victory, and ensuing New Right hegemony, as the mechanism of 'crisis' in the welfare state, such claims are overly simplistic. As was discussed in chapter 3, there is no doubt that the Thatcher project was ideologically driven and that its results initiated fundamental changes in the social and economic fabric of the nation, but as populist humour reminds us, the legacy continues to inform contemporary discourse and policy some six-years after the election of an ostensibly centre-left government. Precisely the point is that late twentieth century politics blurred traditional boundaries and, purportedly, saw the birth of a political project that is 'beyond left and right'.

Such political reformation accompanied dramatic changes in the nature of the capitalist project, where capital ownership was increasingly divorced from management of the enterprise and, indeed, from individuals, with disproportionately high stock holding by institutional investors. Further, the core national industries have changed dramatically during the twentieth century, with the prominence of manufacturing and production at the beginning of the century entirely eclipsed by service and people-focused work by the close of the century (Gallie, 2000: 318). Vitally, and in particular regard to the economic sphere, the 1970s brought climacteric change with a series of domestic and international crises, such that in 1975 the Labour Minister, Anthony Crosland, was warning that 'The party is over' (Hill, 2000: 46) and, in so doing, was 'summing up a much deeper sense of change in the climate of ideas (Glennerster, 1995:167, see also Timmins, 1995)'. Such change was evidenced by the Labour government's decision to prolong fiscal austerity and to shift the emphasis of social programmes 'to policies that would foster economic efficiency (Glennerster, 1995: 169).' Doubts as to the efficacy of Keynesian economic management were impelled by simultaneous high inflation, balance of payment deficit and dramatically rising unemployment (Hill, 2000: 46; Glennerster, 1995; Rodger, 2002). Thus, the final quarter of the twentieth century witnessed the abandonment of the Keynesian-Beveridgean consensus (Gray, 2000:29) in favour of monetarist theory (George, 1998), only for that to be abandoned in the early 1990s in favour of 'post-monetarist' policies, whose effectiveness was measured against the approval of global business interests (Hill, 2000).

This transition is most forcefully explained by the growth and nature of international trade or, as it is now more commonly described, globalization; it was most keenly felt in its elemental influence on domestic social policy discourse. The theoretical treatment of globalization must be postponed; for now, it will suffice to acknowledge that the assault on a post-war welfare state 'consensus' (if such ever existed) cannot simply be attributed to party-political hegemony, as is illustrated by fiscal continuity since the change of government in May 1997. Despite the rhetoric, New Labour has not introduced significant changes in social policy or attitudes toward it (Powell, 2000: 39 & 54).

As might be expected of any election manifesto, that produced by New Labour in readiness for the 1997 election saw the party promising a Britain renewed under its leadership. A key manifesto theme was "modernisation", including in social and welfare policy. In his penetrating analysis of New Labour's Third Way approach, Martin Powell (2000) traces the origins of such manifesto pledges to the report by the Commission on Social Justice (1994), established by John Smith, Blair's predecessor as Leader of the Labour Party, which outlined three potential approaches to social and economic policy:

- *Levellers* – who were caricatured as focussing on the distribution of wealth, to the detriment of its production and primarily achieved social justice through the benefits system. The 'Old Left' epitomised the Levellers.
- *Deregulators* – for whom social justice was achieved by cutting back public services and promoting the free market, which promoted extreme wealth differentials, and
- *Investors* – characterised by four interlinking areas of economic and social policy, i) an active welfare state ii) a preventive welfare state iii) the centrality of work, and iv) concern for the allocation of opportunities instead of income.

As might be anticipated from the terms used, the 'Investors' route, portrayed as a 'middle way', was the Commission's preferred option (Powell, 2000: 43). Brian Lund (1999) identifies the advantages offered by the elaboration of an 'innovative third way' to the electorate, branded with 'the bonding of duties to rights', a politically significant theme because:

- '... it provides a symbol of difference from both 'Old' Labour and the Conservatives, thereby offering a signpost to the 'third way'';
- '... it supplies the theoretical mortar necessary to reconnect the 'socially excluded' to the mainstream', and
- '... it helps to set limits to the 'open-ended' dimensions of public expenditure by countering claims to rights with the requirement that obligations must be fulfilled (Lund, 1999: 447).'

That the unemployed had a 'responsibility' to accept training places or work, rather than 'staying at home in bed (Blunkett, 1997)' was, in light of policy sustained since the 1970s, hardly innovative. Indeed, the ideas that lay behind such policy proposals were far from new:

> ... While Labour's "spin" around social security is one of "modernization", the changes are, in fact, firmly located in, and have been shaped by, ideas with a long-standing tradition in England: that economically inactive people are lazy, and react rationally to the availability of social security benefits by either making themselves inactive, or prolonging their inactivity...
>
> ...in a discourse that has permeated social security for at least the past two centuries, the system is held to be "trapping" people in, or encouraging them into, unemployment and/or benefit dependency. (Grover & Stewart, 2000: 236)

Endorsement of Grover and Stewart's claim was provided by the Prime Minister when, in 1999, he opined that the welfare state was, 'associated with fraud, abuse, laziness, a dependency culture, social irresponsibility encouraged by welfare dependency (Tony Blair, quoted in Spicker, 2002: 24)'; thus the recurrent pursuit of the scrounger and malingerer was enjoined (Deacon 1976, Fisher 1973, Grover and Stewart 1999, Lund 2000). Although New Labour's catalyst for welfare reform was identified as a more recent phenomenon – globalization – the imperative: the promotion of a 'flexible' (compliant and risk absorbing) and 'efficient' (profitable) labour market, precisely mirrored the imperatives of a 200-year old discourse intimately linked to capitalism and its demands. In seeking to respond to contemporary 'massive, long-term restructuring of capital in global and fragmented markets' the government has not *created* jobs, but pushed citizens into *existing* posts, often poorly paid and supported by means of wage subsidies (Grover & Stewart, 2000: 238, Whitfield, 2001: 8):

> The central thrust of the Poor Law reforms was to transfer responsibility for protection against insecurity and misfortune from communities to individuals and to compel people to accept work at whatever rate the market set. The same principle has informed many of the welfare reforms that have underpinned the re-engineering of the free market in the late twentieth century. (Gray, 2000: 9-10)

Further, and in common with their Conservative predecessors, New Labour was influenced by the "underclass" ideologues (see for example Murray, 1994 and Mead, 1997 *cf.* Lund, 1999: 450) and inevitably imported the political orthodoxy informing US policy (Stepney *et al.*, 1999: 109) – be it Republican or Democrat (Handler, 1995) – which attributes:

> … poverty to a combination of individual pathology, cultural deficiency, benefit dependency and the political expediency of those who study it, i.e. blaming the victim, the community, the state or unduly sympathetic researchers. (Stepney *et al.*, 1999: 111)

Once again, such views are hardly revolutionary and inexorably fabricate the policy prescription of changing a counterculture alleged to exist amongst the "dangerous classes" (see, for example, DSS, 1998: 24), by moral instruction that induces them to take up work (Stepney *et al.*, 1999: 111; see also Gordon Brown's belief that "welfare [can] shape character" *Observer*, 22 March 1998, cited by Grover and Stewart, 2000: 243). New Labour's New Deal provided such instruction through the offices of general and specialist advisers in both the public and private sector. The dangerous classes may have 'morphed' to the less pejorative 'countercultured' in the 'post-modern' era, but neither diagnosis of, nor remedies for, the burden of 'pauperism' appear to have enjoyed any such reconstruction.

Change, where it did come, was initially focussed on the categories that might 'justly' be included within the putative category 'deserving poor', not least disabled people. Reference has already been made to Chris Grover and John Stewart's insightful paper on New Labour's project to modernise social security (Grover & Stewart, 2000) but in order to understand better the claims made, it is necessary to trace their argument in a little more detail. The conclusions the authors draw are prefaced by an examination of the New Deals for lone parents (an emphasis with which Rodger would presumably, in view of his contention that 'The role of motherhood has always been a yardstick for measuring policy intentions (2000: 23)', wholeheartedly endorse) and the unemployed. In their examination of the former, Grover and Stewart note the fundamental change in attitudes toward single mothers in both Australia and the UK. Handler has addressed the same issue with regard to US policy and, concisely summarised the change:

> Liberals used to state that the welfare mother's responsibility was to stay at home and take care of her children, but times have changed. (Handler, 1995: 3)

Grover and Stewart, quoting Bryson (1992: 196-9), record that there has been a shift from "legitimate dependency to proletarianization" of single mothers but, vitally, also propose, "that labour market demand and cynical, politically-driven stigmatizing of lone mothers flowed together from the early 1990s." This shift was assisted by the development of Family Credit and Childcare Disregard under the Conservative administration, but further operationalized by Labour's £300 million investment in childcare during its first term of office (Grover and Stewart, 2000: 239-40); an investment that was accompanied by the 'relentless' pursuit of a 'worklessness household' discourse by the government that was subsequently taken up by some of the "quality" newspapers (2000: 239). Such discourse advanced the unambiguous New Right message that there was a moral cost for children growing up in workless homes:

> Surplus manipulation is at its most vicious when it turns the blame for the imperfections of the culturally produced life formulae and the socially produced inequality of their distribution on the self-same men and women for whose use the formulae are produced and resources needed to deploy them are supplied. It is then one of those cases when (to use Ulrich Beck's expression) institutions 'for overcoming problems' are transformed into 'institutions for causing problems'; you are, on the one hand, made responsible for yourself, but on the other hand are 'dependent on conditions which completely elude your grasp' (and in most cases also your knowledge); under such conditions, 'how one lives becomes the biographical solution of systemic contradictions.' (Bauman, 2001b: 5)

Keen though the government may have been to concentrate on a moral economy of welfare discourse, with its attendant focus on supply-side dynamics, the New Deal programmes also offer demand-side compensation:

> In order for the New Deal for unemployed people to be a success employment opportunities must be there for people to take. As Britain actually faces a "jobs deficit", the government has to have some kind of mechanism to create more employment. The subsidies on offer to employers in the New Deal provide that employment-creating dynamic which is supposed to encourage capitalists to create more employment. It is supposed to give the impression the market itself is creating more employment. (Grover and Stewart, 2000: 241)

Whilst, we might add, also offering the additional incentive of widening the pool of reserve labour in order to depress wage inflation; in this, New Labour would obviously like to believe that it has sliced the Gordian knot, by 'helping' those in need without adversely affecting work incentives. The shadow of pauperism and the Poor Law that lies behind New Labour thinking is, I think, best described by Powell:

> According to DSS (1998: 17-8), key features of 'the first age' of welfare – the Poor Law – were an important distinction between those who were unable to work, and people who were capable of independence but who were jobless, and that assistance offered to those who were able to work should be conditional. However, building the welfare state around work – 'work for those who can; security for those who cannot' – is little more than a more humane version of the 'less eligibility' concept of the New Poor Law... The welfare state has always contained carrots and sticks; the third way appears distinctive only in the balance between them. (2000: 55)

Continuity and change indeed; we will deconstruct additional facets of the Third Way as the chapter progresses but, at this point, we must examine the changing fortunes of the concept of citizenship and its relation to social policy.

Citizenship

As a purely administrative matter, we may say that, for example, a 'citizen of the UK and Colonies' is a status defined by 'descent, birth, registration, naturalisation or the incorporation of a territory'. We might go a stage further and acknowledge that citizenship acts as a formal link between individuals and the state and that, as a result of such status, 'certain rights, privileges and protections' are provided in return for allegiance and duties (Walker, 1980: 220-221).

Thus, in jurisprudential terms 'citizenship', like so many other aspects of life in capitalist society, may be properly construed as a status premised on bargain (in the contractual sense): the receipt of rights, privileges and protections *from the state*, in exchange for the giving of allegiance and the acceptance of duties *to the state*. It is the precise terms (or boundaries) of that bargain, the capacity of the state to satisfy them and the 'proper' balance of rights *versus* duties that lie at the root of conflict as to the role of the state in the provision of social goods. Citizenship has held a central place in policy discourse since the era of the Poor Laws, but has achieved renewed significance since the mid-1980s (Glennerster, 1995; Fitzpatrick, 2001; Levitas, 1998; Jackson and Scott, 2000), particularly as a foil to the increased hostility toward notions of equality since the Thatcher years and as a 'defence of welfare rights and welfare provision (Levitas, 1998: 12).'

A particularly influential academic interpretation of the function of citizenship in the post-war policy settlement was proposed by Professor Tom Marshall in the 1950s (Marshall, 1950; Marshall, 1965; Marshall and Bottomore, 1992, see also Glennerster, 1995). In Marshall's estimation, the British state had adopted the duty to protect not only the civil and political rights of (some of) its citizens, but also their social rights – in the form of economic and social well-being – when it committed itself to the maintenance of full employment and the provision of a basic standard of living, in return for individual contribution to the wider society through work (*cf.* Timmins, 1995: chapter 7 and Gray, 2000: 28). It was precisely Marshall's proposition that the state had responsibility for political and, in particular *social*, rights that conflicted with a free-market economy. The very propensity of markets to create inequalities stood in stark contrast to conceptions of citizenship built around equality and this led, according to Marshall, to a 'hyphenated' society 'where the capitalist, democratic and welfarist elements of society exist side by side in an uneasy, although ultimately productive, tension (Fitzpatrick, 2001: 61).'

Marshall's claim for the elemental nature of social rights as a constituent of citizenship, although disputed, has exerted substantial influence over subsequent academic discourse and, more importantly, political debate about the welfare state (Glennerster, 1995; Lund, 1999; Fitzpatrick, 2000; Gray, 2000 and Spicker, 2002). Michael Ignatieff views the history of the welfare state precisely as:

> … a struggle to undergird formal legal rights with entitlement to social and economic security so that citizenship could become a real as opposed to a purely formal experience. (Ignatieff, 1995:66)

Whether or not Ignatieff's claim is accurate, Marshall's work may be seen as the high-water mark for conceptions of social citizenship; subsequent political activity has clearly been aimed at retreating from so expansive a conception, making Ignatieff's analysis of the *Myth of Citizenship* even more prescient. Advancing a 'what-if' analysis, he postulates the probable outcomes of withdrawal from a liberal market philosophy, in favour of a return to a civic philosophy. The initial outcome anticipated by Ignatieff was a growing governmental reluctance to interfere in the economic realm, primarily in order to minimise the damaging political effects of failure and mismanagement, a theme subsequently explored and expanded by John Clarke and Janet Newman, in terms of the transition to "the managerial state" (1997). Secondly, Ignatieff suggests that the welfare state would evolve from its post-war formulation, so that those citizens achieving higher than average incomes would increasingly choose to spend an ever-greater proportion of their disposable income on private welfare services, including health care, education and pensions. There would be a concomitant redistribution in the allocation of state resources, so that public expenditure was directed only at those who could demonstrate that they were 'in need':

> This implies a new contract of citizenship no longer based on universality of coverage and contribution, but one more explicitly based on obligations between those who "have" and those who "have not": There is the risk that those in need will be stigmatized by dependency and maintained at the lowest level consistent with social decency… A new social contract is only saleable politically if the middle class receive sufficient reductions in tax to offset their foregone benefits and if administration to those in need is seen to be a credit, an honor to the whole community, a sign of its civic spirit. The crucial point here is that the demand for equality of opportunity, for common starting conditions, is something more than a passing political fad or contingent political allegiance of the social democratic and socialist tradition … the belief that a *polis* cannot either be a community or a democracy unless there is rough equality of opportunity among its citizens is constitutive of our oldest and most distinguished political inheritance. As such, the demand for equality simply will not go away, because it is coequal with the even more basic demand of human beings that they live in a community. (Ignatieff, 1995: 75)

As will be clear, both from foregoing and subsequent discussion of New Labour policy, Ignatieff's warning appears to have been well-heeded by contemporary policy-makers, whose welfare reform has been introduced against a background of Tory fiscal plans and low income tax. We must not allow mention of the 'social contract' without acknowledging Powell's pithy observation that the concept is a 'little one-sided'; the government decides when individuals have broken their side of the contract – and can discipline them for so doing (although Powell fails to mention this) – whilst the only option for individuals who believe that the government has failed to keep its side of the deal is to vote for another party at the next general election (Powell, 2000: 49). Even this 'ultimate' sanction is illusory when the parliamentary political parties appear to share common beliefs on fundamental areas of socio-economic policy, differing only on the gloss with which their proposals are coated.

To return to the 'renegotiation' of the social contract itself, Bauman deals with substantially the same issue by means of his analysis of the dichotomous relationship between individualisation and the 'corrosion and slow disintegration of citizenship

(Bauman, 2001b: 49)'. Thus, the pre-eminent issue is the exclusion of those who will increasingly find their material deprivation conflated with attacks on their status as citizen; the failure to share in the 'good life' is matched by their failure to share the very basis upon which the polity achieves meaning: citizenship. New Labour has, as one would expect, been a little less unequivocal; in their terms, whereas the political right stressed *duties* of citizenship and the left stressed the *rights* of citizenship, the Third Way – being something 'novel' and 'innovative' – stresses rights *and* duties (Blair, 1998; Powell, 2000; Dwyer, 1998; Le Grand, 1999). As Powell summarises it: '... the third way of citizenship moves from 'dutiless rights' towards conditional welfare (2000: 47), not only in relation to work, but most recently in relation to healthcare, with the insidious notion of predicating access to treatment on contractual compliance with the avoidance or diminution of unhealthy lifestyles (Hutchinson, 2003).

So, we have seen that New Labour has, in the face of surprisingly little resistance and under the inevitable guise of innovation, taken us squarely back to a Poor Law (pejorative) perception of privation, with sustained and well orchestrated attacks on the moral rectitude of working-age benefit recipients, whilst also imposing unilateral changes in the nature of, and qualifications for inclusion in, the status of citizen. Substantial though these achievements undoubtedly are, they do not present the whole picture; perhaps the coup de grace was the feat of substituting the notion of 'social exclusion' for poverty and, in the process, furthering their project by discouraging references to thorny and emotive principles like equality, it is to this that we now turn.

From poverty to social exclusion

On 2 May 1997, Tony Blair's victory speech promised: 'a Britain renewed ... where we build a nation united, with a common purpose, shared values, with no-one shut out or excluded' and, as Ruth Levitas comments: 'The age of inclusion had arrived (Levitas, 1998:1).' A year later, the discourse of social exclusion was advanced with the publication of *A New Contract for Welfare*, where the government drew connections between poverty, exclusion and benefits. The widening of the discourse of poverty to that of social exclusion is not, as Levitas points out, merely a matter of semantics; it posits a new model of society, where the primary division is between the *included* majority and an *excluded* minority, and which seeks to conceal the massive and increasing inequalities between those in each group:

> … the very rich are discursively absorbed into the included majority, their power and privilege slipping out of focus if not wholly out of sight. At the same time, the poverty and disadvantage of the so-called excluded are discursively placed outside society. What results is an overly homogeneous and consensual image of society — a rosy view possible because the implicit model is one in which inequality and poverty are pathological and residual, rather than endemic. Exclusion appears as an essentially peripheral problem, existing at the boundary of society, rather than a feature of a society which characteristically delivers massive inequalities across the board and chronic deprivation for a large minority. The solution implied by a discourse of social exclusion is a minimalist one: a transition across the boundary to become an insider rather than an outsider in a society whose structural inequalities remain largely uninterrogated. (Levitas, 1998:7)

A dynamic that Norman Fairclough has also identified:

> The long-standing Labour Party objective of greater equality has been displaced in New Labour by the objective of greater social inclusion. The objective of equality in left politics has been based upon the claim that capitalist societies by their nature create inequalities and conflicting interests. The objective of social inclusion by contrast makes no such claim — by focusing upon those who are excluded from society and ways of including them, it shifts away from inequalities and conflicts of interests amongst those who are included, and presupposes that there is nothing inherently wrong with contemporary society as long as it is made more inclusive through government policies. (Fairclough, 2000: 65)

The practical policy outcomes are succinctly described by Powell:

> …the New Labour vision treats differences as matters to be reconciled through the normal and 'normalizing' identity of being a wage earner… acknowledgements of forms of diversity are framed by a sort of 'equal opportunities' discourse which is constructed around the problem of how to enable 'them' (the different') to overcome barriers that prevent them from becoming like 'us' ('the normal').' (Powell, 2000: 48)

Social exclusion originated in French social policy, spreading to the European Union *via* the 'social Europe' programme and the Treaty of Amsterdam, in 1997 (Levitas, 1998: 2). However, whilst the language of 'social exclusion' may have been exported, its precise meaning failed to survive the journey, with a number of interpretations existing side by side and, increasingly, in conflict with one another (Levitas, 1998:2). It is, perhaps, unsurprising, that *a* discourse of social exclusion should have been imported by New Labour or that, having been, it would become a central theme in the party's vision for national "renewal". Vitally, it should not be thought that this discourse is of purely symbolic or rhetorical value; rather, it has been deployed as a primary component of UK policy, just as conflicting versions have been deployed by other governments, to justify a multitude of programmes. Levitas identifies three discourses of social exclusion, under the acronyms RED, MUD and SID:

> … a redistributionist discourse (RED) developed in British critical social policy, whose prime concern is with poverty; a moral underclass discourse (MUD) which centres on the moral and behavioural delinquency of the excluded themselves; and a social integrationist discourse (SID) whose central focus is on paid work. They differ in how they characterize the boundary, and thus what defines people as insiders or outsiders, and how inclusion can be brought about. RED broadens out from its concern with poverty into a critique of inequality, and contrasts exclusion with a version of citizenship which calls for substantial redistribution of power and wealth. MUD is a gendered discourse with many forerunners, whose demons are criminally-inclined, unemployable young men and sexually and socially irresponsible single mothers, for whom paid work is necessary as a means of social discipline, but whose (self-) exclusion, and thus potential inclusion, is moral and cultural. SID focuses more narrowly on unemployment and economic inactivity, pursuing social integration or social cohesion primarily through inclusion in paid work. (1998: 7-8)

For the avoidance of doubt, we should acknowledge that the contested concept of social exclusion that has infected Britain has substituted ideals of 'equality of *outcome*' with radically different notions of 'equality of *opportunity*' (Stepney *et al.*, 1999: 120). As Levitas shows, quite apart from signalling the new realpolitik, disagreement about New Labour's commitment to equality prompted public disagreement between the relabelled party and what Blair himself 'sneeringly' dismissed as a Labour Party that had been losing elections for almost 20 years (Levitas, 1998: 134, referring to comments by Blair that appeared in the *Sun* on 29 July, 1997). Such disagreement was of essential consequence to the party because, for the social democratic wing of 'old' Labour – exemplified by Anthony Crosland – equality was 'the fundamental principle distinguishing Labour from the Conservatives' (Levitas, 1998: 134). It would very soon become clear that New Labour's conception of equality had little to do with redistribution, but everything to do with individual responsibility (see also Levitas, 1998: chapter 7). As Powell recognizes, the inevitable progression is that individuals become responsible for developing their full potential, defined solely in terms of *productive* rather than *human* potential, a claim entirely borne out by debate relating to university top-up fees in January 2004. As Powell perceptively observed, 'formal economic activity takes precedence over cultural, political, environmental, social or even nurturing activity (Powell, 2000: 46)'.

Although the language of social exclusion may be new, the outcomes and policy responses are all too familiar: exclusion as personal failing and 'citizenship as exclusionary category that justifies the coercive rule of the included over the excluded (Ignatieff, 1995: 56).' The process of exerting coercive rule and silencing dissent has been aided by additional New Labour innovations, particularly a dramatic expansion in the role of unaccountable, and unelected, quangos and an obsessive belief in the equal value of presentation and policy, *via* sophisticated news management. It is to these aspects of contemporary policy that we must now turn.

Inclusive government, quangos and news management

The claim was made, earlier in this thesis (page 94) that, despite substantial restructuring and augmentation of public policy affecting disabled people, disabled people themselves were effectively excluded from the policy-selection, construction and implementation process. As a 'minority' that is subject to institutionalised discrimination, endemic exclusion and quite alarming levels of ignorance from the non-disabled majority, it might be thought that government would be particularly alive to the views of disabled people.

In the absence of effective representation, it is all too easy for cosy assumptions of democracy to be displaced by something approaching dictatorship. There are at least two aspects of contemporary government that are of enormous constitutional importance, but that also have particular resonance with the means used to implement policy of direct consequence to disabled people: the increasing use of unrepresentative task forces/review panels and a strongly centralised system for controlling the presentation of policy.

Defeating democracy: the rise of the unelected adviser

From the early 1990s, the distancing of political policy from democratic accountability was increasingly used as a political expediency by the Conservative government; Gray notes that by 1995 quangos had a larger workforce and expenditure than local government (2000: 28). Although the soubriquet may have changed, another example of contemporary cross-party continuity is New Labour's use of similarly undemocratic, but influential, bodies. A paper published in 1998 analysed New Labour's extensive use of 'policy reviews, task forces and advisory groups (Platt, 1998:4)', suggesting that such development comprised 'in a very real sense, a new type of government process', a process where responsibility had passed from elected officials, Ministers and MPs, to unaccountable political nominees. Of particular concern to us, the report emphasises that under the banner of 'innovation and democracy', task forces and advisory bodies were far from representative of the community whose interests they were tasked to reflect upon. Indeed, the data suggested that: 'the best represented interest group is business and the private sector.' Of graver indictment:

> The government's commitment to inclusiveness and pluralism has other limits too. *The task forces and review bodies have been designed to foster support for its policies, rather than debate about them.* The main objective is to neutralise political opposition and to create a new national consensus around the central tenets of Blairism.
>
> … *Despite the government's rhetoric of involving the public in the working of government, the reality is that principles have been abandoned and debate repressed.* The result is government by elite, which bypasses not only the general public but also parliament. New Labour's project is merely to widen the range of elites represented in government in order to deliver its policies more efficiently. (Platt, 1998: 4, *my emphasis*).'

Inevitably, with New Labour's enthusiasm for welfare reform and keen interest in disabled people, disability-policy featured in the outbreak of reviews reported by Steve Platt; equally inevitable was the absence of disabled people from review groups that would recommend policy affecting us. The New Deal Task Force, for example, charged with advising ministers on 'the key issues of programme policy and design' included not a single representative from the disability movement nor, perhaps more surprising still, the large and unrepresentative service-providing organisations 'for' disabled people. Whilst disabled people may have been conspicuous by their absence, the business community was amply represented by senior directors from Prudential, Joe Bloggs Jeans Ltd., Ford, Northern Foods, Granada Group plc, the Post Office and Tesco. It should, however, be acknowledged that the New Deal Task Force Advisory Group, established to advise the New Deal Task Force (an unelected review body advising an unelected review body, which advised the Chancellor of the Exchequer) did include Bert Massie, at that time Director of RADAR.

News management

As has been previously stated, the media assumed a vital function in the dissemination of fallacious reports, allegedly from government sources, concerning New Labour's Welfare to Work programme and the purported justification for thoroughgoing changes to the benefit system. Bob Franklin (1998) provides a disconcerting review of the government's extraordinary news management policy, suggesting that 'The fourth estate risks being overrun by a "fifth estate" of public relations and press officers (1998: 15)'. Furthermore, he claims that New Labour is the first government genuinely committed to the belief that the presentation of policy is as important as the policy itself (1998: 5), a situation that Franklin fears could 'change the nature of British democracy (1998: 4).'

Central to the success of New Labour's manipulation of the press is the way in which the media appear to have abandoned their 'critical edge' (see also Palast, 2003), so that the inevitable problem of the inherently collusive relationship between journalists and politicians has swung in favour of the government. There are immediate and sweeping effects:

> Stories published under the enviable (if overworked) label "exclusive" do not always reflect investigative journalism; the story may simply have been placed in the paper by a Labour press officer. Such generosity may be a reward for the newspaper's previously supportive coverage, or it might reflect the spin doctor's knowledge of the paper's readership and a belief that the story will "play well" with this audience. Yet political correspondents "appear to be wholly caught up in the frenzy of the spinners, desperate to stay in favour, craven to their political masters". (Franklin, 1998: 6, quoting McGwire, 1997: 11)

As well as rewarding supportive coverage, New Labour has been extremely effective at punishing what it considers to be unhelpful reports, with the journalist concerned being entirely ignored, publicly ridiculed or the subject of disparaging telephone calls to editors. In such circumstances and as Franklin observes, 'independent journalism becomes difficult (1998: 7).'

Criticism of the government's welfare reform programme provides rich pickings for examples of such tactics; in December 1997, Harriet Harman was interviewed by John Humphrys, on BBC Radio 4's *Today* programme, about benefits cuts for lone-parent families. The government were so dissatisfied with the nature of the interview a (leaked) letter from Dave Hill, Labour Head of Communications, to the BBC threatened to end all relations with the *Today* programme. According to Franklin: 'The letter is extraordinary in its bellicose and threatening language, its arrogance, its belief that it is legitimate for politicians to dictate policy to broadcasters and its presumption that politicians' appearances on the media are designed to win "benefits" for "us" (1998: 10).'

The subject of proposed benefit cuts, this time relating to disabled people, saw relations with the media deteriorate still further:

> On Christmas Eve 1997, Campbell [Alastair Campbell, the Prime Minister's Chief Press Secretary] denounced the *Guardian's* coverage of proposed disability benefit cuts as having "decided against any proper debate on the issue – indeed your coverage has moved into full betrayal mode". *This is the language of the zealot. All disagreement is betrayal* (Franklin, 1998: 11, *my emphasis*).

In addition to seeking to influence media content by hounding reporters and editors, New Labour has also used the media to appeal directly to the electorate, thereby bypassing parliament; the Welfare to Work Roadshows, mentioned earlier in this thesis (page 115), are cited as an exemplar of just this technique. As we have seen, the government had already shown itself perfectly willing to use the media for the dissemination of propaganda in aid of its regressive disability benefit cuts and, in such circumstances, Franklin's study has particular resonance. As we shall now see, whilst such political tactics may appear to have little to do with disabled people, I would contend that they are indicative of a project that extends far beyond welfare reform, to the very core of democratic governance.

Defeating democracy?

The foregoing analysis indicates that the ideological dogma of an innovative 'Third Way' has been imposed on the British public by means of a sophisticated programme of moral vilification, the substitution of politics for managerialism and an exploitative and manipulative relationship with a decreasingly critical media. It is against such charges that social policy reform should be measured because, it is contended, the democratic deficit is such that narrow policy analysis singularly fails to describe the power now vested in a corporate-state complex.

Perhaps the greatest success of both the Conservative and New Labour governments has been the construction and maintenance of a politico-cultural hegemony that has substituted a narrow cultural imperialism for any notion of the caring state. That fatuous appeals to a lack of alternatives have been so successful raises alarming questions about the state of democracy in Britain, particularly in the silencing of 'opposing' views. As we shall see, the imposition of current ideology amounts to no more than the advancement of one world-view, as a matter of preference, over competing or alternative world-views. That such a project has been so successfully implemented is, it is suggested, a matter that should keep political analysts busy for years to come but the practical challenge is to counter such dogmatic assertions now, to provide an increasingly disinterested and withdrawn electorate with real alternatives, in short, to offer the possibility that things *could* be better.

Having explored, in some detail, the fundamental nature of the transition from the post-war social settlement to New Labour's 'citizen as worker', together with the methods used to advance those most recent reforms, attention now turns to the particular circumstances of disabled people.

Neo-liberalism, contemporary social policy and disabled people

Theorising disability-policy reform

Mark Hyde (2000) observes that during the 1990s, the Conservative government introduced a series of measures intended to 'promote labour force participation among disabled people, whilst discouraging dependence on welfare benefits (2000: 327)'. However, as Lund has noted, the party failed to reduce public spending and it was disabled people that played a key role in that failure:

> The inability of the Conservatives to counter claims to rights in the domain of cash benefits for disabled people contributed to this failure. Supported by the welfare professions, the organizations representing welfare users constructed a powerful discourse that demanded the conditions necessary to achieve a 'natural' and unconditional state of autonomy, free from dependency on others. Under the Conservatives, immersed in the language of 'independence' and determined to promote 'quasi-markets' in service provision, real spending on cash benefits for sick and disabled people (excluding Housing Benefit) increased by £7.2 billion in the period 1989-90 to 1995-6 (Evans, 1998: 304-5). (Lund, 1999:457)

Having inherited this spending pattern from the Conservatives, New Labour was quick to voice its anxiety about the mounting costs of funding payments to sick and disabled people, as evidenced by the claim that 'In its first weeks in office, New Labour flirted with the idea of abolishing Disability Living Allowance and Attendance Allowance, using the savings for additional service provision (Lund, 1999: 454, citing Scott, 1998: 4).' and the subsequent Department of Social Security's *Welfare Reform Factfile No. 5*, which emphasised that spending on disabled people consumed 25 per cent of the total social security budget, a figure that was '... equivalent to over half of the amount spent on the National Health Service' (Department of Social Security, 1997: 1).

As Lund notes, where the 'New Right's discourse of independence and consumerism found it difficult to counter the claim to 'autonomy' rights then New Labour's language of obligations, to be engendered by the state, may be more potent.' He goes on to reproduce an extensive quotation from Professor Marshall, previously referred to in relation to theories of citizenship, that is chilling in its utilitarian nuance; I repeat Lund's emphasis by duplicating Marshall's views here:

> It cannot be said that society needs happy old people in the same way it needs a healthy and educated population. Nor would it suffer any grave loss if the mentally handicapped were not assisted (at considerable cost in time and money) to make the most of their limited capacities. The motive that inspires the services rendered to these people is compassion rather than interest. And though compassion may create a right, having almost the force of law, to minimal subsistence, it cannot establish the same kind of right to the benefit of services which are continuously striving to extend the limits of the possible, and to replace the minimum by the optimum. So this particular right to welfare is bound to be more dependent than others for its driving force on the fact that it is a moral right. Furthermore, those in need of these welfare services are minority groups, set apart from the general body of normal citizens by their disabilities. The principle of universality, which is a characteristic feature of modern rights of citizenship, does not apply and the right cannot be reinforced, as in the case of education and health, by a corresponding duty to exercise it. The most one can say is that the handicapped have a moral duty to try to overcome their misfortunes as far as in them lies (Marshall, 1981: 91-2 quoted by Lund, 1999: 457-8)

Herein lies the inescapable paradox for disability 'rights': the disabled status, in almost every context, is sufficient to prevail over or diminish entitlement that is considered unproblematic for the 'normal'; none of the privileges of ostensible membership within the polity can be presumed. The role of disabled people is, without question, indelibly marked by the need for continual self-justification. Marshall's formulation is quite unsettling enough, but where the same logic is applied to access to healthcare, for example, the extent of the challenge is all the more obvious.

In common with Lund, Hyde asserts that efforts to promote participation and discourage welfare dependency have 'been developed in a more comprehensive and thorough way by the present Labour government'. Although disabled people may have been a key demographic for reform throughout the 1990s and across western industrial society (Gilbert, 1992; European Commission, 1997), Hyde continues by observing that 'curiously, this has received little attention from mainstream social policy analysis (2000: 327).' The relative invisibility of disablement in contemporary analysis of these reforms is undeniable but, in view of the systemic and unremitting quality of disabled people's invisibility in social and policy analysis, I do not share his surprise.

Other than Brian Lund and Mark Hyde, Robert Drake is one of the few academics who attempts to analyse contemporary reform in relation to disabled people; Drake reminds us that the government's political stance cannot be easily located within the traditional political spectrum and admonishes us to 'understand the government's political stance… on its own terms' and in relation to the 'particular conditions inherited by New Labour when it came to power', principally a high public sector borrowing requirement (PSBR) and national debt amounting to £420 billion (Drake, 2000: 423).' Nonetheless, Drake acknowledges that, even when public spending did increase, 'disabled people were not at the head of the queue (2000: 424).' In spite of going to some lengths to emphasise the economic and socio-political pressures inherited by New Labour, a key element in Drake's analysis is the identification of traditional, individualised accounts of disablement as a cornerstone of the Labour government's Welfare to Work programme:

> However, a careful examination of the successful bids [for innovative projects under NDDP] reveals that government thinking was not – as it were – 'social model'. The understanding of how and why disabled people are excluded from work was centred neither on discriminatory practices by employers, nor on environmental barriers in the work place. Instead, the 'problem' and, therefore, the focus for change was the disabled individual… (Drake, 2000: 426)

Although Drake does not *highlight* the buttressing of an individualised NDDP focus with regressive legislative measures, he does record the coming into force of the Fraud Act in July 1997, an act that 'created a new criminal offence of dishonestly making a false statement, producing false information or failing to notify of changes in circumstance.' Simultaneously, arrangements were 'made to allow local authorities to share information with each other and with the DSS… The intention of the Act was buttressed by other measures intended to provide the authorities with a clearer picture of claimants' circumstances (Drake, 2000: 427)'. Examples are provided by the Benefits Integrity Project and the provision of what are, essentially, medical reports, to lay-people working within the employment adviser sector (The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 supplement a 'Personal Capability Assessment' with a 'Capability Report', prepared by the doctors who assess claimants for benefit. That report is available to the Personal Advisers charged with responsibility for providing work-focussed advice to Incapacity Benefit recipients).

As an aside, it should also be noted that government privatisation policy now means that both the doctors assessing claimants for IB and the Personal Advisers assisting a return to work are likely to be employees of private companies, contracted by the government, rather than public servants. This also raises the spectre of personal information obtained for the purposes of assessing eligibility for benefit being available within those private companies. Such developments are, I would contend, essential in assessing the underlying focus of government efforts and are at least as significant as their individualised response to the 'problem' of employment for disabled people; they signal a return to the aim of surveillance and control symbolised by Bentham's Panopticon Principle (1787), but in contemporary form:

> Times of direct engagement between the 'dominant' and the 'dominated', embodied in panoptical institutions of daily surveillance and indoctrination, seem to have been replaced (or to be in the course of being replaced) by neater, slimmer, more flexible and economical means. It is the falling apart of heavy structures and hard and fast rules, exposing men and women to the endemic insecurity of their position and uncertainty of their actions, which has made the clumsy and costly ways of 'direct control' redundant. (Bauman, 2001b: 11)

Although providing a well-researched and authoritative assessment of New Labour's policies, Drake's pre-eminent focus is on emphasising the government's strong intervention at the *individual*, rather than more influential changes at the *institutional* level, with the result that he prescribes a 'rigorous audit of private sector employment practices' to 'redress the balance' (Drake, 2000: 421). Whilst not wishing to challenge his conclusions, or the route that he takes to reach them, I would suggest that his analysis, whilst thorough in summarising the wider circumstances in which government policy was drafted, remains largely policy-descriptive (Gleeson, 1997).

By comparison, Hyde is assiduous in his efforts to reveal and interpret systemic factors in the perpetuation of disablement by government policy. In elaborating his analysis, Hyde identifies two causal imperatives for welfare reform aimed at working-age disabled people:

(a) "As 'fiscal policy', the reforms aim to reduce the scope of state responsibility for needs satisfaction, addressing official concerns about the size and costs of the social security budget."

(b) "As 'labour market policy', the reforms aim to remove perverse incentives from the disability benefit system, thereby reinforcing the work ethic, labour productivity and ultimately, economic competitiveness."

This new approach is, according to Hyde and in common with previously cited authors, legitimated 'by an ideology which redefines citizenship by qualifying social entitlements with personal obligations, particularly the obligation to work.' Although acknowledging that the scale of reforms has been 'considerable', Hyde emphasises the continuity of approaches before and after 1990: firstly, the emphasis on supply-side policies remains intact; secondly, entitlement to social security benefits remains dependent on medical definitions that focus on impairment; thirdly, radical proposals – like the call for a comprehensive disability income – have gone unheeded, such that the basic structure of disability-related benefits remains entirely unchanged.

Nonetheless, he identifies five significant changes in policy since 1990:

(a) "a stronger emphasis on 'open' and competitive working conditions instead of the 'protected' employment that was formerly available in sheltered workshops;"

(b) "a shift from a mixture of supply side and demand side measures to a framework which focuses exclusively on the supply side of the labour market;"

(c) "a considerably stronger link between work and benefit eligibility;"

(d) "a stronger emphasis on selectivity with benefits being targeted on those with the greatest needs;"

(e) "an unprecedented shift towards means-testing in the administration of social insurance (Hyde, 2000: 331)."

These changes, when combined with the effect of reforms introduced in the early 1990s, indicate a 'substantial shift' in policy affecting working-age disabled people, such that social exclusion is likely to be 'perpetuated or even reinforced (Hyde, 2000: 332)'. In analysing the changing values and ideology implicit in these reforms, Hyde also discusses workfare and the enforcement of citizen obligations, but it is Hyde's analysis of the causal imperatives for welfare reform: fiscal crisis and labour market restructuring, which require more detailed examination.

Fiscal policy

Hyde dates the emergence of the notion of 'fiscal crisis' in the literature on, and official debates about, social policy in the 1970s (as indeed have I, see above). Whatever the accuracy of claims for such a crisis, the Labour government has not been reluctant to use such arguments in promoting its welfare reforms. Harriet Harman emphasised that the government would not 'tackle social exclusion by tax and spend' (Harriet Harman, former Secretary of State for Social Security, cited in *Labour Research*, 1998: 9) and such views were reinforced in subsequent material from the Department of Social Security. 'Of particular interest is a series of Welfare Reform Focus Files... one File claims that social security spending will exceed revenue from income tax by 2000', while another attributes this problem to, 'among other factors ... a dramatic rise in spending on disability benefits, particularly benefits for disabled people of working age (Hyde, 2000: 335, citing Department of Social Security, 1998b and Department of Social Security, 1998c, respectively).

Although Hyde acknowledges that independent research provides some foundation of support for such fiscal concerns, he also emphasises that the UK has consistently been spending *less* on social security than the EU average for the past 20-years (see also Spicker, 2002) and that both Labour and Conservative governments have actively encouraged increases in disability benefits, but that the cost of such benefits peaked in the early 1990s. Hyde comments:

> ... it is difficult to explain the sudden interest shown by the Labour government in 1997 when spending on disability benefits was falling. In view of this, it could be argued that fiscal pressures are not the exclusive concern underlying welfare reform for disabled people of working age. (2000: 335)

Labour market restructuring

Hyde identifies the restoration of favourable conditions for capital accumulation, particularly the regulating effects on the reserve army of labour and the 'encouragement' of individuals from this constituency to accept marginal and ill-paid work, as a more likely catalyst for New Labour's reforms affecting working-age disabled people, just as Grover and Stewart (above), did for non-disabled groups targeted by the various New Deal programmes. Crucially, Hyde extends his analysis by commenting that '... the reserve army thesis implies a convergence between the felt-needs of employers and labour market policy which, as far as disabled people are concerned, does not currently exist. Although the notion of labour market flexibility has been warmly embraced by many United Kingdom employers, a recent survey (Honey *et al.*, 1993) suggests that *a majority remain reluctant to employ disabled workers* (Hyde, 2000: 337, *my emphasis*)', leading him to conclude that:

> None of the perspectives outlined in this section provides an entirely adequate guide to welfare restructuring for disabled people of working age, but all offer useful insights into the underlying imperatives. (Hyde, 2000: 337)

Valuable though Hyde's contribution undoubtedly is, I would contend that it leaves the significant question of the *authenticity* of public policy programmes largely unexamined; precisely one of the claims proposed herein is that successive British governments have – at best – been equivocal about the place of disabled people in the labour market (see discussion, beginning at page 72, for example). I would propose that the evidence supports a stronger conclusion: that programmes portrayed as intended to promote employment amongst disabled people are actually no more than emblematic and that keeping disabled people *outside* the labour market precisely avoids political, commercial and fiscal inconvenience that would otherwise arise, were genuine and sustained efforts made to integrate disabled workers.

Whether such claims are intellectually defensible will be addressed in the succeeding chapter but, for now, it will suffice to emphasise the benefits of theorising outside or beyond popular discourse, even at the cost of utilising perspectives that some would have us believe are deeply passé. As Bauman emphasises, such questioning remains essential to a critical understanding of social, political and economic dynamics:

> Not asking certain questions is pregnant with more dangers than failing to answer the questions already on the official agenda; while asking the wrong kind of questions all too often helps to avert eyes from the truly important issues. The price of silence is paid in the hard currency of human suffering. (Bauman, 1998:5)

Neo-liberalism and the growth of the corporate-welfarist state?

Dexter Whitfield is uncompromising in his assessment of New Labour policies:

> … the Third Way is essentially a modification of, and not an alternative to, neo-liberalism and is thus fundamentally flawed.
>
> Labour's approach is essentially managerialist, reducing vacancy levels, maximising labour market flexibility, improving the effectiveness of training, minimising unemployment; but they have developed few policies which will directly create new and additional employment. (Whitfield, 2001: 9)

Indeed, New Labour policy is fundamentally influenced by the "ideology of globalization", a process that is viewed as a benign force that must be accommodated (see, for example, Blair and Schroeder, 1999, *cf.* Taylor, 1999). Perhaps the greatest ideological element of the programme relates to the denial of social class, but the treatment of 'the needs of business and private capital as a class of interest (Whitfield, 2001: 9)' and the natural apogee is reached when a 'crisis of capital and political ideology' is recast as a crisis of the welfare state. Business interests have been reified to such an extent that society is measured against the 'interests' of a legal fiction (the incorporated association) rather than the individuals comprising it. Although we repeatedly hear of the 'demographic' challenges that have contributed (in some accounts) to the welfare state crisis, the drastic reduction in corporate taxation is conspicuous by its absence, but action there has most certainly been:

> Statutory rates of corporation tax in developed countries have fallen substantially over the last two decades. The average rate amongst OECD countries in the early 1980s was nearly 50%; by 2001 this had fallen to under 35%. In 1992, the European Union's Ruding Committee recommended a minimum rate of 30% - then lower than any rate in Europe (with the exception of a special rate for manufacturing in Ireland). Ten years later, already one third of the members of the European Union have a rate at or below this level. (Devereux *et al.*, 2003: 1)

The state's efforts to attract inward investment inevitably results in conflict and paradox:

> The response of developed countries has been first, to shift the tax burden from (mobile) capital to (less mobile) labour, and second, when further increased taxation of labour becomes politically and economically difficult, to cut the social safety net. Thus, globalisation and tax competition lead to a fiscal crisis for countries that wish to continue to provide social insurance

> to their citizens at the same time that demographic factors and the increased income inequality, job insecurity, and income volatility that result from globalisation render such social insurance more necessary. (Avi-Yonah, 2000: 1)

Equally rarely is the imbalance of tax revenue and investment adequately addressed: despite the obsessive focus on welfare budgets, the 27 million individual taxpayers (Adam and Frayne, 2001: 2) in the UK are paying over three-times as much income tax as is raised in corporation tax, this takes no account of the additional tax on spending (including VAT). As can be seen from Treasury figures provided in Table 10, the amount raised from income tax is also projected to rise for fiscal year 2003-04, whereas that received via corporation tax is set to fall still further. To put the disparity in tax liability into perspective, according to the Office for National Statistics, 3,746,370 'private sector and public corporation' enterprises were trading in the UK in 2001, with a combined turnover of £2,112,013,000,000 (ONS 2002).

	Outturn 2001-02	Estimate 2002-03	Projection 2003-04
	£ billion		
Inland Revenue			
Income tax (gross of tax credits)	110.2	113.3	122.1
Corporation tax1	32.1	29.6	30.8
Tax credits2	-2.3	-3.4	-4.5
Petroleum revenue tax	1.3	1.0	1.5
Capital gains tax	3.0	1.7	1.2
Inheritance tax	2.4	2.4	2.4
Stamp duties	7.0	7.6	7.9
Social security contributions	63.2	64.3	74.5
Total Inland Revenue (net of tax credits)	216.9	216.5	235.8
Customs and Excise			
Value added tax	61.0	63.6	66.6
Fuel duties	21.9	22.1	23.0
Tobacco duties	7.8	8.1	8.0
Spirits duties	1.9	2.3	2.4
Wine duties	2.0	1.9	1.9
Beer and cider duties	3.1	3.1	3.1
Betting and gaming duties	1.4	1.3	1.3
Air passenger duty	0.8	0.8	0.8
Insurance premium tax	1.9	2.1	2.2
Landfill tax	0.5	0.5	0.7
Climate change levy	0.6	0.8	0.9
Aggregates levy	0.0	0.2	0.3
Customs duties and levies	2.0	1.9	1.9
Total Customs and Excise	104.9	108.8	113.1
Vehicle excise duties	4.2	4.6	4.8
Oil royalties	0.5	0.5	0.0
Business rates3	18.0	18.7	18.6
Council tax	15.3	16.6	18.6

Other taxes and royalties4	9.9	10.8	11.9
Net taxes and social security contributions5	369.7	376.5	402.9
Accruals adjustments on taxes	0.6	-0.3	3.6
Less own resources contribution to European Communities (EC) budget	-3.6	-2.5	-2.5
Less PC corporation tax payments	-0.1	-0.1	-0.1
Tax credits6	0.9	1.1	0.6
Interest and dividends	4.5	4.1	4.0
Other receipts7	17.9	18.2	19.8
Current receipts	389.9	397.1	428.3
Memo:			
North Sea revenues8	5.2	5.0	4.7

1. National Accounts measure: gross of enhanced and payable tax credits.
2. Includes enhanced company tax credits.
3. Includes district council rates in Northern Ireland paid by business.
4. Includes money paid into the National Lottery Distribution Fund.
5. Includes VAT and 'traditional own resources' contributions to EC budget. Cash basis.
6. Excludes Children's Tax Credit and other tax credits that score as a tax repayment in the National Accounts.
7. Includes gross operating surplus and rent; net of oil royalties.
8. Consists of North Sea corporation tax, petroleum revenue tax and royalties.

Table 10 - *Source*: 'Table C8: Current receipts' (HM Treasury 2003)

In summary, the 'crisis' and consequential 'remedial' action has been caused not by objectively identifiable and tangible factors, but by political decisions as to what counts as a priority (business interests) and how those priorities can best be met (privatising risk, increasing the personal tax burden). Before leaving discussion of political issues, it should not be thought that the New Labour Government has been singled out for particular criticism. This thesis examines New Labour policy primarily in order to update the existing literature; the enterprise was non-partisan and, indeed, the central theme of this thesis is that government policy – irrespective of political party – has been equivocal or outright hostile to promoting equal participation of disabled people in the labour market.

In this, there is a central and unavoidable paradox that, as Deborah Stone's work makes clear, revolves around the distributive dilemma.

A novel alternative: demand-side policy

As Lister (1999) and Powell (2000) have identified, New Labour's promotion of productive over human potential (see discussion at page 159, above) evidences the precedence of the 'supply-side' of employability over the demand-side of employment. In this, and whether or not one agrees with the materialist foundations from which social interpretations of disablement originate, government policy is diametrically opposed to social accounts that seek to divert attention from the 'impaired individual' to the society that disables them. As Clarke and Newman have identified, although New Labour's Welfare Green Paper hinted at the idea of a disabling society, implemented policy continues to construe us only in relation to our actual or potential relationship to work (Clarke and Newman, 1998; cited by Powell, 1998: 47).

Such regression is explained by Bauman in terms of the constant re-casting of sections of society as individuals:

> Casting members as individuals is the trademark of modern society. That casting, however, was not a one-off act like divine creation; it is an activity re-enacted daily. Modern society exists in its activity of 'individualizing', as much as the activities of the individuals consist in the day-by-day reshaping and renegotiating of the network of their mutual entanglements called 'society'. (2001b: 45)

Whilst there are plenty of professionals who comprehend the theoretical and aspirational foundations of the social model, there is scant evidence that such understanding has had a significant impact on either the bureaucrats or politicians with the power to affect disabled people's lives. The foregoing analysis has shown, indisputably, that benefit and employment policy remains indelibly tainted by a discourse of individual 'failing', whether functional or attitudinal. It is also, regrettably, indicative of the limited influence the disability movement has had in the development of New Labour's welfare policy. Whatever the rhetoric, it is impossible to avoid the conclusion that the current state of affairs has been reached *despite*, rather than in accordance with, the views of the representative organisations of disabled people.

Having come into office with a documented commitment to strong and enforceable civil rights for disabled people, that the Disability Rights Task Force and Benefit Integrity Project should have been initiated almost simultaneously beggars belief. The selection of commissioners and subsequent establishment of the Disability Rights Commission provided an obvious opportunity for the new government to signal its intention to adopt a robust approach toward implementation of the Disability Discrimination Act. This it failed to do and, more importantly, that failure sent a clear signal to those entities covered by its terms: 'it's business as usual'.

It is, of course, unrealistic to expect a political party confined to the opposition benches for almost twenty years – and determined to show that it was 'good' for business – to immediately launch a programme of aggressive legal action against the corporate sector. Nonetheless, there has been ample opportunity and, it would appear, resources, to have publicly 'turned up the heat'; to have put the business community on notice that the DRC would, incrementally, move from a policy of education and persuasion to active enforcement of the DDA's provisions. Bauman, in his usual insightful way, emphasises the difficulty:

> … the moment 'otherness' tried to flex its muscles and make its strength felt, capital would have little difficulty with packing its tents and finding an environment that was more hospitable - that is, unresistant, malleable, soft. There would therefore be fewer occasions likely to prompt either attempts to 'reduce difference by force' or the will to accept 'the challenge of communication'. (Bauman, 1998: 11)

As we have seen, the long-standing preference for persuasion and education, combined with a myopic emphasis on supply-side dynamics, has had a negligible effect on opportunities for disabled people. Education and persuasion, even when putatively reinforced by anti-discrimination legislation, appears to have done little to decrease ill-informed or prejudiced attitudes amongst employers. Equally, they appear not to have increased awareness of the various resources available to facilitate the employment of disabled people (Access to Work, Disability Employment Advisers, the Disability

Helpline or a host of voluntary schemes provided, often on a local basis, by charitable organisations).

In view of the plethora of evidence available to the government and its advisers, much of it reproduced herein, it is difficult to rationalise the consistent and resolute refusal to introduce or implement measures directed at the demand-side of the labour market. It is equally difficult to understand why governments are prepared to introduce costly, but unswervingly ineffectual, programmes with an apparently cavalier disregard for the views of disabled people themselves. Rather than divert what must have been substantial sums of money from implementation of the New Deal for Disabled People to the coffers of sundry research institutes, might not smaller sums have been applied to a thorough and expansive empirical study to understand, more effectively, the experiences and opinions of disabled workers and jobseekers?

Policy descriptive studies are unlikely to provide compelling explanations for such paradoxical policy decisions, at least for the foreseeable future. If, however, as will be shown in the remaining sections of this thesis, attention is diverted from the analysis of policy, party-political rhetoric and bean counting, to systemic and globalized trends, it is submitted that compelling and theoretically robust explanations can be advanced. As will be shown, it is not domestic political ideology that lies behind such illogical initiatives, but a politico-economic hegemony and its effect on popular culture that is best summed up with the now familiar acronym: TINA; 'there is no alternative'.

The challenge is not simply to counter this pessimistic assessment, but to rebut claims that the collapse of one ideological dogma: Marxist-Leninism, marks the triumph of another ideological construct: the Washington Consensus, a US-dominated and dogmatic claim for the perfection or unavoidability of a particular brand of 'free'-market capitalism. However, there are also risks inherent in modern demands for the abandonment of meta-theory; not only must the ideological foundation of much that passes for the 'known' and the 'obvious' be identified, we must also take care to avoid the postmodernist's vacuum-creating deconstructionism and sneering rejection of social aspirations as utopian.

> This is why, as Cornelius Castoriadis observed, our civilization, 'stopped questioning itself'. This, Castoriadis adds, is our trouble. When people accept their impotence to control the conditions of their life, if they surrender to what they take to be necessary and unavoidable - society ceases to be autonomous, that is, self-defining and self-managing; or, rather, people do not believe it to be autonomous, and thus lose the courage and the will to self-define and self-manage. Society then becomes heteronomous in consequence - other-directed, pushed rather than guided, plankton-like, drifting rather than navigating. Those on board the ship placidly accept their lot and abandon all hope of determining the itinerary of the vessel. At the end of the modern adventure with a self-governing, autonomous human world, we enter the 'epoch of universalized conformity'.' (Bauman, 2001b: 54)

In view of the evidence presented, it is difficult to substantiate a sincere intention or desire on the part of successive British governments to address the endemic exclusion and impoverishment of disabled people. That the current government should avoid pursuing an aggressive programme to promote the employment of disabled people is, it must be conceded, unsurprising. After almost 20-years in opposition, New Labour has been careful to prove its business-friendly credentials and businesses have shown, by their overwhelming failure to employ them, that they would really rather not employ disabled people.

Despite making a manifesto commitment to 'support comprehensive, enforceable civil rights for disabled people' (see page 110), such rights were to be developed 'in partnership with all interested parties' and, on the sixth anniversary of Labour's return to government, we still await comprehensive and enforceable civil rights (modest amendments were finally proposed on 3 December 2003). That the government should want to reduce the cost of disability-related benefits is also unsurprising, they are not the first government to do so and such policy is in line with international trends (please see further discussion in the subsequent chapter).

Nonetheless, it is difficult to rationalise the considerable political hazards associated with so cynical a mismatch between facade and substance, based on the preceding factors alone. Excepting the evident public relations benefit of appearing to do *something*, is there anything else that could make the government's programme more explicable? I believe that there may be: the de-politicisation of a highly political social process, disablement.

Conclusion

As this chapter has clearly shown, theoretical analyses of contemporary policy-responses to disablement suggest that it remains, primarily, a discourse tainted by historical attitudes toward pauperism, where the individual is construed as morally accountable for their condition. Evidently, there has been remarkable continuity in official discourse; continuity exemplified by the distributive dilemma first conclusively identified by Deborah Stone in relation to policy responses to disability during the industrial revolution (see chapter 2, above). That policy discourse should have travelled so far, only to return to its dogmatic starting point is either a sad indictment of the policy process or unequivocal confirmation of the triumph of that dogma.

Making receipt of state benefits conditional on beneficiaries entering into some form of work or training is fast becoming an endemic response to what are perceived as unacceptably high welfare budgets. The growth of workfare-type programmes has been accompanied, in the UK, by debate concerning the interaction of citizenship with benefit receipt, a discussion that began with the Poor Law Commissioners over two hundred years ago. An integral part of the renegotiation of the social contract is the collapse of the 'modality of a commodity'; the severing of capital and labour's interdependence.

Vitally, we have seen that social analysis does not permit neat and intellectually satisfying demarcation of the policy intervention between the political left, right or centre and that it has been economic, rather than merely ideological, dynamics that have acted as the primary catalyst for the unravelling consensus over the post-war settlement. Whilst it has become fashionable to credit Margaret Thatcher and her government for the state that we are now in, the role of the international trade has been introduced – although it will be examined in far more detail in the succeeding chapter – and we have answered Cain's question: 'Am I my brother's keeper?' in the negative. With the abandonment of any governmental aspiration of promoting full employment, there appears to have been a widespread acceptance that the 'poor, the disabled, the impoverished and the indolent (Bauman 2001b: 74)' should be left to their own devices, to sink or swim at fortune's whim.

New Labour's role in speeding the rate of change (regression?) has been discussed, at some length, and its determination to redraft the welfare debate in terms of paid work has been identified. Although the New Labour project is portrayed as one of modernisation, it has been shown to betray its roots in the deserving/undeserving dichotomy, complete with pejorative assumptions that have a two hundred year pedigree. In addition to promoting a return to assumptions of impoverishment as individual failing, we have also noted the broader transfer of risk and responsibility, from the state to the individual.

That New Labour's reforms, whilst harsh for many a benefit recipient, provide clear benefits for capital formulation has been discussed. The politician's propensity to conceal substantial ideological change or policy failure by redrafting the 'buzzwords', in this case the transition from poverty to social exclusion has been shown to indicate a paradigmatic shift in the equality debate, from equality of *outcome* to equality of *opportunity*; weasel words that serve to divert attention from ongoing and increasing inequality. Of relevance to the particular situation of disabled people under New Labour, difference is subjected to traditional normative assumptions concerning the need to make the 'other' more like 'us'.

New Labour's policy implementation has been aided, to no small degree, by the increasing use of unelected quangos that, far from being representative of the population, ensure business interests are the alpha and omega of policy development. Should the process of removing policy development from the purview of parliament be inadequate to the task of advancing New Labour goals, there is a second front available to them: news management.

Having identified the key trends and themes in New Labour's reforms of the welfare state, those affecting disabled people have been discussed at a theoretical level, to complement and advance the examination of the policy itself in chapter 4. Although New Labour has portrayed disability-related reform in terms of combating disabled people's exclusion and promoting their access to work, we have seen that such assertions are difficult to sustain.

Finally, it was conceded that it is difficult to rationalise the political hazards arising from New Labour policy based on the discussion that has been undertaken in this chapter. Seeking explanations that resolve this paradox will form the primary substance of the next chapter, particularly in relation to the conflicting claims of and for globalization. Such discussion would be deficient without analysis of the impact of the Washington Consensus (the "Washington Consensus" emerged during the seventh round of GATT talks – the "Tokyo Round" between 1973 and 1979 – and is a global economic model founded on the principles of privatisation, "free trade" and deregulation, see, for example Stiglitz 2003) on social policy development, particularly in relation to the General Agreement on Trade in Services [GATS]. It is to these and other contemporary macro-economic issues that we must now turn but, before doing so, continuities in disability-policy discourse might usefully be summarised with Lund's assessment that:

> Stripped of this idea of a legitimate entitlement to a share in community-created wealth to be secured by the taxation of 'unearned' income, New Labour's rhetoric on the rights/obligations link, when applied to people not in work, is more reminiscent of the Charity Organisation Society than the 'New Liberalism'. The Charity Organisation Society was 'never purely "individualist" in the atomistic sense of the term' and shared New Labour's 'strong conception of the corporate nature of society and the organic interdependence of its members' (Harris, 1992: 131). It was determined to enforce obligations by maintaining the 'less eligibility' and social control of the Poor Law. The pauper was a person without rights, was offered relief in kind and was subject to social control in return for the means of subsistence. (Lund, 1999: 460)

Chapter 6

GLOBALIZATION, FAIRY TALES AND POLITICAL OPPORTUNISM

The collapse of the global market place would be a traumatic event with unimaginable consequences. Yet I find it easier to imagine than the continuation of the present regime.

George Soros, 1995: 194

Introduction

The last chapter described, in some detail, the interaction between social policy – as a discrete area for academic enquiry – and social policy as a programmatic political response. In both forms, the case was made that ideology plays a decisive role but that, in the translation of ideology to policy response, there are countervailing influences that serve to interfere with the imposition of purely ideological responses to social issues. One of these countervailing influences is the political assessment of public reaction; in the particular case of disabled people, we have seen that prior to New Labour's election in May 1977, the response to a liberative agenda from the disability sector was a significant impediment to the success of the Conservative government's ideologically driven project to roll back the state.

I have already claimed that programmes and policies introduced, since New Labour entered government, appear to show a keen disregard for such a liberative agenda, except where it is supportive of the government's plans or can be subverted to appear so. Thus, the language of civil rights and the expressed desire of disabled people to work can be manipulated to justify regressive measures to compel, rather than support, the move into work.

A recurring thread in the previous chapter was the collapse of what Gray (2000) usefully depicts as a 'Keynesian-Beveridgean consensus' for, it was claimed, it was not simply the transition to post-monetarism *or* the putative crisis of the post-war welfare settlement that was crucial to explaining developments in social policy since the 1970s, but the abandonment of *both* that is crucial to a proper understanding. A number of factors, including the IMF's intervention in domestic policy programmes, a growing political hegemony concerning the role of the economy in achieving social goals and the impact of international trade were posited as factors that were explanatory to the deconstruction of a Keynesian—Beveridgean consensus.

In this chapter, the impact of a process that is, in accordance with current fashion, earnestly deliberated upon and depicted, as 'globalization' will be explored. In so doing, I do not intend to venture opinions as to the accuracy of the label or its 'authentic' meaning. The failure to undertake such a task is not due to intellectual timidity, but a response to the conviction that the power of an idea is not its legitimacy but the extent to which people act upon it. Thus, whether 'globalization' exists as a discrete or verifiable 'fact' is an enquiry that I am content to leave to others. What is of interest here is whether it can be demonstrated that government policy is constructed and implemented *as if* globalization (however it is constructed and portrayed) was a reality, for:

> … it may ... not matter very much whether anything is actually happening or not, so long as key people believe it is happening or can convince other people that it is happening. (Wilding 1997: 411).

In adopting such an approach, it is my hope that subsequent analysis will more readily be seen as emancipatory *and* intellectually robust. From the perspective of the disability activist, the claim that there is no alternative – now so widespread that it is often described simply with the acronym 'TINA' – is a matter of fundamental importance and, accordingly, must be addressed by disability studies.

What is globalization?

Conforming to what is fast becoming a familiar pattern in this thesis, commencing discussion of substantive issues has to be postponed until first seeking to establish meaning from amongst a range of alternatives. In the case of 'globalization', this is no easy task, because whilst it may be "an idea whose time has come… it lacks precise definition. Indeed, globalization is in danger of becoming, if it has not already become, the cliché of our times: "the big idea which encompasses everything from global financial markets to the Internet but which delivers little substantive insight into the contemporary human condition (Held *et al*,. 1999: 1; cf. Gray, 2002; Mander, 1996; McMurtry, 1998)."

Bauman, as ever, goes to the root of the matter, by not only acknowledging the debate about meaning, but the insidious effects of such widely used and poorly understood words:

> All vogue words tend to share a similar fate: the more experiences they pretend to make transparent, the more they themselves become opaque. The more numerous are the orthodox truths they elbow out and supplant, the faster they turn into no-questions-asked canons. Such human practices as the concept tried originally to grasp recede from view, and it is now the 'facts of the matter', the quality of 'the world out there' which the term seems to 'get straight' and which it invokes to claim its own immunity to questioning. 'Globalization' is no exception to that rule. (Bauman, 1998: 1)

For activists engaged in the growing "anti-capitalist" movement, (I am not keen on using this terminology, because it construes such movements as negative. I would contend that what is more accurately described as "pro-democracy", is a positive force for reform) globalization is intimately connected, and defined in relation, to the neo-liberal project (Stiglitz, 2003). The writer and activist Susan George clearly construes globalization in terms of corporate power: "I try never to use the word 'globalisation' without qualifying it: we are living in the era of *corporate-led, corporate-driven globalisation* (George, 2001: 14)." Although firmly rooted in political activism, George's reference to 'era' is, nonetheless, of academic consequence because, even if there is debate about the precise meaning of the word, globalization – like postmodernity – is also frequently used to denote a new conjuncture. As we shall see, claims for globalization's epoch-defining discontinuities are, as with its meaning, contested.

Before proceeding any further, however, it must be emphasised that the aim here is *not* to provide a comprehensive account of the various meanings and consequences attributed to globalization (Held *et al.*, 1999 have already provided a thorough and robust account). In harmony with the remainder of this thesis, my primary area of interest is in the social policy responses to globalization, with particular regard to disablement.

The globalization debate: the opposing teams

Held *et al.* (1999) provide a seminal and authoritative account of globalization and its meanings and, in so doing, identify three broad approaches to the debate whose proponents they describe as:

- Hyperglobalizers
- Sceptics, and
- Transformationalists.

It should be noted that *none* of these approaches could be relocated within 'traditional ideological positions or worldviews' with, for example, both neo-liberals and Marxists within the hyperglobalist's camp. Neither do the traditional positions share a common view as to the socio-economic phenomenon of globalization. Whatever the ideological differences, Held *et al.* contend that hyperglobalizers share the belief that globalization is principally an *economic phenomenon* that promotes a borderless economy with 'transnational networks of production, trade and finance'.

The status and outlook for nation states is contested, even amongst hyperglobalizers, with some believing that the state will be replaced by new forms of social organisation, whilst others simply concede that the role and power of nation states are likely to diminish. As might be expected from the label selected to describe this approach, hyperglobalizers view globalization as a process that involves a 'fundamental reconfiguration of the framework of human action (Held *et al.*, 1999: 3-5).'

Sceptics, far from conceding the grand changes proposed by the hyperglobalizers, insist that contemporary levels of economic interdependence are little different to historical trends and propose, in comparison to the era of the Gold Standard in the late nineteenth century, that the extent of national integration is actually lower than it has previously been. In view of their denial of the very existence of globalization, sceptics insist that interaction between what remain economies essentially differentiated by nationality may show an increase in *internationalisation* (i.e. trade between national economies) but the maintenance or increase of such internationalisation is *more*, rather than less, dependent on effective regulation from national governments.

The evolution of three major economic blocs: Europe, Asia-Pacific and North America (Hirst and Thompson, 1996a), suggests the *regionalization*, rather than *integration*, of economic activity. Importantly, the sceptical approach acknowledges increasing regional inequality, proposing that the North-South divide is at least, if not more, pronounced as a result of economic internationalisation, but denies a global convergence of macroeconomic and welfare policies. Although it is conceded that governmental options may be constrained because of the international economic environment, sceptics suggest that the internationalisation of capital is just as likely to increase policy choices (Held *et al.*, 1999: 5-7).

Finally, Held *et al.* identify transformationalists as sharing the conviction that globalization, of and in itself, is the pre-eminent motivating force behind 'rapid social, political and economic changes that are reshaping both societies and the world order (Giddens, 1990; Castells, 1996).' Transformationalists regard globalization as an indeterminately long-term historical process marked, inevitably in view of the longevity of the project, by substantial inconsistencies. Nonetheless, there is a conviction 'that contemporary patterns of global economic, military technological, ecological, migratory, political and cultural flows are historically unprecedented (Held *et al.*, 1999: 7).'

Unprecedented or not, transformationalists reject the view that the evidence portends global union and emphasise, instead, new patterns of stratification that cross national boundaries, with those self-same boundaries subject to powerful non-territorial power blocs that include transnational corporations, regulatory agencies and social movements. 'Nation states are no longer the sole centres or the principal forms of governance or authority in the world (Held, 1999:9).' However, and in contradiction with the hyperglobalizers, transformationalists believe that the more diffuse nature of authority will not lead to the end of the nation state, rather, that such states are being 'reconstituted and restructured' in order to counter the complexity of governance in a more 'interconnected' world.

The main areas of contention between these three approaches are summarised by Held *et al.* as:

- Conceptualization
- Causation
- Periodization
- Impacts, and
- The trajectories of globalization (1999: 10).

Social policy, globalization and the convergence thesis

Whether, using Held *et al.'s* taxonomy, one is a hyperglobalist or a transformationalist, that globalization *will* influence national government and policy formation is a given. At its most extreme, this expectation of national impact results in what has been described as the "convergence thesis", the view that in response to globalization, social programmes in various nations will be curtailed (George, 1998) or will become indistinguishable (Yeates, 1999; Taylor-Gooby, 1997; Geyer, 1998).

The empirical work of Vic George (1998) provides useful insights although, as George himself acknowledges, the small sample size demands that the results are treated with caution. What is particularly valuable is that George precisely seeks to assess views about globalization and welfare programmes from an 'elite' perspective – those of politicians from major political parties, representatives of the labour movement, business community, voluntary societies, journalism and the civil service – within six member-states of the EU (1998: 198). George reports 'almost total unanimity among respondents on the problems posed by demographic trends both now and in the future (1998: 20)' and the universal surrender of education to market imperatives:

> … in the area of education, political differences disappear because education is seen by all groups as a form of human capital that is essential to the economic health of the country…
>
> The dominant and unifying theme of the replies on education was the desire to make education more relevant to the needs of the labour market in order to reduce unemployment, raise productivity and achieve higher rates of economic growth. Economic rather than social goals were uppermost in most of the replies. (George, 1998: 22 & 23)

Whilst differences between left and right appear to evaporate in relation to education and, in view of the strong market-utility approach described, are of particular significance in relation to funding educational opportunity for disabled people, the views on the need to combat inequalities in other areas remain ideologically responsive, as the chart below indicates.

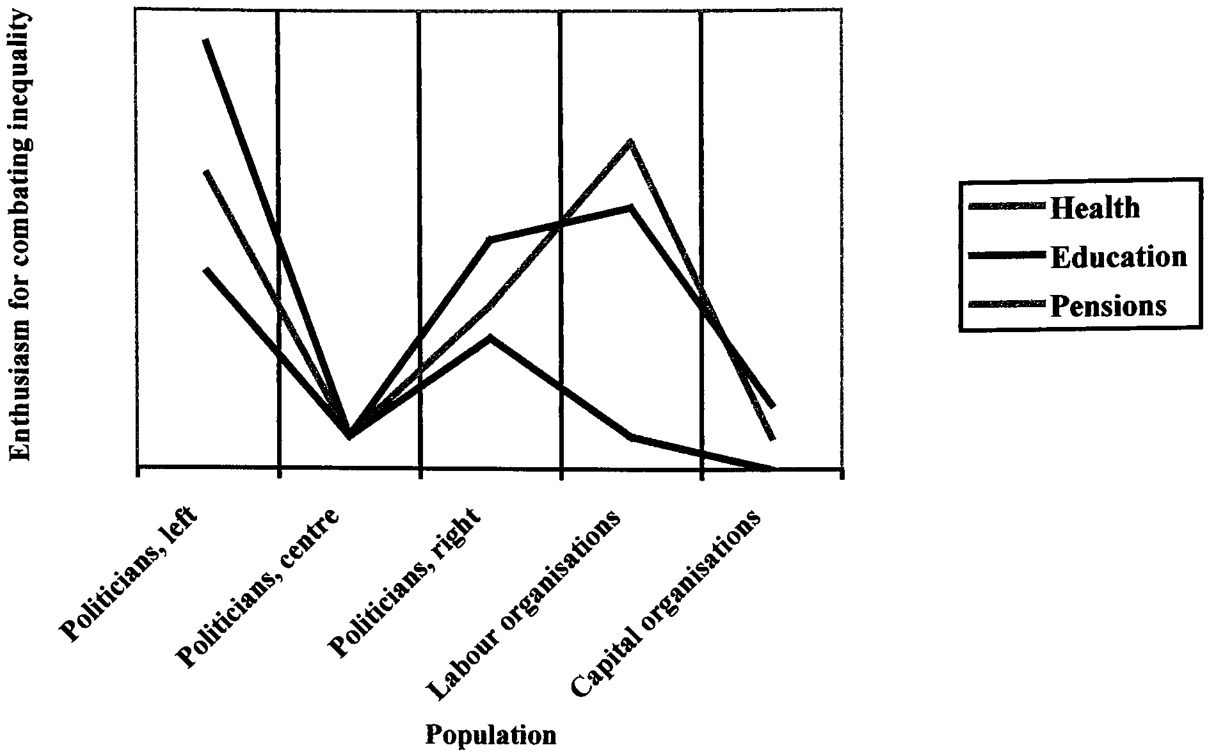

Figure 4 Support for reduction in inequalities in key social policy areas by 'elite' group: adapted from George, 1998: 23, Table 4.

In closing his empirical study, George reaches five conclusions:

(a) '... differences of opinion on the future of the welfare state between respondents of the left and right are still considerable despite the fact that the left has modified its stance on some of its traditional welfare state views. These differences are wider in the case of labour versus capital organisations than in the case of left-wing and right-wing politicians."

(b) '... the vision of the left for an expanding and generous welfare state in the future relies solely on the achievement of higher rates of economic growth. Its refusal to back higher taxes, if these become necessary, will push it closer to the rightwing view of the welfare state in the future.'

(c) '... debates on the welfare state are conducted within the new neo-liberal paradigm of state welfare provision with the result that even governments of the left are pursuing reductionist welfare policies. A new political convergence has emerged, even though it is inevitably mediated through each individual country's economic, political and institutional arrangements.'

(d) '... the current and future contraction of state welfare provision in Europe is best understood within a broad theoretical framework that gives primacy to the effects of globalization on the economies of Europe. The operation of internal factors should be seen within this broader and hostile economic environment.'

(e) '... an incoming government of the left will find it impossible to reverse the trend of retrenchment in state welfare, though it may be able to modify it.'

Although based on a survey of the literature, rather than on empirical study, Nicola Yeates (1999) takes a more cautious approach, asserting that:

> Overall, globalization is not hegemonic or uncontested, nor does it steamroll over all areas of social life or trample over states as "strong" versions have portrayed. International economic processes are refracted through national institutions and mediated by local conditions. States and governments are far from being "victims" of globalization (even if they like to portray themselves as such), and although many have more than enthusiastically embraced the integration of their economies into the international economy they still possess substantial regulatory powers, both individually and collectively, over global capital. Whether they choose to exercise these or not is a different matter. (Yeates, 1999: 377)

Perhaps the principle risk in entering the social policy and globalization debate is that *consistency* in various national responses can too easily be mistaken for *causality* (Yeates, 1999: 380), inevitably resulting in the reification of that which is contested. Further, and as Stryker (1998: 8-9) identifies, ideology itself can be (and routinely is) utilised as a prominent device with which to influence social policy and attitudes toward it. In the particular case of globalization, the neo-liberal project is assisted, immeasurably, by the inculcation of a belief amongst those who govern that global economic dynamics are immune to the 'interventionist meddling' of national government, precisely the TINA effect about which we often hear (recall George's conclusion, above).

Yeates discusses the importance of ideology, as opposed to "crude economic determinism", in explaining the effects of globalization on welfare states. 'Policy-makers' beliefs, values and assumptions about the global economy are shaped by ideology: they may believe that particular interventions will prompt speculation on the national currency, mass capital flight abroad, or a downturn in investment by foreign firms', a process described by Moran and Wood (1996) as "contextual internationalization".

> … the parameters of the politically possible are circumscribed not by the 'harsh economic realities' and 'inexorable logics' of competitiveness and globalisation, but by perceptions of such logics and realities and by what they are held to entail…
>
> *The space for alternative welfare trajectories does indeed exist, but it is no longer perceived to exist.* The world has certainly changed, quantitatively and qualitatively, but only a distinct absence of political imagination and/or a severe dose of political fatalism would imply that such changes narrow the range of alternatives to those which would subordinate social policy to economic imperatives, consigning the universal and redistributivist welfare state to a somewhat nostalgic rendition of the past. Arguably, the crisis of contemporary social democracy resides precisely in such a combination – a political fatalism born of its widely perceived association with the fiscal crisis of the 1970s on the one hand, and a lack of political imagination (and hence a positive agenda of welfare reform) reflecting the defensive posture it has since adopted on the other … (Hay, 1998: 529; see also Bairoch & Kozul-Wright, 1996; Gray, 2002; Hirst & Thompson, 1996; Jordan, 1998 and Hay, 1998)

Yeates also provides a persuasive counterbalancing argument to a 'convergence thesis' of social policy: the ongoing importance of local constituencies in the framing of government policy, including:

> … the political and institutional constellation of national welfare states, historical and cultural traditions, social structures, electoral politics, the partisan nature of government, the presence of strong "veto players" … the internal structure of the state (Esping-Andersen, 1996; Rhodes, 1996; Hallerberg and Basinger, 1998; Garrett, 1998)… the degree of integration of the national economy into the international economy and the particular species of capitalism that has developed nationally (1999: 380).

Yeates continues her analysis by examining the impact of global governance structures, including the Bretton Woods Institutions, and the countervailing influence of globalized social movements, NGOs [non-governmental organizations] and less formal public responses. It is to these issues that I now turn, before commenting on Yeates' (or, indeed, most other analysts) failure to account for the particularly precarious position of disabled people in this new 'global social dialogue'.

Globalization, neo-liberalism and international trade organisations

Much of the globalization literature makes specific, and sometimes extensive, reference to the influence that international trade and economic organisations exert on states and their domestic policies. The 'Bretton Woods' institutions' are frequently referred to, but their history and promotion of US economic interests appears less widely understood. In the 1930s, the U.S. Council on Foreign Relations, a group of powerful individuals drawn from U.S. corporations and foreign policy institutions were united 'in their vision of a global economy dominated by U.S. corporate interests (Korten, 1996: 21).' Such domination would only be achieved when the USA achieved unfettered admission to the financial markets and natural resources of the Far East, the Western Hemisphere and the British Commonwealth states.

On July 24 1941, the U.S. Council on Foreign Relations circulated a memorandum that provided a framework for a "grand area", defined as the regions that the USA would need to dominate, both economically and militarily, to be sure of obtaining the resources required by its industries. Further, the Council proposed the establishment of global financial institutions for "stabilizing currencies and facilitating programs of capital investment for constructive undertakings in backward and underdeveloped regions (Sklar, 1980, quoted by Korten, 1996: 21)." The Council's opinions and proposals were subsequently relayed to the President, Franklin D. Roosevelt.

Whilst the Council on Foreign Relations was pursuing its agenda, so too was Roosevelt: in 1941 he secretly met Winston Churchill, off the coast of Newfoundland, in order to discuss plans for peace that were strongly influenced by a desire to avoid the ongoing risk of national monetary and trade policies adversely affecting the international economy. Their meeting resulted in a commitment to multilateralism as:

> … the cornerstone of an emergent international economic system. Along with this, they pledged an equal commitment to the idea that this new international order would *give equal weight to increasing the well-being and employment prospects for all.* This solemn pledge, contained in the Atlantic Charter, may be considered the first, irrevocable step toward *requiring governments to organize trade internationally without sacrificing the prospect for a rising standard of living…* The Atlantic Charter represented the commitment that when peace was restored, the employment needs of nations everywhere would be addressed and the international trade order would be reorganized. (Drache, 2000: 8, *my emphasis*)

In July 1944, the United Nations Monetary and Financial Conference was held at the Mount Washington Hotel, Bretton Woods, New Hampshire (USA). The economic leaders in attendance met with the aspiration of founding institutions that would promote the global effort to achieve unity and harmony through prosperity; the Conference President was Henry Morgenthau, U.S. Secretary of the Treasury. "By the end of this historic meeting, the World Bank and the International Monetary Fund (IMF) had been founded, and the groundwork had been laid for what later became GATT [General Agreement on Tariffs and Trade] (Korten, 1996: 21)."

However, in identifying the 'groundwork' for GATT, Korten fails to adequately address the dramatic change in emphasis to which these international meetings were subjected, because of the interests of the US-elite, aided and abetted by the US Federal Government. Simultaneously with the negotiations at Bretton Woods, the UN Charter, the Universal Declaration of Human Rights and the 1948 Havana Charter (Held *et al.*, 1999: 164) were also being negotiated and,

> All these agreements aimed at protecting liberty, non-discrimination, rule of law, social welfare and other human rights values through a rules-based international order and "specialized agencies"… (Petersmann, 2001: 2)

When reviewed in this light, that economic policy should have been treated as inseparable from social justice at such juncture in history is unsurprising; what is surprising, if not to say discouraging, is the extent to which such social goals should, so quickly, have been sacrificed at the altar of economic liberalism.

The content and disposition of the Havana Charter – passed at the 1947 United Nations Conference on Trade and Employment in Havana, Cuba – which provided for the creation of the International Trade Organization [ITO], is instructive. The ITO was intended to promote 'orderly global trade' under the jurisdiction of the UN and with an overriding social mandate, that acknowledged and promoted full employment together with the rights contained within the Universal Declaration; the ITO even reserved the power to regulate transnational capital to better promote such ends (Barlow, 2000):

> Stamped by the powerful idea that people mattered even more than export opportunity, the ITO negotiators sought to embody the radical ideal that liberal trade principles should serve the full employment agenda which every industrial country had begun to adopt in the closing years of the war, after the British adopted the White Paper on Employment in 1944... the story of the ITO does offer an unparalleled case study of *a short period in history when free trade, labour standards and human development were friends and not historical antagonists.* (Drache, 2000: 4, *my emphasis*)

Whilst the ITO, like the other international institutions created soon after the Second World War, afforded disproportionate influence to the US and other 'victors', by 1949 the US elite decided that the ITO Charter did not adequately protect their 'interests or investment rights'. More especially, "What had begun as an 'American project' did not remain one once the developing countries became involved in designing the ITO (Drache, 2000: 6)."

Groundwork for the ITO had been lengthy, with preparatory meetings in New York, London and Geneva; although US failure to ratify the Charter ensured that it never entered into force, an integral part of the preparatory negotiations concerned tariff reductions. In order to expedite the implementation of the tariff negotiations that had formed part of the (subsequently abandoned) preparations for the ITO, the chapter on 'Commercial Policy' was converted and supplemented to form the General Agreement on Tariffs and Trade [GATT], adopted by means of a Protocol of Provisional Application that entered into force on 1 January 1948.

Ironically, whilst the ITO was "stillborn", the chapter that became GATT not only survived but would also, exactly 48-years later, lead to the establishment of the World Trade Organization (on 1 January 1995). The WTO's founding instrument: the Marrakech Agreement (1994) provided for the official termination of GATT on 31 December 1995, although its rules were incorporated into the WTO. Thus, whilst social priorities were abandoned, in favour of elite interests, the project of globalized free trade lives on. International organisations like the World Bank, International Monetary Fund and World Trade Organization have affected significant influence on national policies, not least because governments are legally bound to comply with their extensive powers to regulate the global economy, including the power to prevail over domestic legislation. None of these organisations is subject to democratic control and signatory governments appear exceptionally inhibited about ensuring that their citizens are aware of what they have acceded to 'in their name' (see, for example, Nader and Wallach, 1996: 92-107; Stiglitz, 2003).

In his analysis of the 'the delusions of global capitalism', John Gray (2002) succinctly destroys many of the normative assumptions inherent in economic globalization, perhaps most importantly, the neo-liberal myth that 'free-markets' can or do exist, for,

> Encumbered markets are the norm in every society, whereas free markets are a product of artifice, design and political coercion. Laissez-faire must be centrally planned; regulated markets just happen. The free market is not, as New Right thinkers have imagined or claimed, a gift of social evolution. It is an end-product of social engineering and unyielding political will. It was feasible in nineteenth-century England only because, and for so long as, functioning democratic institutions were lacking. (Gray, 2002: 17)

Thus, the project of economic globalization is dependent upon the insulation of the market from democratic process; "Democracy and the free market are rivals, not allies (2002: 17)." Robust states, committed to the neo-liberal project, are essential to counter the natural and spontaneous encumbrance of markets in response to specific problems, precisely the piecemeal nature of legislative responses to workplace safety, banking services or social inequality that are the hallmark of a democratic state.

> The natural counterpart of a free market economy is a politics of insecurity. If 'capitalism' means 'the free market', then no view is more deluded than the belief that the future lies with 'democratic capitalism'. In the normal course of democratic political life the free market is always short-lived. Its social costs are such that it cannot for long be legitimated in any democracy. This truth is demonstrated by the history of the free market in Britain, and it is well understood by more farsighted neo-liberal thinkers who plan to make the free market global...
>
> ... The role of a transnational organization such as the WTO is to project free markets into the economic life of every society. It does so by trying to compel adherence to the rules which release free markets from the encumbered or embedded markets that exist in every society. Transnational organizations can get away with this only insofar as they are immune from the pressures of democratic political life. (Gray, 2002: 17-18).

Thus, as has been shown, the ideological impact of globalization is crucial, not simply to justify government in/action, but to advance economic globalization *at all.* This is not to suggest that governments do not benefit from a win/win situation: in pursuing the policies to which it may be committed, criticism can also be deflected or deflated by reference to the 'there is no alternative' argument. Although the New Labour Government and its Prime Minster in particular, have made repeated reference to such inexorable forces, once again this government can build on the achievements of the last. Precisely one of the triumphs of the 'New Right' under Margaret Thatcher was severing the historic link between voter choice and economic fortune (Gray, 2000: 33). The Conservatives persuaded the public it was world markets, rather than national government, which was responsible for the state of the economy, a culture New Labour was happy to perpetuate; it must be acknowledged that both parties have been less averse to claiming ownership of economic 'successes'. We will return to the influence of the Bretton Woods institutions shortly, but we must now consider the particular situation of disabled people and a globalized economy.

Disabled people and globalization

Chris Holden and Peter Beresford comment that:

> So far there has been relatively limited discussion of globalization either in relation to, or by, disabled people. As we have argued elsewhere, there has been little attempt to relate the discourses of globalization and of disabled people to each other (Beresford and Holden 2000). Yet, as we shall see, *globalization clearly impacts powerfully on the lives of disabled people…* (2002: 191, *my emphasis*).'

Holden and Beresford map out the boundaries of both the globalization debate and the role of industrialisation in the creation of impairment and construction of disability (Abberley, 1996 and 1997; Finkelstein, 1981); the strong links between disability and poverty in the developing world (Stone, 1999; DAA, 1995); the export of western industrial conceptualisations of disablement to other regions (Coleridge, 1993; Ingstad and Reynolds-Whyte, 1996; Stone, 1999); the growth of a disability industry established on individualised and medicalized models of disability, and its subsequent export to the developing world (Oliver, 1996); leading to the assertion that:

> We can expect globalization to continue to play a central role in the social construction of disability and impairment, like nineteenth-century industrialization before it, even if the resulting dominant paradigms differ from those of the past. We can also expect that many of the key features of globalization, like the deregulation of capital, the labour market and employment conditions, will have similar effects to earlier industrialization in terms of maintaining exclusions and the link between poverty and disability. The removal of disabling physical and social structures is unlikely to be prioritized within the imperatives of a globalized economy. (Holden and Beresford, 2002: 194)

The authors suggest that the 'one key difference between early industrialization and globalization' will be that the shift of unskilled and semi-skilled jobs to the developing nations is resulting in: 'The impairment-creating and disabling conditions associated with Western industrial economies in the nineteenth centuries … being replicated by globalization in the Third World (2002: 194-5).'

In developing their discussion of the potential effects of globalization on disabled people, the authors begin by adopting what Yeates would characterise as a "strong" conception of globalization, emphasising a convergence thesis, "race to the bottom", approach by states (2002: 195). In the absence of compelling evidence that the convergence thesis is fundamentally flawed, I believe that Holden and Beresford are right to strike a cautionary note; the hard-won gains in disability policy – no matter how incomplete – may well be at significant risk from contemporary trends, a matter to which I shall return shortly.

The authors identify a number of potential risks for disabled people, occasioned by a 'race to the bottom' in aid of capital accumulation. These include:

- Retrenchment of support-service funding, based on a weakening of collective responsibility and risk pooling, identified as a 'prerequisite' for disabled people's equal participation in society (1999: 195);
- The search for positive-sum solutions (Esping-Andersen, 1996b) which has resulted in an emphasis on education as the "policy weapon" of choice, principally because of its contribution to the production of high-skill workers who are better able to compete in flexible labour markets. Such a policy weapon must disadvantage disabled people, some of whom will remain caught in the life-cycle trap of low-grade, low pay, entry-level jobs because so many are still excluded

from inclusive education and equal access to further and higher education (2002: 196-7, see also discussion of George's empirical study, above);

- The risk of promoting a culture of culpability toward those who cannot survive in an increasingly competitive labour market, with the attendant peril of returning to the 'barbarity of the workhouse' (2002: 197);
- Increased exclusion, caused precisely by New Labour policies that increase the labour supply, thereby further marginalizing those workers excluded before any such change in the labour supply (2002: 197-8);
- The unmet need for comprehensive support services; great anxiety amongst disabled people who fear that they will be inappropriately forced into work;
- An emphasis on assimilation rather than acknowledgement of the need for support and work (2002: 198).

Balancing the "strong" globalization thesis presented above, Holden and Beresford discuss the impact of 'globalization as ideology', referring to it as a 'legitimating idea' and emphasising disabled people's readiness and capacity to challenge the elite's established ideas, both at the national and international level. Thus, disabled people need not submissively endure a *fait accompli* but, like other social movements formed in response to economic globalization, are capable of mobilising a political campaign to reduce its impact and increase debate.

Important though the foregoing discussion undoubtedly is, I believe that it is Holden and Beresford's analysis of the changing nature of social care provision that is acutely perceptive and compelling.

Globalization and residential care for disabled people

Holden and Beresford deny that the state is withdrawing from social policy but concede that the nature of its involvement may, in some areas of activity, be changing. Vitally, political responses toward education, from something of value, in and of itself, to an instrument of social and economic policy are, as has been argued above, a prime example. In relation to the provision – and ideology – of residential care, Holden and Beresford claim that state intervention has radically altered in the past twenty-years, both in the UK and other EU states, with the increased provision of private-sector care and a consequential change in the state's role to one of subsidy and regulation. The transfer of responsibility for care provision has "promoted internationalization" as this sector has "become more concentrated (2002: 199)".

Market analysts Laing and Buisson, report that in the nine-year period, 1988 - 1997, the 'major providers' – defined as all organisations with three or more homes – achieved a two-fold increase in their penetration of the 'for-profit care home market' (Laing and Buisson, 1997: A186). According to Department of Health statistics, by 1998 the private sector was providing 88 per cent of all residential and nursing care home places in the UK (DoH 1998a, cited by Holden and Beresford, 2002: 199). The transition to private provision has been followed by processes of both *consolidation* and *concentration* (Laing and Buisson, 1997: A186, cited by Holden and Beresford, 2002: 199):

> Having facilitated the rise to dominance of independent provision during the 1980s through open-ended social security funding and the conditions attached to the special transitional grant, governments have subsequently facilitated concentration within the market through restricting local authority budgets. This is because it is the larger firms which can best withstand the current tight financial climate, by utilizing their substantial economies of scale. (Holden and Beresford, 2002: 200)

Thus, the financial implications of providing private sector care on government-determined terms favours larger providers, with greater capital reserves and access to economies of scale. Not only has this led to smaller providers of residential care barely breaking even, it has also provoked wide scale disenchantment for the owners of small homes – precisely the type of homes that Andrews and Phillips identify as less "institutional" and, therefore, more in keeping with the 'philosophy of care in the community (1998: 10).'

The increase in private-sector provision and the inevitable consolidation and concentration has been particularly useful for multinational corporations who, since the 1970s, have substantially increased their penetration of the British health care market (Mohan, 1991; cited by Holden and Beresford, 2002: 201); US-based corporations have been particularly active in this regard. The authors note that the internationalisation of the care-providing industry is being augmented with UK organisations expanding their operations overseas (2002: 202) but, of perhaps the greatest significance for disabled people and our representative organisations (of which, see more later); Holden and Beresford highlight the 'marketisation' of non-governmental organisations [NGOs]:

> … in the UK, for example, the nature of voluntary or charitable organizations in the contemporary economy increasingly mirrors that of other large organizations. This relates partly to the way in which voluntary organizations are increasingly being used by government to pursue its own agenda. Funding to voluntary organizations often comes primarily from governments and official bodies. Voluntary organizations are often the favoured providers of government and its agencies, since they can implement government policy, but carry more legitimacy than government bodies among the public. This increasingly semi-official status of some voluntary organizations also exists at the supranational level, where organizations like the World Bank and IMF have accorded international non-governmental organizations (INGOs) unprecedented influence… (2002: 203).

As the authors note, the increasing influence of the voluntary sector is assisted by 'increased professionalization and managerialization' of such organisations, some of which are also 'large-scale 'care' providers'. Although such organisations are operated on a 'not-for-profit' basis, so that surpluses are ploughed back into the organisations rather than being paid to shareholders as dividends, they are increasingly evolving into what might be called quasi-businesses in their methods and imperative to increase 'market share':

> As Mohan (1991) argues, multinationals are leaders in terms of innovation in marketing and budgeting techniques, as well as in work organization. As such, they are often more cost-efficient (though not necessarily more effective at meeting need) than domestic providers, and increase the level of competition in the market overall. This has an effect on all providers, be they for-profit firms, provident associations or charities, as they must

> increasingly operate according to the criteria of for-profit firms if they are to capture and retain market share...
>
> … increasing provision by large companies may reduce the degree of choice available to purchasing agencies, especially if local monopolies emerge as a result of the concentration process. This simply serves to highlight the contentious nature of much 'community' and social 'care' provision, and intensifies the debate about what kind of services should be made available to disabled people, young or old. (Holden and Beresford 2002: 203-4)

In the conclusion to their paper, Holden and Beresford succinctly describe the policy-formation risks for disabled people arising from 'globalization:

(a) The ideological advantages of justifying the retrenchment of national social policy;

(b) The way in which government policies and priorities are influenced;

(c) The promotion of the 'ideology of 'inclusion' in work for disabled people', without the necessary support services;

(d) Locking disabled people into low-pay, low-status, low-fulfilment jobs, and

(e) The increased marginalization of those unable to make the transition to work.

However, and crucially, Holden and Beresford broaden their analysis beyond policy-formation to propose more fundamental implications, not least the irony of globalization's potential to reinforce disablement, whilst simultaneously swelling demand for the services that it has generated, a circular and unremitting process that increases revenue for an 'internationalised social care industry'.

> All these developments increase, rather than reduce, the importance of governments and other domestic actors, including the political movements of disabled people and others. They highlight the continuing need for disabled people and their movements to develop their demands and their strategies for achieving them in relation to governments. But they also point to the increasing importance of acting internationally, as well as nationally, and of addressing and developing strategies for action and change in relation to multinational corporations. (Holden and Beresford, 2002: 205)

Such strategies are all the more necessary in view of the increasingly incestuous relationship between 'politicians, civil servants and corporate executives' that raise fundamental issues about accountability. There may also be renewed pressure to increase the 'warehousing' of disabled people, in the interests of economic efficiency, thereby reversing slow progress toward independent living in the community and:

> The emphasis on employment for disabled people within the framework of a discriminatory and oppressive labour market also raises big questions about whether disabled people will increasingly be categorized on the basis of those who can and those who can't work, with the former deemed 'acceptable' and capable of 'inclusion' and the latter stereotyped as 'dependent' and 'socially excluded'. Such economic pressures, combined with advances in, and the renewal of interest in, gene technology and the perception of new possibilities for genetic forecasting and engineering, may come to constitute a fundamental assault on the human and civil rights of disabled people included in the second category… Organizations of disabled people and mental health service users/survivors are worried that there may be an increased emphasis on genetic solutions to reduce, if not eradicate, this latter group. (Holden and Beresford, 2002: 205-6)

Globalization and internationalised social movements

Yeates reminds us that social movements have also responded to the spirit of internationalisation, by increasingly seeking to pursue their objectives or register their objections within global forums; such efforts at 'globalization-from-below' are, however, rarely evident (Falk 1997). As we have just seen, Holden and Beresford urge disabled people to adopt a similar policy.

In Yeates' estimation, even localised populist social dialogue has the capacity to influence the "elitist" politics and policies of international institutions (1999); however, what is left inadequately explored is the substantial practical and political disparity between *symbolic* and *effective* responses. Having emphasised the extent to which globalization is an ideological project, in my opinion Yeates fails to accord adequate attention to the systemic factors that reinforce that which she primarily describes as an ideological project. Despite the impressive efforts of social movements to counter, or at least disrupt, the project of global politico-economic dominion, it is difficult to see these as anything other than minor skirmishes in an increasingly one-sided battle.

Thus, to return to Gray (2002), the project of a globalized free-market is inimical to democracy and yet, even in states where presumptions of democracy lie at the root of national identity, there are no popular uprisings. Perhaps the problem is precisely that '*local* populist dialogue' or the NIMBY ["not in my backyard"] effect is pitched against elite *globalization* ideologues; granting small concessions to deflect localised opposition need not, and I would propose does not, alter the direction or speed of the globalizing project.

Yeates also omits, in my opinion, to deal adequately with the fact that social movements may have internationalised their efforts, but so too have organisations whose aim is to advance New Right ideology, or the particular interests of already influential global players. As the Corporate Europe Observatory (Balanýa *et al.*, 2000) has shown, in the sphere of political or governmental influence we are but Orwellian pigs: all are equal, but some are more equal than others. For example, despite the European Parliament's comparative weakness in relation to the national parliaments of the EU member states, it 'is lobbied by an estimated 3,000 people, most of them directly employed by industry: this averages out to five lobbyists for each MEP (Balanýa *et al.*, 2000: 5).' Perversely, so long as they can satisfy the accreditation requirements, what are effectively elite lobby groups may be treated by supra-national non-governmental organisations in the same way as, for example, Amnesty International or Disabled Peoples' International.

Whilst it is certainly true that disabled people are internationalising their campaigns, not least in relation to the UN Ad Hoc Committee on a *Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities*, it is impossible to conclude that our community has a strong or effective voice in globalization dialogues.

General Agreement on Trade in Services (GATS)

What is GATS?

I believe that Holden and Beresford have correctly identified issues of enormous importance to disabled people. I also believe that their thesis is strengthened by the General Agreement on Trade in Services, an international agreement about which governments appear extremely coy. I have previously examined the influence of US-corporate interests in the development of economic policy during the Second World War, particularly with the Bretton Woods institutions and the GATT.

Regrettably, understanding the dynamics and institutions of globalized trade is hampered by the profusion of acronyms, some of which are similar; GATS provides a prime example. The General Agreement on Trades in Services [GATS] was established in 1994, at the conclusion of the Uruguay Round of the GATT, and was one of the agreements subsequently adopted by the WTO, on its formation in 1995.

GATS' mandate is the "liberalisation of trade in services", with the steady removal of governmental barriers to international competition in the services sector. As a 'multilateral framework agreement', the broad tasks intended for GATS were established in 1994, whilst its precise terms are 'fleshed out' during a series of subsequent negotiations (Barlow, 2000).

GATS establishes a framework of legally binding rules 'governing the conduct of world trade in services to ensure transparency and the progressive removal of measures which discriminate against foreign suppliers (Whitfield, 2001:5)'. The agreement encompasses 160 services, including everything from: "health care, education, water supply and other necessities; to transport, energy services, communications and other infrastructure; to media, broadcasting and entertainment; to retail, wholesale and distribution; and tourism (Coates, 2002)". Indeed, this list hardly does justice to the range of GATS; according to the WTO web site, for example, the "Health and Social Services" sector "includes hospital services, services delivered under the direction of medical doctors chiefly to in-patients aimed at curing, reactivating and/or maintaining the health status; other human health services, ambulance services, residential health facilities services other than hospital services; social services with or without accommodation (WTO, 2003)."

Despite the extensive range of services included within GATS, all were identified as 'vital' by trade groups in the USA (Coalition of Service Industries) and Europe (European Services Forum). The former have been particularly frank in their assessment of the goals: 'A contestable, competitive market in every sector in every WTO member country (CSI, 1999: 1, cited by Whitfield, 2001: 5)' and such aims are advanced by high levels of business representation in both national and international GATS working groups (Balanyá *et al.*, 2000).

Such evidence is independently available in the UK and, if accurate, provides a sobering account of the extent to which democratic government and the media are prepared to collude in neutralising public opposition to economic goals. The 2001 article: 'Liberalisation of Trade in Services: Corporate Power at Work', by Erik Wesselius, details the close cooperation between two working groups: LOTIS [Liberalisation of Trade in Services Committee], and the High-Level LOTIS Group, established by International Financial Services, London (IFSL), an organisation that represents the efforts of the UK services-industry to promote the liberalisation of trade in services in the WTO and comprising a "veritable corporate state alliance in which senior UK government officials sit together with their business 'counterparts' (Wesselius, 2001: 1)." Referring to leaked minutes from LOTIS meetings, Wesselius details the combined efforts of industry, government departments (particularly the Department for Trade and Industry but also the Treasury, Foreign and Commonwealth Office, Bank of England and the Financial Services Authority) and media to construct strategies for ongoing WTO negotiations and, more alarmingly, counter negative reaction to GATS from NGOs.

As the Wesselius report concludes:

> While it is useful and justified for governments to take business concerns into account when formulating trade policy, privileged co-operative arrangements between business and government does not belong in a truly democratic policy-making process (2001: 9).

The report also calls on the government to publish all minutes of LOTIS meetings; this they have thus far declined to do so. Although there are a plethora of organisations opposed to GATS, many of them are not what we might usually call radical; *The Lancet*, for example, has published articles warning of the effects of the Agreement on access to healthcare (see, for example *The Lancet*, 1998; 351: 665–69 and 2000; 356: 1941).

Conclusion

Whether or not globalization exists is, to large extent, immaterial. As we have seen, government action and public discourse is premised on the assumption that it *does* and, as such, indicates that the globalization discourse is primarily ideologically driven. Perversely, and in common with much contemporary political discourse, the globalization thesis is deeply paradoxical and yet such paradox is rarely examined. On the one hand, politicians apply the TINA logic to justify innumerable political decisions and yet international agreements that serve to reduce governments' ability to protect national interest, at the expense of corporate interests, are freely entered into. Put simply, government bemoans the constraints on national action whilst simultaneously actively pursuing projects – like GATS – that will constrain them still further. In this, Gray's assertion that the free market and democracy are competitors (2002: 213) appears entirely justified.

For the purposes of this thesis, I concede that globalization – defined as the international imposition of the Washington Consensus – does exist; the policies and programmes of the Bretton Woods Institutions and subsequent international trade agreements make it impossible, in my estimation, to hold any other view. Thus, globalization is not simply an ideological discourse; it is an ideological *project*. The previous chapter explored, in some detail, the techniques used by New Labour to depoliticise the political, to translate contested policy into a purely managerialist issue, and the globalization debate aids (or, perhaps, is the root-cause of) such processes. Civil society is not equally represented in the globalizing process; we have seen that the business community has been granted unparalleled access to the process of both national government and international agreements. As we have seen and will return to, such disparity in influence is hardly coincidental but, rather, encapsulates the extent to which welfare-capitalist society has been constructed to serve the interest of capital accumulation.

That dominant issues or social responses fluctuate is entirely predictable: by its very nature, capitalism is deeply destructive and destabilising, requiring the deployment of multifarious tactics to address the crises that it creates. In this, Held's 'sceptics' have a compelling point: repressive state powers have continuously been deployed in the interests of capital accumulation, both domestically and internationally, and the UK's history is indelibly marked with the taint of imperialist ambition, often defined in purely economic terms. Is there anything about the contemporary scene that justifies claims for epochal discontinuity? I believe, and will attempt to show, that the answer is 'yes'... and 'no'. The nature of contemporary society *is* fundamentally different, not least in relation to the stage of capitalist development.

Our way of life is dependent upon new paradoxes, principally the shifting of risk to the individual whilst, simultaneously, becoming increasing reliant on individuals as consumers to keep markets buoyant. The US and UK economies have been spared the worst excesses of recession by consumer spending – much of it financed by debt – but as consumers increasingly lose confidence in their financial security, another capitalist crisis seems inevitable.

The globalization project has, as I have shown, been driven primarily by US financial interests, most recently by the pressing need for US corporations to seek new markets as a means of reversing declining profits in existing markets. Whilst the project may have started with the US, it has been enjoined by the EU, a trading bloc whose interests remain, above all else, economic, but whose member states have a substantially different social democratic history to that of the USA (Hutton, 2002).

As has been shown, globalization has fundamentally influenced perceptions of, and debates about, the social contract and public policy. As Holden and Beresford (2002) have persuasively shown, globalization has also affected disabled people and, as I will show, is likely to exert an ever greater effect. One of the principal reasons for this increased effect will be the extent to which public services linked to disability have been part-privatised, ensuring that it will increasingly be foreign multinationals, rather than public agencies, that will provide services to disabled people.

Holden and Beresford emphasise the role of multinationals in providing residential care but, as GATS is increasingly implemented, disabled people are likely to find themselves dealing with foreign multinationals in relation to *all* areas of their interaction with state policy, from benefit processing to vocational training and job placement.

Such developments are, it is contended, entirely consistent with the claim that parliamentary government has been superseded by the managerialist state. Freed from responsibility for service delivery, government is left to construct strategic goals and select contractors who will seek to meet those goals at fixed cost. Precisely what those costs are will become increasingly difficult to assess as, conforming to what has become customary practice in relation to the PFI, the government is likely to resist enquiries by claiming that such information is 'commercially sensitive'. Having to some extent de-politicised disability discrimination, by transferring the process to tribunals and courts, further areas of disability policy would also be de-politicised, as the government transfers responsibility for day-to-day implementation to the private sector.

Finally, New Labour disability policy is, I would contend, explicable only in terms of a globalization thesis based on the political hegemonic project of neo-liberalism. Thus, policy affecting disabled people is *not* constructed with the primary aim of combating exclusion or discrimination, but in advancing the neo-liberal fiction of 'free' markets. The succeeding chapter will advance the case for such a proposition, before turning to the challenge posed by contemporary politic-economic dogma to disability studies.

Chapter 7

DISABILITY POLICY, DISABILITY THEORY AND POLITICAL ACTION

The stifling pall of hollow words that has smothered us for so long has cultivated in us such a deep mistrust of the world of deceptive words that we are now better equipped than ever before to see the human world as it really is: a complex community of thousands of millions of unique, individual human beings, in whom hundreds of beautiful characteristics are matched by hundreds of faults and negative tendencies. They must never be lumped together into homogeneous masses beneath a welter of hollow clichés and sterile words and then en bloc – as 'classes', 'nations' or 'political forces' – extolled or denounced, loved or hated, maligned or glorified.

Havel (1989) [untitled] Speech in acceptance of a German Peace Prize, October 1989, London, The Independent, *9 December 1989*

Introduction

It would be difficult to conceive of any academic paper purporting to contribute to British "disability studies", which did not refer to the prolific and influential contribution that Mike Oliver has made to this field of study. It will, therefore, be unsurprising that this chapter makes repeated reference to Oliver's writing and, before proceeding any further, it would be appropriate to repeat his warning that:

> There is a danger that in discussing issues related to disability, that we will end up with more models than Lucy Clayton. This is dangerous in that, if we are not careful we will spend all of our time considering what we mean by the medical model or the social model, or perhaps the psychological or more recently, the administrative or charity models of disability. *These semantic discussions will obscure the real issues in disability which are about oppression, discrimination, inequality and poverty.* (Oliver, 1990b: 1, *my emphasis*)

Oliver's warning was, as subsequent events have proven beyond doubt, prophetic. Although academic decorum has (usually) served to keep the more rancorous disputes about "the social model" of disability out of the journals, the same cannot be said of the various disability study lists and conferences, on the one hand, and the meetings and newsletters of disability activists on the other.

Despite the sometimes churlish claims made from within the academy, that "the social model" is still capable of exciting such debate indicates both its appeal and its continuing relevance. Popularity is not, as critics would be quick to suggest, synonymous with academic credibility; but neither is wide scale unpopularity of the sundry critiques and alternatives advanced in its stead indicative of conspiracy amongst a reactionary old-guard within disability studies, nor irredeemable asininity amongst the politicised disability movement. Were the warring factions able to consent to even this unremarkable claim, it is difficult to avoid the conclusion that disability studies would have gained enormously.

As I have found to my chagrin, much of the acrimony might be avoided if we were all a little quicker to check the primary sources and a little slower to assume that our interpretation is unquestionably "right". However, in seeking to do so, and as Finkelstein reminds us (2001), it is essential to avoid semantic indolence. I will return to Finkelstein's uncompromising views later but, for now, it will suffice to identify the means by which I propose to differentiate contested terms. When referring to the academic model elaborated by Mike Oliver, I will capitalise the phrase: "Social Model"; when referring to the various interpretations emanating from the disability movement, I will use the lowercase "social model", whenever possible I will avoid the controversy entirely by using the phrase "socio-political models". The need to adopt such a complex approach will become clear as the chapter progresses but Oliver's 'Lucy Clayton' reference has already been vindicated.

Without wishing to extend an already verbose introduction, there are some remaining issues that must be addressed. Firstly, my intention in this chapter is *not* to undertake a painstaking or expansive critique of the various models of disability, be they medical, tragic, charitable, economic or social. My aim, in accordance with those of the wider thesis, is to refer to such theories only as far as they contribute to illuminating an apparently systemic process of disablement, the public policy response and proposals for optimal political activity by disabled people *at this time*.

Secondly, the Social Model is drawn from 'Western Marxist' theory (Robinson 1999); I do not consider myself a Marxist and have no pretensions about being a scholar of historical (dialectical) materialism or Hegelian philosophy, which lay at the root of much of Marx's theorising. Accordingly, I have no intention of entering into a protracted appraisal of the dis/merits of wider Marxist theory, of whatever variety. That Marxist theory should better account for exploitation and oppression, on grounds *other* than class, or distance itself from the charge of economic reductionism, are necessities conceded by Marxists (see, for example, Jackson, 1999) and I willingly leave such endeavour to them.

Finally, I should like to propose that disability studies faces vital challenges, both in its own right and on behalf of the community that it presumes to study. Whilst I abhor the utilitarianism that is transforming education into little more than vocational training, I am also exasperated by the apparently never-ending introspection that too often reduces an emancipatory or liberative enterprise to little more than cerebral masturbation. Outside of the academy is a world where even the fundamental right to (disabled) life is denied; I invite some within the academy to join us in the 'sunshine'.

Postmodernity

Globalization is not the only issue to excite contemporary academic claims to epochal-change, there is also a burgeoning literature that asserts our entry into yet another era, variously described as postmodernity, postindustrialism, late modernity, high modernity, meta-modernity, hyper-modernity, super-modernity, post-Fordism or the post-emotional society.

This is not the place to debate the various epithets that purport to describe contemporary society or culture, but it is clear that the concept of postmodernity has achieved prominence in fashionable theorising. Accordingly, it may be as well to review precisely what we mean by 'postmodernity' (and, indeed, the period that it is claimed to supersede: modernity), we must also distinguish postmodern*ism* – which is essentially concerned with the *cultural* – and postmodern*ity* – which stresses the *social* (Lyon, 1999:9). Before proceeding further, however, I must emphasise that I will not provide a critique of postmodernist-influenced contributions to disability studies, the sole reason being that my objections are more fundamental, relating to the very foundations of postmodernist theory.

Marking the boundaries of modernity and postmodernity

Prior to examining some of the claims for postmodernity, we might usefully discuss the epoch that it is presumed to have replaced: modernity. There are compelling reasons for this detour, other than the merely pedantic; postmodernists invariably ascribe particular characteristics to modernity and, in the alternatives that they propose it is difficult to avoid the view that many of those characteristics are described pejoratively. Further, and as we shall shortly see, the postmodernist's description of modernity has a certain resonance with the history outlined at the beginning of this thesis. In short, if the claims to postmodernity prove accurate, its theorists should be able to offer disabled people significant cause for optimism in the contemporary world.

The 'project of modernity' (Habermas, 1983: 9) commenced in the eighteenth century, with the suppression of nature by 'objective' science, morality and law. Other writers broaden the scope of modernity's constituent parts, Lyon, for example, credits the role of social and economic trends – particularly those flowing from the transition from a traditional to a capitalist economy – as the progenitor of a new authoritism 'based in science, economic growth, democracy or law (Lyon, 1999:27).' Anthony Giddens has construed modernity as a cluster of institutions, rather than as the product of a solitary dominant factor. Giddens' original institutional factors comprised capitalism, industrialism, surveillance and the military, but have since been supplemented (Lyon, 1998:34 note also the additional discussion in footnote 14, page 115). Harvey provides a particularly instructive description:

> [The] project [of modernity] amounted to an extraordinary intellectual effort on the part of Enlightenment thinkers 'to develop objective science, universal morality and law, and autonomous art according to their inner logic.' The idea was to use the accumulation of knowledge generated by many individuals working freely and creatively for the pursuit of human emancipation and the enrichment of daily life. The scientific domination of nature promised freedom from scarcity, want, and the arbitrariness of natural calamity. The development of rational forms of social organization and rational modes of thought promised liberation from the irrationalities of myth, religion, superstition, release from the arbitrary use of power as well as from the dark side of our own human natures. Only through such a project could the universal, eternal, and the immutable qualities of all of humanity be revealed. (1990:12)

Whether modernity is adequately summarised by science, morality, law and autonomous art, or more properly should also account for the social and economic, as Lyon and Giddens (amongst others) claim, is a matter of some importance. In his influential analysis *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (1990), Harvey contrasts modernity with postmodernity thus:

> 'Generally perceived as positivistic, technocentric, and rationalistic, universal modernism has been identified with the belief in linear progress, absolute truths, the rational planning of ideal social orders, and the standardization of knowledge and production.' Post-modernism, by way of contrast, privileges 'heterogeneity and difference as liberative forces in the redefinition of cultural discourse.' Fragmentation, indeterminacy, and intense distrust of all universal or 'totalizing' discourses (to use the favoured phrase) are the hallmark of postmodernist thought (Harvey, 1990: 9).

Whatever the potential, it can be difficult to deal with postmodern discourse without some cynicism, for postmodernist discourse all too readily discloses its architectural/artistic roots (rather than, for example, in social justice), never more so than with Christopher Jencks' proposal that postmodernity should be dated from 3.32 p.m. on 15 July 1972, the time at which the Pruitt-Igoe housing complex – the epitome of the 'machine for living' school – in St Louis, USA, was demolished (Harvey, 1990:39). A more popularly understood and cited summation is provided by Jean-François Lyotard, who claims, albeit 'simplifying to the extreme', that postmodernity may be defined as 'incredulity towards metanarratives (Lyotard, (1999: xxiv.)'. Ironically, the Foreword to the English translation of Lyotard's *The Postmodern Condition*, by Fredric Jameson, is more informative:

> ... postmodernism as it is generally understood involves a radical break, both with a dominant culture and aesthetic, and with a rather different moment of socioeconomic organization against which its structural novelties and innovations are measured: a new social and economic moment (or even system)... (Lyotard, 1999: vii)

What then are the major themes of postmodernity and by what authority do postmodernists claim the dawning of a new epoch? Some scepticism is certainly warranted because, 'Sociologists specialize, it seems, in announcing the arrival of new kinds of society (Lyon, 1999: 46).' raising the spectre that: 'The idea of postmodernity may yet turn out to be a figment of overheated academic imagination, popular hype, or disappointed radical hopes (Lyon, 1999: 6).'

Friedrich Nietzsche first developed the theoretical insights that would subsequently stimulate the postmodernist mind, principally as a result of his assertion that 'systems of reason' amount to no more than 'systems of persuasion'. Accordingly, claims for the discovery of 'truth' are entirely discredited as the 'will to power'; a process by which those purporting to claim the discovery of truth intrinsically dictate to and dominate the recipients of those truth claims. Such insight is developed by Georg Simmel, who was drawn to explore what he saw as the symbolic significance of a 'world of things': money and commodities, for which humanity's increasing attraction devalued the 'human world'; a theoretical stance that would be familiar to readers of the French theorists Jean-François Lyotard, Jean Baudrillard, Jacques Derrida and Michel Foucault (Lyon, 1990:12-16).

Although Foucault did not seek to identify himself as a postmodernist, both he and Lyotard independently developed what would become postmodernity's trademark: a rejection of any pretence toward 'meta-language, meta-narrative, or meta-theory through which all things can be connected or represented.' insisting, instead, 'upon the plurality of 'power-discourse' formations (Foucault), or of 'language games' (Lyotard) (Harvey, 1990:44/5).'

The rejection of meta-narratives permits the growth of the *'petit récit'*: Lyotard's 'little narrative', a pluralism from which all voices are considered equally legitimate. In this, the postmodernist is quick to presume the benefit for those previously denied an effective voice:

> Huyssens, for his part, emphasizes the opening given in postmodernism to understanding difference and otherness, as well as the liberatory potential it offers for a whole host of new social movements... (Harvey, 1990:48)

Indeed, that this opening has not been seized upon by such social movements is a cause for comment (Harvey, 1990:48, Lyon, 1999:80).

For Bauman, postmodernity is all manner of things, but 'is also – perhaps more than anything else – *a state of mind.*'

> More precisely – a state of those minds who have the habit (or is it the compulsion?) to reflect upon themselves, to search their own contents and report what they found: the state of mind of philosophers, social thinkers, artists...
>
> This is a state of mind marked above all by its all-deriding, all-eroding, all-dissolving *destructiveness*. (Bauman, 1992:vii/viii)

This is not the place to critique the competing claims of and for postmodernity but, in view of the challenges and ambiguities raised in its name, including within the field of disability studies, it would seem appropriate to ask whether the social, political and economic situation described herein supports the postmodern thesis or whether postmodernism can better deliver a liberative social theory.

Postmodernity, sociology and disablement

At the most elemental, postmodernists seek to reconcile the paradox of 'justifying ideologies' framed as, for example, liberative or emancipatory, with the inescapable manifestations of social oppression that coexist with, or are a product of, such ideology. The postmodernist response is to reject such ideological doctrine and propose, instead, 'decentred autonomy of the local, the contingent, and the particular (McMurtry, 1998: 41-2).' In my estimation, John McMurty offers the most succinct and yet damaging critique of the grand claims made by postmodernists:

> ... at the same time as the difference-affirming postmoderns boast of their contesting of all totalizing ideologies, the most powerful ideology ever of an inevitable, global, and necessary system of social organization has been rapidly implemented across the globe. Opposing every alternative to it as an enemy of "freedom," it has proclaimed itself a "new world order" to which there is "no alternative." Postmodern theory and practice would

> seem to be in absolute contradiction with such a global system of rule. But is the postmodern celebration of difference and plurality unconsciously imitative of the very "free consumer" of this world system who, with enough money, can select whatever difference is for sale in the market? Is this why the critiques of "revolutionary poststructuralism" have, in the main, been directed at everything except the actually ruling structure of the world?' Is postmodernism itself, despite appearances, just another ideology justifying the global market in a new way? (McMurtry, 1998: 42)
>
> ...Jean Francois Lyotard, who coined the term "postmodern", writes: 'I will use the term modern to designate any science that legitimates itself with reference to a metadiscourse... some grand narrative, such as the dialectics of Spirit, the hermeneutics of meaning, the emancipation of the rational or working subject, or the creation of wealth." See Jean Francois Lyotard, The Postmodern Condition (Minneapolis: University of Minnesota Press, 1984), pp.xxiii-xxiv. As one may see from Lyotard's pantheon of oppressive totalities, the three-century tradition of the specifically capitalist market structure – now prescribed to the world as its inevitable grand narrative – manages to elude his attention in vague abstraction. (McMurtry, 1998: 56, note 1)

If further critique were necessary, Bauman's always-insightful analysis (Bauman, 1992: chapter 3) highlights further inconsistencies and ironies, not least, in the context of this thesis, the fact that modern sociology (that is, sociology as constructed and practised within the project of modernity) is specifically part of the problem. Sociological discourse, as a tool of managed social process, or a theoretical tool for the study of the 'dependent, defective, and delinquent classes (Bauman, 1992:78, citing the 1894 *Prospectus* of the Chair of Sociology at Columbia by Franklin H Giddings)' might justifiably be seen as part of the problem of disablement (and other oppressed identities), rather than as an objective analytical tool of our plight. If sociology as *management tool* problematized disability, then a 'sociology of the postmodern' should, if only on the optimistic claims to emancipation made in its name, prompt the opening salvo in a war to 'de-problematize' disability and other forms of social oppression.

The continued invisibility of disablement within the developing sociology of the postmodern renders such aspirations grandiloquent. Further, the aim of 'giving voice' to those who have none is equally problematic; claims to have moved beyond 'actor as puppet' are called into doubt when the sociologist of the postmodern continues to posit themselves between the voiceless (more often, the 'oppressed') and the wider world. The challenge for sociologist and disability activist alike is to expose *our* world-view free from the inevitable interference in communication imposed by translator and interpreter, but this returns sociology of the postmodern to precisely its modern quandary: self-justification and legitimation.

> Articulation of life stories is the activity through which meaning and purpose are inserted into life. In the kind of society we live in articulation is and needs to remain an individual task and individual right. This is, though, an excruciatingly difficult task and a right not easy to vindicate. To perform the task and to exercise the right in full, we all need all the assistance we can get - and sociologists can offer much help if they acquit themselves as well as they may and should in the job of recording and mapping the crucial parts of the web of interconnections and dependencies which are either kept hidden or stay invisible from the vantage point of individual experience. Sociology is itself a story - but the message of this particular story is that there are more ways of telling a story than are dreamt of in our daily story-telling; and that there are more ways of living than is suggested by each one of the stories we tell and believe in, seeming as it does to be the only one possible. (Bauman, 2001b: 13)

Quite apart from esoteric academic debate, there are issues of practical politics with which proponents of postmodernity must contend. Put simply, interposing 'minority' perspectives on an elitist political agenda is already problematic; will postmodernity's entirely commendable encouragement to pluralism serve, at one and the same time, to conceal the dubious claim that *multiple* struggles treated as individual claims in a game of 'identity politics' are *minority* issues (rather than, when taken together, a *majority* movement for social justice), whilst also tending to segregate 'minorities' yet further, thereby buttressing elite domination of that agenda?

> If the individual is the citizen's worst enemy, and if individualization spells trouble for citizenship and citizenship-based politics, it is because the concerns and preoccupations of individuals *qua* individuals fill the public space, claiming to be its only legitimate occupants — and elbow out everything else from public discourse. The 'public' is colonized by the 'private'... (Bauman, 2001: 49)

There is much about postmodern theorising that is initially attractive, not least the rejection of totalising or grand theories and the consequential emphasis on plurality and difference. Nevertheless, there are also aspects of postmodern perspectives that are inimical to emancipatory and participatory goals, not least, the presumed superiority that prompts many an overconfident denunciation of the 'dinosaurs' that are believed to populate the activist and academic communities alike. Frustrating though such indictments may be they are easily dismissed, not so the fundamental differences in emphasis and enquiry that so often demarcate the postmodernist and the emancipatory theorist:

> ...the mere pursuit of identity politics as an end in itself (rather than as a fundamental struggle with an identity which internalises oppression) may serve to perpetuate rather than to challenge the persistence of those processes which gave rise to those identities in the first place. (Harvey, 1993, quoted by Ireland & Laleng, 1997: 9)

Whilst post-modernity may reject totalising 'knowledges', there is a very real danger that causes will be lost in the ever more urgent desire to exalt a discourse of symptoms; a belief that the 'big' issues have been resolved simply leaves a heterogeneous potpourri of 'single-issues' – each of which may be sub-divided, as they are with disablement – over which radicals must fight (Ireland and Laleng, 1997: 3). Thus, a grand-theory of disablement is presumed to replicate or import dominant power structures, so that gender, race and sexual politics are, so the charge sheet reads, subjugated by dominant perspectives. In emphasising the increasingly fragmented nature of disability studies, I am not seeking to deny that multiple-discrimination occurs, or that disability politics must seek to avoid precisely the subjugation feared, but I am joining Ireland and Laleng in suggesting that:

> ... the growing tendency (often unwitting) has very much been to seek changes *within* capitalism. Hence, the aim of much contemporary radical political activity seems to be to create a 'left' culture which concentrates not on political economy, but on discourse and identity; a political culture which operates between capitalism's fragments rather than seeking directly to challenge it. To a significant extent, the terrain of politics has thus become not capitalism itself as a systematic unity, it has to a large extent been conceptualised out of existence – but the various discourses and identities which can be found within it. The underlying assumption appears to be that the world can be changed by discursive (de- and re-) construction (we can be what we think we are), an activity which can, of course, be conducted, in the academy at least, with minimal material constraint... The result has been the rise of something resembling a radical liberal pluralism, which does not attempt to engage in an exploration of modern capitalism and of the material constraints that it might impose on 'local' resistance. The question as to how far it is possible to fight successfully for these single issues within the capitalist system is rarely posed, let alone answered. In short, there has emerged a radical version of 'micro-politics'. (Ireland & Laleng, 1997: 6)

There are cogent arguments for the disability community to examine 'micro-politics', not least the almost complete failure of other social and political movements to even acknowledge our existence. However, the price we pay is a seemingly boundless attenuation of the artificial identity: 'disabled' into ever more discrete areas, without the slightest indication that such dilution aids empowerment, or at least combats exploitation. To a large extent, it is the very refusal of other social movements to acknowledge disablement that promotes the plethora of identities and emphases within the disability movement itself. At one and the same time, this diversity is both a strength and a weakness: its existence suggests a greater willingness within the movement to address diversity but, paradoxically, it also seems to implicitly tolerate a denial of our multi-textured identity and submissive exclusion from the non-disabled 'minority' world in exactly the same way as we have been forcibly excluded from the non-disabled majority world. Our gender, race, sexuality and politics appear to be denied by the additional status: 'cripple'.

Perhaps, before we turn our gaze from the systemic exploitation that exists, in *this* capitalist society, to the new world of 'micro-politics', we should consider whether our abandonment of this field of battle surrenders more than we can afford to lose. By abandoning social analysis of the unequal burden of capitalism, might we simply be fiddling with irrelevancies, whilst leaving structures and institutions of power untouched?

> ... humanity has a unitary history. There is not a history for men and a history for women, a history for the rich and a history for the poor, a history for whites and a history for blacks, a history for straights and a history for gays. All of them come out of the same route-in the material process shaping social change and class struggles. Understanding that is the key to freeing the world from all forms of oppression and exploitation. (Harman, 1998: 23)

No matter how effectively the disabled community acknowledges plurality within its ranks (and no claims are made here for such effectiveness), for the non-disabled majority, impairment(s) subjugate multiple identities, we are 'disabled' above all else. Further, the policy imperative is resolution of the 'problem *of* disability'; neat and all-encompassing solutions are rendered unlikely by acknowledging heterogeneity. Recognising policy imperatives and identifying political consequences is not the same as valorising those imperatives, but neither do such consequences simply evaporate under the weight of postmodern perspective:

> As Ulrich Beck puts it in the essay 'On the mortality of industrial society', 'what emerges from the fading social norms is naked, frightened, aggressive ego in search of love and help. In the search for itself and an affectionate sociality, it easily gets lost in the jungle of the self... Someone who is poking around in the fog of his or her own self is no longer capable of noticing that this isolation, this "solitary-confinement of the ego" is a mass sentence.' (Bauman, 2001b: 50)

Finally, and whilst it may appear trite, there remains the eminently practical question of whether policy-makers are adequately aware that grand-theories are passé. Disability policy, if such can be described as existing, remains singularly unsuccessful at acknowledging the heterogeneity of the disabled population. Indeed, the population itself is largely immaterial; it seems the policy response remains the search for a cure to the 'problem of disability'. Furthermore, modernity's pursuit of scientific rationality remains as persuasive as ever; whilst the government has been actively seeking to reduce disability-related welfare expenditure, it has contributed £90 million "to help industry harness the commercial opportunities offered by nanotechnology (DTI, 2003)" and billions of pounds to biotechnology. The Biotechnology and Biological Sciences Research Council [BBSRC] alone will receive over £1bn of Science Budget funding from the Office of Science and Technology during the five-year period, 1999-2004 ('Biotechnology and Biological Sciences Research Council', *Guardian* 25/4/2001). Both industries have been heavily marketed as offering screening and/or cures for impairments.

Modelling impairment & disability

Policy perspective: definitions or an economic model of disability?

Individualised accounts of disability have been well documented and critiqued, such that there is little need to repeat the discussion here. However, what has rarely been adequately addressed is the development and ideological rationality of an economic model of disability. Although, in some respects, showing its age, Jerome Bickenbach's 1993 study: *Physical Disability and Social Policy* provides enviable clarity of analysis and exposition; it is to this study that we now turn to identify the foundation and enduring appeal of a model that has attained international domination as the favoured model for policy intervention on grounds of disability; indeed, Bickenbach suggests that it might, more accurately, be described as *the* 'policy model' (1993: 93).

We have already discussed Deborah Stone's analysis of the twin distributive mechanisms of work and need. The central paradox of this dichotomous mechanism is that 'distribution by need' is entirely dependent upon a sufficiently abundant 'distribution by work', such that a surplus is available to those in need. There are two over-riding impediments to this system: first, that there are increasing numbers of people who have withdrawn from reliance on collective provision of social goods and who, often, object to allocating 'their' surplus to those reliant upon such collective provision (Bickenbach, 1993: 94); secondly, even those who are perfectly willing to accept the benefits of the twin distributive system when they are in need, may be unwilling to contribute to the necessary surplus when they are not, the free-rider problem (Bickenbach, 1993: 94). As has already been noted, Stone and Fraser (amongst others) identify the development of a bureaucratic imperative to differentiate between the 'needy' poor and the 'idle vagabond', a process that better legitimates the state's appropriation of surplus distribution by work for allocation to distribution by need whilst also, it is hoped, reducing overall fiscal costs.

However, the centralised state's administration of distribution by need brought two very different worlds into conflict, those of the medical profession – for need premised on disability is 'self-evidently' a medical matter – and the bureaucrat charged with allocating and distributing public funds to those in need. The need to address medical problems within a policy framework would result in what is now described as the 'economic model'.

> Taken together, the epidemiological requirements for a category of disability and the policy-analytic requirements for realistic social planning made it essential that biomedically describable functional limitations be distinguished from capability limitations. (Bickenbach, 1993: 96)

The primary ideological attraction of a work-based conception in western capitalist states is the neo-liberal appeal of self-help, a theme that, as we have seen, has been at the forefront of policy responses since the early 1990s.

> Although it is one thing to be aware of the economic ramifications of disablement and something else again to conceptualize disablement as an economic problem, the shift from the first to the second was immediate and imperceptible… impairment only matters from the perspective of social policy because the presence of an impairment represents a cost that must be borne by someone. Hence, the rationale of disablement policy is to deal with these costs…
>
> Thus, by means of a few short steps the 'problem' of disablement has become the problem of the costs of disablement…
>
> In the economic model the only intelligible rationale for disablement policy is the distribution and reduction of the costs imposed by disability. (Bickenbach, 1993: 100 - 101)

Whilst the economic model may have been developed in response to the inadequacy of medical perceptions, it is demonstrably the case that the ideology underlying the economic model has, in its turn, made ever-greater inroads into medicine. The WHO regularly emphasises the economic benefits of reducing the incidence of disability and it is difficult to construe the resurgence of eugenics, albeit with the fashionable prefacing of 'new' in an attempt to separate the concept from its barbaric antecedents, as the economic model writ large.

Self-identity: socio-political interpretations

Disabled people and theoreticians alike have increasingly come to question the normative assumptions explicit in the categorisation of people as 'disabled' and, indeed, the extent to which disability is amenable to analysis that ignores the social and environmental circumstances imposed on people with impairments.

Although having a good deal more space in which to develop ideas than did Gleeson in his 1997 paper: 'Disability Studies: a historical materialist view' (Gleeson, 1997), much the same caveat needs to be recorded: 'The intention here is not to survey the uneven terrain of disability studies exhaustively, but rather, to visit this through a series of specific theoretical appraisals (Gleeson, 1997: 179).' The social model of disability has assumed a position of enormous significance, to both the politicised movement of disabled people and the academy. According to Shakespeare and Watson (2002), "it" has also been subject to significant controversy and, in their appraisal, has become a "sacred cow" (2002: 5) and a "rigid shibboleth" (2002: 9); what is not clear is whether the authors are referring to the Social Model or social models, as their critique appears to conflate the two. There will be no attempt to defend or indict the social model or the Social Model here; it is for the individual reader to make their own assessment as to the verdict, based on the original documents and their own politico-theoretical predilection. The aim, rather, is to re-examine fundamental social/materialist accounts before seeking to asses the extent to which such accounts are capable of illuminating contemporary events.

Challenging the majority world

Individual accounts

A recent and welcome occurrence in the development of disability identity, culture and theory has been explicit acknowledgement of the contribution made by Paul Hunt, a disabled man who spent much of his life confined to the Le Court Cheshire Home, Hampshire (for a more extensive review of the role played by Paul Hunt in the emergence of the UK disability movement, see Campbell and Oliver, 1996). Hunt's edited collection *Stigma: The Experience of Disability*, published in 1966, provided a radical and pioneering contribution by, and for, disabled Britons confronting dominant perspectives (Barnes, Mercer & Shakespeare, 1999: 77; Campbell & Oliver, 1996:64). Although the book itself is no longer in print, Hunt's particularly influential contribution, entitled 'A Critical Condition', remains available from the *Disability Archive* on the University of Leeds website (http://www.leeds.ac.uk/disability-studies/archiveuk/). The essay comprises a compelling and thoughtful amalgam of personal experience, humanist concerns and, crucially for our purposes, materialist interpretation of the process of disablement. 'A Critical Condition' introduces a number of far-reaching insights, some of which – particularly Hunt's observation of 'otherness' accorded disabled people and his discussion of the normal/abnormal dichotomy – predated the development of comparable academic theory (Priestley, 1999:36).

Hunt believed that: 'to some extent we [disabled people] are set apart from, or rather have a special position *within,* the everyday society (1966: 1)' a position that he explored primarily in terms of disabled people's relationship with 'normal' people:

> I think the distinguishing mark of disabled people's special position is that they tend to 'challenge' in their relations with ordinary society. This challenge takes five main forms: as *unfortunate, useless, different, oppressed* and *sick.* (Hunt, 1966: 2)

Disabled people are *unfortunate* because many of the social and material benefits of life are denied us; we are rendered *useless* by our inability to contribute to the 'economic good of the community'; *different,* because 'abnormality' marks out our minority group status; our *oppression* is seen as an inevitable corollary to our difference and minority status and, finally, we are an embodiment of many of the things that the non-disabled majority most fears: *sickness*, suffering, disease and pain. This analysis led Hunt to the view that disabled people encounter 'prejudice which expresses itself in discrimination and oppression.' The interaction of *economics* and *culture* is an intrinsic feature of Hunt's exploration of the experience of impairment/disability and has remained a consistent theme in British disability politics and theory; his writing also evidences an emerging 'collective consciousness' (Barnes, Mercer & Shakespeare, 1999: 78) amongst disabled Britons:

> Thriving in a climate of increasing public tolerance and kindness, and on a diet of pensions and welfare, we are becoming presumptuous. Now we reject any view of ourselves as being lucky to be allowed to live. We reject too all the myths and superstitions that have surrounded us in the past.
>
> We are challenging society to take account of us, to listen to what we have to say, to acknowledge us as an integral part of society itself. We do not want ourselves, or anyone else, treated as second-class citizens and put away out of sight and mind. (Hunt, 1966: 9)

Another neglected article from a disabled man published in the same decade, but another continent, proffered an equally radical interpretation; Leonard Kriegel's 'Uncle Tom and Tiny Tim: Some Reflections on the Cripple as Negro' was published in *The American Scholar* in the Summer of 1969.

> It was Nietzsche who reminded the nineteenth century that man can only define himself when he recognizes his true relation both to the self and to the other...
>
> What Nietzsche wrote is especially applicable to the cripple and to those men and women who inhabit, however partially, the cripple's world. It is noteworthy that, at a time when in virtually every corner of the globe those who have been invisible to themselves and to those they once conceived of as masters now stridently demand the right to define meaning and behavior in their own terms, the cripple is still asked to accept definitions of what he is, and of what he should be, imposed on him from outside his experience. (Kriegel, 1969: 412)

Kriegel proceeds to describe the encounter between Native Americans and, what were at that time, ethnic-minorities, with their white-majority oppressors; encounters that challenged the limited idea of humanity granted to such groups by their oppressors. Late-night television 'titillated' the white majority, through interviews with "militants" that 'rhetorically massages whatever guilt resides in the collective consciousness of white America'. Whilst the television companies fought for 'the privilege of leading nightly sessions of ritual flagellation':

> The cripple is conspicuous by his absence from such programs. And the reason for that absence is not difficult to discover. The cripple is simply not attractive enough, either in his physical presence, which is embarrassing to host and viewers, or in his rhetoric, which simply cannot afford the bombastic luxuriance characteristic of confessional militancy. If a person who has had polio, for example, were to threaten to burn cities to the ground unless the society recognized his needs, lie would simply make of himself an object of laughter and ridicule. The very paraphernalia of his existence, his braces and crutches, make such a threat patently ridiculous. Aware of his own helplessness, he cannot help but be aware, too, that whatever limited human dimensions he has been offered are themselves the product of society's largesse. Quite simply, he can take it or leave it. He (does not even possess the sense of being actively hated or feared by society, for society is merely made somewhat uncomfortable by his presence. (Kriegel, 1969: 413)
>
> To embrace one's braces and crutches would be an act of the grotesque; but to permit one's humanity to be defined by others because of those braces and crutches is even more grotesque. Even in Dachau and Buchenwald, the human existed. It was left to the searchers to find it. (Kriegel, 1969: 430)

Perhaps it is because of the language with which we are now so uncomfortable, perhaps it is because Kriegel would make his way in the majority world without being a part of an emerging disability movement but, as was the case with Paul Hunt, 'our' recent history is being lost and rewritten, for Kriegel's radical paper is being expunged from the history of the US disability movement (his 1969 paper fails to receive any mention in two of the most recent accounts: Longmore and Umansky, 2001; Zames Fleischer and Zames, 2001) .

Collective accounts

Paul Hunt was influential in the development of representative organisations of disabled people in Britain and, on 22 November 1975, was one of six representatives of the UK's Union of the Physically Impaired Against Segregation (UPIAS) that met with members of the Disability Alliance to discuss the 'Fundamental Principles of Disability'. In a commentary appended to notes of the discussion, UPIAS observes (without identifying the author(s) of the particular schema):

> In our view, *it is society which disables physically impaired people.* Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society. *To understand this it is necessary to grasp the distinction between the physical impairment and the social situation, called 'disability'*, of people with such impairment. Thus we define *impairment* as lacking part of or all of a limb, or having a defective limb, organ or mechanism of the body; and *disability* as the disadvantage or restriction of activity caused by a contemporary social organisation which takes no or little account of people who have physical impairments and thus excludes them from participation in the mainstream of social activities. Physical disability is therefore a particular form of social oppression. (UPIAS, *Fundamental Principles of Disability*, 1975, pages 4-5, *my emphasis*)

The critical feature of the UPIAS statement and, indeed, Paul Hunt's 1966 essay, is that for the first time disability was described in terms of restrictions *imposed* on disabled people by *social* organisation. The UPIAS formulation does away with the concept of 'handicap'– unsurprisingly in view of the word's etymology – still in popular use at the time but, more importantly, it identifies two very different elements: biomedical loss or dysfunction identified as 'impairment' and social circumstances described as 'disability'.

As a useful point of comparison, seven years *later*, a prominent doctor who was also a Director of Social Services, Lecturer in Preventative Paediatrics and formerly a Director of Personal Health and Social Services, provided an example of the logic and ideology implicit in individualised accounts of disability, provided by the following taxonomy (Davies, 1982: 3/4):

> *Impairment* - This is a physical or psychological abnormality which is clearly recognisable, such as amputation or defective limb, or a disease affecting some organ mechanism or system of the body. Impairment refers to the pathological abnormality present and this may or may not interfere with function or performance.
>
> *Disability* - This refers to the interference of function and is therefore the more commonly used term because it indicates what the individual cannot do. It may be absolute, i.e. blindness, or more commonly partial, i.e. stiffness and pain in joints following arthritis... Disabilities can be scientifically assessed and classified in a number of different ways...
>
> *Handicap* - This can be defined as the product of the disability and the reaction produced in the individual as indicated by the equation:
>
> Handicap = Disability x Reaction

Davies goes on to discuss the importance of individual reaction by the disabled person when he says:

> There will be some who will be able to return to work and eventually become completely independent again. On the other hand, there will be some in whom the effect will be so devastating that they are never able to work again and their lives become extremely limited. Between these two extremes there will be a whole variety of reactions and results. The important feature is that although the disability was exactly the same, the handicap varies greatly. The equation Handicap = Disability x Reaction shows quite clearly that the reason for this is because the reaction has been so different. (Davies, 1982: 3-4)

Ironically, in view of the influence that the foregoing social interpretation has had on the perception of disability in the UK, it is all too easy to undervalue the magnitude of the paradigm shift that the UPIAS formula prompted over a quarter of a century ago. As this chapter develops, it is to be hoped that such miscalculation will not be replicated by author or reader.

Repossessing the Social Model

The 'social model of disability' has been interpreted, criticised, rewritten, reclaimed, revisited and rectified on so many occasions, it is all too easy to lose track of precisely what is meant by 'the social model of disability'. Indeed, were it not for Vic Finkelstein's unambiguous and valuable critique, presented in his 2001 paper *The Social Model of Disability Repossessed*, readers of this thesis would, no doubt, have been treated to the far from edifying experience of digesting yet another 'variation on a theme of social interpretations'.

In his 2001 exposition of the earlier UPIAS statement, Finkelstein is egalitarian in his criticism; disability theorists and activists alike are identified as targets of his frustration and, as one of those who was influential in the development of radical interpretations of disability in the UK, it would be unwise to ignore Finkelstein's observations. Finkelstein's critique reminds us of the "important differences between 'interpretations', 'models' and 'theories' and their precise focus of attention (2001: 1)."

> Interpretations… are simply a very early stage in trying to make sense of a complex situation…
>
> Models… are the next stage in gaining insight into a complex situation…
>
> [And] Theories… are a later stage in trying to provide an explanation of a complex situation. (Finkelstein, 2001: 2-3)

According to this formulation, Vic Finkelstein, Paul Hunt and others active in UPIAS, sought to explore different *interpretations* of disability, within the context of establishing a new theory; it was Mike Oliver 'who was most successful in promoting a clearly expressed version of the UPIAS interpretation in the public arena…This interpretation of disability he identified as *a social model of disability* (Finkelstein 2001: 2, emphasis in original) and, Finkelstein notes, "The disability movement still awaits an explanation of the social laws that make, or transform, people with impairments into disabled people (2001: 3)."

Vitally, Finkelstein reiterates that the UPIAS interpretation was materialist (2001: 4) and that '… we cannot understand or deal with disability without dealing with the essential nature of society itself (2001: 5).' Finkelstein makes it particularly clear that UPIAS were adopting an 'outside-in' approach (2001: 4), as was shown from the extract from the *Fundamental Principles of Disability*, reproduced above (page 227). As Oliver has also made clear, this reinterpretation amounted to a paradigm shift, from the traditional and still influential focus on individual *physical* limitation(s), 'to the way the physical and social environments impose limitations upon certain groups or categories of people (Oliver and Sapey, 1999: 21)'.

Oliver's reference to 'individual physical limitations' (Oliver and Sapey, 1999: 21, referred to above) is, in view of subsequent controversy, of some significance; in an effort to forestall what are now well-rehearsed objections, it seems prudent to make a brief diversion, to discuss this emphasis on 'physical' impairments. Firstly, UPIAS – as the Union of the *Physically Impaired* Against Segregation – would quite rightly have been condemned, then and now, had they presumed to speak to the experience of *all* disabled people. The members of UPIAS sought to interpret *their* experience of disability, as people with *physical* impairments, and it was this interpretation that led to that organisation's approach in their discussions with the Disability Alliance, published as the *Fundamental Principles of Disability* in 1975. The 'exclusion' of people with other types of impairment has been the subject of extensive, and occasionally impassioned, comment by disability theorists and activists in recent years, perhaps most critically as evidencing the 'imperialism' of people with physical impairments in general, or disabled Britons in particular. It is to be hoped that such ill-informed criticism will be laid to rest, primarily for the sake of disability studies, but there seems little cause for optimism in the short term.

Secondly, as an interpretation by *particular* people with physical impairments at a *particular* place and time, the UPIAS formulation cannot presume to explain disability in the name of people outside that organisation at that time, much less for people with other types of impairment. Thus, the ongoing reluctance of some people with impairments to adopt a social interpretation remains a matter for them; ultimately and rather like religious faith or preference for a particular academic perspective (in the sense of, for example, structural or social action perspectives within sociology), either one is persuaded by the social interpretation, or one is not. The search for the one 'true' explanation has been, and will likely continue to be, divisive and unnecessary. What can be said, without contradiction, is that an interpretation by a relatively small group of people with physical impairments, undertaken in England during the mid-1970s, has had the power to liberate untold numbers of disabled people in the UK, and far further afield, ever since (Crow, 1996: 56).

To return to Finkelstein's assessment, it was this 'outside-in' approach that was of fundamental importance and which many commentators appear to have since failed fully to appreciate (2001). It is precisely the return to 'inside-out' theorising, allegedly under the 'social model' rubric, that evidently motivated Finkelstein's 2001 'repossession' of the social model. Before leaving Finkelstein's settling of accounts, there are two further points that should be emphasised: firstly, UPIAS were not seeking to interpret disability for its own sake, its members were committed to the view that change was only possible with the dismantling of the 'social prison' to which disabled people were confined, a process that involved the essential nature of society itself and was part of a class struggle. Secondly, Finkelstein does not believe that all the mistaken or misleading claims made for the radical social model are simply ill informed:

> It's not just that the liberal right wants to inherit the ideological underpinnings of the social model of disability, but they want also to rewrite (reclaim) the past. The left may lose this battle, but at least let's be clear about what is being done to the social model of disability.
> (Finkelstein, 2001: 4)

We will return to Finkelstein's comments at the end of this chapter, it is to the Social Model itself that I now turn.

Bringing social accounts to the academy

Mike Oliver's Social Model of Disability

As has already been acknowledged, it was Mike Oliver, as a professional sociologist, who developed the UPIAS social interpretation into what has since been described as the Social Model of Disability (Oliver, 1981 and 1983; neither of these early publications were available to the author at the time of writing; as to *Social Work with Disabled People*, references are to the Second Edition, published in 1999, which is at the author's disposal). When introducing the social model to social workers, Oliver begins by reversing the traditional formula: whereas disabled people are typically expected to make physical and psychological adjustment to society, "Adjustment within the social model… is a problem for society, not individuals (Oliver and Sapey, 1999: 21)." and continues by making reference to the UPIAS interpretation (stated at page 227, above). Oliver has unequivocally acknowledged the influence of the UPIAS interpretation to his own theoretical work a number of times (see, for example, Oliver, 1990b: 1 and 1994: 11).

The Politics of Disablement

Mike Oliver's most extensive elaboration of the social model was undertaken in *The Politics of Disablement* (1990), where he constructed a materialist account of disablement in what he hoped, over-optimistically as it happened, would be a first step toward producing a social *theory* of disability. His analysis begins with the basic question: 'why is disability individualised and medicalised within capitalist society?' As Oliver immediately acknowledges, that 'basic question' is contextually rich, inevitably leading to the additional questions:

(a) is disability individualised and medicalized in all societies and, if not

(b) what is it about capitalism that has prompted an individualised and medicalized account, and

(c) what are the prospects of mounting a challenge to such an approach?

Of paramount importance, Oliver not only seeks to apply his professional skills as a sociologist to what remained a largely disregarded area of social enquiry, he also approaches the subject as an *activist* engaged in an emancipatory task. Thus, it is important to acknowledge that Oliver's work has a political context: he is not merely reporting or theorising, he is seeking to prompt social change and was doing so within Marxist political economy.

Like Finkelstein, Hunt and UPIAS before him, Oliver rejects individualised and tragic definitions, concentrating his analysis instead on 'disability within the context of society and social organisation (1990: 11)' in so doing, he explores the cultural production of both impairment and disability for, as he reasserts, neither is randomly distributed; in this Oliver acknowledges the work, almost twenty-years previously, of Susser and Watson who had postulated the cultural nature of impairment:

> A disorder in one place and at one time is not seen as such in another; these social perceptions and definitions influence both the provision of care, the demands of those being cared for, and the size of any count of health and needs… (Oliver, 1990: 12, quoting Susser & Watson, 1971: 35)
>
> The societies men live in determine their chances of health, sickness and death. To the extent that they have the means to master their economic and social environments, they have the means to determine their life chances. (Oliver, 1990: 13, quoting Susser & Watson, 1971: 45)

Turning to the cultural production of disability, Oliver notes, at the outset, that the task of examining disability cross-culturally is severely impeded by the absence of an anthropology of disability, for:

> The non-typical, the deviant, and the disdained were characteristically ignored, treated in footnotes, or considered within a quasireligious mystique of the impure or tainted, a symbolic categorization, rather than universal phenomena integrated into other aspects of life. (Oliver, 1990a: 15, quoting Ablon, 1981: 5)

Nonetheless, evidence of conflicting reactions to disability are adduced, including Gwaltney's 1970 study of blindness in Mexico and Groce's 1985 study of deafness in Martha's Vineyard, both of which illustrate voluntary communal adjustment, to include people with sensory impairments in the life of the community, not as a 'special' adjustment, but as a matter of pragmatism. For Oliver, though, the most significant contribution is that of Hanks and Hanks who, having undertaken a review of disability material from a wide range of societies, reported that the situation of disabled people was as varied as that of any non-disabled group: 'The gamut runs from ruler to outcast, from warrior to priest, from infant to aged' (Oliver, 1990:18; quoting Hanks, J. and Hanks, L., 1980).

Although Hanks and Hanks emphasise social obligations to, and rights of, disabled people as pre-eminent factors in cultural responses to disability, Oliver reports their acknowledgement of other determinants, not least economic:

> The type of economy is a factor with its varying productive units, need for manpower, amount of surplus and its mode of distribution. The social structure is important, whether egalitarian or hierarchical, how it defines achievement, how it values age and sex. To these may be added the 'Weltanschauung', the position of the group in relation to its neighbours, the aesthetic canons and many more functionally related factors. (Oliver, 1990a: 19, quoting Hanks and Hanks, 1980: 13)

After commenting on, and offering reasons for, the failure of anthropologists to build on this work, Oliver returns to the task of introducing a social theory of disability, a task that is driven by his desire: '... to show that disability as a category can only be understood within a framework, which suggests that it is culturally produced and socially structured (1990a: 22)' and central to this framework is the *mode of production*. Whilst discrimination against disabled people varies, both geographically and temporally, Oliver is insistent that such variation cannot be explained by chance or cultural relativism, for him this variation is 'culturally produced through the relationship between the mode of production and the central values of the society concerned (1990: 23).' The effects of this interaction between the mode of production and core values are operationalized by two 'crucial factors':

(a) the *size* of the economic surplus available to society, and

(b) decisions made regarding the *distribution* of that surplus.

Turning his attention to the cultural production of disability *in capitalist societies*, Oliver claims that the process is uniquely marked by the dominance of the view that disability is an *individual medical problem* and *personal tragedy*. Thus, and contrary to the claims of some of his critics, Oliver is *not* claiming that disability is a construct directly produced by capitalism, but that *capitalism prompted specific cultural responses*, responses that individualise disability – as well as impairment – in terms of medical pathology and personal tragedy.

It was changes to the mode of production, from a rural based agrarian economy to an urban economy increasingly reliant on wage-labour and the discipline of factory-based production, which prompted disabled people's increasing exclusion from the workforce. In a sleight of hand that remains in contemporary policy responses, this enforced exclusion was not, however, ascribed to demand-side factors, but supply-side: '...disabled people came to be regarded as a social and educational problem and more and more were segregated in institutions of all kinds... (Oliver, 1990a: 28).' However, for Oliver, the central crisis of capitalism was the profound change it wrought in: 'the organisation of work, in social relations and attitudes, and ... family life.' problems that would lead to growing threats to social order for which 'the institution became the major mechanism of social control (1990a: 32, citing Althusser, 1971 *cf.* Fox Piven and Cloward, 1993).'

Although dismissive of an abrupt upsurge in the institutionalisation of disabled people – suggesting instead that many disabled people remained integrated within their families, as they had under feudalism – Oliver does emphasise changing attitudes toward those who were institutionalised, whether 'deserving' or 'undeserving', with both groups increasingly stigmatised. Concomitant to the increased stigmatisation of the institutionalised, there is increasing pressure on poor families to place disabled relatives within institutions, rendering the disability-free family a more effective economic unit (recent reports from the Department of Work and Pensions have returned to the economic situation of families with disabled members, see for example, *Labour Market Trends*, August 2002, pp. 415-427).

Oliver is explicit in emphasising that an examination of the role of ideology – or more importantly hegemony – is crucial to any attempt to develop a social theory of disability, particularly in its relationship to prevailing social structures and the treatment of 'deviants'. Applying Gramsci's notion of 'organic' and 'arbitrary' ideologies, the claim is made that capitalism's defining hegemony of disability is comprised of:

- 'the core (organic) ideology of individualism giv[ing] rise to the ideological construction of the disabled individual as the antithesis of able-bodiedness and able-mindedness', and

- 'the medicalisation of disability as a particular kind of problem (1990a: 46)'.

Individualism is 'the ideological foundation' on which capitalism is based, but capitalism demanded a particular type of individual: those that can meet the demands of *wage labour*. From here, it is but a short step to conceiving disability as an individual problem:

> The idea of disability as individual pathology only becomes possible when we have an idea of individual able-bodiedness, which is itself related to the rise of capitalism and the development of wage labour. Prior to this, the individual's contribution had been to the family, the community, the band, in terms of labour, and while, of course differences in individual contributions were noted, and often sanctions applied, individuals did not, in the main, suffer exclusion. Under capitalism that is precisely what happened and disability became individual pathology; disabled people could not meet the demands of individual wage labour and so became controlled through exclusion. (Oliver, 1990a: 47)

Running concurrently with the development of capitalism was the ascendancy of medicine – promoted in no small part by the development of germ theory – but Oliver, like Finkelstein, Abberley, Foucault and Rioux does not view the growth of medicine as politically neutral, far from it. For Oliver: 'hospital-based medicine itself arose out of the need to classify and control the population and to distinguish between workers and non-workers within the new capitalist social order (1990: 52).' In summary:

> … the disabled individual is an ideological construction related to the core ideology of individualism and the peripheral ideologies related to medicalisation and normality. And the individual experience of disability is structured by the discursive practices which stem from these ideologies. (Oliver 1990a: 58).

By these means, Oliver traced the ideological construction of disability and the concomitant formation of a particular way of construing (negatively) the disabled individual; the challenge to be addressed next was an explanation of the construction of disability as social 'problem', an enquiry that was and remains contextually rich in relation to public policy responses. Although viewing it as an 'extreme position', Oliver cites Hahn: '… disability is defined by public policy. In other words, disability is whatever policy says it is (Oliver, 1990: 78, quoting Hahn 1985: 294). It is clear that Oliver's reservation was prompted by academics' perceived failure to analyse the role of ideology in the formation and implementation of social policy; policy that excluded disabled people from mainstream society by sentencing them to life in segregated institutions or, when fiscal crises prompted a preference for 'care in the community', by instituting policies 'geared towards doing things to and on behalf of disabled people (1990: 81)' thereby keeping us passive and dependent:

> … according to Gramsci (1971) 'ideas are material forces', and as these material forces change, so will ideology. Thus, as capitalist economies have experienced a variety of fiscal crises, so the ideology underpinning welfare provision for disabled people has changed as well. No longer does it reflect tragedy and anxiety and the influence of benevolent humanitarianism. Rather, it reflects the burden that non-productive disabled people are assumed to be and the influence of monetarist realism. The ideological climate in which this finds expression focuses upon the notion of dependency.
>
> Thus, the idea of dependency has been used to socially construct, or perhaps, more accurately, socially reconstruct the problem of disability, along with a whole range of other social problems which have been reconstructed in similar ways in many capitalist countries. (Oliver, 1990: 81)

The reference to "socially construct", in the excerpt above is unhelpful to Oliver's subsequent distinction between social *constructionist* and social *creationist* views, the former locating the problem of disability in the minds of the non-disabled and the latter identifying the problem as 'located within the institutionalised practices of society'. Oliver clearly posits his Social Model approach under the social creationist banner, emphasising again that ideas are not free-floating but material forces in themselves (1990: 83). Thus, disability is the experience of institutionalised practices, which include the creation of dependency through enforced exclusion from the workforce, premised on *presumed* inability.

Oliver, in terms that have a particular potency for New Labour policy described in the preceding chapters, emphasises the shortcomings in policy that naturally flow from institutionalised presumptions of inability and dependency:

> … disabled people are likely to face exclusion from the workforce because of their perceived inabilities, and hence dependency is still being created. And even where attempts are made to influence the work system, they do not have the desired effect because, on the whole, these programmes tend to focus on labour supply. Their aim is to make individual disabled people suitable for work but, while they may succeed in individual cases, such programmes may also have the opposite effect. By packaging and selling them as a special case, the idea that there is something different about disabled workers is reinforced and may be exclusionary rather than inclusionary. (Oliver, 1990: 86)

In effecting his portrayal of the social construction of disability, Oliver continues by tracing political, professional and individualised social constructions of disability, as a means of proposing a recent shift in peripheral ideology, from one of personal tragedy toward disability as dependency, a shift prompted by social values and economic circumstance within the late capitalist state.

Whatever one's opinion of the explanatory power of Oliver's Social Model, it must be acknowledged that the foregoing summary is entirely inadequate to the task of reflecting the breadth and internal consistency of the claims he advances in *The Politics of Disablement* and subsequently. In seeking to succinctly recapitulate Oliver's claims for the materialist production of disability, perhaps we should leave the final word to Professor Oliver:

> … to say that the category disability is produced by capitalist society in a particular form implies a particular world view. With this world view, the production of the category disability is no different from the production of motor cars or hamburgers. Each has an industry, whether it be the car, fast food or human service industry…
>
> The production of disability therefore is nothing more or less than a set of activities specifically geared towards producing a good – the category disability – supported by a range of political actions which create the conditions to allow these productive activities to take place and underpinned by a discourse which gives legitimacy to the whole enterprise. (Oliver, 1994: 2)

Paul Abberley: broadening and challenging social interpretations

Influential though Oliver's materialist account continues to be, Paul Abberley's work has also made a considerable, but rarely adequately credited, contribution to the development and refinement of radical sociological perspectives, as a necessary step in the process of developing a social theory of disablement. In this, he shared the materialist imperative of developing theoretical insights within an *emancipatory framework*; in common with UPIAS and Oliver, Abberley is not engaged in theorising for its own sake, but in proposing intellectually robust theory in the context of wider political struggles.

It will not be possible to do justice to the range of Abberley's work here, but there are two papers, in particular, that I will summarise in some detail: 'The Concept of Oppression and the Development of a Social Theory of Disability' (1987), where Abberley first draws attention to classical Marxist's failure to account adequately for disadvantage based on 'minority' status, and his 1997 essay: 'The Limits of Classical Social Theory'.

Disability and oppression

Paul Abberley's work has been particularly influential to this author because of a shared concern about the language of 'oppression' in disability literature. Indeed, his 1987 essay [although written in 1987, this essay was most widely disseminated in Barton and Oliver, 1997; it is to the 1997 publication that page references in this thesis relate] precisely concerned 'The Concept of Oppression and the Development of a Social Theory of Disability'. It should be noted, in view of earlier discussion in this chapter, that Abberley was, like Oliver (please see page 232, above), aspiring toward a social *theory* of disability contemporaneously to Oliver's development of the social model.

In contrast to writers who have explored the shared oppression of 'minority' groups (see in particular the work of Harlan Hahn in the USA), Abberley questioned the view that a 'monolithic theory of oppression' could be arrived at for the diverse range of oppressed groups:

> A crucial feature of oppression and the way it operated is its simplicity, of form, content and location; so to analayse the oppression of disabled people in part involves pointing to the essential differences between their lives and those of other sections of society, including those who are, in other ways, oppressed. (Abberley, 1997: 163)

Abberley contends that the claim that disabled people are oppressed necessarily involves arguing a number of additional propositions:

(a) at the empirical level, that disabled people are a group that can be identified with specific reference to their inferior position, in comparison to other members of society, and that this inferior position is *because* they are disabled people;

(b) that the inferior position is 'dialectically related to an ideology or group of ideologies which justify and perpetuate this situation';

(c) that the inferior position and the ideologies supporting it 'are neither natural or inevitable' and, finally

(d) that there is some identifiable beneficiary of this state of affairs (1997: 163).'

Abberley's investigation of oppression is not, however, an exercise in semantics, the precise aim is to address the failure of Marxist class analysis to explain disadvantage based on race and gender. It is to this experience of disadvantage that oppression is addressed, for "Oppression and exploitation are not equivalent concepts... Exploitation speaks to the economic reality of capitalist class relations for men and women, whereas oppression refers to women and minorities defined within patriarchal, racist and capitalist relations (Abberley, 1997: 164 quoting Eisenstein, 1979: 22-3)."

Just as Oliver sought to explore the cultural production of impairment, so Abberley also acknowledges the necessity of acknowledging and accounting, socially, for impairment:

> In developing theories of sexual and racial oppression it has been necessary for theoreticians of the women's and anti-racist movements to settle accounts with biology, which in both cases has been employed to explain and to justify social disadvantage. For a theory of disability as oppression however an important difference arises when we consider the issue of impairment. While in the cases of sexual and racial oppression, biological difference serves only as a qualificatory condition of a wholly ideological oppression, for disabled people the biological difference, albeit as I shall argue itself a consequence of social practices, is itself a part of the oppression. It is crucial that a theory of disability as oppression comes to grips with this 'real' inferiority, since it forms a bedrock upon which justificatory oppressive theories are based and, psychologically, an immense impediment to the development of political consciousness amongst disabled people. (1997: 164-5)

Concepts of 'impairment', 'disability' and 'handicap' are, according to Abberley, cognitively and effectively terms that imply *deficiency*, to the extent that a change of language will not suffice to change majority perceptions, perceptions that "point to the deeply entrenched rejection of 'impairment' as a viable form of life and to the 'commonsense', 'natural' and 'unconscious' nature of ideologies of impairment, disability and handicap (1997: 165)." For a theory of disability as oppression, a *social* *theory of impairment* is required (1997: 166) and in this, both Abberley's demand and justification are similar to Oliver's reasoning: both emphasise the social construction (or production) of impairment and, in so doing, refute subsequent allegations that materialist accounts ignore both the body and impairment.

Abberley specifically recognizes the socio-economic context of impairment in production methods, medical priorities, consumption, poverty and environment (1997: 166-9) but emphasises a distinction between 'handicap' – as wholly the product of social meanings and reducible to 'attitudes' – and claims regarding 'the social origin of impairment', which are directed at the illumination of the social origin of what he considers material *and* biological phenomena, and which point:

> … to the inextricable and essential social elements in what constitutes a material base for ideological phenomena. Thus such a view does not deny the significance of germs, genes and trauma, but rather points out that their effects are only ever apparent in a real social and historical context, whose nature is determined by a complex interaction of material and nonmaterial factors. (Abberley, 1997: 169-70)

Abberley's thesis is developed by relating common features of disadvantage – based on gender, race and disablement – not least a commonality of social and psychological disadvantage that includes the production of inaccurate stereotypes, which are themselves spawned by materialist conditions (1997: 171-176). Crucially, 'oppressive theories of disability systematically distort and stereotype the identities of their putative subjects, restricting their full humanity by constituting them only in their 'problem' aspects (1997: 174), a restriction that is particularly useful in maintaining existing structures of work, thereby identifying the consistent beneficiary of oppression: 'capitalism in a particular historical and national form (1997: 175).'

Although Abberley subsequently describes his 1987 account as 'flawed', his reasons for doing so are unclear, both in that paper (Abberley, 1991) and to me.

A liberative social model

In 1997, Abberley presents his argument for a break with classical sociology that is rooted in Enlightenment thought, as an essential stage in challenging definitions of humanity based on the fundamentality of labour, definitions that have particular and negative consequence for disabled people. In 'The Limits of Classical Theory in the Analysis and Transformation of Disablement', Abberley set himself the task of advancing a *liberative* social model of disability. He identifies two substantially inhibitive dynamics that are incompatible with the interests of people with impairments that are shared by both right wing (Durkheimian), and left wing (Marxist), perspectives:

(a) assumptions of human perfectibility, and

(b) the defining nature of labour for humanity.

As Oliver portrays the role of ideology in the construction of disablement, in his 1997 paper, Abberley focuses his analysis on the role of ideology in *sociology*, suggesting that a critique of dominant sociological perspectives requires: 'the deconstruction of their notions of disability, that is, exposing them as ideological or culturally constructed rather than as natural or a reflection of reality (Abberley, 1997: 27).'

Reviewing Durkheim's conceptions of mechanical and organic solidarity, Abberley is clear that whilst there is an implicit call for the recognition of diversity within the 'good society', Durkheim specifically avoids any suggestion that such recognition 'extends to the incorporation of those unable to work into full social membership (Abberley, 1997: 27).' As a natural consequence of 'theoretical consistency', the Durkheimian influence can be traced to the functionalist acceptance that discrimination against disabled people is inevitable because of our inability to meet occupational performance standards (Topliss, 1982).

Turning from right to left wing perspectives, Abberley claims that Marxist theory demands an ability to 'labour in some socially recognised sense' to qualify for full membership of a future good society:

> Following Marxist theory... some impaired lives cannot then, in any possible society, be truly social, since the individual is deprived of the possibility of those satisfactions and that social membership to which her humanity entitles her, and which only work can provide. For impaired people to be adequately provided for in the system of distribution, but excluded from the system of production, that is, on a superior form of welfare, would be unsatisfactory, since we would still be in the essentially peripheral relationship to society we occupy today. (Abberley, 1997: 33)

For Abberley, disability theory's uncritical acceptance of the need to work, whilst potentially liberating for some, would simply maintain and perhaps intensify the exclusion of those disabled people who are not, or cannot, be absorbed into the workforce; thus:

> We need to develop a theory of oppression which avoids this bifurcation, through a notion of social integration which is not dependent upon impaired people's inclusion in productive activity. (Abberley, 1997: 35)

In seeking ways out of this ideological impasse, Abberley initially proposed (as others have since affirmed) that feminist analyses offered hope, particularly those that dispute 'labour-dependent' ideas of humanity and substitute feminist conceptions of the body but notes that, even here, the disabled body remains absent. This absence has significance because it evidences 'strong feelings of repulsion, fear and disgust its prospect inspires in these theorists' and, indeed, for psychologists who proffer their own individualised theories of disability (Abberley, 1997: 37).' Crucially, Abberley's contribution posits these work-based models of 'social membership and identity' with allopathic (or traditional) medicine 'and to the specific instrumental logic of genetic-engineering, abortion and euthanasia. Ultimately it involves a value judgment on the undesirability of impaired modes of being (Abberley, 1997: 39)', an issue to which I shall return later.

A liberative theory of disability necessarily involves values that run counter to Durkheimian and Marxist sociology, an 'assertion of the rights of the human 'being' against the universalization of the human 'doing'.' Put simply, 'a thoroughgoing materialist analysis of disablement today must recognise that full integration of impaired people in social production can never constitute the future to which we as a movement aspire (Abberley, 1997: 39).' Although referencing feminism, Abberley's challenge to dominant sociological perspectives implicitly advances the view that disabled people's interests cannot necessarily be adequately progressed by simply adopting those of other groups – including oppressed groups – for:

> Disabled people have inhabited a cultural, political and intellectual world from whose making they have been excluded and in which they have been relevant only as a problem. (Abberley, 1997: 42)

Abberley's call for radical new perspectives that account for materialism and body politics has subsequently been adopted by some theorists, particularly those claiming a post-modernist approach. Shakespeare (1997) for example, although an advocate for feminist and, latterly, post-modern accounts, upholds the importance of material relations, claiming that any 'theoretical explanation which neglects … socio-economic structures, is a mere fantasy' whilst also claiming 'that mono-linear explanations, reducing everything to economic factors, are misguided (Shakespeare, 1997: 225).'

Whilst Abberley situates his argument within the context of theorising, 'The Limits of Classical Social Theory…' offers a rich source of repercussions whose effects reach far beyond sociology; many of these issues will be explored in greater detail in the remaining pages of this thesis.

Reassessing social interpretations, the social model and *The* Social Model

As has already been stated, a thoroughgoing analysis and critique of the various models and interpretations of disablement will not be attempted here; nonetheless, there are outstanding issues and contradictions that must be acknowledged, even if only in summary.

The materialist foundations of the theories described above inevitably invite criticism, both in general and in specific regard to disability studies. Firstly, Marxists do not have a good record of accomplishment in relation to accounting for gender, ethnicity, disablement or functional limitation. Such omission has more recently been addressed and is to be welcomed (see, for example, the collection contained within Gamble *et al.*, 1999). Secondly, it is difficult to dismiss Abberley's claim that Marxism emphasises the defining nature of productive labour just as thoroughly as neo-liberals and the New

Right. Thirdly, and despite the claims of Gleeson (1997), there remains a paucity of compelling historical evidence as to the situation of disabled people, either before or during the transition to capitalist modes of production. In the absence of such evidence, expansive claims will continue to be made for unexceptional research and theory (e.g. Borsay, 1998). Fourthly, no matter how much Marxists may wish to disassociate themselves from communist regimes, the absence of robust studies conducted in, for example, the former Eastern Bloc countries, China, North Korea or Cuba, also promote pre-theoretical but still pejorative counter-claims. Indeed, the available evidence, even if anecdotal, may be yet more unhelpful; my work within the international disability movement and with colleagues in Eastern Europe suggests that disability was individualised and disabled people excluded, even with compensatory access to accommodation or welfare benefits, under communist regimes.

Finally, in relation to the challenges for materialist accounts, the centrality of the state or communal imperatives and concomitant diminution of the individual comprising it within Marxist theory is inimical to the idea of individual human rights, a factor that poses clear risks for disabled people. Albeit acknowledging the particular and 'polluted' versions of communism that have existed in nation states, disabled people have ample grounds to fear *any* system that devalues their individuality and equal access to what are most commonly described as human rights and fundamental freedoms.

The foregoing comments are not intended to suggest that Marxist writers have failed to address or deconstruct such concerns, merely to emphasise that such task is incomplete. Of particular concern to disability studies, strong interpretations of the Social Model, whose materialist foundations are openly acknowledged, cannot simply be maintained with dogmatic faith in the inevitability of capitalism's demise and replacement with a socialist state; neither, as some of us who stray beyond disability politics and into other political movements can attest, can we presume that more radical political movements are any the more welcoming of our 'minority voices and opinions' than are mainstream political parties.

Turning to wider issues for socio-political accounts (including materialist), the view that work is of elemental importance to disabled people or the achievement of equality is, as Abberley has consistently maintained, problematic and is so on a number of counts. Firstly, and as Abberley has expressed only too well, both right wing (Durkheimian), and left wing (Marxist), perspectives fail to adequately address the 'defining nature of labour for humanity'. Not only are some of us never likely to be able to engage in full-time paid work, particularly as contracted employees working fixed hours in an employer's premises, those of us who are outside the labour market remain, implicitly or explicitly, subject to normative assumptions about our utility, in the absence of paid work, which go unchallenged. Indeed, the commodification of labour means that our relationship with the mainstream world of *paid* work defines and devalues the tasks at which we *do* labour, because such tasks are not imbued with monetary worth by the dominant value system and with the additional effect that our inherent worth is also devalued. At their most extreme, such devaluation has been extended to claim, somewhat ridiculously, that our not-for-profit organisations can and should be operated more like commercial ventures. Whilst I would willingly concede that professionalism should underlie our efforts, such fatuous suggestions ignore two fundamental facts:

(a) In light of Enron and other recent scandals, the commercial world is poorly placed to sermonise, and

(b) The aim of many of our not-for-profit organisations is to undertake advocacy, support and assistance irrespective of our 'client's' ability to pay or the profitability of such schemes. It is precisely the mainstream disinterest in all communal issues that are unable to turn a profit that makes such work all the more necessary.

The interaction between the expressed demand for access to paid work and public policy must also guide our interpretation of what has occurred. Adopting a conflict theorist approach, by equating the civil rights struggle with access to paid work, disabled people have unwittingly played into the hands of New Right and centre left ideologues: 'you say you want work, well get it or forfeit welfare support and, potentially, full citizenship' (Thornton and Lunt, 1995). Alternatively, by adopting a functionalist or interactionist position, we might simply claim that the apparent importance of work to disabled people has encouraged a particular policy response.

Whatever interpretation is adopted, what remains uncontroversial is that whilst policy-makers acknowledge, indeed applaud and encourage, the centrality of paid work, the reality of seeking and retaining meaningful work is inadequately addressed, hence the repeated failure to attend to demand-side disutility and the consequent fixation on supply-side measures. Furthermore, the qualitative nature of work, whether it is, for example, satisfying, adequately paid, offers long-term security or opportunity for advancement is entirely ignored; *some* work is available and this is a shared priority.

Secondly, expressing a desire to work, as a hypothetical and at some distance from the labour market, highlights the very problems discussed by discourse theorists: language is not a transparent medium and the response received by the questioner may be imbued with meaning that is substantially different from that of the disabled person. Were I to be asked if I wanted an adequately paid and satisfying job I would undoubtedly answer in the affirmative. However, whilst my answer would be an accurate response to the question asked, it also obscures the fact that my impairment and its effects entirely preclude my taking any such job (I have neither the desire nor the intention to provide a catalogue of impairment-related justifications for this claim, but it is entirely supportable). It will also be noted that the question posed included reference to 'adequately paid and satisfying'. Were I asked whether I wanted to work, it is difficult to predict how I would answer. I may simply answer "yes" or "no", to bring to an expeditious end a line of questioning that I found intrusive or pointless, or I might insert my own rider as to type of work and remuneration and, thereby, force the researcher to interpret a qualitative response within a dichotomous format.

Thirdly, an unidentifiable proportion of disabled people in work may prefer, given the choice, not to work. That preference, despite populist views to the contrary, need *not* be emblematic of sloth or aversion to work, but a rational decision based on any number of factors, including, for example, the physical, psychological or emotional 'cost' of working as a disabled person or the craving to escape oppressive treatment from co-workers. We might also note that where the worker is single-mindedly pursuing quick-term, high-value returns on work, so as to enjoy a comfortable life of leisure prior to old age, the same need to justify the absence of paid work is less pressing; another example of the degree to which normative assumptions penalise those *unable* to work or prevented from doing so.

Fourthly, in the absence of compelling evidence to the contrary, I do not believe that disabled people's priority *is* to engage in paid work, rather, I would suggest that what we would all prefer is *economic security*, irrespective of paid work. Before being dismissed as utopianism, the granting of disability-related benefits as additional compensation for disadvantaged workers and as a means of manipulating the unemployment count was, during the 1980s and 1990s, official government policy. Further, if policy-maker and employer alike conspire to keep the disabled person out of the workplace, the provision of financial compensation for such exclusion appears an entirely reasonable and rational expectation, certainly far more so than the cynical avoidance of the reality of denied opportunities to work and inadequate benefit payments.

Finally, and perhaps most importantly, theoretical work by academics exemplified by Iris Marion Young (1990) offer vital insights and critiques; not least her 'critique of unifying discourse (1990: 7)' that proposes the advancement of conceptions of social justice that are wider and more inclusive than the traditional focus on distributive justice. According to Young, 'The concepts of domination and oppression, rather than the concept of distribution, should be the starting point for a conception of social justice (1990: 16).' Moreover, and correctly in my estimation, Young identifies the tendency for explicitly socialist or Marxist discussions of justice to 'fall under the same distributive paradigm (1990: 17)'.

It is incumbent on disability theorists to review such mainstream theory in an effort to assess its relevance and insight to disability studies rather, than has sometimes been the case, to become irredeemably distracted in a pointless game of pedantic point scoring.

Conclusion

Any history of the disability movement in the UK must account for the revolution – and the word is not used lightly – in disablement and attitudes toward it that socio-political interpretations have engendered; that revolution has seen the growth in democratic representative organisations *of* disabled people, in preference to the philanthropic or merely patronising organisations *for* disabled people. Before dismissing socio-political accounts of disablement, critics would do well to ponder the social, political and theoretical revolution that they have prompted; a revolution made all the more remarkable by the fact that its leaders were often products of institutionalised exclusion – a system that encouraged passive but grateful acceptance of the largesse (if not 'saintliness') of the non-disabled 'caring' for them.

Whilst it may offend the putative academic imperative to remain dispassionate, we should also note that the disablement debate, like that of racism before it, has to account for the often barbaric treatment afforded disabled people, including the recurring and currently influential contentions of the eugenicist. Even the most cursory examination of the writings of Peter Singer, or many of the other self-styled bioethicists, together with the marketing material produced by the biomedical industries, makes it abundantly clear that the elimination of disability [sic.] and, by implication, disabled people, remains a widely expressed aspiration. What is more chilling still is the uncritical acceptance, if not celebrity, with which such writers are greeted; in my opinion it is precisely such response that has led to the obscene phrase: altruistic filicide. Quite how the murder of disabled people, by family members, can become linguistically, intellectually or morally, conflated with philanthropy or selflessness is entirely beyond me.

In large measure, the competing models and interpretations of disablement may now serve as lines of demarcation in a 'war' of public opinion. In view of the politicisation process, socio-political models have been promoted by representative organisations of disabled people as the 'real' way to view disablement. I would suggest that at present, popular opinion has swayed in favour of disabled people, with a corresponding effect on public and professional perceptions; indeed, the European Union has explicitly adopted such an approach in the *Communication of the Commission on Equality of Opportunity for People with Disabilities*:

> Many years of public policy aimed at accommodating people to their disabilities has proved to be insufficient. Much rethinking has now taken place. The old approach is now giving way to a much stronger emphasis on identifying and removing the various barriers to equal opportunities and full participation in all aspects of life. Changes in the way we organise our societies can substantially reduce or even overcome obstacles found by people with disability. Integration rather than the narrower aim of accommodation is now seen as the key to inclusion in active society. The

> United Nations General Assembly crystallised this new approach in 1993 through the resolution on Standard Rules for the Equalisation of Opportunities for Persons with Disabilities. (EC, 1996: 3)

Most of us are blessed with 20/20 hindsight and the continual 'picking at' the edges of socio-political interpretations is, it is suggested, indicative of the cul-de-sac into which disability studies has been pushed. For all such criticism, we await an alternative account that can achieve the explanatory rigour and popular appeal engendered by socio-political interpretations. On this basis alone, disregard or summary dismissal of such interpretations remains misguided.

No matter how fashionable, accounts that fail or decline to identify systemic oppression aid the continuance of such oppression. Whilst it is demonstrably the case that much harm has been wrought in the name of 'totalising theory', it is equally the case that shrinking from principled criticism of unprincipled views – an abandonment of ethics, if you will – is both intellectually and politically short-sighted.

As I believe this thesis has clearly shown, the unequal enjoyment and application of power and influence remains elemental to the social construction of, and policy response to, disability and a host of other socially constructed disadvantaged statuses. And herein lies my fundamental claim: that, far from investigating disability and disabled people in ever greater detail, we need to refocus on the wider issues of economy, power and social justice. The danger flowing from the expansion of disability study departments within the academy is precisely that it promotes a narrower field of view, rather than promoting a cross-disciplinary commitment to liberative and critical analyses that explore, in all its multifarious forms, the techniques and outcomes of oppression and the maintenance of monopolies of power.

If, as its proponents and apologists claim, capitalism is now the 'only game in town', the consistent failure to address the social, cultural and economic oppression of disabled identities stands as a damning indictment.

Chapter 8

CONCLUSION

"Never before has the public of a democratic country been subject to such an extraordinary ongoing tirade of propaganda. For the government is, quite generally, promoting actual policies that are directly opposite to this rhetoric."

Mark Curtis, (2003: 2-3)

Twelve-years ago, in a report that remains provocative and germane, Leandro Despouy, Special Rapporteur to the United Nations Commission on Human Rights, asserted that: '... the treatment of disabled persons defines the innermost characteristics of a society and highlights the cultural values that sustain it (Despouy, 1991).' My aspiration is that this thesis amplifies and justifies that claim.

The material presented here is disparate and wide ranging; there has been analysis of disability from pre-Christian times to the present; from ancient Greece to contemporary Whitehall. Achieving continuity, despite the various strands of evidence and contention, has been challenging, never more so than when seeking to construct a compelling synthesis in this concluding chapter.

The decision to conflate inconclusive historical data with detailed analysis of contemporary British policy was, despite the risks inherent in the enterprise, a deliberate one. It will be recalled that I set myself the following objective:

> To review, update and critically examine the continued persuasiveness of socio-political accounts of the production of disablement, with particular regard to the increasingly ubiquitous contemporary themes of the 'moral economy' of welfare, postmodernity and globalization.

In working toward the satisfaction of that objective, I acknowledged the assertions of Brendan Gleeson (1999: 31) and Carol Thomas (2002: 47), that materialist accounts had to demonstrate both 'scientific historicity' and robust theoretical analysis of contemporary developments. Although I am neither an 'historical materialist' nor a 'materialist' (viewing spiritual values as being of substantial importance), I was persuaded that Gleeson and Thomas had set challenges for all who adopt socio-political interpretations of disability. Equally, although the mark of historical materialism is clear in the UPIAS interpretations (Finkelstein, 2001: 2) and the Social Model of Disability (Oliver, 1990), I was convinced that such socio-political accounts offer an insight that is persuasive, even where we find the claims of historical materialism less so.

The substantive work of this thesis began with an outline of a broad swathe of history: from pre-Christian to the nineteenth century, an ambitious task made possible only by the almost complete invisibility of disabled people from the historical record. As has been shown, disabled Britons remained untroubled by either national or local policy until the fourteenth century, when increased attention was devoted to *vagrancy*. Thus, the social effects of disability in the UK have traditionally only been addressed tangentially, *via* mainstream programmes to combat vagrancy. Despite considerable speculation from relatively few scholars, reviewed at length, we are left with little more than inference and conjecture. The sweep of over 1,500 years of human history is largely silent about people with impairments, making appeals for scientific historicity impossible to address with the evidence currently available.

Although compelling and robust conclusions, based on primary evidence, are impossible to adduce at this time, I believe that some deductions may be proposed, no matter how tentatively. With this caveat registered, I would propose that explanations for the invisibility of people with impairments resolve to a dichotomy:

1. Either they were so effectively excluded and stigmatised that people with impairments were equally invisible to the chroniclers of history, or

2. People with impairments were so common as to excite no comment.

It will be recalled that Stiker also proposed a dichotomy: that disabled people were a 'normal anomaly' or part of the 'demonic underside' of society. I cannot accept that the evidence supports alternatives proposed in such stark terms; for Stiker, whether invisible through familiarity or superstition, people with impairments remain cast as 'other', premised on his thesis of "cultic impurity". Whilst it is demonstrably the case that the Christian church has often treated impairment as synonymous with sin, precisely the foundation of the Christian faith is that all are sinners; redemption is possible only through the sacrifice of Christ at Calgary. Against such background, there is a world of difference between sinners and those possessed of demons.

Far from being a 'normal anomaly', it seems at least as plausible that people with impairments were part of the ordinary fabric of society. We know that life was short and brutish for the majority throughout history, suggesting that sickness and human frailty would be ever-present. On the weight of evidence provided, I feel that Gleeson's contention, that impairment was 'a general feature of peasant social space in feudalism' (1999: 95) and vital to the peasant economy, is more compelling. Indeed, Gleeson specifically opposes the suggestion that impaired people were consistently removed from 'the congress of peasant life, or distinguished … as dependent (1999:97) '.

Principally through the work of Daunton (1995), it would appear that there was a substantial difference in emphasis between parishes and national government. As has been discussed in considerable detail, schemes for the relief of poverty grew, on a local basis, from the fourteenth century. However, during the same period, Parliament repeatedly legislated to impose regressive measures against vagrancy. That there should have been a difference between parish and state is unsurprising; the elite undoubtedly enjoyed a monopoly of influence in Parliament, but were far less influential in the local parishes. Whilst the elite may have been alarmed at the prospect of putative bands of sturdy beggars travelling the land and promoting disaffection, parish life appears to have been marked by concerns that were more pragmatic. Few within the parishes would be spared the necessity of using local relief schemes during the life cycle and putting food on the table would be a more pressing concern than the search for roaming bands of sturdy beggars.

Such view is supported by the evidence: there was little discrepancy in the standard of living between welfare recipients and wage earners between the seventeenth and early nineteenth centuries. This parity in living standards led to a ten-fold increase in the national cost of poor relief over the same period, during which relief schemes were under local administration.

As Deborah Stone has shown, the legitimacy of claims to 'impotency' were always particularly suspect in the case of illness and disability, with a pervasive conviction that vagrants routinely feigned such conditions to obtain alms. Suspicion would be greater still with the transition from locally administered schemes, to national policy shaped by the elite and implemented from the mid-nineteenth century. Whereas the traditional system had relied on local familiarity, of both the calamity of impoverishment and the particular situation of relief recipients, its successor enjoyed no such 'informal corroboration'. Perhaps more decisively, it is difficult to avoid the view that local and national schemes had entirely different foci, with the elite exercised by the spectre of vagrancy and local communities dedicated to the relief of poverty. It is clear that illness and disability achieved prominence only in relation to the desire to prevent deception; the imperative was to labour and those excused such imperative were subject to increasing administrative control.

That people with impairments are largely absent from history is, intellectually, enormously frustrating. For historical materialists it amounts to a significant, perhaps insurmountable, hurdle to their theses. What I have trouble accepting is that it is of substantial practical importance. What we do know is that the grouping of a substantial minority of people with reference to the existence of some impairments is a recent phenomenon. Deborah Stone insists that English Poor Law policy dealt with disability as a series of separate conditions, all carefully policed to prevent shirking (1984: 55); the first evidence for an administrative category: disabled is provided by German policy at the close of the nineteenth century; policy that was, as we have seen, influential in the development of subsequent UK policy. Be that as it may, we have to wait until the twentieth century for the dawning of what might be described as 'disability policy'.

Conclusion

The claim that war is often the catalyst for the development of disability programmes has become something of an axiom; the evidence presented here, in relation to British policy, suggests quite clearly that such assumption is unfounded. Although the sight of the war wounded may have encouraged calls for national responses to better ensure their welfare, such calls were singularly unsuccessful. Measures remained piecemeal, voluntary and inadequate into the twentieth century; the cessation of hostilities in 1918 saw the government content to leave the welfare of the war wounded to the voluntary sector. As we have seen, there was clearly a concern, exemplified by an article in the British Medical Journal, that pensions paid to the war wounded should not be a means for them to continue in idleness for the remainder of their lives. The imperative to work, or perhaps envy of those who were spared the duty to work, clearly exerted a strong influence well into the twentieth century.

It was not until the Interim Scheme for the Training and Resettlement of the Disabled, introduced in 1941, that the UK introduced disability-specific policy and, even then, it was the war effort, rather than disabled people, that would be the primary beneficiary; at the cessation of hostilities disabled ex-servicemen were, once again, to be abandoned to the unemployment rolls. Crucially, and as chapter 3 makes clear, any attempt to extend the scheme to include the industrially injured would be stridently opposed by the Treasury.

Extensive analysis of the work and conclusions of the Tomlinson Committee has also been undertaken. Evidently, and contrary to liberal history, the Committee responded to opposition from employers and the labour movement with a scheme that would create modest burden to industry and ensure that the disabled worker would not compete with the non-disabled. Institutional sanctuaries would be used to 'warehouse' the less severely disabled, those who could be rehabilitated would be 'cured' and returned to mainstream employment, whilst those considered too disabled to make employment economically viable were simply ignored.

The Tomlinson proposals were implemented, on 23 February 1944, with the enactment of the Disabled Persons (Employment) Act, the UK's first disability-specific legislation. As will be clear from foregoing discussion, the results of the legislation were modest in the extreme, with just ten prosecutions under the Act, the last some 21-

years before its eventual repeal. Nevertheless, the 1944 Act would remain the only substantial legislative intervention in the lives of disabled people for another 51-years. It was not until the Disability Discrimination Act in 1995 that disablement would again receive substantive attention and, even here, and as chapter three shows, the results were to be disappointing.

Although a long way from the expansive civil rights legislation sought by disabled people's organisations, the Disability Discrimination Act promoted limited measures to combat prejudice against disabled people. What appears entirely paradoxical is that simultaneously, the UK government sought to restrict eligibility to disability related benefits and cut disability spending, accompanied at various times with unattributed press briefings that sought to reduce public support for such benefits.

Incapacity Benefit was introduced by the Conservative government in 1995, in the belief that if eligibility criteria were tightened, undeserving recipients would be forced off benefit and into work. Subsequent events unambiguously highlighted the fallibility of that view: whilst 76,000 people were denied Incapacity Benefit, only 289 found jobs. Political dogma and empirical evidence were at odds, but this was nothing new to UK social policy; just as the Poor Laws were marked by the compulsive quest for the undeserving and feckless, twentieth century policy was little different. Disabled people's exclusion from the labour market 'must' be due to personal failing, rather than systemic or demand-side factors; an absence of empirical evidence was countered with insupportable propaganda.

As subsequent events have made clear, whilst the Tories may have dabbled with misinformation, it would take the election of an ostensibly left of centre government, in 1997, for disabled people to really experience the sting of spin over substance. If Tory policy had made life unpleasant for disabled people, things would only get worse (a reversal of the pop lyrics that Labour utilised during its 1997 election campaign) with a Labour party driven by reformist zeal; top of the list was welfare reform. In December 1997, the Labour government announced its intention to significantly tighten medical assessments, whilst simultaneously launching a smear campaign, clearly intended to insinuate that disability-related benefits were being paid to people with higher than average incomes. There is, after all, nothing like envy to muster support.

Having launched welfare reform by targeting disabled people, a prime ministerial welfare roadshow was then used to 'sell' the idea to the public. Although the Prime Minister's Spin Meister declared his enthusiasm for a debate based on "fact not fiction", it did not prevent him making the insupportable claim that benefit fraud was costing the country £4 billion a year. The Welfare Reform and Pensions Bill was published in February 1999 with the Minister responsible, Alistair Darling, claiming that the country was scarred by a 'poverty of ambition and poverty of expectation'. Poverty proved to be a prophetic epithet; the Bill effectively imposed a 50 per cent rate of tax on disabled people receiving occupational or personal pensions, ensuring that disabled people would always face additional barriers to achieving respectable income.

Disability benefit reform was predicated on the need to claw back £750 million from disabled recipients; precisely this amount was saved, prior to the Welfare Reform and Pensions Bill receiving royal assent, by a departmental under spend attributed to 'customer levels rising less than was anticipated'. In short, the government drove through unnecessary reform based on its own flawed data. The measures proposed in the Bill prompted the first substantial challenge to the government's authority, with its parliamentary majority slashed from 176 to 40; the inevitable question is why should the government remain committed to reform that was no longer economically required? An explanation is provided with the revelation that the government was keen to use disability-benefits as the means to prove a break with its socialist past, a tactic that amply satisfied focus group recommendations that a suitable target be chosen to establish New Labour's 'toughness'.

The Labour government did not confine its interest to Incapacity Benefit, however, retrospectively endorsing a witch-hunt, first proposed by the Conservative government and implemented by the civil service, for 'undeserving' recipients of Disability Living Allowance [DLA]. A benefit review of DLA, launched by the Tories in 1996, led to the claim in February 1997 that fully 27 per cent of claims were 'incorrect' and alleging that fraud was the pre-eminent cause. The Benefit Integrity Project was launched on 28 April 1997, three days before the general election and in clear contravention of the Cabinet Office election guide. Labour subsequently dismissed this blatant example of the civil service initiating policy without governmental authority as an 'error of judgement'; no civil servant has been disciplined for this 'error' of monumental constitutional significance.

Once again, questionable and 'unattributed' press briefings were to be used, by Tory and Labour governments alike, to disseminate wholly inaccurate propaganda; in this case the claim, first made in February 1997, that £499 million of DLA payments were made to fraudulent claimants. Such assertions were difficult to shake off; a year later new reports were claiming that £1 billion was being lost in DLA 'errors', although this was to be the swan song: in March 1998, the government and press were forced to concede that there was virtually *no* level of fraud whatsoever.

As this thesis makes clear, this would not be the only occasion when the Labour government appeared to have trouble with its mathematics. The New Deal for Disabled People [NDDP], launched by the Chancellor of the Exchequer on 2 July 1997, seems to have resulted in a shortfall of 86.5 per cent of funds promised to the scheme during the first parliamentary term. Such disparity is all the more alarming when the NDDP has been shown to be the 'poor relation' of New Deal schemes.

Unlike the other New Deal programmes, NDDP was described as both experimental and voluntary, due to the 'more severe difficulties facing disabled jobseekers'. The House of Commons Education and Employment Committee were assured, in 1999, that there would be no national roll out of NDDP until 'it is absolutely clear that it works'. In July 2000, the Chancellor announced national roll out, so that the government could continue to 'test and evaluate' the most effective ways of getting disabled people off benefits and into work. It would appear that the search for such effective means continues; despite admitting that there had been no identifiable NDDP effect, the programme remains in place.

Notwithstanding the ubiquitous promises of innovation that accompany every general election, there are already some clear and consistent themes emerging: disability remains of administrative importance principally in relation to qualms that it may be feigned to excuse the imperative to engage in paid work. Such reservations are clearly evident in policy dating back to the fourteenth century and there appear to be quite startling continuities. Not only are *attitudes* toward benefits largely indistinguishable from their Poor Law forebears – exemplified by a return to the concept of citizenship as exclusionary category – but also contemporary reform mirrors the Poor Law's transfer of *risk*, from the community to the individual.

We have also seen (in chapter 4) that for all the new policies, New Labour programmes amount to the triumph of gloss over substance. The New Deal for Disabled People, aimed at a group comprising over 60 per cent of total claimants included in New Deal schemes, were allocated under 7 per cent of the total planned spend under New Deal programmes. By contrast, the New Deal for Young People and New Deal 25+, comprising just under 20 per cent of all relevant claimants, received just under 77 per cent of the total planned spend.

That there should be such disparity in investment is unsurprising; as the government's own reports have consistently shown, the public sector has a quite appalling record of assisting disabled people into work. A report published in 2002 shows government schemes to have assisted just 3 per cent of respondents, less than the 4 per cent helped by mainstream private employment agencies. Under such circumstances, it would quite obviously be imprudent to throw 'good money after bad'. My pre-eminent concern is that the government have been less than candid in acknowledging this; propaganda disseminated by them appears entirely unrelated to reality.

No matter what the scheme and how much additional money invested, this government, like its predecessors, is unable to exert more than an inconsequential effect on the employment of disabled people. Whilst the Deputy Secretary-General of OECD was prepared to admit, in 2003, that global policy approaches to increasing employment amongst disabled people consistently have little or no effect on outcomes, the New Labour government is keen to present an entirely different picture. A strong inference from the evidence presented here is that the dissemination of such a rosy view has necessitated suppression of the results of research that, it has always been insisted, was a key part of NDDP.

Most damning of all, however, is that government policy has vilified a section of society that it has been singularly unsuccessful in assisting into work. All the evidence shows that disabled people are unable, rather than unwilling, to move from welfare to work and that no country has been able to construct a policy that impacts on the problem. Against such a background, New Labour policy is not simply disingenuous, it is Orwellian. It perpetuates the notion that work is available for those that want it and those that are not working need to be disciplined into action. Such policy is not simply indicative of the ubiquitous desire to put the best possible gloss on government activity, but a concerted effort to convince the public that black is white.

Chapter 5 provided detailed analysis of this process of continuity and change, immediately revealing international congruence in welfare policy, epitomised by the various workfare programmes. Before examining the dynamics of such international hegemony, the thesis provides comprehensive scrutiny of New Labour policy. Vitally, we noted that material deprivation has become conflated with a weakening of the status: citizen. The Third Way, heralded by New Labour, claims to stress rights and duties, rather than one *or* the other, but as has been discussed, the result is a move from citizenship comprised of dutiless rights to conditional welfare. We now have a new model society, where the primary division between citizens is that of the included majority and an excluded minority with policy directed at making 'them' (the excluded minority) more like 'us' (the majority).

Achieving such conceptual shifts – or reversing several hundred years of progress, depending on one's views – has been aided by muted but ruthlessly managed reform of government. The Tories first sought to distance public policy from democratic accountability, such that by 1995 quangos had both a higher workforce and expenditure than local government. New Labour continued this process by ensuring that the business sector is the best-represented group within this new form of governmental process. Disabled people have been directly affected by this unravelling of democratic governance, not least with their exclusion from committees established to propose disability policy.

The claim has been made, quite clearly, that New Labour sought to impose its 'Third Way' ideology through a sophisticated programme of moral vilification, substitution of managerialism for politics and a manipulative relationship with a decreasingly critical media. Although disabled people were to pay a particularly high price for New Labour ideology, they were still incidental to the government's purpose for, it was claimed, it is impossible to evince either desire or intent to address the endemic exclusion and impoverishment of disabled people in British policy. The search for explanations shifted, in chapter 6, to international dynamics.

Globalization has become the buzzword of our times and, despite the risk of the concept becoming all things to all people, Joseph Sliglitz, Chief Economist at the World Bank – until he sought to establish why IMF policies so often fail – is uncompromising: globalization is intimately connected to the neo-liberal (free-market) project. An important model to emerge from theoretical analysis of globalization is the 'convergence thesis', which asserts that national responses to the phenomenon will become increasingly consistent. Empirical study has suggested that, in Europe at least, education and welfare policy have achieved remarkable congruence, such that left and right wing politics are being subsumed by a new global orthodoxy.

Such orthodoxy has undoubtedly been reinforced with the rise of international financial institutions, whose ideological foundations owe more to neo-liberalism than global efforts to reduce poverty and promote development. Financial policy, constructed and implemented by the World Bank and International Monetary Fund, have demonstrably advanced the goal of a global 'free-market', even where the imposition of such markets requires they be insulated from the democratic process.

A substantial obstacle to my attempts to review international financial policy and its effect on disabled Britons was that, prior to the work of Chris Holden and Peter Beresford, such enquiry was unprecedented. I acknowledge their contribution to the development of ideas central to this thesis. Far from being an esoteric issue of interest only to economists and demonstrators, globalized free markets are of considerable importance to policy analysts and social activists alike. Like Holden and Beresford, I find it difficult to avoid the view that globalization will play a pivotal role in the social construction of both disability and impairment, a view supported by the sudden interest that disability has evoked within international financial organisations, including the World Bank and OECD.

A related issue, addressed for the first time in this thesis, is the effect that the General Agreement on Trade in Services [GATS] will have on disabled people. It is clear that the commercial goal of GATS is the establishment of competitive markets in every sector and every WTO member state, goals enhanced by a monopoly of influence achieved by the business sector, to the detriment of the remainder of civil society.

As has been discussed, GATS authorises the establishment of a Disputes Panel, granted unprecedented power to veto member state's parliamentary and legislative measures where they are considered "more burdensome than necessary". The GATS Panel is, of course, the only body authorised to decide whether measures are 'necessary' and there is no court of appeal. It is, in my estimation, entirely possible – if not predictable – that national measures intended to promote the inclusion of disabled people will, if seen as too effective, rapidly become the subject of review by the GATS Dispute Panel.

Whilst New Labour's disability policy is inexplicable on its own terms, as part of wider measures aimed at promoting the neo-liberal project of global free trade, such policy is eminently rational. The provision of welfare to disabled people has always been a deeply contentious political issue; schemes for fiscal thrift invariably face an apparently insurmountable hurdle when it comes to disability. There is general support for the view that society should care and provide for its disabled members and attacks on disabled people's welfare will always be unpopular. However, and as Labour has proven, so long as the attacks are sustained, substantial and stage-managed, opposition cannot be adequately maintained. Under the banner of inclusion, Labour has not only introduced swingeing reforms of welfare provision, it has effectively privatised a substantial element of disability service provision, better ensuring Britain's status as a bastion of the free-market, whilst also insulating it from criticism. As in so many areas of communal intervention, government has retreated to a purely managerial role, leaving the private sector to deliver services on terms that can never be adequately assessed because of the 'commercial sensitivity' of the arrangements.

Finally, in chapter 7, I sought to assess the extent to which disability studies have contributed to the empowerment of disabled people. A necessary and inevitable corollary to such investigation was the consideration of whether academic endeavour has demolished Mike Oliver's 1990 thesis, invariably described as the Social Model of Disability. In view of the impact of postmodernism on contemporary culture and theory, the discussion here was confined to the theoretical underpinnings of postmodernity, for I am concerned – and believe that I have shown – that the very foundations claimed for postmodernity are flawed. It is unnecessary to repeat the arguments here, but they are neatly encapsulated by Professor Richard Evans stark observation that "Auschwitz was not a discourse".

A not insubstantial element of the discussion in chapter 7 was a restatement of what the Social Model claims; I have been disturbed for some years about the various and sometimes incomprehensible claims made for the model and for the social interpretation that was its progenitor, the UPIAS formulation of the 'Fundamental Principles of Disability'. The discussion herein supports Finkelstein's allegation that theoreticians and activists alike have done the Social Model a considerable disservice by distorting it to suit their own ends.

The blunt conclusion drawn in chapter 7 is that the Social Model remains ideally suited to the investigation of disablement. I believe that Mike Oliver's central claim is that disablement and the economic system are inescapably connected and that such claim remains justified on the evidence, including that presented here. This is not to say that challenges to, and evolution of, the Social Model are unjustified, rather that its central thesis has not been destroyed, despite the egotistical claims of many a theorist. More importantly, in my estimation, the desire to make one's academic mark by critiquing the Model appears to have contributed to the separation of disability studies from the emancipatory struggle of disabled people. Despite the headlong rush toward the 'marketisation' of education, I remain convinced that theorising is essential, but I am equally convinced that theorising oppression should not be allowed to develop in an artificial and sterile environment. Rather than continually seeking to deconstruct social theories of disablement, a process rather like the feeding technique of piranha (hundreds of individually minor nibbles that, when combined, can strip a horse to the bone), a return to critical analysis with the goal of promoting social justice is not only long overdue, but to be welcomed.

On the evidence presented here, disability has yet to become the target for thoroughgoing policy development; rather, it has invariably been addressed as an apparently minor element in a larger project: promoting waged labour to the advantage of capital accumulation. The globalization debate is, as many a protestor knows, a matter of considerable importance to democratic governance; that the debate has largely been missed by disability studies indicates the extent to which the discipline has lost its critical edge.

The Social Model, perhaps more than anything else, has been a catalyst. It has freed thousands of disabled people from the burden of personal tragedy and exposed systemic factors to our critical gaze; as importantly, it has encouraged a discourse grounded in social justice and human rights. Whatever its shortcomings, the Social Model has emboldened and fortified a new social movement.

Areas for further research

As is, perhaps, universal, the research that has been undertaken during the preparation of this thesis and some of the dynamics discussed herein raise more questions than answers. With particular regard to materialist accounts, I have already identified the need to investigate more fully the historical situation of disabled people, a history that remains largely absent from the literature. Claims made about the experience and construction of disablement in capitalist society clearly demand a comparative study of the situation of disabled people in pre-capitalist socialist states, a project for which I have harboured aspirations for some years.

With regard to the role of economics and political ideology in the construction and perpetuation of disadvantage, much of the investigatory work that needs to be done is unlikely to ever achieve fruition. Too much depends on the unrecorded and daily exercise of power by an elite that exerts its influence free from the constraints of minutes and public record, aided and abetted by a bureaucracy that too often confuses ideology for professional practice (see, in particular, Stiglitz, 2003). Of, arguably, more pressing concern, it is suggested that the analysis contained herein demands a return to the critical study of social, political and economic dynamics that is informed by unequivocal emancipatory goals.

Whilst new lines of enquiry pursued under the banner of postmodernist critique offer exciting opportunities, if such work is to contribute to social justice, the postmodernist must reconcile the abandonment of meta-theory with the audacity to take an ethical stand. Not all voices are equal and not all voices deserve equal respect: no matter how unfashionable or 'dogmatic', I reject any suggestion that the paedophile, the abuser, the murderer or the racist (for example) deserve an equal voice. I do not believe that such refusal inevitably leads to more generalised intolerance or oppression, but I do believe that the theorist must dare, once again, to posit theory within ethical and moral frameworks, no matter how contested. The alternative is academe's equivalent of elevator muzak, inoffensive, formulaic, eminently ignorable and, if granted too much of one's attention, deeply unsatisfying.

Nowhere are such concerns more compelling than in the critical analysis of the policies and supporting claims made by government; the indefensible assertion that 'there is no alternative' must be held up to the ridicule that it merits. There are good and bad alternatives, well-intentioned and misguided alternatives; there are alternatives that benefit one section of society and there are alternatives that tend to benefit the greatest number in society. There *are* alternatives, we simply need the courage to seek and implement them, admit when we are wrong and search for innovative options.

In view of the continuity in disability and poverty policy – for the two are yet to achieve meaningful distinction – the need for alternatives is pressing. Dominant perspectives have resulted in still poorly identified and publicised abuse and oppression and, despite the largely socio-economic focus of this study, it is difficult to avoid the conclusion that attitudes toward disability and disabled people remain influenced by deep and influential psychological and cultural abhorrence of the impaired. Notwithstanding the outward-looking emphasis of social interpretations and the strong claims made for economic stimuli, the role of individual psychological responses to impairment and people with impairments by the non-disabled majority remains rare and unquestioning: that the *response to* impairment, rather than the impairment or the impaired, might be pathological is rarely addressed; 'of course' people react negatively to disability.

BIBLIOGRAPHY

Abberley, P. (1987), 'The Concept of Oppression and the Development of a Social Theory of Disability', in *Disability Studies: Past Present and Future*, Barton, L. and Oliver, M. (eds.) (1997), Leeds: The Disability Press, pp. 160 – 178.

Abberley, P (1991), 'Three Theories of Abnormality', *Occasional Papers in Sociology* No. 10, Bristol: Bristol Polytechnic.

Abberley, P. (1996), 'Utopia and impairment', in Barton, L. *(ed.) Disability and Society: Emerging Issues and Insights*, London: Longman, 61-79.

Abberley, P. (1997), 'The limits of classical social theory in the analysis and transformation of disablement (Can this really be the end: to be stuck inside of Mobile with the Memphis blues again?)', in Barton, L. and Oliver, M. (eds.) (1997), *Disability Studies: Past, Present and Future,* Leeds: The Disability Press.

Abberley, P. (2002) 'Work, Disability, Disabled People and European Social Theory', in Barnes, C., Oliver, M. and Barton, L. *(eds.)* (2002), *Disability Studies Today*, Cambridge (UK): Polity Press.

Abel-Smith, B. (1981), *Social Security Provision for the Longer-term Disabled in Eight Countries of the European Community - A Case Study*, Brussels: EC.

Abercrombie, N.; Hill, S. and Turner, B. S. (1988), *Dictionary of Sociology*, London: Penguin.

Ablon, J (1981), 'Stigmatized Health Considerations', *Social Science and Medicine*, Vol. 15B.

Adam, S. and Frayne, C. (2001), *A Survey of the UK Tax System: IFS Briefing Note No. 9*, London: The Institute for Fiscal Studies.

Albeda, W. (1985), *Disabled People and their Employment*, Maastricht: European Centre for Work and Society.

Alinksy, S. D. (1971), *Rules for Radicals*, quoted in K. Gillespie-Sells and J. Campbell, *Disability Equality Training – Trainers Guide*, London: CCETSW, 1991.

Althusser, L. (1971), *Lenin and Philosophy and Other Essays*, London: New Left Books

Andrews, E. S. (1998), *Disability Insurance: Programs and Practice*, Washington DC: World Bank.

Andrews, G. and Phillips, S. (1998), 'Markets and private residential homes: promoting efficiency or chaos?', *Generations Review*, 8 (3), 9-11.

Ansell, C. (1835), *A Treatise on Friendly Societies*, London: Baldwin & Cradock.

Anthony, P. D. (1984), *The Ideology of Work*, London: Tavistock Publications.

Ásgeirsdóttir, B. (2003), *Opening Speech: Transforming Disability into Ability – Results and conclusions from the OECD's study of disability policies for the working-age population in 20 member countries*, 'Conference on 'Transforming Disability into Ability: Policies to promote work and income security for disabled people', Vienna, 6-7 March 2003, OECD.

Bagilhole, B. (1997), *Equal Opportunities and Social Policy*, Longman, London and New York.

Bairoch, P. (1996) 'Globalization, Myths and Realities', in Boyer, R. and Drache, D. (1996) *States Against Markets - The Limits of Globalization*, London: Routledge.

Bairoch, P. and Kozul-Wright, R. (1996), 'Globalization Myths: Some Historical Reflections on Integration, Industrialisation and Growth in the World Economy', *UNCTAD Discussion Paper No. 113*, Geneva: United Nations Conference on Trade and Development.

Balanyá, B.; Doherty, A.; Hoedeman, O.; Ma'anit, A. and Wesselius, E. (2000), *Europe Inc: Regional and Global Restructuring and the Rise of Corporate Power*, London: Pluto Press.

Baldock, J. (1999), 'Culture: The Missing Variable in Understanding Social Policy?', *Social Policy and Administration*, Vol. 33, No. 4, December 1999, pp. 458-473.

Banting, K. (1979) *Poverty, Politics and Policy*, London: Macmillan.

Barlow, M. (2000), *A GATS Primer*, Council of Canadians, downloaded from http://www.canadians.org/campaigns/campaigns-tradepub-gats_primer.html on 7 June 2003.

Barnes, C. (1990), *Cabbage Syndrome: The Social Construction of Dependence*, Basingstoke: Falmer Press.

Barnes, C. (1991), *Disabled People in Britain and Discrimination: The Case for Anti-discrimination Legislation*, London: Hurst and Co.

Barnes, C., Mercer, G. and Shakespeare, T. (1999), *Exploring Disability: A sociological introduction*, Cambridge (UK): Polity Press.

Barnes, C. and Oliver, M. (1995), 'Disability Rights: rhetoric and reality in the UK', *Disability and Society*, Vol. 10, No. 1, 1995, pp.111-116.

Barnes, C., Oliver, M. and Barton, L. (*eds.*) (2002), *Disability Studies Today*, Cambridge (UK): Polity Press.

Barnett, C. (1986), *The Audit of War: the Illusion and Reality of Britain as a Great Nation*, London: Macmillan.

Barton, L. (1996), *Disability and Society: Emerging Issues and Insights*, London: Longman.

Barton, L. and Oliver, M. (eds.) (1997), *Disability Studies: Past, Present and Future,* Leeds: The Disability Press.

Battye, L. (1974), "The Chatterly Syndrome", in Boswell, D. M. *(ed.)* (1974) *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Baudrillard, J. (1994), *Simulacra and Simulation*, Michigan: University of Michigan Press.

Bauman, Z. (1992), *Intimations of Postmodernity*, London: Routledge.

Bauman, Z. (1998a), *Globalization: The human consequences*, Cambridge (UK): Polity Press.

Bauman, Z. (1998b), *Postmodernity and its Discontents*, Cambridge (UK): Polity Press.

Bauman, Z. (1999), *Work, consumerism and the new poor*, Buckingham: Open University Press.

Bauman, Z. (2001a), *Community: Seeking Safety in an Insecure World*, Cambridge (UK): Polity.

Bauman, Z. (2001b), *The Individualized Society*, Cambridge (UK): Polity Press.

BCODP, *Interim Strategy - Anti-Discrimination Legislation*, undated draft.

Beck, U. (2000), *The Brave New World of Work*, Cambridge (UK): Polity Press.

Beinart, S., Smith, P. and Sprogton, K. (1996), *The Access to Work Programme: A Survey of Recipients, Employers, Employment Service Managers and Staff*, London: SCPR.

Bentham, J. (1787), 'Panopticon; or the inspection-house: containing the idea of a new principle of construction applicable to any sort of establishment, in which persons of any description are to be kept under inspection; and in particular to penitentiary-houses, prisons, houses of industry, work-houses, poor-houses, lazarettos, manufactories, hospitals, mad-houses, and schools: with a plan of management adapted to the principle', excerpt downloaded on 12/05/2003, from the Cartome website, address http://cartome.org/panopticon2.htm.

Beresford, P. and Holden, C. (2000), 'We have choices: globalisation and welfare user movements, *Disability and Society*, 15 (7), 973 – 89.

Berthoud, R. (1995), 'Social Security, Poverty and Disabled People' in G. Zarb, ed. *Removing Disabling Barriers*, London: Policy Studies Institute.

Bickenbach, J. E. (1993), *Physical Disability and Social Policy*, Toronto: University of Toronto Press.

Bircham, E and Charlton, J. (*eds.*) (2001), *Anti-capitalism: A guide to the movement*, London: Bookmarks Publications.

Birkett, K. and Worman, D. (eds.) (1988), *Getting on with Disabilities. An Employer's Guide*, London: Institute of Personnel Management.

Blair, T. (1996), *New Britain. My Vision of a Young Country*, London: Fourth Estate.

Blaxter, M. (1980), *The Meaning of Disability*, London, Heinemann.

Blowers, A. (1993) 'Master of fate or victim of circumstance? The exercise of corporate power in environmental policy-making', in *The Policy Process: A Reader*, Michael Hill *(ed.)* (1993) London: Prentice Hall.

Blunkett, D. (1997), interview on *Today*, BBC Radio 4, 7 May.

Booth, T. (1991), 'Integration, disability and commitment, a response to Mårten Söder', *European Journal of Special Needs Education*, 6, No. 1 Mar. 1991, pp. 67-68.

Borsay, A. (1998) 'Returning Patients to the Community: disability, medicine and economic rationality before the Industrial Revolution', *Disability and Society*, Vol. 13, No.5, 645-663.

Boswell, D. M. *(ed.)* (1974), *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Bound, J. and Waidman, T. (1992), 'Disability Transfers, Self-Reported Health and the Labour Force Participation of Older Men: Evidence from the historical record', *Quarterly Journal of Economics*, pp. 1393-1419.

Boyer, R. and Drache, D. (1996) *States Against Markets - The Limits of Globalization*, London: Routledge.

Bradshaw, S. (1991),'Citizenship Rights, Disabled People and Anti-Discrimination Legislation', pp. 17 and 18, *Contact*, Autumn 1991.

Brattgard, S. (1974),'Social and psychological aspects of the situation of the disabled', in Boswell, D. M. *(ed.)* (1974) *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Brechin, A. and Liddiard, P. (1981), *Look at it This Way: New Perspectives in Rehabilitation*, London: Hodder and Stoughton in association with the Open University.

Brechin, A., Liddiard, P. and Swain J. (1983), *Handicap in a Social World*, London: Hodder and Stoughton in association with the Open University.

Briggs, A. (1999), *A Social History of England*, London: Penguin Books.

Brown, J. C. (1990), *Victims or Villains? Social Security Benefits in Unemployment*, London: PSI.

Burchardt, T. (2000), *Enduring economic exclusion: Disabled people, income and work*, York: Joseph Rowntree Foundation.

Burden, T. (1998), *Social Policy and Welfare: A Clear Guide*, London: Pluto Press.

Bynoe, I.; Oliver, M. and Barnes, C. (1991), *Equal Rights for Disabled People*, London: Institute for Public Policy Research.

Calhoun, C. (1995) *Critical Social Theory*, Oxford: Blackwell.

Campbell, A., Converse, P. E., and Rodgers, W. L., (1976), *The Quality of American Life*, New York: Sage.

Campbell, J. and Oliver, M. (1996), *Disability Politics*, London: Routledge.

Carson, D. (1993), 'Disabling Progress: The Law Commission's Proposals on Mentally Incapacitated Adults' Decision-making', *Journal of Social Welfare and Family Law*, Number 5, 1993, p. 304.

Castells, M. (1996), *The Rise of the Network Society*, Oxford: Blackwell.

Chinnery, B. (1990), 'Soapbox', *Social Work Today*, 17.5.90. p.27.

Christie, I. and Mensah-Corker, G. (1999), *An Inclusive Future? Disability, social change and opportunities for greater inclusion by 2010*, London: Demos.

Clarke, A. (1981), 'Sickness and the Law of Unfair Dismissal', *Journal of Social Welfare Law*, July 1981, p.215.

Clarke, J. and Newman, J. (1997), *The Managerial State*, London: Sage.

Clarke, J. and Newman, J. (1998), 'A Modern British People? New Labour and the Reconstruction of Social Welfare.' Paper presented to the *Discourse Analysis and Social Research Conference*, Copenhagen, 24-26 September.

Clay, R. M. (1909), *The Mediaeval Hospitals of England*, London: Methuen

Clough, Peter and Barton, Len (1995), *Making Difficulties: Research and the Construction of SEN*, London: Paul Chapman Publishing.

Coleridge, P. (1993), *Disability, Liberation and Development*, Oxford: Oxfam.

Conaghan J. (1987), 'Critical Labour Law: The American Contribution', *Journal of Law and Society*, Volume 14, Number 3, Autumn 1987, p. 334.

Convery, P. (1997) 'Unemployment', in Walker, A. and Walker, C. (eds.) (1997), *Britain Divided: The growth of social exclusion in the 1980s and 1990s*, London: Child Action Poverty Group.

Cooper, J. and Vernon, S. (1996), *Disability and the Law*, London: Jessica Kingsley.

Copper, C. L. and Robertson, I. T. (eds.) (1986), *International Review of Industrial and Organizational Psychology*, Chichester: Wiley.

CORAD (1982), *Report by the Committee on Restrictions Against Disabled People*, London: HMSO.

Cotterrell, R. (1988), 'Feasible Regulation for Democracy and Social Justice', *Journal of Law and Society*, Volume 15, Number 1, Spring 1988, p. 5.

Cotterrell, R. (1992), *The Sociology of Law: An Introduction*, London: Butterworths.

Cotton, E. (1974), 'Integration of treatment and education in cerebral palsy', in Boswell, D. M. *(ed.)* (1974), *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Council Of Europe (1975), *Welfare Expenditure - who is to pay?* A Colloquy, Berlin 11-13 November 1975; unpublished working papers

Crow, L. (1996), 'Including All of Our Lives: renewing the social model of disability' in Barnes, C. and Mercer, G. (eds) (1996), *Exploring the Divide: Illness and Disability*, Leeds: The Disability Press.

Croxen, Mary (1984), *Overview: Disability and Employment*, Document V/957/90, Brussels: Commission of the EC.

CSI (1999), *Agenda for the Next WTO Negotiations*, Washington, DC: Coalition of Service Industries.

Curtis, M. (2003), *Web of Deceit: Britain's Real Role in the World*, London: Vintage.

DAA (1995), Employment Special, *Disability Awareness in Action Newsletter*, London: DAA, 27 May 1995.

Daunt, Patrick (1991), *Meeting Disability: A European Response*, London: Cassell.

Daunton, M. J. (1995), *Progress and Poverty: An Economic and Social History of Britain 1700-1850*, Oxford: Oxford University Press.

Davies, B. M. (1982), *The Disabled Child and Adult*, London: Bailliere Tindall.

Davis, L. J. (1997),'Constructing Normalcy: The Bell Curve, the Novel, and the Invention of the Disabled Body in the Nineteenth Century' in *The Disability Studies Reader*, edited by Lennard J. Davis (1997), New York: Routledge.

Davis, Leonard J. (ed.), (1997), *The Disability Studies Reader*, Routledge, New York.

Davies, B. M. (1982), *The Disabled Child and Adult*, London: Bailliere Tindall.

DE (1988),Code of Good Practice on the Employment of Disabled People, 2nd Ed., Department of Employment, London.

DE (1990), *Employment and Training for People with Disabilities Consultative Document*, London: Department of Employment.

Deacon, A. (1976) *In Search of the Scrounger: The Administration of Unemployment Insurance in Britain 1920-1931*, London: Bell and Sons.

Deacon, A. (*ed.*) (1997), *From Welfare to Work: Lessons from America*, London: Institute of Economic Affairs.

Dean, N. and Kent, C. (2001), *New Deal for Disabled People Pilots: an Assessment of the Cost per Job*, In-house report 82, London: Department for Work and Pensions.

Department of Social Security (1998b) *Welfare Reform Focus File 01: Social Security overview*, London: Department of Social Security.

Department of Social Security (1998c) *Welfare Reform Focus File 04: benefits for sick and disabled people*, London: Department of Social Security.

DWP (2002) *The Abstract of Statistics: 2002 Edition*, Department for Work and Pensions: London.

Despouy, L. (1991), *Final Report on Human Rights and Disability*, 12 July 1991, E/CN.4/Sub.2/1991/31, New York: UN.

DTI (2003), 'Multi-million pound investment to help the UK cash in on nanotechnology', Department of Trade and Industry Press Circular, issued 2 July 2003, also available at http://www.gnn.gov.uk/gnn/national.nsf/TI/9CC2833D33E81C0B80256D57003CD810?opendocument.

Devereux, M.; Lockwood, B. and Redoano M. (2003), 'Is there a "Race to the Bottom" in Corporate Taxes?: An Overview of Recent Research', Warwick: Centre for the Study of Globalisation, Warwick University, downloaded on 7 June 2003, from *http://www.warwick.ac.uk/fac/soc/CSGR/Publications/Lockwood/Lockwood_Overview_May03.pdf*

DfEE (1998), *Promoting Disabled People's Rights: creating a Disability Rights Commission fit for the 21st Century*, London: Department for Education and Employment, Cm 3977, July 1998.

DfEE (2001), *Towards Inclusion – civil rights for disabled people*, London: Department for Education and Employment, 5 March 2001.

DHSS (1982), *Report by the Committee on Restrictions Against Disabled People*, London: Department of Health and Social Security.

DIG (1978), *Social Security and Disability*, London: Disability Income Group.

Digby, A. (1989) *British Welfare Policy*, London: Faber & Faber.

Disability Alliance (1997) *Disability Rights Handbook*, London: Disability Alliance.

DOH (Department of Health) (1998a), *Community Care Statistics: Residential Personal Social Services for Adults, England,* London: Government Statistical Service.

Doyle, B. (1995), *Disability, Discrimination and equal Opportunities: A Comparative Study of the Employment Rights of Disabled People*, London: Mansell Publishing.

Doyle, B. (1996), *Disability Discrimination: The New Law*, Bristol: Jordans.

Doyle, B. (1997), 'Enabling Legislation or Dissembling Law? The Disability Discrimination Act 1995', *Modern Law Review* Volume 60, 1997, pp. 64 - 78.

DPI (1990), *Human Rights Committee Report 1990*, Winnipeg: Disabled People's International.

Drache, D (2000), 'The Short but Significant Life of the International Trade Organization: Lessons for Our Time', *CSGR Working Paper No. 62/00*, Coventry: The Centre for the Study of Globalisation and Regionalisation, November 2000.

Drake, R. F. (2000), 'Disabled people, New Labour, benefits and work', *Critical Social Policy*, Vol. 20(4): 421-439.

Driedger, D. (1989), *The Last Civil Right Movement*, London: Hurst and Co.

Dror, Y. (1970), 'Law as a Tool of Directed Social Change: A Framework for Policy-Making' 13 *American Behavioural Scientist*, 553-59.

DSS (1998), *A New Contract for Welfare* (Cm 3805), London: Stationery Office.

DSS (1999), *New Deal for Disabled People: Interim Evaluation Report*, Research Report No. 106, December 1999, London: Department of Social Security.

Dutton, P.; Mansell, S.; Mooney, P.; Edger, M. and Evans, E. (1989), *The Net Exchequer Costs of Sheltered Employment*, Sheffield: Department of Employment, Employment Services.

DWP (2002), *Pathways to work: Helping people into employment*, November 2002, London: Department of Work and Pensions.

Dwyer, P. (1998), 'Conditional Citizens? Welfare Rights and Responsibilities in the Late 1990s', *Critical Social Policy* 18: 493-517.

EC (1979), EC; P/79/155 (1979), *Study of the feasibility of employing handicapped persons in small undertakings and mixed co-operatives - final report Doc. No. 5489/79*, Brussels: European Commission.

EC (1980), *Special Education in the European Community, Education Series No. 11*, Brussels: European Commission.

EC (1981a), *Communication of the Commission to the Council of 14/11/81 - The Social Integration of Disabled People - A Framework for the Development of Community Action* (O.J. No. C 347/14 of 31/12/81) Brussels: European Commission.

EC (1981b), *A New Community Action Programme on the Promotion of Equal Opportunities for Women 1982-86; Communication from the Commission to the Council*, Com (81) 758 Final (1981), 9 December 1981, Brussels: European Commission.

EC Council (1981), 'Programme of Research and Actions on the Development of the Labour Market'; Job Creation Schemes in the European Community, EC; V/112/81(1981)

EC Council (1986), Council Recommendation 86/379/EEC OJ No. L 225/43, Brussels.

EC Economic and Social Committee (1981), European Parliament Working Documents 1980-81; Document 1 - 868/80, 20 February 1981.

EC Economic and Social Committee (1981), Opinion of the Economic and Social Committee on the Situation and Problems of the Handicapped; CES 774/81/PKK/jl, 2 July 1981.

EC Economic and Social Committee (1981), European Parliament Working Documents 1980-81; Document 1 - 868/80, 20 February 1981.

EC (1977), 'Programme of Research and Actions on the Development of the Labour Market'; Part-time Employment in the European Communities, V/1280/77 Brussels.

EC (1979), Study of the feasibility of employing handicapped persons in small undertakings and mixed co-operatives - final report Doc. No. 5489/79

EC (1980), Programme of Research and Actions on the Development of the Labour Market, Report on Activity, 1975-80, V/981/80 EN, Brussels.

EC (1981), 'Programme of Research and Actions on the Development of the Labour Market'; *Job Creation Schemes in the European Community*, V/112/81, Brussels.

European Commission (1997), *Employment in Europe 1997*, Brussels: Office for Official Publications of the European Communities.

Edwards, M. L. (1997), 'Deaf and Dumb in Ancient Greece', pp. 20-51, in Davis, L. J. *(ed.)* (1997), The Disability Studies Reader , Routledge New York.

Eisenstein, Z. (1979) 'Developing a theory of capitalist patriarchy and socialist feminism', in: Capitalist Patriarchy and Socialist Feminism, New York: *Monthly Review Press*.

Elwan, A. (1999), Poverty and Disability: A survey of the literature, World Bank, New York.

Employment Gazette (1990), 'Disabled Employees in the Public Sector', Feb. 1990, 98, ii, pp. 78-83, Department of Employment.

Employment Policy Institute (1992), Economic Report, Vol. 7 No. 1, July/August 1992, Employment Policy Institute, Brighton.

Engel, D. M. (1991), 'Law, Culture, And Children with Disabilities: Educational Rights and the Construction of Difference', Vol. 1991 Duke Law Journal 166 (1991)

Engel, D. M. *et al* (1990), "Law Students with Disabilities: Removing Barriers in the Law School Community", 38 Buffalo Law Review 551 (1990).

Ervin, J. (1991), 'Reasonable Accommodation and the Collective Bargaining Agreement under the ADA of 1990', 3 Detroit College of Law Review 925 (1991).

ES (1989), *Review of the Organization and Staffing of the Employment Service*, July 1989, Sheffield: The Employment Service.

Esping-Andersen, G. (*ed.*) (1996), *Welfare States in Transition: National Adaptations in Global Economies*, London: Sage.

Esping-Andersen, G. (1996a), 'After the golden age', in Esping-Andersen, G. *(ed.) Welfare States in Transition: National Adaptations in Global Economies*, London: Sage, 1-31.

Esping-Andersen, G. (1996b), 'Positive-sum solutions in a world of trade-offs?', in Esping-Andersen, G. *(ed.) Welfare States in Transition: National Adaptations in Global Economies*, London: Sage, 256-67.

Etzioni, A. (1995), The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda, Fontana, London.

EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING (1990), Semi-sheltered employment for the Disabled in the Member States of the EEC, Berlin.

Evans, M. (1998), 'Social Security', in Glennerster, H. and Hills, J. (eds) (1998), *The State of Welfare*, Oxford: Oxford University Press.

Fagin, L. and Little, M. (1984), *The Forsaken Families*, London: Penguin Books.

Feiling, K. (1972), *A History of England*, Swindon: Book Club Associates.

Ferge, Z. (1997) 'The Changed Welfare Paradigm: The Individualisation of the Social', *Social Policy and Administration*, 31(1): 20-44.

Finkelstein, V. (1981), 'Disability and the helper/helped relationship: an historical view, in Brechin, A., Liddiard, P. and Swain J. (eds.) (1983), *Handicap in a Social World*, London: Hodder and Stoughton in association with the Open University.

Finkelstein, V. (2001), *The Social Model of Disability Repossessed*, Paper presented to Manchester Coalition of Disabled People, 1st December 2001.

Fisher, H. [Chair] (1973), *Report of the Committee on Abuse of Social Security Benefits*, Cmnd 5228. London: HMSO.

Flora, P. and Heidenheimer, A. (*eds.*) (1981), *The Developments of Welfare States in Europe and America, London and New Brunswick*, New Jersey: Transaction Books.]

Fox Piven, F. and Cloward, R.A. (1993*), Regulating the Poor: The Functions of Public Welfare*, New York: Vintage Books.

Fraser, D., (1984), *The Evolution of the British Welfare State*, Basingstoke: Macmillan.

Fry, E. (1986), *An Equal Chance for Disabled People: A Study of Discrimination in Employment*, London: The Spastics Society.

Fry, E. (1987), Disabled People and the 1987 General Election, The Spastics Society, London.

Fryer, D. and Payne, R., (1986) 'Being unemployed: a review of literature on the psychological experience of unemployment', in C. L. Copper and I. T. Robertson (eds.), International Review of Industrial and Organizational Psychology 1986, Wiley, Chichester.

Galbraith, J. K. (1991), *The Affluent Society*, London: Penguin.

Galbraith, J. K. (1992), *The Culture of Contentment*, London: Penguin.

Gallie, D. (2000), 'The Labour Force', in *Twentieth-Century British Social Trends*, Halsey, A. H. and Webb, J (2000), Basingstoke: Macmillan.

Gamble, A.; Marsh D. and Tant, T (1999), *Marxism and Social Science*, Basingstoke: Macmillan Press.

Garrett, G. (1998), *Partisan Politics in the Global Economy*, Cambridge (UK): Cambridge University Press.

Gaw, A., 1906, 'The development of the legal status of the deaf', *American Annals of the Deaf*, 51:269-75, 401-23.

Gelanos, and Price, (1992), 'Title I of the Americans with Disabilities Act: Concepts and Considerations for State and Local Government Employers', 20 Stetson Law Review 931 (1992).

George, S. (2001), 'Corporate Globalisation', in Bircham, E and Charlton, J. (eds.) (2001), *Anti-capitalism: A guide to the movement*, London: Bookmarks Publications.

George, V and Wilding, P. (1994), *Welfare and Ideology*, London: Prentice Hall.

George, V. (1998), 'Political Ideology, Globalisation and Welfare Futures in Europe', *Journal of Social Policy*, Vol. 27, No. 1, pp. 17-36, Cambridge (UK): Cambridge University Press.

Gerson and Addison (1991), 'Handicapped Discrimination Law and the Americans with Disabilities Act', 11 *Mississippi College Law Review* 233 (1991).

Giddens, A. (1990), *The Consequences of Modernity*, Cambridge: Polity Press.

Giddens, A. (1994), Beyond Left and Right: The Future of Radical Politics, Cambridge: Polity.

Giddens, A. (1998), *The Third Way: The Renewal of Social Democracy*, Cambridge: Polity.

Giddens, A. (2000), *The Third Way and its Critics*, Cambridge: Polity.

Gilbert, B. B. (1966) *The Evolution of National Insurance in Great Britain* – no further information provided, cited by Fraser 1984:165.

Gilbert, N. (1992), 'From entitlements to incentives: the changing philosophy of social protection', *International Social Security Review*, 45, pp. 5—17.

Gleeson, B. J. (1997), 'Disability Studies: a historical materialist view', *Disability and Society*, Vol. 12. No. 2, 1997, pp.179-202.

Glendenning, C. (1990), A Single Door: Social Work with Families of Disabled Children, London: Geo Allen and Unwin.

Glendon, M. A. (1991), *Rights Talk: The Impoverishment of Political Discourse*, New York: The Free Press.

Glennerster, H. (1995) *British Social Policy since 1945*, Oxford: Blackwell.

Glennerster, H. and Hills, J. (*eds.*) (1998), *The State of Welfare*, Oxford: Oxford University Press.

Glyn A. and Miliband D. (1994), Paying for Inequality: The Economic Cost of Social Injustice, London: IPPR.

Glyn S. (1991), *No Alternative? Unemployment in Britain*, London: Faber and Faber.

Graham, P., Jordan, A. and Lamb, B. (1990), *An Equal Chance or no Chance?*, London: Spastics Society.

Gray, J. (2002) *False Dawn: the Delusions of Global Capitalism*, London: Granta Publications.

Grewal, I., Joy, S., Lewis, J., Swales, K. and Woodfield, K. (2002), *'Disabled for life?' attitudes towards, and experiences of disability in Britain*, Department for Work and Pensions Research Report No 173, Leeds: Corporate Document Services.

Grimes, A. (1997), 'Would Workfare Work? An Alternative Approach for the UK' in DEACON, A. *(ed.)* (1997), *From Welfare to Work: Lessons from America*, London: Institute of Economic Affairs.

Groce, N. (1985), *Everyone Here Spoke Sign Language: Hereditary Deafness on Martha's Vineyard*, London: Harvard University Press.

Groce N. (1992), *The U.S. Role in International Disability Activities: a history and look towards the future*, New York: World Institute on Disability, World Rehabilitation Fund and Rehabilitation International.

Grossman, P. D. (1992), 'Employment Discrimination Law for the Learning Disabled Community', *Learning Disability Quarterly*, Vol. 15, No. 4, pp. 287-329.

Grover, R. and Gladstone, G. (1982), *Disabled People - A Right to Work?*, London: Bedford Square Press.

Grover, C. and Stewart, J. (1999), ''Market Workfare': Social Security, Social Regulation and Competitiveness in the 1990s', *Journal of Social Policy*, Vol. 28, No. 1, pp. 73-96, Cambridge: Cambridge University Press.

Grover, C. and Stewart J. (2000), 'Modernising Social Security? Labour and its Welfare-to-work Strategy', *Social Policy and Administration*, Vol. 34, No. 3, September 2000, pp. 235-252, Oxford: Blackwell Publishers.

Gruber, J and Kubik, J. B. (1994), *Disability Insurance Rejections, Rates and the Labour Supply of Older Workers*, NBER Working Paper 4941, November 1994.

Guardian (2001), 'Biotechnology and Biological Sciences Research Council', *Guardian*, Wednesday April 25, downloaded on the 10th July 2003, from 2001http://education.guardian.co.uk/higher/research/story/0,9865,478279,00.html

Gwalntey, J. (1970), *The Thrice Shy: Cultural Accommodation to Blindness and other Disasters in a Mexican Community*, New York and London: Columbia University Press.

Hablutzel and Mcmahon (eds.) (1992), *The Americans with Disabilities Act: Access and Accommodations*, Orlando: Paul M. Deutsch Press Inc.

Hahn, H. (1985), 'Disability Policy and the Problem of Discrimination', *American Behavioural Scientist*, Vol. 28, no. 3, pp. 293-318.

Hahn, A. J. (1994), *The Politics of Caring: Human Services at the Local Level*, Boulder: Westview Press.

Hahn, H. (2002), 'Academic Debates and Political Advocacy: The US Disability Movement', in BARNES, C *et al*, (eds.) (2002), *Disability Studies Today*, Cambridge (UK): Polity Press.

Halberstadt, V. and Haverman, R. H. (1981), *Public Policies for Disabled Workers: Cross National Evidence on Efficiency and Redistributive Effects*, Wisconsin: Institute for Research on Poverty, University of Wisconsin-Madison.

Hall, J. T. (1997), *Social Devaluation and Special Education: The Right to Full Mainstream Inclusion and an Honest Statement*, London: Jessica Kingsley.

Hallerberg, M., and Basinger, S. (1998), 'Internationalization and changes in taxation policy in OECD countries: the importance of domestic veto players', *Comparative Political Studies*, Vol. 31, No. 3, pp. 321-52.

Halsey, A. H. with Webb, J. (2000), *Twentieth-century British Social Trends*, Basingstoke: Macmillan.

Hammerman, S. and Maikowski, S. (ed's) (1981), *The Economics of Disability: International Perspectives*, New York: Rehabilitation International.

Handler, J. F. (1995), *The Poverty of Welfare Reform*, New Haven: Yale University Press.

Hanks, J. & Hanks, L. (1980), 'The Physically Handicapped in Certain Non-Occidental Societies' in Phillips, W. & Rosenberg, J. (eds.) (1980), *Social Scientists and the Physically Handicapped*, London: Arno Press.

Harman, C. (1998), 'History, myth and Marxism', in Rees, J. *(ed.)* (1998) *Essays on Historical Materialism*, London: Bookmarks Publications.

Harris, J. (1986) 'Political ideas and the debate on state welfare, 1940-5', in Smith, H. L. S., *British Society in the Second World War*, Manchester: Manchester University Press.

Harris, Louis and Associates (1986), *The ICD Survey of Disabled Americans: Bringing the Disabled Americans into the Mainstream*, Washington DC.

Harvey, D. (1990), *The Condition of Postmodernity*, Oxford: Blackwell.

Harvey, D. (1993) 'Class Relations, Social Justice and the Politics of Difference', in Squires, J. *(ed.)* (1993), *Principled Positions*, London: Lawrence and Wishart.

Hay, C. (1998), 'Globalisation, Welfare Retrenchment and 'the Logic of No Alternative': Why Second-best Won't Do', *Journal of Social Policy*, Vol. 27, No. 2, pp. 525-532.

Held, D.; McGrew, A.; Goldblatt, D and Perraton, J, (1999), *Global Transformations: Politics, Economics and Culture*, Cambridge (UK): Polity Press.

Hennessy, P. (1992), *Never Again: Britain 1945-51*, London: Cape

HM Treasury (2000), *Prudent for a Purpose: Building Opportunity and Security for All, 2000 Spending Review: New Public Spending Plans 2001-2004*, July 2000, London.

HM Treasury (2003), *Budget Report 2003*, 'Chapter C: The Public Finances', downloaded from Treasury web site on 8 June 2003, http://www.hm-treasury.gov.uk/budget/bud_bud03/budget_report/bud_bud03_repbc.cfm

Hill, M. (1993), *The Policy Process: A Reader*, London: Prentice Hall.

Hill, M. (2000), *Understanding Social Policy*, Oxford: Blackwell Publishers.

Hilton, R. H. (1985), 'A Crisis of Feudalism' in Aston, T. H. and Philpin C. H. E. (eds), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, Cambridge (UK): Cambridge University Press.

Hirst, M. (1987), 'Careers of Young People with Disabilities Between the ages of 16 and 21', *Disability, Handicap and Society*, Vol. 2, No. 1, pp. 61-75.

Hirst, P. and Thompson, G. (1996), *Globalization in Question*, Cambridge: Polity Press.

HMSO (1914), *Allowances and Pensions in Respect of Seamen, Mariners and Soldiers and their Wives, Widows and* Dependant, Cmnd. 7662, London: HMSO.

HMSO (1920), *Report of the War Relief Funds Committee*, Cmnd.196, London: HMSO.

HMSO (1942), *Report of an Inter-departmental Committee on the Rehabilitation and Resettlement of Disabled Persons* (Tomlinson Report), Cmd.6415, London, HMSO.

HMSO (1978), *Warnock Report: Special Educational Needs*, Cmnd. 7212, London.

HMSO (1990a), *Encouraging Citizenship: Report of the Commission on Citizenship*, London.

HMSO (1990b), *The Way Ahead - Benefits for Disabled People*, Cmnd. 917, London: HMSO.

HMSO (1995), *Ending Discrimination Against Disabled People*, Cm 2729, London.

HMSO (1997), *Excellence for All Children: Meeting Special Educational Needs*, Cmnd. 3785, London: HMSO.

Holden, C. and Beresford, P. (2002), 'Globalization and Disability', in Barnes, C.; Oliver, M. and Barton, L. (*eds.*) (2002), *Disability Studies Today*, Cambridge (UK): Polity Press.

Honey, S, Meager, N. and Williams, M. (1993), *Employers' Attitudes towards People with Disabilities*, Brighton: Institute of Manpower Studies.

HoCL (1999), *Disability Rights Commission Bill [HL] Bill 73 of 98-99: Research Paper 99/43*, London, House of Commons Library, 20 April 1999.

House of Commons *Official Report*, 11 February 1983, cols 1242-1301.

House of Commons *Official Report*, 28 March 1991, cols 1145-1151.

House of Commons *Official Report*, 6 July 1982, cols 151-152.

House of Commons, Session 1990-91 Paper No. 35

House of Commons Select Committee on Education and Employment (1999), *Ninth Report of the Commons Select Committee on Education and Employment*, published 9 November 1999, House of Commons, London.

House of Commons, Session Para 17, 1990-91, Employment Committee, *First Report Disability and Employment*, HofC Paper 35.

House of Commons Social Security Committee (1998) Social Security - *Fourth Report*, Session 1997-98, 13 May 1998.

House of Lords *Official Report*, 16 October 1989, cols 762-765.

House of Lords *Official Report*, 16 October 1989, cols 762-765.

Hughes, B and Paterson, K. (1997) 'The Social Model of Disability and the Disappearing Body: towards a sociology of impairment', *Disability and Society*, Volume 12, number 3, June 1997.

Humphries, S. and Gordon, P. (1992) *Out of Sight: The experience of disability 1900-1950*, Plymouth: Northcote House.

Hunt, A. (1990), "Rights and Social Movements: Counter-Hegemonic Strategies", *Journal of Law and Society*, Volume 17, Number 3, Autumn 1990, p. 309.

Hunt, P. (1966), 'A Critical Condition', originally published in *Stigma: The Experience of Disability*, London: Geoffrey Chapman; references in this paper are to the essay available at the Disability Archive, University of Leeds, http://www.leeds.ac.uk/disability-studies/archiveuk/Hunt/critical condition.pdf

Hutchinson, D. and Tennyson, C. (1986), *Transition to Adulthood*, London: Further Education Unit.

Hutchinson, M. (2003), 'Live healthily...or else!', *BBC News Online*, 3 June 2003, downloaded from http://news.bbc.co.uk/1/hi/health/2958586.stm on day of publication.

Hutton, W. (2002), *The World We're In*, London: Little, Brown.

Hyde, M. (1998), 'Sheltered and Supported Employment in the 1990s: the experiences of disabled workers in the UK', *Disability and Society*, Vol. 13, No. 2, 1998, pp. 199-215.

Ianacone, B. P. (1977), 'Historical Overview: From Charity to Rights', *Temple Law Quarterly*, Vol. 50, No. 4, pp. 953-960.

IFF Research (1990), *Evaluation of Jobclub Provision for People with Disabilities*, Sheffield: Department of Employment, Employment Services.

IDS (2000), *Monitoring the Disability Discrimination Act 1995 - Phase 2, First Interim Report to the Department for Education and Employment*, March 2000, London: Incomes Data Services Ltd.

Ignatieff, M. (1995), 'The Myth of Citizenship', in BEINER, R. *(ed.)* (1995), *Theorizing Citizenship*, Albany: University of New York Press.

ILO (1955), *Recommendation No.99 on the vocational adaptation and rehabilitation of the handicapped*, Geneva: International Labour Organization.

ILO (1983a), *Convention No.159 on the vocational adaptation and rehabilitation of disabled people*, Geneva: International Labour Organization.

ILO (1983b), *Recommendation No.168 on the vocational rehabilitation and employment of disabled persons*, Geneva: International Labour Organization.

Ingstad, B. and Renolds-Whyte, S. (eds.) (1996), *Disability and Culture*, Berkeley: University of California Press.

Ireland, P. and Laleng, P. (1997), *The Critical Lawyers' Handbook 2*, London: Pluto Press.

Jackson, S. and Scott, S. (2000) 'Childhood', in Payne, G. (2000), *Social Divisions*, Basingstoke: Palgrave.

Jones, K. and Langstone, L. (1990), *A Survey of Restrictions on Job Centre Vacancies*, Sheffield: Department of Employment, Employment Services.

Jordan, B. (1996), *A Theory of Poverty and Social Exclusion*, Cambridge: Polity Press.

Katz, M.B. (1989), *The Undeserving Poor: From the War on Poverty to the War on Welfare*, New York: Pantheon Books.

Kettle, M. (1979), *Disabled People and Their Employment*, London: RADAR.

King, D. (1995) *Actively Seeking Work? The Politics of Unemployment and Welfare Policy in the United States and Great Britain*, Chicago: The University of Chicago Press.

Knight, R. and Warren, M. (1978), *Physically Handicapped People Living at Home: A Study of Numbers and Needs*, London: HMSO.

Korten, D. C. (1996), 'The Failures of Bretton Woods', in Mander, J. and Goldsmith, E. (1996), *The Case Against the Global Economy and for a Turn toward the Local*, San Francisco: Sierra Club Books.

Kriegel, L. (1969), 'Uncle Tom and Tiny Tim: Some Reflections on the Cripple as Negro', 38 *The American Scholar* 412-430 (1969).

Kuh, D., Lawrence, C., Tripp, J. and Creber, G. (1988), 'Work and Work Alternatives for Disabled Young People', *Disability, Handicap and Society*, 3, 1, pp. 3-27, 1988.

Kulharni, M. R. (undated), *Quota Systems and the Employment of the Handicapped: Experiences in Three Countries*, Michigan: University Center for International Rehabilitation, Michigan State University, undated.

Labour Party (1997), *new Labour because Britain deserves better*, from HTML file maintained by the University of Keele, http://www.psr.keele.ac.uk/area/uk/man/lab97.htm

Labour Research (1990), Fit for Danger - Facing the Health Test, *Labour Research*, Feb. 1990, pp. 17-18.

Laing and Buisson (1997), *Review of Private Healthcare*, London: Lang and Buisson.

The Lancet (2000), 'Editorial', *The Lancet*, Vol. 356; No. 9246 page 1941.

Lakey, J. and Simpkins, R. (1994), *Employment Rehabilitation for Disabled People: Identifying the Issues*, London: Policy Studies Institute.

Large, P. (1982), 'Taking Disabled People Seriously', *Contact*, Autumn 1982.

Large, P. (2000) 'Welfare Reform Smash and Grab Part 2', *ADP Quarterly*, Spring 2000, pp 11/12, London: Association of Disabled Professionals.

Lasch, C. (1995), *The Revolt of the Elites and the Betrayal of Democracy*, New York: W. W. Norton and Company.

Law Society (1992), *Disability, Discrimination and Employment Law, A Report of the Law Society's Employment Law Committee*, November 1992, London: Law Society of England and Wales.

Leah, J.; Beattie, C. and Dutton, P. (1990), *A Report on the Organization of Special Jobcentre Services for People with Disabilities*, Sheffield: Department of Employment, Employment Services.

Le Goff, J. (1988), *Medieval Civilisation, 400-1500*, Oxford: Blackwell.

Le Grand, J. (1998), 'The Third Way Begins with CORA', *New Statesman*, 6 March, 26-7

Lester, A. and Bindman, G. (1972), *Race and Law*, Harmondsworth: Penguin Books.

Leverton, S. (2002), *Monitoring the Disability Discrimination Act 1995 (Phase 2)*, London: Department for Work and Pensions.

Levitas, R. (1998), *The Inclusive Society? Social Exclusion and New Labour*, Basingstoke: Macmillan.

Liachowitz, C. H. (1988), *Disability as a Social Construct*, Philadelphia: University of Pennsylvania Press.

Light, R. (1995), *We Have Become People: A Report on the Results of Federal Disability Legislation in the United States of America*, London: Disability Awareness in Action.

Light, R. (1996) 'Part II of the Disability Discrimination Act 1995: Discrimination in Employment', *Local Government Executive* (two-part article serialised in March/April and May/June 1996), Manchester: Tempus House.

Light, R. (1997), *A Promise to be Kept: Implementation of the UN Standard Rules in the European Union*, European Day of Disabled People Report, Brussels: European Disability Forum.

Lloyd George, D. (1910), 'Lloyd George Papers', 17 August 1910, c/3/14/8.

Longmore, P. K. and Umansky, L (eds.) (2001), *The New Disability History: American Perspectives*, New York: New York University Press.

Lonsdale, S. (1981), *Job Protection for the Disabled*, Low Pay Report 6.

Lonsdale, S. (1982), 'Weak Commitment to the Disabled', *Low Pay Review*, 9 May 1982.

Lonsdale, S. (1986), *Work and Inequality: Social Policy in Modern Britain*, Harlow: Longman.

Lonsdale, S. (1990), *Women and Disability*, London: Macmillan.

LOS, M. (1982), "The Concept of Justice and Welfare Rights", *Journal of Social Welfare Law*, May 1982, p. 4.

Loumidis, J., Stafford, B., Youngs, R. Green, A., Arthur, S., Legard, R., Lessof, C., Lewis, J., Walker, R., Corden, A., Thornton, P. AND Sainsbury, R. (2001), *Evaluation of the New Deal for Disabled People Personal Adviser Service pilot*, Research Report No 144, Leeds: Department for Work and Pensions.

Lund, B. (1999), ''Ask not what your community can do for you': obligations, New Labour and welfare reform', *Critical Social Policy*, Vol. 19(4): 447-462.

Lyon, D. (1999), *Postmodernity*, Buckingham: Open University Press.

Lyotard, J. F. (1984), *The Postmodern Condition*, Manchester: Manchester University Press.

Mainstream (1990), *Workmates: A Study of Employment Opportunities for Disabled People*, London: Mainstream.

Mandelstam, M. (1997), *Equipment for Older or Disabled People and the Law*, London: Jessica Kingsley.

Mander, J. and Goldsmith, E. (1996), *The Case Against the Global Economy and for a Turn toward the Local*, San Francisco: Sierra Club Books.

Manpower Services Commission (1979), *The Quota Scheme for the Employment of Disabled People: A Discussion Document*, Sheffield: Employment Services Division.

Martin, J.; White, A. and Meltzer, H. (1989), *Disabled Adults: Services, Transport and Employment*, London: OPCS.

May, T. (1995), *Social Research: Issues, Methods and Process*, Buckingham: Open University Press.

Massie, B. (1981), *Aspects of the Employment of Disabled People in the Federal Republic of Germany*, London: RADAR.

McBarnett, D. (1988), 'Law, Policy, and Legal Avoidance: Can Law Effectively Implement Egalitarian Policies?', *Journal of Law and Society*, Volume 15, Number 1, Spring 1988, p. 113.

McConkey, R. (1983), "Community Perspectives of Disability", in *Breaking Barriers: Educating People about Disability*, London: Souvenir Press.

McConkey, R. (1988), 'Assessing Community Attitudes', *The Irish Journal of Psychology*, Vol. 9, No. 2, 1988, pp. 373-388.

McCrudden, C. (1982), 'Institutional Discrimination', *Oxford Journal of Legal Studies*, Vol. 2, No. 3, Winter 1982 pp. 303-67.

McGwire, S. (1997), 'A Dance to the Music of Spin', *New Statesman*, 17 October 1997.

McKnight, J.; (1977), 'Professionalized Service and Disabling Help' in Illich, I., *Disabling Professions*, London: Marion Byers.

Mead, L. M. (1997), *From Welfare to Work: Lessons from America*, London: Institute of Economic Affairs Health and Welfare Unit.

Melville, J. (1986), 'Sitting Pretty', *New Society*, 14.3.86., p.465.

Meštrović, S. (1997), *Postemotional Society*, London: Sage.

Mill, C. (1991), 'The Wider Agenda for Equal Opportunities', *Personnel Management*, March 1991, pp. 23-25.

Mills, H. (1998), 'Ministers 'rig' benefit books, say disabled', London: *Observer*, 8 February 1998 p. 1.

Minns, R. (2001), *The Cold War in Welfare: Stock Markets versus Pensions*, London: Verso.

Minogue, M. (1993), 'Theory and practice in public policy and administration', in HILL, M. (1993), *The Policy Process: A Reader*, London: Prentice Hall.

Minow, M. (1987), "Justice Engendered", 101 *Harvard Law Review* 10, 34-5 (1987).

Minow, M. (1990), *Making All the Difference: Inclusion, Exclusion and American Law*, Ithaca: Cornell University Press.

Mohan, J. (1991), 'The Internationalization and commercialization of healthcare in Britain', *Environment and Planning A*, 23: 853-67.

Morgan, M. R. (1974), "Like other school-leavers?" in BOSWELL, D. M. *(ed.)* (1974) *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Morrell, J. (1990), *The Employment of People with Disabilities, Research into the Policies and Practices of Employers*, Sheffield: Department of Employment, Employment Service.

Morris, A. Rt.Hon., M.P. (1992), Speech to *Beyond the Decade Conference*, Queen Elizabeth II Conference Centre, London, 2 December 1992.

Morris, A. Rt.Hon., M.P. (1999), 'The lie that keeps the disabled disadvantaged' *Observer*, Sunday July 11, 1999, http://www.guardian.co.uk/Archive/Article/0,4273,3882376,00.html

Morris, J. (1989), *Able Lives: Women's Experiences of Paralysis*, London: Women's Press.

Morris, J. (1990a), 'Wheelchairs Invisible Clamp', *Guardian*, 31.8.90, p.23.

Morris, J. (1990b), *Our Homes, Our Rights: Housing, Independent Living and Physically Disabled People*, London: Shelter.

MSC (1978) 'The foreseeable future. The new development programme for employing disabled people', *Department of Employment Gazette*, March 1978.

MSC (1979), *The Quota Scheme for the Employment of Disabled People: A Discussion Document*, London: Manpower Services Commission.

MSC (1981a), *A Review of the Quota Scheme for the Employment of Disabled People,* London: Manpower Services Commission.

MSC (1981b), *Disabled People - Statistical Appreciation*, Employment Services Division, Unpublished.

Muller, W. C. (1994), 'Political traditions and the role of the state', *West European Politics*, Vol. 17, No. 3, pp. 32-52.

Murray, C. (1994), 'The New Victorians and the New Rabble', *The Sunday Times*, 29 May 1995.

New Statesman (1981), 'A calculation based on figures supplied by a Market and Opinion Research International Poll', March 1981.

Norwich, B. (1990), *Reappraising Special Needs Education*, London: Cassell.

Offe, C. (1993), *Contradictions of the Welfare State*, Cambridge, Mass: MIT Press.

Oliver M. (1981) 'A New Model of the Social Work Role in Relation to Disability' in Jo Campling *(ed.)* (1981) *The Handicapped Person: a New Perspective for Social Workers?* London: RADAR;

Oliver, M. (1983) *Social Work With Disabled People*, London: Macmillan.

Oliver M. (1990a), *The Politics of Disablement*, Tavistock: Macmillan.

Oliver, M. (1990b), 'The Individual and Social Models of Disability', Research Paper presented at the *Joint Workshop on the Living Options Group and the Research Unit of the Royal College of Physicians on People with Established Locomotors Disabilities In Hospitals*, 23 July 1990, http://www.leeds.ac.uk/disability-studies/archiveuk/Oliver/Oliver.htm)

Oliver, M. (1992), 'Changing the Social Relations of Research Production?', *Disability, Handicap and Society*, Vol.7, No.2, pp. 101 - 113.

Oliver, M. (1994), *Capitalism, Disability and Ideology: A Materialist Critique of the Normalization Principle*, http://www.leeds.ac.uk/disability-studies/archiveuk/Oliver/Oliver.htm

Oliver, M. (1996), *Understanding Disability: From Theory to Practice*, Basingstoke: Macmillan Press.

Oliver, M. and Barnes, C. (1994), 'Discrimination, disability and welfare: from needs to rights' in Swain, J.; Finkelstein, V.; French, S. and Oliver, M. (eds) (1994), *Disabling Barriers - Enabling Environments*, London: Sage Publications in association with the Open University.

Oliver, M. and Barnes, C. (1998) *Disabled People and Social Policy: From Exclusion to Inclusion*, London: Longman.

Oliver, M. and Sapey, B. (1999), *Social Work with Disabled People*, Basingstoke: Macmillan Press.

Oliver, M., Zarb, G., Silver, J., Moore, M., and Salisbury, V. (1988), *Walking into Darkness*, Basingstoke: Macmillan.

Olsen, F. (1983), 'The Family and the Market: A Study of Ideology and Legal Reform', 96 *Harvard Law Review* 1497 (1983).

ONS (2002), 'Number of enterprises, employment and turnover in the private sector by size of enterprise and legal status, 2001', London: Office for National Statistics, downloaded on 8 June 2003, from http://www.nationalstatistics.gov.uk/STATBASE/Expodata/Spreadsheets/ D6127.xls

Oppenheim, C. (1997), 'The growth of poverty and inequality', in WALKER, A. and WALKER, C. (eds.) (1997), *Britain Divided: The growth of social exclusion in the 1980s and 1990s*, London: Child Action Poverty Group.

Ou Yang, E. R. (1990), 'Women with Disabilities in the Work Force: Outlook for the 1990's', 13 *Harvard Women's Law Journal* 13 (1990).

Page, R. M. (1996), *Altruism and the British Welfare State*, Aldershot: Avebury.

Palast, G. (2003), *The Best Democracy Money Can Buy*, London: Robinson.

Petersmann, E.U. (2001), 'Time For Integrating Human Rights into the Law of Worldwide Organizations: Lessons from European Integration Law for Global Integration Law', *Jean Monnet Working Paper 7/01*, New York: New York University School of Law.

Pfeiffer, D. (1991), 'The Influence of the Socio-economic Characteristics of Disabled People on their Employment Status and Income', *Disability, Handicap and Society*, Vol. 6, No. 2, 1991, pp.103-114.

Phillips, W. & Rosenberg, J. (eds.) (1980), *Social Scientists and the Physically Handicapped*, London: Arno Press.

Philpott, J. (1994), "The Incidence and Cost of Unemployment", in Glyn A. and Miliband D. (1994), Paying *for Inequality: The Economic Cost of Social Injustice*, London: IPPR.

Pimlott, B. (1989) 'Is post war consensus a myth?', *Contemporary Record*, 2(6), pp. 12—14.

Pollock, A. M. and Price, D. (1998), 'Market forces in public health', *The Lancet*, 1998; 351: 665–69.

Powell, J. M. (2000), 'New Labour and the third way in the British welfare state: a new and distinctive approach?', *Critical Social Policy*, Vol. 20(1): 39-60.

Powell, M. (2000), 'New Labour and the third way in the British welfare state: a new and distinctive approach?', *Critical Social Policy*, Vol. 20(1): 39-60, London: Sage.

Poynter, J. R. (1969), *Society and Pauperism: English Ideas on Poor Relief, 1795-1834,* London (publisher unknown).

Prasad, R. (2001a), 'Unwelcome control', *Guardian Unlimited*, http://www.guardian.co.uk/Archive/Article/0,4273,4122275,00.html

Prasad, R. (2001c), 'Unwelcome control', *Guardian Unlimited*, http://society.guardian.co.uk/disabilityrights/story/0,7999,502024,00.html.

Prescott-Clarke, P. (1990), *Employment and Handicap*, London: Social and Community Planning Research (SCPR).

Priestley, M. (1999), *Disability Politics and Community Care*, London: Jessica Kingsley Publishers.

Quinn, G., McDonagh, M. and Kimber, C. (1993), *Disability Discrimination Law in the United States, Australia and Canada*, Dublin: Oak Tree Press in association with National Rehabilitation Board.

Rafferty, M. (1996) *Consultation with People with Disabilities*, Dublin: Commission on the Status of People with Disabilities.

Rawnsley, A. (2001), *Servants of the People: The inside story of New Labour*, London: Penguin.

Rees, J. *(ed.)* (1998) *Essays on Historical Materialism*, London: Bookmarks Publications.

Rhodes, M. (1996), 'Globalization and West European welfare states: a critical review of recent debates', *Journal of European Social Policy*, 6, 4: 305-27.

RI (1986), *Report of the International Expert Meeting on Legislation for Equalization of Opportunities for People with Disabilities, 2 - 6 June, 1986, Vienna*, New York: Rehabilitation International.

Rioux, M. and BACH, M. (eds) (1994), *Disability is Not Measles: New Research Paradigms in Disability*, Ontario: L'Institut Roeher.

RNIB/RADAR (1995) *Access to Equality: An Analysis of the Effectiveness of the Access to Work Scheme*, London: RNIB/ RADAR.

Roberts, K., Dench, S., and Richardson, D. (1986), *The Changing Structure of Youth Labour Markets*, Sheffield: Department of Employment, Employment Services.

Rodger, J. J. (2000), *From a Welfare State to a Welfare Society: The changing context of social policy in a postmodern era*, Basingstoke: Macmillan Press Ltd.

Rothstein, M. A. (1992), 'Genetic Discrimination in Employment and the Americans with Disabilities Act', 29 *Houston Law Review* 23 (1992).

Safilios-Rothschild (1976), 'Disabled Persons: Self-definitions and their Implications for Rehabilitation'; in Albrecht, G. L. *(ed.)* (1976), *The Sociology of Physical Disability and Rehabilitation*, Pittsburgh: University of Pittsburgh Press.

Sayer, D. (1996) *Capitalism and Modernity: An excursus on Marx and Weber*, London: Routledge.

Scheingold, S. (1988), 'Radical Lawyers and Socialist Ideals', *Journal of Law and Society*, Volume 15, Spring 1988.

Schmitt, J. and Wadsworth, J. (1994), 'Unemployment, Inequality and Inefficiency', in *Paying for Inequality: The Cost of Social Injustice*, London: IPPR/Rivers Oram Press.

Scotch, R. K. (1987), *Disability Politics and Disability Rights: A Perspective from Great Britain*, International Exchange of Experts and Information in Rehabilitation Fellowship Report, Washington D.C.: World Rehabilitation Fund Inc.

Scott, M. (1998) 'Welfare Reform – A Threat to Disability Payments', *Disability Rights*, Spring, 1998.

Scott, R. A. (1974), 'The construction of conceptions of stigma by professional experts', in BOSWELL, D. M. *(ed.)* (1974) *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Semlinger, K. (1982), 'The Employment and Occupational Promotion of the Handicapped in the Federal Republic of Germany', *Conference Paper*, Berlin: International Institute for Management and Administration.

Seyfreid, E. and Lambert, T. (1988), *New Semi-sheltered forms of Employment for Disabled Persons - an analysis of landmark measures in the member states of the European Communities*, Berlin: Centre européen pour le développement de la formation professionelle (CEDEFOP).

Seymour, J. *(ed.)* (2000), *Poverty in Plenty*, London: Earthscan Publications Ltd.

Shakespeare, T. and Watson, N. (2002), 'The social model of disability: an outdated ideology?', *Research in Social Science and Disability*, Volume 2, pp. 9-28, 2002; *Note, however, that page references to this article are from the author's own draft that appears on the Disability Archive at the University of Leeds (http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/shakespeare.htm), rather than to those in the published journal.*

Shapiro, J. P. (1993), *No Pity*, New York: Times Books.

Shore, W. (1975), *Social Security: The Fraud in your Future*; New York.

Silver Jubilee Committee on Improving Access for Disabled People (1979), *Can Disabled People Go Where You Go?*, London.

Sinfield, A. (1986), 'Poverty, Privilege and Welfare' in P. Bean and D. Whynes (eds) *Barbara Wooton: Essays in Her Honour*, London: Tavistock.

Simkins, J. and Tickner, V. (1978), *Whose benefit?*, London: The Economist Intelligence Unit Ltd.

Simmonds N. E. (1979), "Welfare Rights and Freedom", *Journal of Social Welfare Law*, September 1979, p.324.

SKILL (1990), *Disability, Employment and Training: Meeting the Demographic Challenge of the 1990's*, London.

Sklar, H. (*ed.*) (1980), *Trilateralism: The Trilateral Commission and Elite Planning for World Management*, Boston: South End Press.

Skov, J. (1978), *Special Education in the European Community*, (Education series no.11), Brussels: EU.

Smith, R. (1986) 'Occupationless health', *British Medical Journal* (11 articles) 12 October 1985 - 25 January 1986.

Social Trends (1984), London: HMSO.

Social Work Today (1986), 'Employment and Disability', 14 April 1986.

Soros, G. (1995), *Soros on Soros*, New York: John Wiley.

Spicker, P. (2002), *Poverty and the Welfare State: Dispelling the myths*, London: Catalyst.

SSC (1997/8), House of Commons Social Security Committee, *Fourth Report*, 1997/8, UK Parliament, http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmsocsec/641/64102.htm

Stationery Office HMSO (1998a), *New ambitions for our country: A New Contract for Welfare*, Cm. 3805, London: Stationery Office Ltd.

Stationery Office (1998b), *A new contract for welfare: Support for Disabled People*, Cm. 4103, London: Stationery Office Ltd.

Stepney, P., Lynch, R. and Jordan, B. (1999), 'Poverty, exclusion and New Labour', *Critical Social Policy*, Vol.19(1): 109-127, London: SAGE Publications.

Stevens, A. (1992), *Disability Issues: Developing Anti-Discriminatory Practice*, Central Council for Education and Training in Social Work.

Stiglitz, J. E. (2003), *Globalization and its Discontents*, New York: Norton.

Stiker, H. J. (1999) *A History of Disability*, Ann Arbor: University of Michigan Press, translated by William Sayers from the 1997 *Corps infirmes et sociétés,* Paris: Éditions Dunod,.

Stone, D. A. (1984), *The Disabled State*, Tavistock: Macmillan.

Stone, E. *(ed.)* (1999), *Disability and Development: Learning from Action and Research on Disability in the Majority World*, Leeds: Disability Press.

Stuart, N.; Watson, A.; Williams, J.; Meager, N. and Lain, D. (2002), *How Employers and Service Providers are Responding to the Disability Discrimination Act 1995: A study carried out on behalf of the Department for Work and Pensions*, DWP In-house Report 96, London: Department for Work and Pensions.

Stubbins, J. (1982), 'The Clinical Attitude in Rehabilitation: A Cross Cultural View, Monograph no. 16', *International Exchange of Information in Rehabilitation*, New York: World Rehabilitation Fund Inc.

Susser, M, and Watson, W. (1971), *Sociology in Medicine*, London: Oxford University Press.

Swain, J.; Finkelstein, V.; French, S. and Oliver, M. (eds) (1994), *Disabling Barriers - Enabling Environments*, London: Sage Publications in association with the Open University.

Thomas, C. (2002), 'Disability Theory: Key Ideas, Issues and Thinkers' in Barnes, C., Oliver, M. and Barton, L. (eds.) (2002), *Disability Studies Today*, Cambridge: Polity Press.

Thomas, D. (1982), *The Experience of Handicap*, London: Methuen.

Thompson, A. (1997), *Labour-force Participation and Disability in the UK Labour Market*, PhD Thesis, Keele: Keele University.

Thompson, P., Buckle, J. and Lavery, M. (1988), *Not the OPCS Survey: Being disabled costs more than they said*, London: Disablement Income Group.

Thornton, Margaret (1989), 'Equivocations of Conciliation: The Resolution of Discrimination Complaints in Australia'; 52 *Modern Law Review* [1989] 733.

Thornton, P. and Lunt, B. (1995), *Employment for Disabled People: Social Obligation or Individual Responsibility?*, York: SPRU.

Timmins, N. (1996) *The Five Giants: A biography of the Welfare State*, London: Fontana.

Tomlinson Committee (1943), *The Tomlinson Committee Report on the Rehabilitation and Resettlement of Disabled Persons*, London: HMSO.

Tomlinson, S. (1981), *A Sociology of Special Education*, London: Routledge and Kegan Paul.

Topliss, E. and Gould, B. (1981), *A Charter for the Disabled*, Oxford: Basil Blackwell.

Topliss, E. (1979), *Provision for the Disabled*, Oxford: Basil Blackwell.

Topliss, E. (1982), *Social Responses to Handicap*, London: Longman.

Townsend, P. (1974), 'The disabled in society' in BOSWELL, D. M. *(ed.)* (1974) *The Handicapped Person in the Community*, London: Tavistock Publications in association with the Open University Press.

Townsend, P. (1979), *Poverty*, Harmondsworth: Penguin.

Townsend, P. and Donkor, K. (1996), *Global Restructuring and Social Policy: The need to establish an international welfare state*, Bristol: Policy Press.

Tremlett & Banerji (1994), *The 1992 Survey of Industrial Tribunal Applications*

TUC (1989), *Legislative Protection for Disabled People*: Strategy Paper (August 1989), London: Trades Union Congress.

UN (1986), *Manual on the Equalization of Opportunities for Disabled People*, New York: United Nations.

UN (1988), *Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future*, New York: United Nations.

UN (1991), *Human Rights and Disability*, 12 July 1991, Final Report of Mr Leandro Despouy, Special Rapporteur, E/CN.4Sub.2/1991/31, New York: United Nations.

UPIAS (1975), *Fundamental Principles of Disability*, 1975.

Veit-Wilson, J. (2000), 'States of Welfare: A Conceptual Challenge', *Social Policy and Administration*, Vol. 34, No. 1, March 2000, pp. 1-25.

Vogel-Polsky, E. (1984), *The Economic Integration of the Disabled: An Analysis of Measures and Trends in Member States*, Centre de sociologie du droit social, V/958/90.

Von Wright, G. H. (1997), 'The crisis of social science and the withering away of the nation state', *Associations*, 1, pp. 49—52

Waddington, L. (1995), *Disability, Employment and the European Community*, Antwerp: Maklu.

Walker, D. M. (1980), *The Oxford Companion to Law*, Oxford: Clarendon Press.

Walker, A. (1982), *Unqualified and Underemployed*, Basingstoke: Macmillan/National Children's Bureau.

Walker, A. and Walker, C. (eds.) (1997a), *Britain Divided: The growth of social exclusion in the 1980s and 1990s*, London: Child Action Poverty Group.

Walker, A. (1997b), 'Introduction: the strategy of inequality' in Walker, A. and Walker, C. (eds.) (1997), *Britain Divided: The growth of social exclusion in the 1980s and 1990s*, London: Child Action Poverty Group.

Ward, L. (1999), 'Harsh rules to benefit poor', *Guardian*, 11 February 1999, downloaded from Guardian Unlimited web site, 14 January 2001, http://www.guardianunlimited .co.uk/ Archive/Article/0,4273,3820493,00.htm

Warr, P. B. (1984), 'Work and unemployment', in P. J. D. Drenth *et al (eds.) Handbook of Work and Organizational Psychology*, Chichester: Wiley.

Wesselius, E. (2001), 'Liberalisation of Trade in Services: Corporate Power at Work', GATSwatch – a joint project of Corporate Europe Observatory and Transnational Institute 17-10-2001

Whelan, E and Speake, B. R. (1977), *Adult Training Centres in England and Wales*, Manchester: National Association of Teachers of the Mentally Handicapped.

Whitfield, D. (2001), *Public Services or Corporate Welfare: Rethinking the Nation State in the Global Economy*, London: Pluto Press.

Wilding, P. (1997), 'Globalization, regionalism and social policy', *Social Policy and Administration*, 31, 4: 410-28.

Winzer, M. A. (1997), 'Disability and Society before the Eighteenth Century: Dread and Despair', pp. 75-109 in Davis, L. J. *(ed.)* (1997), *The Disability Studies Reader*, New York: Routledge.

Wood, E. M. (1998a), 'The Agrarian Origins of Capitalism', *Monthly Review*, Vol. 50, No. 3, July-August 1998, downloaded 01/05/2003 from *Monthly Review* web site: http://www.monthlyreview.org/798wood.htm.

Wood, E. M. (1998b), 'Capitalist Change and Generational Shifts', *Monthly Review*, Volume 50, Number 5, October 1998, downloaded 01/05/2003 from *Monthly Review* web site: http://www.monthlyreview.org/1098wood.htm

World Bank (1994), *Averting the Old Age Crisis: Policies to Protect the Old and Promote Growth*, New York, Oxford University Press.

WTO (undated), 'GATT: A brief history', Washington DC: World Trade Organisation, downloaded 07/06/2003 from http://www.wto.org/english/thewto_e/whatis_e/eol/e/wto01/wto1_6.htm

WTO (2003), 'SERVICES: SECTOR BY SECTOR: Health and social services', downloaded 07/06/2003 from http://www.wto.org/english/tratop_e/serv_e/health_social_e/health_social_e.htm

Yeates, N. (1999), 'Social Politics and Policy in an Era of Globalization: Critical Reflections', *Social Policy & Administration*, Vol. 33, No. 4, December 1999, pp. 372-393.

Zames Fleischer, D. and Zames, F. (2001), *The Disability Rights Movement: From charity to confrontation*, Philadelphia: Temple University Press.

Zarb, G. *(ed.)* (1995), *Removing Disabling Barriers*, London: Policy Studies Institute.