CARE AND SUPPORT RIGHTS AFTER NEOLIBERALISM

This book offers principles for designing care and support policy to address two persistent sources of tension in the field. The first is the tension between supporting women’s unpaid caring and supporting their paid work participation. The second is the tension between carers’ claims for support based on the ‘burden’ of caring and disability rights claims for support for choice and independence for people with disabilities. Policies in the liberal welfare states tend to favor one activity and one constituency over the other. Consequently, individuals’ access to resources and choices about how they live are constrained. Using a citizenship rights framework, with insights from human rights law, the principles provide guidance for designing policy and legislation that avoids ‘either/or’ approaches and addresses the interests of multiple constituencies. Analyses of Australian and English policies demonstrate the value of the principles for developing policy that reduces inequality, responds to ‘failures’ of neoliberalism, and expands choice for all.

YVETTE MAKER has held several academic appointments at the University of Melbourne, including senior research associate at the Melbourne Social Equity Institute and the Centre for AI and Digital Ethics. She holds qualifications in law, arts (psychology) and social and political sciences. Prior to embarking on an academic career, Yvette worked in research and policy roles in non-profit and government bodies and has provided research support to the Chair of the United Nations Committee on the Rights of Persons with Disabilities. With Bernadette McSherry, she edited Restrictive Practices in Health Care and Disability Settings: Legal, Policy and Practical Responses (2021).
CAMBRIDGE DISABILITY LAW AND POLICY SERIES

Edited by
Peter Blanck and Robin Paul Malloy

The Disability Law and Policy series examines these topics in interdisciplinary and comparative terms. The books in the series reflect the diversity of definitions, causes, and consequences of discrimination against persons with disabilities while illuminating fundamental themes that unite countries in their pursuit of human rights laws and policies to improve the social and economic status of persons with disabilities. The series contains historical, contemporary, and comparative scholarship crucial to identifying individual, organizational, cultural, attitudinal, and legal themes necessary for the advancement of disability law and policy.

The book topics covered in the series also are reflective of the new moral and political commitment by countries throughout the world toward equal opportunity for persons with disabilities in such areas as employment, housing, transportation, rehabilitation, and individual human rights. The series will thus play a significant role in informing policy makers, researchers, and citizens of issues central to disability rights and disability antidiscrimination policies. The series grounds the future of disability law and policy as a vehicle for ensuring that those living with disabilities participate as equal citizens of the world.

Books in the Series

Ruth Colker, When Is Separate Unequal?: A Disability Perspective, 2009
Larry M. Logue and Peter Blanck, Race, Ethnicity, and Disability: Veterans and Benefits in Post–Civil War America, 2010
Eilionóir Flynn, From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities, 2011
Alicia Ouellette, Bioethics and Disability: Toward a Disability-Conscious Bioethics, 2013
Arie Rimmerman, Social Inclusion of People with Disabilities: National and International Perspectives, 2013
Andrew Power, Janet E. Lord and Allison S. DeFranco, Active Citizenship and Disability: Implementing the Personalisation of Support, 2013

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Care and Support Rights after Neoliberalism

BALANCING COMPETING CLAIMS THROUGH
POLICY AND LAW

YVETTE MAKER
University of Melbourne
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Foreword

Care and support have been a subject of the disability movement as well as the women’s movement for a long time – the key terminology being ‘personal assistance services’ for the former and ‘care work’ for the latter. Early on, tensions arose between the rights-based approach in disability studies and the ethics approach in gender studies, because the independent living philosophy seemed to clash with care ethics. Regarding human beings as autonomous individuals and regarding them as interdependent members of a human society appear to be incompatible positions. Similarly, the debate about the sharing of paid (male) work and unpaid (female) work seemed to be irresolvable, the former being the valued economic factor on which a society is built and the latter being the hidden and unappreciated force of social cohesion.

Building on insights from gender and disability studies, this book addresses both tensions. The analysis results in a valuable roadmap to reconcile the demands of the women’s movement and the disability movement and addresses both gender-based and disability-based discrimination and oppression. Taking us through the debates on human needs versus human rights and autonomy versus interdependency, Yvette Maker shows us in this book that it is possible to make the claims of different constituencies compatible with each other. The solution lies in avoiding fragmented social policy programs and in recognizing that ‘one size does not fit all’.

The book offers remarkably simple, logical and cutting-edge solutions. Through an intersectional and human rights–based approach, it recognizes that statuses as well as identities are fluid and change during the life course. The six policy principles Yvette proposes are designed to meet the requirements of those in need of care and support, such as children, disabled persons and older people, as well as those who most commonly deliver these human services, women. In consequence, the principles are remarkably inclusive, addressing all constituencies and constellations and recognizing that all human beings are in need of care and support in various phases of life and thus may experience being both at the receiving and at the
giving end of the service. Some people, such as disabled parents, might even be in both seats at the same time.

This groundbreaking book will appeal to scholars and students of social policy and law as well as of gender studies and disability studies. It will also be a valuable contribution to the debate on what is needed to address work–life balance and to overcome persistent inequality in the gender-based division of labor.

Theresia Degener
I am indebted to many friends and colleagues. Special thanks to Dr. Dina Bowman for her support and guidance over many years, Emeritus Professor Bernadette McSherry for her generous mentorship, Professor Jeannie Paterson for her advice and support and Professor Paul Smyth for his guidance and encouragement. Thanks also to Claire Smiddy, Kathleen Patterson and all at the Melbourne Social Equity Institute.

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### Abbreviations

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<td>United Nations Convention on the Rights of Persons with Disabilities</td>
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<td>DCLA</td>
<td>Disability Care Load Assessment (Child) Determination</td>
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<tr>
<td>Dilnot Commission</td>
<td>Commission on Funding of Care and Support (UK)</td>
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<td>FaCSIA</td>
<td>Department of Families, Community Services and Indigenous Affairs (Australia)</td>
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<td>FaHCSIA</td>
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<td>National Assistance Act</td>
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