

UDC 316

PROTECTIVE CAPITALISM AND DISABILITY

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Abstract. This paper presents the impact of protective capitalism on matters concerning the social and vocational rehabilitation of people with disabilities. The welfare (protective) state is a capitalist state with a strong state intervention, which is the opposite of economic liberalism, putting special emphasis on solving social problems. The problems of people with disabilities have started to be considered by many specialists: medical, legal, social workers, vocational trainers. It was motivated a common concern for the integration of these people in the "normal" social and professional environment.

Keywords: welfare state; disability; social rehabilitation; vocational rehabilitation.

The First World War led to the development of rehabilitation activities in Europe and the United States. This was due to the appearance of a large number of people with disabilities – victims of war. During this period, there was a general change of paradigm in coping with disability, both in terms of individual and social life [2, p. 39]. The problems of people with disabilities started to be considered by many specialists: medical, legal, social workers, vocational trainers. It was dictated by a common concern for the integration of these people in the "normal" social and professional environment. These circumstances led to the growth of welfare and the creation of institutional solutions to satisfy the specific needs of people with disabilities. Then the welfare state appeared, also the protective state, the state social security. It was the concept of the state and the society founded under the

influence of so called welfare economics, shaped especially after the Second World War. It was proclaimed in particular in the 50s-80s. of the twentieth century. The welfare state is a capitalist state with a strong state intervention, which is the opposite of economic liberalism, putting special emphasis on solving social problems. Several theories appeared then to explain the mechanism of functioning of such a state.

A reasonable discussion of the welfare state requires a number of facts. First of all, the concept is defined and understood in many different ways. It is therefore not so easy to tell which countries are welfare states and which are not. The instruments used by the state to achieve social goals are not limited to material benefits provided by public institutions. In other words, the idea of welfare benefits can be implemented in many ways. In practice,

the welfare state means, among other things, obligatory health, retirement and sickness insurance extended by social assistance. They consist in the fact that every employer and every employee pays the contribution to the separated fund from which benefits are paid in case of a specific situation clearly decreasing ability to work (eg. age, disability, maternity, illness). In accordance with the insurance technique, in order to take advantage of these benefits, one needs to be legally employed long enough. Of course one can make exceptions from the general retirement age, treat disability very liberally, shorten the required contribution periods etc. The essence of the welfare state is not only the ease of access and generosity of social security. More important is the entire subjective and objective scope of protection from the consequences of taking all kinds of social risks and fulfilment of minimum standards of generosity, for example those set out in Convention 102 of the International Labour Organisation [7, p. 59].

There are many models of the welfare state. One of the more popular concepts distinguished three models of welfare capitalism: social democratic (Scandinavian), conservative (Continental Europe) and liberal (Anglo-Saxon). Among them there is also the family model, characteristic to the southern states. Therefore it is not right to say that there is no welfare state in the USA, Germany and in Norway.

The foundations of the vision of the welfare state can already be found in the works of John Locke, Thomas Hobbes, Jean Jacques Rousseau and John Stuart Mill, in the idea of equali-

ty of the French Revolution, the utilitarian principle of maximising greatest happiness for the greatest number of people, in the social security plans of Otto von Bismarck and William Beveridge, in the desire of John Maynard Keynes to avoid mass unemployment, in the pursuit of Sidney Webb and Beatrice Potter to eliminate the roots of poverty, in the humanitarian traditions of the conservative in New Zealand, in Swedish efforts to eliminate suffering.

Inequality and poverty (in the sense of having less than others) are inevitable, but misery is to be avoided. By eliminating poverty, one can prevent its transmission from generation to generation, and this could be achieved by introducing a minimum wage in the country – these words were written by Sidney Webb and his wife Beatrix Potter Webb [12, p. 160].

John Kenneth Galbraith stands out here. He believed that the essence of a decent society can be easily determined if it is recognised in general terms. It consists in the fact that every member of that society, regardless of gender, race or ethnic origin, could feel the the life satisfaction. One should certainly take into account the differences in aspirations and qualifications. Entities vary in terms of physical and mental capacity, commitment and goals, and from this come the differences in prosperity and income [9, p. 178]. The role of economics in a worthy society is essential. The economic system in such society must operate efficiently and in the interests of every member of that society. Such society must have a significant and reliable economic growth and increase in production and employment [5, p. 15].

Perhaps the most modern document since 1935, introducing innovative solutions on vocational rehabilitation is the Americans with Disabilities Act (ADA) of 1990. The foundations of this Act can already be found in the Law on the rehabilitation of 1973, which forbade federal agencies, programs and other institutions to discriminate people with disabilities. ADA has also incorporated non-discriminatory ideals of the Civil Rights Act of 1964, stating that "no employer can discriminate a qualified individual with a disability because of the disability with regard to the procedures of job applications, hiring or firing workers, staff remuneration, development, training, time and conditions of employment" [1]. The law requires all public and private employers who employ more than 25 employees to apply "reasonable employment" (in terms of costs and the degree of changing and adaptation of rooms) to the disabled workers. ADA has also significantly broadened the definition of disability; it does not contain any terms like physical or mental impairment that substantially limits one or more major areas of life (including those related to work).

In Europe at that time the priority was given to improvement of the operations of existing, state-funded support schemes and vocational rehabilitation so that they could better answer the needs of people with disabilities and would improve their situation in the labour market. State support, not entirely effective, was considered as the main means of eradicating the perceived shortcomings in the labour market and the barriers that the disa-

bled collide with. Organisations of the disabled in the UK initially urged public opinion against the traditional classification of people with disabilities as people who need support. Also, people with disabilities fought for their rights. However, since the mid-70s UK organisations run by people with disabilities, such as The Union of the Physically Impaired Against Segregation (UPIAS), Liberation Network and Sisters Against Disability (SAD) [3, p. 7], have chosen – like their American counterparts – the aim in the centre of which they have placed the rights of people with disabilities, especially for work and self-determination. The key moment of the campaign was the establishment of the Committee on Restrictions Against Disabled People (CORADE) by the Labour government in 1978. Activities in the field of changes were recommended to the legislation, but the newly elected Conservative government of Margaret Thatcher was in this respect far less favourable towards the disabled. Jack Ashley, deaf member of parliament from the Labour Party, could only submit a draft law against private discrimination in July 1982, but the initiative did not bring the expected results [2, p. 144].

However, the campaign for the creation of legislation against discrimination was further continued. In 1985 a committee was founded – Voluntary Organisations for Anti-Discrimination Legislation (VODAL), in 1992 it was renamed to the Rights Now. As a result of ever increasing pressures in 1994 the conservative government introduced to the British parliament a draft law, which was adopted as the

Disability Discrimination Act 1995 (DDA). Its title in full wording shows how broad the scope of this law is: "The law is designed to make the discrimination against people with disabilities illegal in relation to employment, the provision of goods, facilities and services or the disposal or management of facilities; to establish rules applying to the employment of persons with disabilities and to create The National Council on Disability. The purpose of the Act is to give people with disabilities the rights to employment, education, access to goods, facilities and services, purchase or rental of goods or services". The National Council on Disability was created, which served an advisory role of the government. In 2005, the law quoted was substantially revised [2, p. 144], and in 2010 was replaced by the controversial law on equality (The Equality Act, EA).

In Poland, the the period known as "real socialism" was a period of denial of the need for social assistance institutions. Whereas social and professional rehabilitation of people with disabilities was treated marginally and conducted only in closed enterprises (eg. Care enterprises for the disabled or cooperatives of the handicapped). In the 50s, a lot of people proclaimed ideas of the inevitable failure of this political sphere in connection with declared liquidation of unemployment, begging, alcoholism, prostitution, homelessness or poverty. For the sake of the same ideas private and public work agencies were liquidated and public employment services were faced to complete the task of mitigating the permanent labour shortages and the fight against those avoiding

work. As part of the transformation of the political system the direct subordination of organisational employment services has changed. It was transformed into organisational councils. Issues of social assistance were governed mainly with the use of circulars and instructions, and the benefits were often granted without administrative procedures.

Communist Poland was a period for the cooperative of the disabled, where graduates of special schools were employed mainly for simple works. This system worked closely with the system of special education. After graduation from school for the blind, one was working in a the cooperative for the blind, after graduation from school for the deaf - in the cooperative for the deaf. Specific reserves were created this way.

Talcott Parsons in his work from 1951 "The social system" [10, p. 141] compares the above system to social deviation, because it represents a threat to the legitimate, that is normal, functioning, greater productivity and economic efficiency. This approach led to creation of social role of the patient, which, under certain circumstances and temporarily granted the patient with socially acceptable status. This model of perception has also been criticised because the status of the patient could not be attributed to the chronically ill and the disabled, because their state was permanent and mostly irreversible. The solution would be to establish a separate role of person with disabilities, involving their acceptance of their dependency on other, healthy people. One started to require cooperation with specialists

from rehabilitation in order to achieve some degree of normality. Models of behaviour established by the able-bodied were imposed, without taking into consideration the individual needs and possibilities of persons with disabilities. It was a mechanism that guaranteed a certain degree of return to society, but at the same time limiting the freedom of the people by requiring absolute servitude including rewarding for meeting the expectations of the staff. Organisations and institutions involved in helping the disabled, so far deliberately transform the personality of people with disabilities to become submissive, dependent on others and vulnerable to influence. They do not teach assertiveness and independence.

The political transformation which started in 1989 meant the need for deep structural and organisational reforms in the system of social and vocational rehabilitation of people with disabilities. In the new situation, it was assumed that solutions should be sought through decentralisation of state functions in the field of social and vocational rehabilitation through the revival of local government (with reference also to the pre-war experience) and the non-profit and not for profit sectors.

In Poland, after a period of economic and political changes in 1991 Act on Employment and Vocational Rehabilitation of People with Disabilities was declared. This Act focused primarily on vocational rehabilitation. It was supposed to be the first step towards regulating the situation of persons with disabilities. Legislation relating to social rehabilitation and treatment was planned to follow. Pleni-

potiary for Persons with Disabilities was appointed and the State Fund for Rehabilitation of Disabled Persons (PFRON) was created. The Act also introduced the category of sheltered workshops and occupational therapy workshops as forms of employment and vocational rehabilitation. However, a significant proportion of people with disabilities began to receive this status as unfair, while on their behalf funds were collected by PFRON and the beneficiaries are primarily employers, sheltered workshops and to too much extend people with mild disability (then the so-called. III group of disability), who were mainly employed in sheltered workshops. One of the demands formulated then was the need of financing rehabilitation of children and teenagers from PFRON. In 1997 currently in force Act was declared (repeatedly amended since then) Act on vocational and social rehabilitation and employment of disabled persons [14]. This Act emphasises the need for rehabilitation, not only through the prism of vocational but also social rehabilitation [6, p. 160]. The introduction of occupational therapy workshops was a novelty in the amended Act.

One should mention here that the reform of the social and vocational rehabilitation, social assistance, along with solutions designed to facilitate the transition to disability pension and early retirement (and new institutions created within them) ensured social shield for fast building of modern capitalism – they were to to guarantee social peace necessary for its functioning. The emphasis in the implementation of all these actions was located

primarily on the construction of the welfare state, providing operation of relative social security networks. A stable and strong economy, and conditions created by it are crucial here. People with disabilities are part of the framework of this theory, because as claimed by Galbraith, "even in the best conditions, there is always a group of people who can not and do not take an active part in social life. In decent society nobody can be left outside its boundaries without income, nobody can be condemned to starvation, homelessness, lack of medical care and similar deficiencies "[5, p. 29]. Before John Kenneth Galbraith, the founding fathers of political economy were of the opinion that the assistance to the poorest and those unable to work was incompatible with the logic of the free market economy. John Stuart Mill argued that if the government tax the richest in order to subsidise salaries of the poorest, the working population will increase, and following this, unemployment will also increase. Moreover, as also Karl Marx noted, the use of taxes to subsidise salaries decrease efficiency through the removal of competition and the fear of unemployment. .

German sociologist and political journalist Jürgen Habermas [8, p. 37] – known for his work on the concept of modernity, especially in the context of the discussion on the "rationalisation", started by Max Weber is of the opinion that protective capitalism leads to new forms of domination and subordination because life becomes increasingly controlled by a rationalised bureaucracy. This view was already presented by Thorstein Veblen, who described these

phenomena in the theory of the leisure class [13, p. XIX]. The emergence of rehabilitation as medical and paramedical speciality began the struggle for full control over the entire system. Also, with the development of legislation on disability, ageing of the population, an increase in the number of chronic diseases and the development of the health insurance sector, it has caused the disability to become a big business [4, p. 21]. Disability was institutionalised, and the rehabilitation goods and services transformed into products on the ever-growing market. As a result, people with disabilities have become consumers, and in extreme cases – within the meaning of companies producing medical equipment and prostheses – even "commodities" [2, p. 33].

In conclusion, I repeat after Nicholas Barr, that: "The welfare state is not carved on stone tablets. In many countries it has reached maturity, which means that the reforms of developing the welfare state are less likely, especially in times of economic difficulties and crises. Reforms limiting or adapting to changing conditions and views are now more frequent. However, one should not interpret this in terms of dismantling and the end of the welfare state. "

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