

THE POLITICAL ECONOMY OF DISABILITY
IN TURKEY'S WELFARE REGIME

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Title: The Political Economy of Disability in Turkey's Welfare Regime

Turkey's welfare regime has been undergoing a massive transformation under the auspices of the Justice and Development Party since 2002. The ratification of the Law on Disabled People in 2005 could be regarded as an important part of this transformation which introduced novel social policy programs while consolidating the preexisting ones. This study approaches disability, in the context of the capitalist welfare state, as an administrative category that entitles its holders to particular rights and privileges, especially concerning employment and social assistance policies. From this perspective, after accounting for the historical relationship between the category of disability and the welfare regime in Turkey, the study investigates the political economy of disability category with a special focus on the political process leading to the promulgation of the Law on Disabled People and its policy implications. Analyses of three empirical sources are made in this study: in-depth interviews with welfare administrators, professionals working for and representatives of disability organizations; legislations, official reports and data obtained from state institutions; and testimonies of disabled people accessed through the Engelliler.biz online forum. The study argues that the category of disability, which first came into being in the 1970s, started to gain importance in the welfare transformation of Turkey in the AKP period. The frontiers of the welfare regime in Turkey expanded by developments in social assistance and cash-for-care policies for disabled people, which connotes both liberal residualism with regard to the restricted coverage of the programs, and conservative outlook due to its ideological commitment to the myth of family solidarity. Lastly, the introduction of work conditionality to disability allowance and the restriction of eligible population due to changes made in the calculation formula of disability occurred which have been leading to the decomposition of the disability category on the basis of a person's ability to work.

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Başlık: Türkiye Refah Rejiminde Engelliliğin Politik Ekonomisi

Türkiye'nin refah rejimi 2002 yılından bugüne Adalet ve Kalkınma Partisi'nin yönetiminde büyük çaplı bir dönüşüme sahne oluyor. 2005 yılında yürürlüğe giren Özürlüler Yasası'nı da sosyal politika alanında neden olduğu önemli değişikliklerden dolayı bu dönüşümün önemli bir parçası olarak ele almak mümkün. Bu çalışma, engelliliği kapitalist refah devleti bağlamında ortaya çıkan ve yasal olarak bu kategori içerisinde değerlendirilen kişileri özellikle istihdam ve sosyal yardım alanlarında toplumun geri kalanından farklı hak ve ayrıcalıklara sahip kılan bir politika kategorisi olarak ele alıyor. Bu yaklaşım çerçevesinde, öncelikle engellilik kategorisi ile Türkiye'deki refah rejimi arasındaki tarihsel ilişkiyi irdeleyen bu çalışma, Özürlüler Yasası'nın çıkmasına kadar geçen siyasi süreci ve bu yasanın siyasal sonuçlarını inceleyerek, günümüz Türkiyesinde engellilik kategorisinin politik ekonomisine odaklanmaktadır. Bu çalışma dahilinde üç tür bilgi kaynağından yararlanılmıştır: ilgili kamu kurum ve kuruluşlarının temsilcileri, engelli örgütlenmeleri ve engellilere hizmet veren örgütlerin temsilcileri ile yapılan derinlemesine mülakatlar; ilgili yasal mevzuat, kamu kurumlarından temin edilen raporlar ve veriler; engellilerin Engelliler.biz internet forumunda aktardıkları deneyimler. Bu çalışmada, Türkiye refah rejimi içerisinde ilk kez 1970li yıllarda ortaya çıkmaya başlayan engellilik kategorisinin, AKP döneminde gerçekleşen refah rejimi dönüşümünde önem kazandığı öne sürülmektedir. Özürlü aylığının miktarında yapılan artışın ve yürürlüğe konan evde bakım aylığının Türkiye'de refah rejiminin sınırlarını genişlettiği iddia edilmektedir. Fakat bu genişlemenin, aylıkların hak sahipliği düzenlemelerinde hakim olan "liberal artakalancı" yaklaşım ile mitik aile dayanışmasının öncelliğine dayanan muhafazakar bir sosyal politika anlayışının pekiştirilmesini beraberinde getirdiği gözlenmektedir. Son olarak, aynı dönemde özürlü aylığı hak sahipliğine getirilen çalışma koşulunun ve özür oranı hesaplamasında yapılan değişikliklerle hak sahipliğinde yaşanan daralmanın, engellilik kategorisinin kişinin çalışabilme kapasitesi temelinde parçalanmaya uğramasına yol açmaya başladığına dikkat çekilmektedir.

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“Sürpriz, yenilik, beklenmedik gelişmeler istemiyorum. Her şeyin şu an olduğu gibi kalmasını istiyorum. Daima... Daima diye birşeyin olmadığını bilsem de.”

Quote from Lorenzo, Saturno Contro, film directed by Ferzan Ozpetek

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CHAPTER I

INTRODUCTION

How is it possible to think of people with different kinds of bodily or mental impairments as a unitary social group called “disabled”? What were the social, economic and political factors which contributed to the emergence of the category of disability? How did people with divergent bodily and mental differences start to define themselves as “disabled”? Do disabled people have common experiences with the social and economic order today? How did disabled people come together under the umbrella of the disability rights movement? What do they claim? Is social and economic marginalization the fate of disabled people? What is the use of disability category in constituting equality for disabled people? In light of these questions, the thesis starts with the examination of the historical process leading to the emergence of the disability category and investigation of the contesting meanings and uses the disability category assumed. Inspired by these theoretical questions and by the desire to locate the category of disability in recent discussions of political economy and social policy, the thesis is empirically based upon the case of transformation of social policies for disabled people in Turkey.

Historically, disability was consolidated as a category of need in the context of the capitalist welfare state which continues to grant its holders specific entitlements and exemptions.¹ At the core of these entitlements and exemptions lay disabled people’s exemption from work in order to sustain their lives. In capitalist societies where the masses have been compelled to work in order to subsist, the disability category came into being as an attempt to demarcate the boundaries between need-based and work-based distributive systems. Indeed, in welfare state societies, the

¹ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 13.

needs-talk did not specifically appeal to disabled people, rather it was the main vocabulary of political discourse for people in making claims against the inequalities produced by the capitalist organization of economic and social life.² In this regard, disabled people were one among other groups such as widows, children and the elderly. Nevertheless, the category of disability has the peculiarity of being a dynamic category, whose boundaries are open to change. From another perspective, the category of disability refers to a core group of people. This group including people with sight disabilities, hearing disabilities and the like has been undergoing a process of subjectification, in the Foucauldian sense of the concept, which paved way to the consolidation of the disability rights movement and transformation of disability into an identity marker.³ In the hands of the disability movement, the disability category has become a melting pot in which then divergent experiences of people with impairments have been assembled and translated into claims for equality. Hence, disability has become a language through which people have started to make claims on citizenship rights, as well as human rights in general.

Today “disability” could be considered as an arena in which redistribution in general and disabled people’s social and economic standing in today’s societies in particular are negotiated and contested. The issue at stake here could be examined as a case of contestation over the question of both “who should be entitled to what” and “how status should be distributed” in today’s societies. In other words, political contestation over the disability category concerns both redistribution and recognition claims. Nancy Fraser, groundbreaking social theorist of our age, also conceptualizes

² Nancy Fraser, “Talking about Needs,” *Public Culture Bulletin* 1, No. 1 (1988), p. 39.

³ Tom Shakespeare, “The Social Model of Disability,” *The Disability Studies Reader*, ed. L. J. Davis (London and New York: Routledge, 2006), pp. 198-199.

this contestation as the struggle over “the legitimate interpretation of social needs.”⁴ Struggles have been waged between the political actors in order to determine “on whose terms does the welfare state deal with a person with a disability?”⁵ Social policy is one of the major policy domains in which the contestation over the category of disability asserts itself. Here disability becomes a language through which people can make claims on social citizenship and equality.

Within this framework, the main objective of this thesis is to investigate the historical career of the category of disability and how Turkey’s welfare regime historically positioned disabled people in reference to the labor market, social assistance and charity, and to examine the effects of the current transformation of Turkey’s welfare regime in the conservative liberal Justice and Development Party (AKP) period. The main research questions of this thesis are as follows. When did the category of disability emerge in Turkey’s welfare regime? What did Turkey’s welfare regime historically offer to disabled people? How were disabled people able to survive? What were the sources of welfare for disabled people in Turkey including income, access to health and care services? What were the historical turning points in regard to social policies for disabled people in Turkey? How did disabled people emerge as a politically significant group in Turkey whose needs needed to be addressed? Which political actors assumed responsibility to take steps in the policy domains related to disability? What are the impacts of the current transformation of Turkey’s welfare regime in the AKP period on disabled people’s social and economic standing? What is the political rationale behind the ratification of the Law on Disabled People in 2005? How did the Law on Disabled People change the category

⁴ Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis: University of Minnesota Press, 1989), p. 6.

⁵ Michael J. Prince, “Claiming a Disability Benefit as Contesting Social Citizenship,” in *Contesting Illness: Processes and Practices*, eds. K. Teghtsoonian and P. Moss (Toronto: University of Toronto Press, 2008), p. 30.

of disability and social policies for the disabled in Turkey? How is the “welfare to workfare” paradigm being translated into social policies for the disabled in Turkey and what are the political implications of this policy transfer? How will this policy transfer change the category of disability?

The main hypothesis is that the welfare regime in Turkey, which abandoned disabled people to charity for so long, started to include them mainly through social assistance and cash-for-care policies in the AKP period. The increase in the benefit levels of disability allowance and the introduction of at-home care allowance could be regarded as the only policy domains where the frontiers of Turkey’s welfare regime have been expanded. These policy schemes could be conceptualized as liberal residual with regard to their restricted coverage, and conservative due to their ideological commitment to the myth of family solidarity. Social assistance and cash-for-care policies gradually will be restricted to disabled people in need of care (with extent of disability over 70 percent). The introduction of work conditionality to the beneficiaries of disability allowance having extent of disability between 40 and 69 percent means that disabled people who are able to work will be abandoned increasingly to the dynamics of the labor market. Unless the state assumes responsibility in ensuring accessibility and workplace accommodation and introduces an effective safety net for all, disabled people’s integration to employment would hardly contribute to the objective of social inclusion. Given these, it could be concluded that differentiation of social policies for disabled people on the basis of person’s ability to work would lead to a duality in the social and economic positions of disabled people and the decomposition of the category of disability.

I believe this thesis will offer a modest but important contribution to the literature on political economy, social policy, and disability studies in Turkey. Long considered as an issue of personal tragedy, pity and charity, disabled people’s social

and economic problems and social policies targeting disabled people have been disregarded as a *political* issue. Firstly, this thesis is an attempt to demonstrate that disability is a critical domain of political contestation which brings together both redistribution and recognition claims. Disabled peoples' quest for equality in all areas of social life should teach us to concentrate (at least part of) our academic efforts on elaborating what political-economic as well as cultural injustices disabled people face, and how disability equality could be instituted in today's societies. Secondly, this thesis is the product of an endeavor to conduct a well-grounded qualitative empirical study on the political economy of disability, the politics of social policy making and critical policy analysis in Turkey. Lastly, this thesis provides the reader with a comprehensive account of historical as well as contemporary developments in the area of social policies for disabled people in Turkey. For this reason, it is hoped that this thesis would serve as a source for those interested in the historical trajectory of the category of disablement in the policy realm.

There are four main reasons why developments in the area of social policies for disabled people in the AKP period are politically important and interesting to study. The first reason is policy changes in this area have significant influences on disabled people's lives. Secondly, investigating the developments in the domain of social policies for disabled people can help us understand the current trajectory of the welfare regime in Turkey better. The third reason is that examining the developments in this domain can render insights into the AKP's perspective towards social policy. In the last instance, discussions on the disability category and entitlements attached to it constitute an important arena in which redistribution in capitalist societies are negotiated, and debates in Turkey provide an interesting case study in this regard.

This thesis could well be evaluated as a case study inspired by the school of Historical Institutionalism (HI) within the discipline of Political Science, which could be characterized by the analytical importance it attaches to the interplay between history, ideas, and institutions. Defining institutions as “both formal organizations and informal rules and procedures that structure conduct,”⁶ Historical Institutionalism draws attention to how the institutional configuration, ideational framework and historical context within which the policy making process occurs frame policy preferences of actors as well as policy outcomes. The approach of Historical Institutionalism does not deny the effect of broader political forces and agents such as social classes as well as identity groups on policy outcomes. Rather the scholars of Historical Institutionalism always analyze institutional change in relation to other factors, such as culture and ideology.⁷ Concerning this, the Historical Institutional approach in its final analysis gives prominence to explaining “the ways that institutions structure these battles and in so doing, influence their outcomes.”⁸

Gøsta Esping-Andersen could well be recognized as the pioneering scholar who successfully applies the Historical Institutional approach in order to understand the capitalist welfare states. He argues that the institutional constellation of each welfare state sets the common ground for the debates on prospective social policies and institutional configuration could be analyzed as a reflection of the type of

⁶ Kathleen Thelen and Sven Steinmo, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics*, eds. S. Steinmo, K. Thelen, and F. Longstreth (Cambridge: Cambridge University Press, 1992), p. 2.

⁷ G. John Ikenberry. “History’s Heavy Hand: Institutions and the Politics of the State,” paper prepared for a conference on *New Perspectives on Institutions* (Maryland: University of Maryland, 1994), p. 2.

⁸ Kathleen Thelen and Sven Steinmo, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics*, eds. S. Steinmo, K. Thelen, and F. Longstreth (Cambridge: Cambridge University Press, 1992), p. 3.

solidarity prevailing in that specific society.⁹ Even though this approach could seem to assume a form of path dependency, Historical Institutionalism also gives room to institutional change in his analysis, and takes into consideration the ideas of political actors which feed into this process as an important factor that frames the trajectory of change.¹⁰ In light of this approach, this thesis, in examining the changes in the social policies for the disabled in Turkey, pays special attention to taking into account the historical relationship between disability, capitalism, welfare state and social policy, the legacy of social policy in Turkey, the specific institutional configuration of Turkey's welfare regime, and the ideational frameworks in which political actors operate.

The research was conducted between May 2009 and December 2009, and was composed of two main parts. In the first part, a preliminary research about the historical background of social policies for disabled people was made. The main objective of this thesis is not to investigate the history of social policies for the disabled in Turkey. Nevertheless, the lack of reliable secondary sources on the issue necessitated this. This part of the research mainly draws on a survey of newspaper archives, legislations, and secondary resources. The main news source employed is the online archive of *Milliyet* newspaper. *Milliyet* has been among the leading influential nationwide newspapers in Turkey after it was founded in 1950. Related news stories appeared occasionally in *Milliyet*, their frequency was intensified especially in World Disability Days, and were provided mostly in the form of columns as well as interviews with leading disability organizations of the country.

⁹ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Policy Press, 1990), p. 80.

¹⁰ Sven Steinmo, "Historical Institutionalism," in *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*, eds. in D. Della Porta and M. Keating (Cambridge: Cambridge University Press, 2008), p. 130.

I have employed these news stories in order to examine the main claims of disability organizations, how they portray the social and economic situation of their constituencies, and make inferences about the actual situation of disabled people as well as social policies for disabled people at the time. In order to trace the foundations of contemporary social policies for disabled people and the historical career of the category of disability in Turkey, related legislations were reviewed. Lastly, I made use of three seminal works, namely *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* [The Disabled and Disabled People’s Problems of Working] by Ömer Zühtü Altan; *Kapitalizm, Yoksulluk ve Türkiye’de Sosyal Politika* [Capitalism, poverty and social policy in Turkey] by Ayşe Buğra; and *Cumhuriyet Türkiye’sinde Sosyal Güvenlik ve Sosyal Politikalar* [Social Security and Social Policies in Republican Turkey] by Nadir Özbek in order to contextualize my discussion on the social and economic situation of disabled people and social policies for disabled people before the 2000s.

The contemporary part of the research draws on a wide range of sources, both qualitative and quantitative, which include legislations, the minutes of parliamentary debates, the party program of the AKP and official declarations of the leading cadre of the AKP, official statistics and reports, reports of international organizations, in-depth interviews with state officials and different political actors, online forums of disabled people, and official and non-official meetings related to social policies for disabled people. In order to collect this data, I made use of qualitative in-depth interview techniques and ethnographic techniques such as short-term participant observation.

My study on the Law on Disabled People and its by-laws provided the background information of the thesis. Investigation of the minutes of parliamentary debates, party program of the AKP and official declarations of the AKP representatives shed light on the official discourse of the party with regard to social

and economic problems of disabled people. Examination of the reports prepared by international organizations such as the European Commission helped me to understand the discourse and policies promoted by these organizations, which informs the internal political actors.

The core primary qualitative material of this research consists of 32 face-to-face in-depth interviews conducted with state officials working for a diverse set of state institutions active in the realm of social policies for disabled people, representatives of disability organizations, and other important political actors such as employers' association. The majority of the interviews were conducted in Ankara, which is the capital city of Turkey in which the headquarters of all state institutions are located. A number of interviews with representatives of disability organizations and officials working for municipalities were conducted in Istanbul. Being a research assistant affiliated with Boğaziçi University Social Policy Forum, which is a well-known social science research center in Turkey, facilitated securing appointments. The full list of interviewees, their institutional affiliations, and date in which the interviews were conducted can be found in the Appendix. Because social policies targeting the disabled have been rudimentary and crosscutting different state institutions' areas of responsibility, a comprehensive selection of interviewees was necessary in order to be able to form a full picture.

Interviews were designed as semi-structured, in order to provide room for the interviewee to come up with issues which could have been missed by the researcher. The main themes to be addressed in each interview were prepared separately, on the basis of a preliminary research done on the institution's area of responsibility and policies relevant for disabled people. However, common questions such as the perceived impact of the ratification of the Law on Disabled People on disabled people were also asked to all interviewees. Due to the official limitations imposed

upon state officials' public declarations, audio recording of the interviews could not be done. Because insisting on audio recording would fundamentally change the content of the interviews, I preferred instead to take extensive notes both during and after the interviews. The interviews were very informative, and I believe that relying on personal notes while not capturing every word as spoken did not pose a problem for the analysis.

I spent considerable amount of time in the online forums on which disabled people actively participate, with the objective of keeping track of the problems encountered by disabled people in the domain of social policy, their views with regard to the Law on Disabled People and its implementation so far. In this regard, Engelliler.biz Online Platform, which was home for more than 29,000 members as of May 2010, has been of critical importance for this research. This is because Engelliler.biz Online Platform gives the chance to examine the online discussions between large numbers of disabled people about the social and economic problems they face, their analysis of social policies for disabled people, and their reactions against the changes made in these policies. In addition to this online research, in order to examine how disability organizations approach contemporary developments in the area of social policies for disabled people and what their demands are, I conducted interviews with the leading figures of the disability movement and non-governmental organizations providing services for disabled people, and participated into meetings organized by these institutions.

Another research site of this thesis was the 4th Council on Disability titled "Employment," hosted by Directorate for Disabled People, which was held in Ankara. By applying for an open call for participants who needed to be working on topics related to disability, employment and social policy, I had the chance to participate in this Council as a formal member and a representative of Boğaziçi

University. Participating in the Council on Disability (*Özjürlüler Şurası*) and its evaluation meeting proved to be beneficial for the thesis, because I was able to observe one of the most important policy-making circles in the area of disability and social policy directly. In the Council on Disability, I met considerable number of representatives of leading disability organizations, state officials working in the area of disability policy, and had informal talks with them. As a participant, I was able to situate diverse set of actors who have different political concerns in relation to each other and detect power struggles among them. In the last instance, I was able to observe the government's approach to the social and economic problems of disabled people, the discourse it utilizes, and the trajectory of disability policy in near future.

The research also included the collection of basic quantitative data sources, most of which are utilized for descriptive purposes. Some data sources of state institutions are publicly available. However, a significant number of data sources could only be accessed either through official correspondences or by author's request during visits to state institutions. In addition to descriptive quantitative data, I compiled a table indicating the annual public expenditures made or allocated for social policy programs for disabled people, in close collaboration with Professor Nurhan Yentürk. This research on public expenditures, which drew on an extensive investigation of official reports and budgetary documents, was conducted under the umbrella of "Platform for Monitoring the Public Expenditures" (*Kamu Harcamalarını İzleme Platformu*), which brings together 30 rights-based non-governmental organizations working on human rights related domains. The result of this research on public expenditures was published in a report, which was signed by couple of disability organizations and sent to deputies for advocacy purposes.

This thesis consists of five chapters, including this introductory one. The second chapter introduces the theoretical discussion which informs the questions

addressed in this thesis. The chapter starts by providing the reader a conceptual understanding of different forms of the injustices disabled people face today. Following this, the historical relationship between disability category, capitalism, medicine and the state is accounted for. Afterwards, the chapter explains the historical process which led to the consolidation of the category of disability into an administrative category entitling its holders with privileges and entitlements in the context of capitalist welfare state, and its theoretical implications. This is followed by a discussion on the influence of the rise of social model of disability on the common understanding of disability and policy agenda of disability movement. After reviewing the critiques against the welfare state raised by disability movement in Western Europe, the chapter critically evaluates the current dominant policy discourse which gives prominence to employment as the main social inclusion mechanism. The chapter ends with a theoretical discussion on the meaning of income support policies for disabled people today.

The third chapter starts by introducing the main tenets of the welfare regime in Turkey. Following this, it provides a comprehensive account of historic developments in the area of social policy, which have had significant influences on disabled people. By analyzing the public statements made by the representatives of disability organizations, the chapter also makes inferences about the social and economic situation of disabled people at the time. Afterwards, the chapter traces the emergence of the disability category in Turkey's welfare regime back to the policy developments that occurred in the 1970s and accounts for the establishment of the institutional configuration which highly informed the contemporary reform in the domain of social policies for disabled people in the AKP period. The chapter continues with explaining the factors which contributed to the elevation of disability to the policy agenda in the 1990s. After examining the demands voiced by disability

organizations, the chapter ends by elaborating on the ideological and contextual origins of the Welfare Party's political interest in disabled people's social and economic problems which contributed to the institutionalization of disability policy.

The fourth chapter explains the political economy of defining disability in Turkey, by utilizing the findings of the Disability Survey, data from the Database of People with Disabilities (*Özürümlüler Veritabanı*), and the definition adopted by policies targeting disabled people. Afterwards, it investigates the socio-economic features of the disabled population before the social policy reform took place in the AKP period. This is followed by an in-depth examination of the political process leading to the ratification of the Law on Disabled People in 2005. Then the chapter explains the policy developments and critically examines their influences on the disabled people and welfare regime in Turkey. Lastly, the chapter provides a discussion on the restrictions put on the eligibility of disabled people for entitlements, which includes the introduction of work conditionality for disability allowance and change in the formula which is used to calculate disabled people's extents of disability. The thesis ends with a conclusion chapter, which discusses the relationship between work, disability, and social policy in the context of capitalist welfare state and elaborates on Turkish case in light of this discussion.

CHAPTER II

THEORETICAL FRAMEWORK

“There are no human rights to which persons with disabilities do not lay claim.”¹¹

The overwhelming majority of disabled people live in poverty by any measure and are subjected to social exclusion in various sectors of social life today. The relationship between disability and poverty is two-fold. Firstly, studies demonstrate that disabled people are more likely to have incomes below the poverty level when compared to the able-bodied population.¹² In developing countries, the income poverty of disabled people can take the form of chronic poverty.¹³ Disabled people constitute one-fifth of the poor population who die everyday because of extreme poverty.¹⁴ Secondly, research indicates that people in the low income quintiles are much more likely to become disabled during their adulthood than people in higher

¹¹ Disabled Peoples' International, *Seoul Declaration*, 8 September 2007 (Accessed March 16, 2010 from <http://v1.dpi.org/lang-en/index?page=18>).

¹² Ann Elwan, “Poverty and Disability: A Survey of Literature,” *Social Protection Working Paper No. 9932* (World Bank, 1999), p. 33; Deon Filmer, “Disability, Poverty, and Schooling in Developing Countries: Results from 14 Household Surveys,” *The World Bank Economic Review* 22, No. 1 (January 2008), p. 159; Shawn Fremstad, *Half in Ten-Why Taking Disability Into Account is Essential to Reducing Income Poverty and Expanding Economic Inclusion* (Washington D. C.: Center for Economic and Policy Research, 2009)

¹³ Asian Development Bank, *Technical Assistance for Identifying Disability Issues Related to Poverty Reduction*, November 2000 (Accessed January 19, 2010 from http://www.adb.org/Documents/TARs/REG/tar_oth33529.pdf).

¹⁴ Rebecca Yeo, *Chronic Poverty and Disability*, Background Paper No 4, (Somerset: Chronic Poverty Research Center, 2001), p. 4.

income quintiles.¹⁵ Poverty persists as one of the major causes of disability in developing countries.¹⁶

Though being quite decisive, income poverty is only a component of social and economic hardships that disabled people face. Direct and indirect discrimination against disabled people is also pandemic throughout the world.¹⁷ Segregation from the mainstream social life is part of many disabled people's everyday lives.¹⁸ Inaccessible environments and limited transportation facilities for a considerable portion of disabled people further increases this segregation. Discrimination in education, in employment as well as in healthcare against disabled people prevails in almost all countries. Different sectors of disabled population also can encounter with more severe forms of discrimination. For instance, people with intellectual and psychiatric disabilities are recognized as one of the most excluded groups of European societies.¹⁹

Disabled People as a “Bivalent Collectivity”

The unequal position of disabled people in today's societies is a result of multiple causes including material deprivation, discrimination as well as segregation.

¹⁵ Tania Burchardt, *Being and becoming: Social exclusion and the onset of disability*, CASE Report 21, (London: ESRC Centre for Analysis of Social Exclusion, London School of Economics, 2003)

¹⁶ Asian Development Bank, *Technical Assistance for Identifying Disability Issues Related to Poverty Reduction*, November 2000 (Accessed January 19, 2010 from http://www.adb.org/Documents/TARs/REG/tar_oth33529.pdf).

¹⁷ Disabled Peoples' International, *DPI Position Paper on Necessary Additions to Text under Consideration for the General Comment on Non-discrimination*, 16 June 2009. (Pdf version of document downloaded January 20, 2010 from http://v1.dpi.org/lang-en/resources/topics_detail?page=949)

¹⁸ Asian Development Bank, *Technical Assistance for Identifying Disability Issues Related to Poverty Reduction*, November 2000 (Accessed January 19, 2010 from http://www.adb.org/Documents/TARs/REG/tar_oth33529.pdf).

¹⁹ Liz Sayce and Claire Curran, “Tackling Social Exclusion Across Europe,” in *Mental Health Policy and Practice Across Europe*, eds. M. Knapp, D. McDaid, E. Mossialos, and G. Thornicroft (Berkshire: European Observatory on Health Systems and Policies Series, 2007), p. 36.

Following the footsteps of Nancy Fraser, a leading social theorist, the processes which generate injustice may be distinguished as those which are rooted in the political-economic structure of the society, and those rooted in the social patterns of representation, interpretation, and communication.²⁰ These two forms of injustice usually unite in individual experiences. Most of the time, they are found together and reinforce one another in a dialectical manner.²¹ However, differentiating these two is helpful to understanding that equality for all can only be achieved through attacking both the economically grounded as well as socially structured forms of injustices. One-dimensional approaches to equality can hardly help in consolidating equality in practice. From my perspective, Fraser's approach is quite helpful in investigating disabled people's unequal position in today's societies and can well be utilized as a vantage point in developing policies aiming at instituting equality for disabled people.

The injustices that disabled people encounter today can be situated within Fraser's framework as follows. Concerning the political-economic injustice, Fraser mainly refers to: "Exploitation (having the fruits of one's labor appropriated for the benefit of others); economic marginalization (being confined to undesirable or poorly paid work or being denied access to income-generating labor altogether); and deprivation (being denied an adequate material standard of living)."²² In line with this definition above, income poverty (chronic poverty in developing countries) is one of the biggest problems for disabled people. For instance, the annual poverty rate among the working-age disabled people is two to five times higher than the working-

²⁰ Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *New Left Review* 1, no. 212 (1995), pp. 70-71.

²¹ *Ibid.*, p. 72.

²² *Ibid.*, pp. 70-71.

age people without disabilities in the United States.²³ The income poverty of disabled people could be argued to originate from their positions in relation to the institutional configuration of employment and welfare in individual countries. Income support policies for disabled people, which include a wide range of mechanisms mainly aimed at provision of a basic income safety net, could be insufficient or non-existent.

The majority of disabled people are out of the labor force. Research demonstrates that the labor force participation rate among disabled population is much lower than that of the total population in almost all countries in the world.²⁴ Even if they participate in the labor force, disabled people are denied access to income generating work opportunities, which marks discrimination on the basis of disability. European statistics display that the unemployment rate among disabled people is much higher than the average rate.²⁵ Therefore, it could be concluded that a significant portion of disabled people who are willing to work and actively looking for it are denied access to paid work opportunities.²⁶ The political-economic injustice that disabled people suffer also asserts itself in the wage differentials between disabled and able-bodied workers. Even if disabled people are employed research indicates that their wages are lower than their able-bodied counterparts,

²³ Peiyun She, and Gina A. Livermore, "Material Hardship, Poverty, and Disability among Working-Age Adults," Research Brief (Washington D. C.: Cornell University Rehabilitation Research and Training Center for Economic Research on Employment Policy for Persons with Disabilities, 2006), p. 1.

²⁴ Shawn Fremstad, *Half in Ten-Why Taking Disability Into Account is Essential to Reducing Income Poverty and Expanding Economic Inclusion* (Washington D. C.: Center for Economic and Policy Research, 2009), p. 9.

²⁵ Didier Dupré and Antti Karjalainen, Eurostat Statistics in Focus Employment of Disabled People in Europe in 2002, 25 November 2003. (Pdf version of document downloaded January 17, 2010 from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-NK-03-026/EN/KS-NK-03-026-EN.PDF)

²⁶ Disabled Peoples' International, *DPI Position Paper on Necessary Additions to Text under Consideration for the General Comment on Non-discrimination*, 16 June 2009. (Pdf version of document downloaded January 20, 2010 from http://v1.dpi.org/lang-en/resources/topics_detail?page=949)

controlling for productivity.²⁷ Lastly, as the Lebanese case demonstrates that disabled people who are employed in an immature welfare state context mostly overwork, are underpaid, have very low income, have little job security and do not have access to social benefits and health insurance.²⁸ Therefore, as the case of Lebanon demonstrates, the political-economic injustice that disabled people suffer not only originates from being denied access to employment, but also much general social and economic institutions of a specific country.

No less significant than economic deprivation is the symbolic violence that permeates the lives of disabled people. As far as cultural or symbolic form of injustice is concerned, Fraser provide examples,

including cultural domination (being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one's own); non-recognition (being rendered invisible via the authoritative representational, communicative and interpretative practices of one's culture); and disrespect (being routinely maligned or disparaged in stereotypic public cultural representations and/or in everyday life interactions).²⁹

Concerning these, it could be argued that disabled people live in a social world which is not designed to include all and serve the needs of all. The differences of disabled people are not recognized, respected, or accommodated. Examples include inaccessible cities for people with orthopedical disabilities, unspeaking elevators for people with visual disabilities, and state officials who do not practice sign language for people with speaking disability. The institutional discrimination against disabled

²⁷ Marjorie L. Baldwin and William J. Johnson, "Labor Market Discrimination against Men with Disabilities in the Year of the Americans with Disabilities Act," *Southern Economic Journal* 66, No. 3 (2000), p. 548.

²⁸ Samantha Wehbi and Y. El-Lahib, "The Employment Situation of People with Disabilities in Lebanon: Challenges and Opportunities," *Disability & Society* 22., no. 4 (2007), p. 380.

²⁹ Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *New Left Review* 1, no. 212 (1995), p. 71.

people in the workplace and in the provision of public services persists. Non-recognition of disabled people leads to their marginalization from all sectors of social life. Negative public attitudes about disabled people are prevalent. The social mainstream tends to degrade people who have bodily or mental differences. Even though impairment does not lead to a functional loss, society's negative reception of that impairment could cause discrimination against the people having with impairment. Disability related harassment is common. Disabled people are generally represented as less valuable, incomplete, and incapable human beings in the dominant media.

For social groups which face both forms of injustice, Fraser coins the term "bivalent collectivities." "Bivalent collectivities, in sum, may suffer both socioeconomic maldistribution and cultural misrecognition in forms where neither of these injustices is an indirect effect of the each other, but where both are primary and co-original."³⁰ From my perspective, disabled people can well be identified as a bivalent collectivity. The political-economic and cultural injustices to which disabled people are subjected may not originate from a single cause. Historical as well as anthropological accounts for disabled people's unequal position in today's societies point at both the negative effects of capitalism on disabled people,³¹ as well as exclusionary practices of societies against disabled people on the basis of the social meanings attached to specific impairments.³²

This theoretical discussion above is based upon a premise that "disabled people" constitute a unitary and well-defined group which has been with us since the beginning of history. Undoubtedly, people with impairments have always existed

³⁰ Ibid., p. 78.

³¹ Michael Oliver, *The Politics of Disablement* (London: MacMillan, 1990)

³² Jane R. Hanks and L. M. Hanks, "The Physically Handicapped in Certain Non-occidental Societies," *Journal of Social Issues*, (1948), pp. 11-20.

throughout the history. However, the emergence of the concept of “disability” as we use it today to refer to a specific sector of society as “disabled population” is a historical construct. There is a history behind the question of how we come to categorize, for instance, a person with visual disability and a person with psychiatric illness under the heading of disability. This history is closely related to the history of capitalism, the emergence of nation states, and lately the establishment of capitalist welfare states. The constellation of law, policy and medicine paved the way to the emergence of the category of disability, as we know it today. In the meantime, disability movement emerged and reclaimed the meaning of disability. Indeed, the category of disability is still an arena of ongoing contestation which has important implications both for disabled people as well as redistribution in capitalist societies.

The main objective of this chapter is to explain how the category of disability emerged first as a “category of relief” in the early industrial capitalist context, and then as a “category of need,” and lastly as an “identity marker” for disabled people in the context of the capitalist welfare state. These three terms refer to different configurations of the relations between disabled people, the state, and the society. The category of relief symbolizes the little involvement of the state in meeting disabled people’s needs, but allowing them not to work and the right to beg in a work-centered universe of capitalism. The category of need refers to the welfare state era in which the state assumed active responsibility in meeting the needs of disabled people, without challenging much of the cultural injustices disabled people face. Lastly, disability as identity marker signifies the reclaiming of disability by disability movement. In the hands of the disability movement, disability has become a difference rather than a lack, and the movement started to call for the state to mainstream disability in all sectors of social life.

Within this framework, the chapter starts by accounting for the relationship between the emergence of the categories of disability, capitalism, and the state. In this first section, the focus will be on disabled people's exclusion from the production process during the advent of industrial capitalism and the emergence of disability as a category of relief. Secondly, I will account for the consolidation of the category of disability as a category of need in the context of capitalist welfare state. In the third section, the focus will be on the birth of the social model of disability as an antipode against the increasing medicalization of disability under the auspices of the welfare state which paved the way to the birth of disability as an identity marker. The social model of disability will be approached as disabled people's attempt to claim the meaning of disability and quest for cultural and symbolic equality. Following this, I will investigate the birth of biopsychosocial model of disability as a technocratic attempt to resolve the contestation between disability as a category of need and disability as an identity marker. Lastly, I will critically analyze the current trajectory of social policies for disabled people, which portrays disabled people's integration into the labor market as the panacea for all of the injustices disabled people face.

Capitalism, State, Medicine and the Birth of the Category of Disability

The emergence of capitalism transformed the social, economic and political organization of societies which could be characterized as the main political-economic dynamic leading to the birth of the category of disability. This is mainly because capitalism introduced a new form of getting access to human needs as well as relating to the production of value. British Marxist disability literature provides us with the account that disabled people (yet to be defined as disabled) started to be

differentiated from the social mainstream due to their changing relationships with regard to the newly formulated labor market and social organization of work during the advent of industrial capitalism. In order to understand the impact of capitalism in paving way to the birth of the category of disability, the main tenets of capitalism need to be addressed.

Karl Marx, the groundbreaking philosopher of the twentieth century, argues that capitalism marked the transformation of the masses into “free workers.”³³ Free workers came into being, as Marx explains, at the time when individuals were separated from their necessities of life and finally started to perceive their labor powers as a commodity.³⁴ By commodity, he basically refers to a product that can be bought and sold by means of an exchange.³⁵ Erik Olin Wright, an American analytical Marxist sociologist, argues that this process described by Karl Marx was a process which led to double separation.³⁶ That is, the process involved both the separation of individuals from the necessities of life and their own labor powers. On the basis of this double separation, capitalism introduced a new way of relating to the necessities of life, to oneself and to others.

While the historical career of the masses under capitalism could be understood through the concepts of “free worker” and “double separation,” the fate of disabled people (again yet to be defined disabled) was rather different, suggests Mike Oliver, who is a British academic and a disability rights activist. The divergence of the fates

³³ Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy* (Baltimore: Penguin Books, 1973), p. 503.

³⁴ Karl Marx, “Chapter 6. The Buying and Selling of Labour Power-Part II. The Transformation of Money in Capital,” *Capital-Volume 1*, Marx/Engels Internet Archive (1995), 4th footnote.

³⁵ Karl Marx, “Section 1-The Two Factors of a Commodity: Use Value and Value,” *Capital-Volume 1*, Marx/Engels Internet Archive (1995).

³⁶ Erik Olin Wright, “Basic Income, Stakeholder Grants, and Class Analysis,” in *The Real Utopias Project Volume V Redesigning Redistribution*, ed. E. O. Wright (London: Verso, 2003), pp. 75-80.

of disabled people and the mass of free workers originated from the transition of the organization of work in the early periods of capitalism. Oliver explains this process as follows: “Changes in the organization of work from a rural based, cooperative system where individuals contributed what they could to the production process, to an urban, factory based one organized around the individual waged laborer, had profound consequences”.³⁷

Oliver argues that disabled people could have become “free workers” with difficulty during the transition from the pre-capitalist agrarian era to the industrial capitalist age. Rather disabled people were excluded from production. It could be argued that this occurred mainly because, as English historian E. P. Thompson writes, industrial capitalism asserted itself in a stringent time discipline imposed on workers.³⁸ E. P. Thompson explains that the time discipline of industrial capitalism paved the way to a conflict between employer and worker with respect to time.³⁹ Considering that labor power is sold to the employer for a limited period of time and valued accordingly, time discipline arises due to the employer’s ambition to ensure that the worker does not waste his [employer’s] time. For this reason, the employer has little incentive in hiring people whose impairments decrease their productivity or are believed to decrease their productivity. Indeed, people whose impairments lower their productivity or are believed to lower their productivity could have quite different impairments in relation to each other (i.e., being an amputee or a blind person). Their only shared characteristic is that they cannot perform as their able-bodied counterparts do.

³⁷ Michael Oliver, *The Politics of Disablement* (London: Macmillan, 1990), p. 28.

³⁸ E. P. Thompson, “Time, Work Discipline and Industrial Capitalism,” in *Customs in Common*, ed. E.P. Thompson (London: Penguin, 1993), p. 359.

³⁹ *Ibid.*, p. 359.

From here Marta Russell, who is an author specialized in the political, economic, and social aspects of disablement, jumps to the conclusion that the category of disability came into being in order to “classify persons deemed less exploitable or not exploitable by the owning class who control the means of production in a capitalist economy.”⁴⁰ In other words, she proposes that the category of disability was constructed solely from the employer’s perspective. Nevertheless, Russell’s perspective falls short of revealing the complex web of relations among economy, state, and medicine which together led to the emergence of the category of disability. Russell’s account disregards the role of policy in defining and framing disability.

In addition to the deficiency of this perspective in explaining the role of policy, there are also historical reasons to contest how employers directly excluded disabled people from production. Given that working conditions in the early capitalist period were disastrous in general and that the labor supply was quite limited, it could well be speculated that employers might not have been willing to keep disabled people out of the production process if they were left free. For instance, Jordan’s literary analysis of metaphors of eighteenth century demonstrates that there were proposals to employ the poor at all costs without any excuses including disability and childhood.⁴¹ One of these proposals was the “fantasy of the eyeless, handless, one-footed worker diligently moving that foot twelve hours a day, to earn six pence and be of use to his country.”⁴² Jordan’s metaphoric account could be used as evidence that disabled people’s exclusion from production is not an inborn feature of

⁴⁰ Marta Russell, “Disablement, Oppression, and the Political Economy,” *Journal of Disability Policy Studies* 12, no. 2 (2001), p. 87.

⁴¹ Sarah Jordan, “From Grotesque Bodies to Useful Hands: Idleness, Industry and the Laboring Class,” *Eighteenth-Century Life* 25 (Fall 2001), p. 70.

⁴² *Ibid.*, p. 70.

capitalism. Capitalism could easily integrate disabled people into the labor market as the lowest strata of the working population.

For this reason, the main missing link in Russell's analysis, that is the role of the state in the birth of the category of disability, should be recalled. As we learnt from Karl Polanyi, who provided us with a substantive critique of capitalism and market society, the state was the major actor behind the consolidation of capitalism and the free market.⁴³ By coining the term "double movement," he noted that the attempts to institute free market ideal, the spread of the market system and commodification of necessities of life as well as labor powers of individuals always had met with serious social restrictions since the beginning of capitalism.⁴⁴

In this regard, it could be stated that disabled people's integration into production as the lowest strata of working population also have been limited through state intervention. In other words, the state, which instituted the free market, might well be utilized in putting restrictions on it. Indeed, historical accounts about the emergence of the category of disability support this hypothesis. T. H. Marshall, one of the most outstanding British sociologists in twentieth century, explains that the Poor Law of 1834 expanded the frontiers of free market.

By the Act of 1834 the Poor Law renounced all claim to trespass on the territory of the wages system, or to interfere with the forces of the free market. It offered relief... The tentative move towards the concept of social security was reversed. But more than that, the minimal social rights that remained were detached from the status of citizenship.⁴⁵

⁴³ Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1957), p. 145.

⁴⁴ Ibid.

⁴⁵ T. H. Marshall, "Citizenship and Social Class," in *Welfare States: Construction, Deconstruction, Reconstruction Volume I*, eds. S. Leibfried and S. Mau (Cheltenham and Massachusetts: Edward Elgar, 2008), p. 101.

The Poor Law of 1834 was historical turning point at which the minimal social rights of the masses were divorced from their citizenship status. For the mainstream of society, the Poor Law of 1834 implied a decisive retrenchment in the area of social rights and aggressive institutionalization of the work-centered social organization. By leaving the wages to the mercy of the dynamics of the labor market and not providing a means of subsistence for masses, the Poor Law of 1834 signified a decisive attempt to transform the masses into “free workers.” Nevertheless, T. H. Marshall also affirms that the Poor Law introduced a relief system. Therefore, it could be argued that the Poor Law of 1834 also gave birth to the exceptions to the free workers.

This exceptional status created by the English Poor Law policy could be categorized as “genuine vagrants” or “honest beggars,” as Deborah Stone an influential American political scientist and the author of *The Disabled State*, argues among many other scholars.⁴⁶ “Honest beggars” constituted a category of relief which mainly granted its holders the right not to work and the right to beg without being punished.⁴⁷ “Deserving poor” came into being as people who wanted to work but could not due to reasons outside their control and who did not pose a security problem for society. Stone notes that disabled people started to be perceived as a part of “deserving poor” by the English Poor Law policy. Though the Poor Law policies were constitutive to the consolidation of capitalism in general, exceptions it granted to “deserving poor” including disabled people could be regarded as a social restriction. Following the footsteps of Polanyi, it could be argued that the Poor Law policies also introduced social restriction on the free market with regard to people who fell into the category of “deserving poor” while transforming the masses into

⁴⁶ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 29.

⁴⁷ *Ibid.*, p. 51.

“free workers” and compelling them to work in order to live. This process led to the consolidation of disability as a category of relief. In practice, disabled people would be able to receive charity without being forced to work or being punished by the state authorities.

However, determining disability was not an easy task. It was a central problem for the capitalist state and social reformers at the time, as Stone proposes, because fixing the category of disability was a tool with which the state aimed to ensure that the “honest beggar” could be differentiated appropriately from “the idle poor.”⁴⁸ Ideationally, the exception of staying outside the labor market granted to disabled people derived from the idea that they could not work because of reasons beyond their control. Therefore, if measured accurately, the category of disability could serve the state’s objective of “separating out those unwilling from those unable to work.”⁴⁹ Nevertheless, a validating device was required to fulfill this task. As Stone argues, “that the concept of disability is so connected to the medical definition in contemporary society is an artifact of history. The link between the formation of disability as an administrative category and its definition as a medical phenomenon is the concept of deception.”⁵⁰ In order to fix this problem of deception, Stone affirms that there was the need for a validating device which could produce accurate results.⁵¹ Historically, medicine came to the front as the main validating device in determining disability and started to assume this administrative role accordingly. Indeed, it fit well with the necessities of the required administrative task. It did so because the germ theory of disease, which had become the dominant paradigm

⁴⁸ Ibid., p. 29.

⁴⁹ Michael Oliver, *The Politics of Disablement* (London: Macmillan, 1990), p. 34.

⁵⁰ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 28.

⁵¹ Ibid., p. 29.

within medicine, located the origins of sickness and disability in specific intrusions into the body which could be empirically validated and were seen to be beyond the control of the individual.⁵²

Nevertheless, the intricacy of the task assigned to medicine remained alive and well. The complexity of this task derives from the fact that the question at hand -that is the limits of the scope of charity and who *should* work- was more a political than empirical question. For instance, even though blindness could be determined empirically by medical authorities, whether a blind person would be granted the right not to work or not was a political question. Medicine dealt with this complexity by developing instruments and utilizing classifications about the human body and its processes which enabled the physician to decide upon one's disability without relying on patient's subjective description of herself.⁵³ In doing so, the medical determination of disability started to give the illusion of taking politics out of an essentially political problem.⁵⁴

Given the legal evolution of disability as a category of relief and the emergence of medical determination as its validating device, disability started to come into existence. Henri-Jacques Stiker, the author of *A History of Disability*, accounts for the implications of the birth of the category of disability as follows:

⁵² Ibid., p. 92.

⁵³ Ibid., p. 104.

⁵⁴ Ibid., p. 107.

Disability is elevated to an existence and a consistency that it never had. Now disability is raised to prominence, when it was earlier seen as assimilated, as self-evident, or as a minor matter. The “thing” has been designated, defined, framed. Now it has to be scrutinized, pinpointed, dealt with. Criteria, stages, regulations are attached. People with “it” make up a marked group, a social entity. Now, those who were formerly disparate and objects of the acts of the kind-hearted do have rights but they are named with a specificity that constitutes an identifying a marker.⁵⁵

As Stiker explains above, the category of disability emerged out of the interplay between capitalism, state and medicine. Undoubtedly, people with impairments have always existed since the beginning of humanity. However, they were not named with a single label until the development of industrial capitalism and the consolidation of the modern nation state. Due to these historical developments, the category of disability was codified and this codification laid the ground for the development of policies around this category. All these historical developments animated the category of disability. Because the state related to a group of people through this category, the category also had performative effects on this group as well as society in general. Members of the society came to know that people with different forms of impairments constitute a unitary group called disabled, and people with different forms of impairments started to share a common fate.

Stiker argues, “Paradoxically, they are designated in order to be made disappear, they are spoken in order to be silenced.”⁵⁶ The same argument has been made for the deserving poor in general by Silvers: “By definition, then, deserving poor must be incompetent to be deserving. And their treatment, while technically benevolent, is designed to make their condition unattractive to those capable of

⁵⁵ Henri-Jacques Stiker, *A History of Disability*, (University of Michigan Press, 1999), p. 133.

⁵⁶ *Ibid.*, p. 134.

work.”⁵⁷ Indeed, it could be argued that the emergence of category of disability as a part of deserving poor was an attempt to restrict the free market through state intervention. However, the main objective of this intervention could hardly be considered as instituting equality for disabled people.

The relief policy of the English Poor Law legacy provided disabled people with minimal living conditions mainly through charity. Disability as a category of relief could be argued to imply a negative right, which might be defined as freedom from interference.⁵⁸ This negative right was “right not to be forced to work,” and “right to receive charity.” Nevertheless, these could not counter the disappearance of disabled people from production, thus the social mainstream which is organized around the paid-work in capitalist societies. Following the Marxian tradition, Gleeson argues, the modern city emerged as a space of physical inaccessibility for disabled people and exclusion of them from the socio-spatial mainstreams.⁵⁹ Oliver states that special institutions for disabled people emerged and their emergence led to the further segregation of them from society.⁶⁰ Therefore, the progressive segregation of disabled people from all areas of social life followed in due course.⁶¹ At last, disabled people’s segregation came to a point where they became unable to establish a set of satisfactory social relationships.⁶²

⁵⁷ Anita Silvers, “Defective Agents: Equality, Difference and the Tyranny of the Normal,” *Journal of Social Philosophy* 25, no. 1 (2008), p. 165.

⁵⁸ Ran Hirschl, “‘Negative’ Rights vs. ‘Positive Entitlements’: A Comparative Study of Judicial Interpretations of Rights in an Emerging Neo-liberal Economic Order,” *Human Rights Quarterly* 22 (2000), p. 1071.

⁵⁹ Brendan Gleeson, “Disability and the Open City,” *Urban Studies* 38, no. 2 (2001), p. 256.

⁶⁰ Michael Oliver, *The Politics of Disablement* (London: Macmillan, 1990), p. 28.

⁶¹ *Ibid.*

⁶² *Ibid.*, p. 85.

The Category of Disability in the Context of Capitalist Welfare State

Disability gained a full-fledged legal as well as medical definition in the context of the capitalist welfare state. Disability was transformed into a category of need, which implies that the state started to assume responsibility in meeting the needs of disabled people. This state was a special form of state named capitalist welfare state. Operating within the context of a market economy, the capitalist welfare state refers to, “the state which intervenes within the processes of economic reproduction and distribution to reallocate life chances between individuals and/or classes.”⁶³ The capitalist welfare state came into being in the period following the 2nd World War, especially in Western European countries. It was based on T. H. Marshall’s idea that citizenship status could be employed in order to ease the inequality of the social class system under capitalism.⁶⁴ English Poor Law legacy also demonstrated how state intervention could reallocate life chances between individuals and classes. However, the welfare state symbolized a much more systematic intervention of the state with the economy in line with the increase in state capacity and dedicated to a different political aspiration from the English Poor Law legacy which offered basically relief to the poor.

As T. H. Marshall underlines, the welfare state aspired for equality for all through social policies based on citizenship status, rather than relying on relief policies of the English Poor Law legacy. Brian Barry, an outstanding moral and political philosopher, argued, “If the welfare state is to be identified with one

⁶³ Christopher Pierson, *Beyond the Welfare State? The New Political Economy of Welfare* (Pennsylvania: The Pennsylvania State University Press, 1991), p. 7.

⁶⁴ T. H. Marshall, “Citizenship and Social Class,” in *Welfare States: Construction, Deconstruction, Reconstruction Volume I*, eds. S. Leibfried and S. Mau (Cheltenham and Massachusetts: Edward Elgar, 2008).

objective, it is that of income maintenance, rather than the relief of poverty.”⁶⁵ The capitalist welfare state introduced positive rights, which could be defined as “basic social rights, since they require the state to act positively to promote the well-being of its citizens, rather than merely refraining from acting.”⁶⁶ In doing so, the main tool utilized by the welfare state was social policies that were financed out of the revenues of a progressive tax system. Social policies in general refer to “state activities affecting the social status and life chances of groups, families, and individuals.”⁶⁷ These, however, have existed in a variety of ways and to a variety of extents since the emergence of the modern nation states of the nineteenth and twentieth centuries,⁶⁸ and what makes the social policies of the welfare state unique mainly derives from their political aim of “decommodification” and quest for providing necessities of life for all. By the concept of “decommodification,” I mainly refer to the definition of Gøsta Esping-Andersen, who is a pioneering Danish sociologist specialized in the welfare state. For him, “de-commodification should not be confused with the complete eradication of labor as commodity; it is not an issue of all or nothing. Rather, the concept refers to the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation.”⁶⁹

⁶⁵ Brian Barry, “The Welfare State versus the Relief of Poverty,” *Ethics* 100, no. 3 (1990), p. 503.

⁶⁶ Ran Hirschl, “‘Negative’ Rights vs. ‘Positive Entitlements’: A Comparative Study of Judicial Interpretations of Rights in an Emerging Neo-liberal Economic Order,” *Human Rights Quarterly* 22 (2000), p. 1071.

⁶⁷ Theda Skocpol and Edwin Amenta, “States and Social Policies,” *Annual Review of Sociology*, 12 (1986), p.132.

⁶⁸ Ibid.

⁶⁹ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Policy Press, 1990), p. 37.

The objective of decommodification is one of the defining characteristics of the capitalist welfare state and objectives of social policies in the welfare state context. The other main aim of the welfare state is to provide all its citizens with employment opportunities.⁷⁰ Given this, as Esping Andersen states above, decommodification attempts of the welfare state did not lead to the complete elimination of labor as commodity. Decommodification is considered possible in the context of full employment, by the introduction of work-related entitlements such as generous paid leaves and social insurance for the retired. In addition to work-related entitlements, the capitalist welfare state also aims at providing the necessities of life to all its citizens and is committed to increase the living standards of the population in general. Universal social policies such as universal health coverage, free education could be given as policy examples which benefited the population as a whole, though in varying degrees. Nevertheless, the level of decommodification social policies entailed and the selectivity of target populations in each welfare state display differences among different countries.⁷¹ In all societies, as Esping-Andersen affirms, the provision of welfare is shared by the state, family and the market and the specific configuration of these institutions in the area of welfare differs across countries.⁷²

It could be claimed that one area in which almost all types of welfare states do not differ from each other was their reliance on the category of disability, as a category of need, similar to categories of childhood, old age, and sickness.⁷³ Even though disability is a universal category employed by capitalist welfare states, the

⁷⁰ Assar Lindbeck, "Full Employment and the Welfare State," *Working Paper No. 469* (Manila: Asian Development Bank Industrial Institute for Economic and Social Research, 1996)

⁷¹ Gösta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Policy Press, 1990).

⁷² Ibid.

⁷³ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 13.

scope and the perspective of social policies for disabled people differ greatly among different countries. Nevertheless, being a category of relief in the early periods of industrial capitalism, the category of disability became a category of need in the welfare state context. Disability in the welfare state context is “an administrative category ... that entitles its members to particular privileges in the form of social aid and exemptions from certain obligations of citizenship.”⁷⁴ To put it differently, the category of disability has been transformed from being a category which grants its holders a negative right, into a one that entitles its holders with positive rights. These positive rights include access to social services which are composed of income support, exemption from taxation, employment quota, provision of vocational rehabilitation, and access to health and rehabilitation services.

However, one could hardly argue that the welfare state could institute equality for disabled people. The disability movement emerged in reaction to the long standing injustices that disabled people encounter, most of which also prevailed in the context of the capitalist welfare state. As T. H. Marshall states below, the welfare state has long been criticized on the grounds that the citizenship ideal it is based upon as well as social policies implemented by it have resulted in diverse consequences for different sectors of society.

As T. H. Marshall suggests, “however that may be, it would be dishonest to pretend that there is not about welfare policy decisions something intrinsically authoritarian or, to use a less loaded but rather horrible word, paternalistic.”⁷⁵ The inflexibility of the welfare state with regard to the differing needs of the different sectors of society and its disregard of the different power positions of different

⁷⁴ Ibid., p. 4.

⁷⁵ T. H. Marshall, “Value Problems of Welfare Capitalism,” *Journal of Social Policy* I, 1 (1972), p. 20.

sectors of society has asserted itself in the paternalist welfare policy decisions. This is partly the consequence of the fact that professionals as well as bureaucrats have been elevated to a position in which they have become the sole bearers as well as executors of social policies.⁷⁶ Citizens' accounts about the design of social policies are hardly taken into account. Therefore, the welfare state's ideal of equality remains rather incomplete. The status differences between different sectors (i.e. able-bodied and disabled people) of society remained intact in the context of the capitalist welfare state.

Carole Pateman, who is a respected social theorist and British feminist scholar, draws attention to women's position in the welfare state, which could be of use in discussing the position of disabled people in the welfare state context. Pateman argues, "if an individual can gain recognition from other citizens as an equally worthy citizen only through participation in the capitalist market, if self-respect and respect as a citizen are 'achieved' in the public world of employment society, then women still lack the means to be recognized as worthy citizens."⁷⁷ For this reason, she states that the welfare state experience cannot institute equal citizenship for men and women. This is because; the welfare state consolidated a patriarchal understanding of citizenship which introduced a dilemma for women: "either women become (like) men, and so full citizens; or they continue at women's work, which is of no value for citizenship."⁷⁸ Therefore, she states, both the social policies of the welfare state and its understanding of citizenship are gendered. However, Pateman does not propose to renounce the idea of welfare state altogether and draws attention to the incompleteness of the perception and implementation of the ideal of equality. In

⁷⁶ Ibid., p. 21.

⁷⁷ Carole Pateman, "The Patriarchal Welfare State" in *The Welfare State Reader*, eds. C. Pierson, F. G. Castles, (Cambridge and Malden: Polity Press, 2006), p. 138.

⁷⁸ Ibid., p. 143.

relation to this point, Pateman calls for the need for a more reflexive welfare state which would take into account the gender perspective as well as would aim at eliminating gender inequality. In line with this approach, she advocates basic income for all, which she argues can “help break the long-standing link between income and employment, and end the mutual reinforcement of the institutions of marriage, employment, and citizenship”.⁷⁹

Disabled people’s position within the welfare state has similarities to as well as differences from that of women. Colin Barnes, a well-known British professor of disability studies, argues that policies for disabled people in the welfare state context institute a paternalist approach to disabled people.⁸⁰ This paternalism asserts itself in the separation of disabled people’s needs from the needs of general society. Different from the gender blindness of the welfare state, which results in a gendered social policy, the welfare state’s misrecognition of disabled people’s differences led to segregation of disabled people.

As Nancy Fraser asserts, “in welfare-state societies, needs-talk has been institutionalized as a major vocabulary of political discourse.”⁸¹ The transformation of disability into a category of need in the welfare state context could be understood within this paradigm. In the first instance, it should be noted that needs of disabled people are defined by the bureaucrats as well as policy-makers. For this reason, as Sapey et. al. suggest, it is not disabled people who decide upon the content and the

⁷⁹ Carole Pateman, “Democratizing Citizenship: Some Advantages of a Basic Income,” *Politics & Society* 32, 89 (2004), p. 90.

⁸⁰ Colin Barnes, *Disabled People in Britain and Discrimination* (Hong Kong: British Council of Organizations of Disabled People and University of Calgary Press, 1991), p. 20.

⁸¹ Nancy Fraser, “Talking about Needs,” *Public Culture Bulletin* 1, no. 1 (1988), p. 39.

scope of the social policies targeting them.⁸² This configuration contributes to the further segregation of the public provision of social entitlements for disabled people.⁸³ This segregation sometimes takes the form of institutionalization, especially concerning people with mental disabilities or psychiatric illnesses. The provision of segregated social services for disabled people, especially where specialized service is not necessary (i.e. public park for the disabled people), hardly served the objective of constituting equality for disabled people.

This is mainly because, the assumptions of the medical approach to disability, which constitutes the ideational foundation of social policies in the welfare state, denies the social bases of disablement. To put it differently, the welfare state initiates social services, care and rehabilitation services for disabled people, but these services were built upon a total disregard of disabling social and economic dynamics and insensitive to the self-defined needs of disabled people. For instance, Gary L. Albrecht, who is a well-known medical sociologist, suggests that rehabilitation services based on a person-centered approach do not question the fact that the social environment is designed only for able-bodied people.⁸⁴ In addition, the practitioners of these policies were disrespectful against the privacy of service users which did not have an empowering effect on disabled people.⁸⁵ As Oliver states, the negative implications of rehabilitation services for disabled people have reached a point that

⁸² Bob Sapey, John Stewart, and Jennifer Harris, "Disability: Constructing Dependency through Social Policy," in *Managing Diversity and Inequality in Healthcare*, ed. C. Baxter (London: Elsevier Health Sciences, 2001), p. 124.

⁸³ *Ibid.*, p. 130.

⁸⁴ In the context of an immature welfare state, the United States of America, rehabilitation services for disabled people could become a big business. Thus the vested interests of this business matters in the rehabilitation services, rather than the needs of the disabled people. For more information: Gary L. Albrecht, *The Disability Business: Rehabilitation in America* (California: Sage Publications, 1992)

⁸⁵ Peter Handley, "Trouble in Paradise-A Disabled Person's Right to the Satisfaction of a Self-Defined Need: Some Conceptual and Practical Problems," *Disability & Society* 16, no. 2 (2000), p. 320.

these services by offering employment opportunities serve the needs of the practitioners more than the disabled people themselves.⁸⁶ Because of these reasons, as Barnes asserts, disabled people have become the victims of systematic discrimination in the institutions responsible for the provision of social services in welfare state context.⁸⁷

In addition to care and rehabilitation, the welfare state introduces social entitlements attached to the category of disability in the form of social assistance. These cash-transfer policies are mostly decoupled from work, non-contributory, income means-tested and offered low benefit levels. Different from the English Poor Law legacy, social assistance programs implemented by the welfare state provided disabled people with a regular and guaranteed income source. However, the expansion in the area of social assistance targeting the disabled occurred in a context in which some sectors of disabled population who wanted to work could not get access to employment opportunities in a society where paid-work was the source of human value. Because disabled people faced with discrimination if they wanted to work, state provided social assistance for disabled could hardly be perceived in terms of decommodification objective at least by some sectors of disabled population. On the one hand, social assistance provided disabled people with the necessities of life. On the other hand, it was perceived as an obstacle against disabled people's integration into the social mainstream through employment.

The quote from Peter Beresford exemplifies the discourse of the nascent disability movement in the aftermath of the 1980s, which was marked by strong criticisms of the welfare state experience.

⁸⁶ Mike Oliver, "Speaking Out: Disabled People and the State Welfare," in *Disability and Social Policy*, ed. G. Dalley (London: Policy Studies Institute at the University of Westminster Publications, 1991), p. 157.

⁸⁷ Colin Barnes, *Disabled People in Britain and Discrimination* (Hong Kong: British Council of Organizations of Disabled People and University of Calgary Press, 1991), p. 3.

In western societies, the main governmental response to disability has been the creation of social welfare policies based on income maintenance and segregated services; this has been challenged by disabled people's organizations for perpetuating poverty and dependency. Because disability is a social not an individual issue, the state has a central role to play in recognizing and supporting the rights of disabled people. This does not mean taking on a traditional role as welfare service provider. Rather, it means providing a legal framework to support disabled people's equal rights and integrating disability into mainstream policies.⁸⁸

In line with Beresford's critique, the idea that disability is a particular form of social oppression was first articulated by the Union of the Physically Impaired against Segregation (UPIAS) –which is an important organization in the development of the disabled people's movement in the United Kingdom- in 1975.⁸⁹ The idea of disability being a form of social oppression can be found in the document “The Fundamental Principles of Disability,” which originated from the discussion between the members of UPIAS and the Disability Alliance.⁹⁰ The Disability Alliance is a UK-based network of non-governmental organizations which works to relieve the poverty and improve the living standards of disabled people. Inspired by the idea disability is a particular form of social oppression that is introduced by UPIAS, the disability movement started to consolidate by including disability organizations mainly in Western European and North American countries.

⁸⁸ Peter Beresford, “Poverty and Disabled People: Challenging Dominant Debates and Policies,” *Disability & Society* 11, no. 4 (1996), p. 563.

⁸⁹ Michael Oliver, *The Politics of Disablement* (London: Macmillan, 1990), p. 69.

⁹⁰ The Union of the Physically Impaired against Segregation and the Disability Alliance, *Summary of the discussion on “Fundamental Principles of Disability”*, 22 November 1975. (Pdf version of this document was downloaded February 19, 2010 from <http://www.leeds.ac.uk/disability-studies/archiveuk/UPIAS/fundamental%20principles.pdf>).

This movement identified two main academic enemies: the social administration approach, which prioritizes social assistance policies that are exemplified in the political position of the Disability Alliance in the UK and the medical model of disability, which disregards the social foundations of disablement. In this regard, it could be claimed that the disability movement came as a response to the dominant social policy perspective of the welfare state, that was found to be unfriendly to disability equality ideal. Parallel to Skocpol and Amenta's argument that social policies once enacted and implemented transform politics,⁹¹ the emergence of the disability movement could be read as a dialectical historical development. Even though the welfare state could not institute equality for disabled people, the social policies it introduced created a platform on which a new politics of disability could flourish. The disability movement started its political activism with the slogan "nothing about us, without us," as elaborated in the following quote: "Once the struggle for incomes and benefits is divorced from the struggle to make employment and the other related areas of life accessible, the involvement of disabled people is no longer required. ... None of this requires any attempt actively to educate physically impaired people, nor to raise our level of social awareness."⁹²

For this reason, as the quote above suggests, the members of UPIAS developed a harsh criticism of the politics of the Disability Alliance which centered its political agenda exclusively upon the income poverty of disabled people in the UK. For UPIAS members, income poverty was only a symptom of the oppression of disabled people. Therefore, the exclusive reliance of the Disability Alliance on social

⁹¹ Theda Skocpol and Edwin Amenta, "States and Social Policies", *Annual Review of Sociology*, 12 (1986), p.131.

⁹² The Union of the Physically Impaired against Segregation and the Disability Alliance, *Summary of the discussion on "Fundamental Principles of Disability"*, 22 November 1975. (Pdf version of this document was downloaded February 19, 2010 from <http://www.leeds.ac.uk/disability-studies/archiveuk/UPIAS/fundamental%20principles.pdf>).

assistance policies targeting disabled people disregarded disabled people's exclusion from all areas of social life such as education, work, mobility, and housing.⁹³ UPIAS set the parameters of developing a long-term and comprehensive political agenda which would aim at constituting the equality of disabled people with other members of the society. Therefore, mainstreaming disability in all policy domains, disabled people's active participation in the policy making process, as well as promoting comprehensive solutions to multidimensional problems of disabled people were put forward.

The main point of the new politics of disability was to declare that disabled people's problems are socially grounded, multidimensional, and could be eliminated through politics involving disabled people. The cardinal political question is, as Michael J. Prince, who is a Canadian professor of social policy, states, "On whose terms does the welfare state deal with a person with a disability?"⁹⁴ Nevertheless, it is a must that disabled people themselves should have their say. This could be interpreted in the discussion of Nancy Fraser on the politics of need interpretation in the context of the welfare state. As Fraser explains, "struggles over cultural meanings and social identities are struggles for cultural hegemony, that is, for the power to construct authoritative definitions of social situations and legitimate interpretations of social needs."⁹⁵ Within this framework of the disability movement, it could be argued that the disabled started to consolidate and reclaim their rights to define their own needs.

⁹³ Ibid.

⁹⁴ Michael J. Prince, "Claiming a Disability Benefit as Contesting Social Citizenship", in *Contesting Illness: Processes and Practices*, eds. K. Teghtsoonian, P. Moss (Toronto: University of Toronto Press, 2008), p. 30.

⁹⁵ Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis: University of Minnesota Press: 1989), p. 6.

The Critique of the Medical Model of Disability and Its Implications

The disability movement attempted to introduce disability as a political issue, at a time when the dominant discourse about disability was “the medical model of disability,” which informed and continues to inform to some extent social policies in the capitalist welfare state. Starting with the 1980s, the World Health Organization (WHO) promoted the medical model at the global level through publishing the International Classification of Impairments, Disabilities and Handicaps (ICIDH). Since the 1980s, the medical model has been associated mainly with these classifications and the definitions of impairment, handicap, and disability they suggest. The “medical model” surely predates the WHO classification but its promotion at the global level in its WHO version became relevant to national social policies after the 1980s.

The main problem with the medical approach, according to its critiques from disability studies, is its “study of causation, which has yielded diagnostic categorizations based on causes rather than consequences.”⁹⁶ In other words, the medical model points at the individual’s impairment as the sole cause of her disability. In this regard, the medical model disguises the social dynamics which marginalize disabled people from all sectors of social life. The solutions offered by the medical model are centered upon individual medical treatment. Given these, the scholars of disability studies argue that the medical model conflates impairment with disability, which leads to disregard of the social causes of the marginalization of disabled people. For the critiques of the medical model, medicine functions as a depoliticizing barrier against the politicization of disabled people’s problems.

⁹⁶ Harlan Hahn, “The Political Implications of Disability Definitions and Data,” *Journal of Disability Policy Studies* 4, no. 2 (1993), p. 44.

Because of the depoliticizing role of medicine, the medical model became the central political target of the disability rights movement since its beginning. In response, the scholars of disability studies came up with an alternative model, namely “social model of disability.” Even though the term was coined in 1981, its intellectual foundations date back to the politicization of disability by disabled writers and activists in the early 1960s.⁹⁷ Inspired mainly by the distinction between the (biological) sex and (social) gender introduced by feminist theory, scholars asserted that impairment and disability refer to two distinct entities. While impairment refers to bodily condition that individuals live with, disability is how that impairment is made sense of socially within power relations. In this regard, the social model underlines that there is a causal relationship between disability and the social structure.⁹⁸ This emphasis elevated the social barriers of disability to the center of politics, and attempted to marginalize the political attention given to the personal restrictions of impairment.⁹⁹

The social model is constructed upon a dichotomy between disabled people and non-disabled people.¹⁰⁰ Indeed, it should be noted that this is the same dichotomy which already has been introduced by the interplay between capitalism, state, and medicine. As Stone explains, the category of disability came into being as a category of need in the context of the capitalist welfare state. Social policies created

⁹⁷ Colin Barnes, 18 November 2009, “Understanding the Social Model of Disability,” Paper presented at Stockholm University, (Pdf version of this document downloaded February 25, 2010 from <http://www.handikappforbunden.se/Global/Forskning/Anteckningar%20Colin%20Barnes%20091118.pdf>)

⁹⁸ Peter Handley, “Theorising Disability: Beyond ‘Common Sense,’” *Politics* 23, no. 2 (2003), p. 114.

⁹⁹ Mike Oliver, “Defining Impairment and Disability: Issues at Stake,” in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 48.

¹⁰⁰ Tom Shakespeare, “The Social Model of Disability,” in *The Disability Studies Reader*, ed. L. J. Davis (London and New York: Routledge, 2006), pp. 198-199.

politics, as Skocpol and Amenta expect to happen. Political movement arose in due course and assumed this label. Following the footsteps of Fraser, it could be argued that the disability movement defines the needs of the disabled on the basis of their experiential commonality. Sometimes this common experience was attributed to disabled people's encounters with segregated services; sometimes to the exclusionary urban planning practices.

The main objective of the advocates of the social model is to reclaim disability and to reassign a political meaning to it, which would be in line with the socio-political analysis of disability.¹⁰¹ The social model constitutes the main paradigmatic change which informs the consolidation of the disability movement. In doing so, the social model relegated differences among the subjective experiences of people with impairments into secondary place, and aimed at drawing attention to the shared exclusion of people with impairments from all sectors of social life as well as the common experiences of disabled people with the policies of the state.

Advocates of the social model later named these common experiences of marginalization "disablism." By disablism, they refer to "discriminatory, oppressive or abusive behavior arising from the belief that disabled people are inferior to others."¹⁰² Due to the success of the disability movement, disablism was integrated into the political vocabulary on a par with racism and sexism.¹⁰³ In the end, this process gave birth to the disability movement consolidated around "*disability* as a

¹⁰¹ Simi Linton, *Claiming Disability: Knowledge and Identity* (New York and London: New York University Press, 1998), p. 10.

¹⁰² Paul Miller, Sarah Gillinson, and Sophie Parker, *Disablism: How to Tackle the Last Prejudice* (London: Demos, 2004), p. 8.

¹⁰³ Colin Barnes and Geoffrey Mercer, "Introduction," in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 7.

marker of identity.”¹⁰⁴ As any other identity movement, the disability movement started to call for recognition, anti-discrimination, and autonomy over their own lives. Anita Silvers, a distinguished American professor of philosophy, provides us with a nuanced account below demonstrating how equality for disabled people can be morally and politically grounded.

No meta-moral urgency can now be seen to attach to reparative procedures because all individuals, defective as well as superior, now are to be found together within equality’s scope. Thus, equitable allocation schemes need not give moral priority to remedying people’s impairments. But, of course, this does not preclude prioritizing such reparative treatment on economic grounds.¹⁰⁵

As she puts above bluntly, the recognition claims of the disability movement aims at denying any precondition imposed upon acknowledgment of the disabled people’s equal moral worth and dignity with other people. The disability movement stresses that disabled people are as valuable as other people, as they are. Political priority should be given to the transformation of the social and economic organization of societies into a more inclusive and egalitarian form. Thus far, the movement claimed, the prominence historically has been given to reparative procedures. The equality claims of disabled people cannot be silenced on the basis of the moral and political priority given to medical treatment of them. However, as Silvers is quite careful in stating, disabled people could be able to reserve their rights to ask for prominence to the reparative treatment on economic grounds at the policy level. Within this framework, the disability movement cherishes the idea that disabled people are valuable as they are; their impairments do not make them less human.

¹⁰⁴ Simi Linton, *Claiming Disability: Knowledge and Identity* (New York and London: New York University Press, 1998), p. 12.

¹⁰⁵ Anita Silvers, “Defective Agents: Equality, Difference and the Tyranny of the Normal,” *Journal of Social Philosophy* 25, no. 1 (2008), p. 173.

Disabled people should have the agency to decide upon which treatment they will accept or deny.

The political endeavors of the disability movement yielded positive results both at the national and international levels. One outstanding success at the national level could be the ratification of The Americans with Disabilities Act in 1990 in the American Congress. At the international level, the first success was the promulgation of World Programme of Action concerning Disabled Persons in 1982 by the United Nations. This was followed by the ratification of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in 1994. These combined efforts succeeded in paving the way to the most significant political success at the international level, which was the ratification of the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities in the year 2006.

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.¹⁰⁶

This Convention was a critical political success for the disability movement, since it codified the main claims of the movement at the level of international law. These claims are based on the idea that disabled people are equal in dignity with the able-bodied, and the actualization of equality between these two should be promoted

¹⁰⁶ United Nations, *The Purpose of Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*, 13 December 2006 (Pdf version of this document was downloaded February 22, 2010 from <http://www.un.org/disabilities/default.asp?id=261>).

by the states. This could be indicative of the expansion of the frontiers of equality to disabled people, who share equal dignity with others.

These developments also marked a paradigmatic change in the area of social and employment policies by creating a new discourse on disability. This new discourse grounded upon the social model succeeded in turning the gaze of the state to the social barriers to the equal participation of disabled people in society with others. Given that disabled people claim equality in all sectors of life, “disability mainstreaming” emerged as a new policy perspective. By “disability mainstreaming,” I refer to,

a strategy for making disabled people's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that disabled people benefit equally and inequality is not perpetuated. The ultimate goal is to achieve disability equality.¹⁰⁷

This perspective aims at eliminating segregation, integrating disabled people into the social mainstream, and transforming policies from being paternalist into reflexive to the needs of disabled people. The social model proved to be successful in putting disabled people’s perspective at the centre of policy making.

Its success in changing the policy paradigm accordingly has created new practical problems for policy makers and practitioners. The main objective of policy became the constitution of equality for disabled people, but instituting equality also required the development of specific policy actions which would address diverging needs of different sectors of disabled population. In this regard, the deficiency of the social model basically originates from its inability to account for the relationship between individual impairments and the social barriers leading to disability. While the

¹⁰⁷ Disability KAR Knowledge and Research. *Mainstreaming Disability in Development*, <http://www.disabilitykar.net/learningpublication/disabilitydevelopment.html> [24 February 2010]

social model rightly reveals the “social” causes of disability, it totally disregards the influence of diverging the impairments and different experiences of disabled people arising from these impairments.

Even though disabled people have the same experience of being discriminated against or excluded, the specific measures to eliminate the barriers would need to take into account specific impairments. The category of disability needs to be disentangled in order to determine the specific needs of disabled people. For instance, the politics of disability could well reveal the presence of discrimination against disabled person at the workplace. However, it could not help us to determine what the specific remedies are needed in order to physically accommodate this workplace. This is because the development of specific remedial actions needs that the impairment should be brought back into the picture.¹⁰⁸ Therefore, how impairment or chronic illness should be dealt with socially through specific measures is an important question for the equality agenda for disabled people. As a result Tom Shakespeare, a well-known sociologist as well as geneticist, declares that “people are disabled both by society *and* by their bodies”.¹⁰⁹

Debbie Jolly, who is an active researcher of disability and disability rights advocate, argues that the subjective experiences of disabled people with their individual impairments should be taken into account. She suggests, “It is not enough to know people with impairments or illness are disabled by society; we need to

¹⁰⁸ Liz Crow, “Including All of Our Lives: Renewing the Social Model of Disability,” in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 58.; Ruth Pinder, “Sick-but-Fit or Fit-but-Sick? Ambiguity and Identity at the Workplace,” in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 139.; Mike Bury, “Defining and Researching Disability: Challenges and Responses,” in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 30.

¹⁰⁹ Tom Shakespeare, “Rights, Risks and Responsibilities: New Genetics and Disabled People,” in *Debating Biology: Sociological Reflections on Health, Medicine and Society*, eds. S. J. Williams, L. Birke and G. A. Bendelow (London: Routledge, 2003), p. 200.; Tom Shakespeare, *Disability Rights and Wrongs* (London: Routledge, 2006), p. 2.

develop new analytical tools to contextualize the ontological ambiguity of impairment, and the emergent and temporal experiences of these processes in welfare and work.”¹¹⁰ The subjective experiences of disabled people originate from the complex relationship between individual experiences and social environment and time.

It is not easy to fix disabling experiences, without giving voice to disabled people themselves. To exemplify, a person with epilepsy encounters a disability in the cases of seizures. In this regard, her experience of disability is not continuous. In case of seizures, a person with epilepsy needs to be supported. For instance, providing emergency medical treatment in the workplace would benefit a person with epilepsy. However, only the person with epilepsy could know what specific measures that might facilitate her life in which contexts. Therefore, disabled people’s agency in the development of remedial actions is quite important for these actions to be effective. Achieving equality, as Joan W. Scott argues, requires not taking differences as eternal and fixed entities, but rather as effects of processes of social differentiation.¹¹¹ In relation to this point, the diversity of the subjective experiences of disabled people require diversification of remedial actions targeting disabled people but not the reification of needs of disability.

One way to translate different experiences as well as needs of diverging sectors of disabled people into policy domain could be done by employing the new version of the medical model. The World Health Organization released a new classification called the International Classification of Functioning, Disability and Health (ICF) in 2001. The ICF aimed at integrating the critiques of both the social and the medical

¹¹⁰ Debbie Jolly, “The Government of Disability: Economics and Power in Welfare and Work,” *Disability & Society* 18, no. 4 (2003), p. 521.

¹¹¹ Joan W. Scott, “The Conundrum of Equality” (New Jersey: Institute of Advanced Studies-School of Social Sciences at Princeton University, 1999), p. 12.

model into its perspective and introduce a synthetic approach to disability. Its perspective is called “biopsychosocial,” which refers to “a synthesis, in order to provide a coherent view of different perspectives of health from a biological, individual and social perspective.”¹¹² The resulting definition of disability in the ICF is as follows: “Disability is an umbrella term for impairments, activity limitations and participation restrictions. It denotes the negative aspects of the interaction between an individual (with a health condition) and that individual’s contextual factors (environmental and personal factors).”¹¹³

Within this framework, the ICF is organized along three dimensions: 1) the body dimension, which includes the functions of body systems, and the body structure; 2) the activities dimension, which specifies a range of activities performed by individuals; and 3) the participation dimension, which covers areas of life to which individuals have access. The ICF proves to be helpful in determining the specific interventions required to improve the lives of disabled people, concerning how impairment could be taken into account in developing remedial actions.¹¹⁴ These policy areas may include housing, workplace accommodation, and transport. Regarding this, the Disabled People’s International acknowledged the success of the ICF and declared “within the new ICF the definition of disability that is used can, I propose, be utilized for our purposes.”¹¹⁵

¹¹² World Health Organization, *International Classification of Functioning, Disability and Health: ICF* (2001), p. 20.

¹¹³ Ibid., p. 213.

¹¹⁴ Matilde Leonardi, Jerome Bickenbach, Tefvik Bedirhan Üstün, Nenad Kostanjsek, Somnath Chatterji, “The Definition of Disability: What Is In a Name?” *The Lancet* 368, (2006), pp. 1219-1220.

¹¹⁵ Frank Mulcahy, *Disabled Peoples’ International Position Paper on the Definition of Disability*, 19 May 2005 (Pdf version of this document was downloaded January 7, 2010 from http://v1.dpi.org/language/resources/topics_detail?page=74).

However, the ICF cannot be considered as a panacea for all the hardships in developing social policies serving disability equality ideal face for two reasons. The first one is that the ICF is unable to solve the problem of determining to what extent impairment translates into activity limitations and participation restrictions. Recalling Debbie Jolly's argument about the subjective experience of disability, it could be argued that the ICF has not been able to put a stop to the problem of determining the relationship between subjective experience of impairment (i.e. pain) and person's ability to work.¹¹⁶ In addition, the ICF can hardly take into account the physical setup of the specific city in which a disabled person lives in and her ability to participate in social life. Bearing these problems in mind, the ICF as well as the medical personnel, obviously have roles to play in instituting equality for disabled people, because they could well assume a facilitative role in determining the specific needs arising from specific impairments as well as chronic illnesses. Nevertheless, the historical experience of disabled people with the welfare state demonstrates that disabled people themselves should be the main information source on which policies would be constructed upon. The disability movement expresses this, better than anyone: "Nothing about us without us." This perspective would make the welfare state a reflexive one, which could eliminate both political-economic and cultural injustices from which disabled people suffer.

Secondly, the function of the ICF in social policy continues to create problems. As mentioned before, the medical boards determine not only the specific needs of disabled people, but also function as a validating device with regard to the entitlements tied to the category of disability. Though the content and the scope of entitlements attached to the category of disability vary across countries, generally these entitlements also include eligibility for income support schemes, exemption

¹¹⁶ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 139.

from taxation, disability pension and employment quotas. Because issues related to eligibility of social policies are essentially political, the ICF's role in policy domain continues to be a gatekeeper role. On the one hand, it should be noted that, however a classification is defined; it is ultimately a policy question to decide how to use that classification device. From the perspective of the medical personnel, the ICF only helps to make assessments. The specific legislation of the country determines whether this assessment translates into eligibility or not. On the other hand, for the policy makers, the ICF remains as the objective tool which determines whether a person needs care, income support as well as exemption from work. If the category of disability is assumed to be a category of need,¹¹⁷ then the ICF's use could still be regarded as a tool which gives the illusion that redistribution is not a political issue.

Therefore, it should be noted that discussing the category of disability today requires addressing both its function within the redistributive system of the capitalist welfare state and its potential use for disabled people. On the one hand, the category of disability is one need category in the capitalist welfare state that grants positive rights and entitles its holders to exemptions as well as privileges. On the other hand, the category of disability has been reclaimed by the disability movement and it has become a language which is utilized for voicing disabled people's demands against political-economic as well as cultural injustices they suffer from. Thus, the category of disability today is an arena of contestation. People make claims through the category of disability and the state relates with its disabled citizens through policies established upon this category. Today there are more people who define themselves as disabled than those legally qualified as disabled.¹¹⁸ Given this, it could be claimed that disability has become a category through which people make claims to both

¹¹⁷ Ibid., p. 172.

¹¹⁸ Ibid., p. 141.

recognition and redistribution and taking into account disabled people's claims could pave the way to the emergence of a more reflexive welfare state.

The Category of Disability Today, the Rise of Workfare Policies and Revisiting Income Support Policies

Income support and employment policies together constitute two policy domains where the contestation over the category of disability is particularly harsh. As discussed before, the disability movement criticizes the social administration approach which exclusively addresses the income poverty of disabled people and proposes income support policies for them. On the contrary, the disability movement draws attention to the multidimensionality of the political-economic and cultural injustices from which disabled people suffer and suggests taking comprehensive policy measures to tackle these injustices. The elevation of this dichotomy to the political agenda occurred concurrent to the rise of neo-liberalism, which could be defined as a process of “accumulation by dispossession”¹¹⁹ which brings together the commodification of public assets, redistribution from the lower to upper classes and financialization.¹²⁰ The main impact of neo-liberalism on social policies has been the re-institutionalization of market logic in all areas of social life and the growing dominance of this idea in the area of social policies. Therefore, the portrayal of income support and employment policies as contradictory policy preferences should be discussed within this historical framework.

¹¹⁹ David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003), pp.137-182.

¹²⁰ David Harvey, *Spaces of Global Capitalism: Towards a Theory of Uneven Geographical Development* (London and New York: Verso, 2006) pp. 44-50.

Though it was not the intention of disability movement in the beginning, income support policies and policies targeting disabled people's integration into employment started to be recognized as essentially opposite policy directions in due course. This occurred partly because the disability movement started to consolidate solely as an identity movement which prioritized recognition claims over redistribution. As a result, the disability movement ended up establishing its political agenda upon disabled people's "right to work," which consecrated the work-based distributive system over need-based distribution. Nevertheless, as the following quote suggests, reifying disabled people's needs started to mask the class differences between disabled people: "Class is a particularly powerful determinant of the disability experience. It qualifies and changes the consequences of impairment, and reduces the exposure to oppressive social relations. My class and gender are better predictors of my career and income than my impairment."¹²¹

As Tom Shakespeare bluntly stated above, disabled people's experiences are framed by their class positions as well. Even though disabled people share a common experience of discrimination, disabled people are also distributed among different social class positions. In relation to this point, it could be argued that the importance and meaning of a need-based distributive system for lower class disabled people is different from that of upper class disabled people. While the latter could perceive income support policies for disabled people as stigmatizing, degrading, and to be gotten rid of immediately, lower class disabled people could recognize these policies as empowering, or at least necessary for their daily subsistence.

The capitalist welfare state, based upon T. H. Marshall's ideal of social citizenship, aimed at expanding the need-based distributive system at the expense of

¹²¹ Tom Shakespeare, "Disability, Identity and Difference," in *Exploring the Divide: Illness and Disability*, eds. C. Barnes and G. Mercer (Leeds: The Disability Press, 1996), p. 109.

work-based one. Disability, as Deborah Stone proposes, as a category of need, entitles its holders to income support policies in the context of welfare state. However, because the welfare state disregarded disabled people's access to employment as well as other sectors of social life, income support policies it offered were criticized as "state charity" and "dependency creating." As mentioned before, these arguments that are hostile to income support coincided with an international context in which the welfare state started to be challenged by the neoliberal restructuring of the world economy. In this context, the change of paradigm from "welfare to work" occurred in social policy debates beginning from the late 1990s. The new paradigm initiated an overall transformation of the dominant social policy paradigm of the welfare state which did not leave the category of disability untouched.

The concept of workfare policies mainly stands for, "a broad and quite elastic meaning, both as a pithy, generic label for work-enforcing welfare reform and as a rather vague umbrella term for a wide range of welfare-to-work policies, job-training and employability programs, and active-benefit systems."¹²² As Jamie Peck, who is a distinguished professor of geography, suggests, these policies aim at the introduction of work as a precondition for welfare entitlements. Workfare policies emerged as a reaction to the imagined enemy of welfare dependency, the idea which echoes the correlation drawn between poverty and idleness by the English Poor Law legacy. According to the "welfare to work" paradigm, the entitlements of the welfare state that are decoupled from work create a disincentive for the beneficiaries to participate in the labor market. They become dependent upon the benefits of the welfare state, thus becoming unproductive citizens. While the welfare state aimed at the decommodification and the expansion of a need-based distributive system, the

¹²² Jamie Peck, *Workfare States* (New York: The Guilford Press, 2001), p. 1.

workfare approach to social policy started to target (re)commodification of labor and expansion of a work-based distributive system.

In practice, as Irene Dingeldey argues for Denmark, the United Kingdom and Germany, workfare programs include “activation requirements are linked not only to the obligation to take any job on the labour market or accept public employment as work test (pure commodification and workfare) but also an improvement of training opportunities (with the exception of Germany) and placement services.”¹²³ From this perspective, it could be argued that the rise of workfare approach can be regarded as an opportunity to convince those in power to pay for measures such as workplace accommodation.

Within this framework, workfare policies turn the gaze of social policy towards the integration of the unemployed and those outside the labor market to the labor market. Different from the English Poor Law legacy, which did not touch upon disabled people, this time poor people as a whole also became a suspect of idleness. In this context, the low level of labor force participation rate among the disabled has become a target of criticisms raised by the international organizations. This criticism which overlapped with the disability movement’s long term critique of denial of access to paid-employment opportunities led to the formulation of increasing the employment of disabled people as the main social inclusion mechanism for disabled people.¹²⁴

The OECD report of 2006 stated this new orientation succinctly:

¹²³ Irene Dingeldey, “Welfare State Transformation between Workfare and an Enabling State: A Comparative Analysis,” *TranState Working Papers*, 21 (Bremen: Sfb 597 “Staatlichkeit im Wandel,” 2005), p. 23.

¹²⁴ John Swain, Sally French, and Colin Cameron, *Controversial Issues in a Disabling Society* (Buckingham: Open University Press, 2003) p. 113.

Many people with health problems can work and want to work, so any policy based on the assumption that they cannot work is fundamentally flawed. Helping people to work is potentially a “win-win” policy: it helps people avoid exclusion and have higher incomes while raising the prospect of higher economic output in the long term.¹²⁵

The report thus tied together the economic and social aspects of the issue of disability by arguing how expanding the frontiers of workfare policies towards disabled people would contribute to the breaking of social barriers against this people and increasing the total value produced in the economy. If formulated differently, the Organisation for Economic Cooperation and Development (OECD) report proposes that any policy targeting disabled people should be based upon the idea that disabled people can and *should* work. Only if disabled people work can they participate in social life on an equal footing with others. As disabled people work, economic growth will follow. More importantly, income support policies targeting disabled people will be eliminated gradually and thus the burden they put on the public budget.

OECD’s proposal to integrate disabled people into employment came into being in a context in which the state was no longer a Keynesian one targeting full employment. Regarding that full employment cease to be the main objective of the state, it could be argued safely that the state will not guarantee disabled people’s integration into employment. Different from the integrative and coordinated welfare institutions, the institutional configuration of workfare policies merely are associated with fluid, unstable, and multi-scalar regulatory configurations.¹²⁶ In this configuration, NGOs, the private sector and the state constitute the main actors to create employment for disabled people. Rather than the state, the market is believed

¹²⁵ Organisation for Economic Cooperation and Development, *Sickness, Disability and Work: Breaking the Barriers* Vol. 2. (Paris: OECD Publishing, 2006), p. 3.

¹²⁶ Peck, p. 15.

to absorb disabled employees. The state will facilitate this process mainly by taking measures to free market forces. According to this perspective, social policies are justified only if they compel disabled people to work. Disability organizations will assume responsibility in developing employment projects targeting their constituencies, they will not contend the state in the area of social rights, and rather they will become partners of it. An example of the paradigm behind workfare policies can be found below.

The key challenges that countries of the European Union are facing with respect to people with disabilities are low employment rates among the people concerned but also a high dependency on benefits, high and increasing public spending on sickness and/or disability benefits as well as an increased poverty risk among those with disabilities.¹²⁷

The quote from the European Centre policy brief demonstrates the main reason why disabled people's low level of labor force participation emerged as a problem from the perspective of mainstream economists. The policy objective proposed is to reduce the burden of the cash-transfer policies targeting disabled people on the public budget. This account reminds of Deborah Stone's following statement: "need-based system will be labeled as 'in crises' at precisely those moments when the *restrictiveness* of a category is felt to be too loose or ineffective."¹²⁸ Following the footsteps of Stone, it could be argued that increase in the number of people claiming benefits has on the basis of disability and succeeding in getting access to these benefits led to a perception of crises in European countries. However, this phenomenon could also be indicative of people's increasing economic insecurity, which pushes them to claim economic security through disability category.

¹²⁷ Isilda Shima, Eszter Zólyomi and Asghar Zaidi, "The Labor Market Situation of People with Disabilities in EU25" Policy Brief February (1) (Vienna: European Centre, 2008).

¹²⁸ Deborah A. Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), p. 24.

Rather the workfare paradigm analyzes this phenomenon as an implication of poor people's tendency to deceive the state in order to maximize their welfare or intrinsic ineffectiveness of income support policies in eliminating poverty.

For disabled people who already benefit from income support policies, the consolidation of workfare policies implies an increase in the reliance of disabled people on market forces for subsistence. Disabled people, however, are more in need of income in order to meet the additional costs related to disability such as medical expenses, equipment, and personal care,¹²⁹ hence, their increasing reliance on market could have more negative implications in comparison to the able-bodied people. In addition, the majority of disabled people would be disadvantageous in comparison to able-bodied people in labor market with regard to job performance. For these two reasons, by compelling disabled people to work, workfare approach to social policy undermines disabled people's autonomy over their lives. This is not to say that it is better if disabled people do not to work. On the contrary, recalling the meaning of work in capitalist economies is rather to get access to the necessities of life for the masses, any retrenchment in need-based system will lead to impoverishment of them. Alternatively, they will constitute the lowest stratum of the working population. Incentives decoupled from work conditionality can well be developed with the objective of increasing employment among disabled people. Because this perspective on social policy would not create disabled people's access to their necessities of life with employment, it would not undermine their autonomy over their lives.

Indeed, full integration of disabled people into employment is not possible because of two factors. The first one is that not all disabled people are able work due

¹²⁹ Sophie Mitra, "Disability and Social Safety Nets in Developing Countries," Social Protection Discussion Paper Series (Washington D.C.: The World Bank, 2005), p. 10.

to their health conditions. Secondly, given the high chronic unemployment rates all over the world, labor demand seems not to increase dramatically enough to absorb all of the disabled people who want to work. Therefore, a significant proportion of disabled people will continue to benefit from income support policies, if they will continue to exist. Given these factors, the workfare approach to social policy will not be able to eliminate the stigma attached to disabled people who benefit from income support policies. On the contrary, the workfare approach to social policy will strengthen the work-centered ideology of capitalism. In that context, disabled people who continue to be beneficiaries of income support policies will remain secondary citizens.

Concerning the creation of incentive mechanisms for disabled people to work, tension can be identified between the objectives of political actors backing workfare policies and disability movement in supporting the shift from welfare to workfare policies. The tension arises from their differing cost expectations on public budget of the actors during this policy shift. For the supporters of workfare policies, disabled people's integration into employment is preferable to income support policies because it would decrease welfare expenditures.¹³⁰ Alternatively, the disability movement voices the demand almost a foundational transformation of the organization of work. This transformation would have double objectives: 1) making work hours more flexible and increase part-time employment, 2) taking necessary measures in order to transform workplaces, houses, as well as cities in general into accessible places for disabled people. Especially if the second objective is to be

¹³⁰ An example of this idea could be observed here. Increase in the number of people who remain in work when they fall sick or become disabled and increase in the number leaving benefits and finding employment are given as the success criteria for these policies. Department for Work and Pensions, *A New Deal For Welfare: Empowering People to Work* (Norwich: United Kingdom Department for Work and Pensions, 2006)

fulfilled, the burden on the public budget would not decrease as the pro-workfare coalition expect.

Debbie Jolly argues, “the issue of employment [for disabled] needs to be examined in the context of present structures of both the flexible labour market and the continuing welfare reforms that seek to reduce the cost of the welfare state.”¹³¹ Hence, if the political-economic context within which disabled people’s employment is discussed is taken into consideration, it can be observed that this policy shift may lead to unprecedented negative consequences for disabled people. These consequences could be composed of an increasing disregard in taking necessary and costly measures to transform the physical environment, retrenchment of the state from cash transfer policies, the tightening of work enforcement for disabled people, and increase in the low-paid and insecure work opportunities for disabled, which could be summarized as the prevalence of misrecognition coupled with proletarianization.

The possibility of these worst case scenarios should not pose a barrier to disabled people’s quest for equal employment opportunities. On the contrary, I argue that the disability movement needs to reclaim its comprehensive political strategy which should appeal its entire constituency. In this regard, the long ignored income support policies should be revisited. Even though income support policies would not entail equality for disabled people if executed in isolation, they constitute a necessary policy tool which can empower disabled people. Indeed, given the political economic context, an income support policy is *sine qua non* for disabled people to protect their

¹³¹ Debbie Jolly, “A Critical Evaluation of the Contradictions for Disabled Workers Arising from the Emergence of the Flexible Labour Market in Britain,” *Disability & Society* 15, no. 5 (2000), p. 801.

autonomy over their lives during the transition from welfare to work.¹³² The disability movement could do this in two ways. The first way would be to take a defensive position. The disability movement can argue against discussing income support and employment policies together and their coupling at the policy level. It may defend the already existing income support policies targeting disabled people on the basis of the additional costs that disability brings to the individual and high level of income poverty among the disabled population.

Secondly, the disability movement can become a part of a political alliance which asks for a universal income support policy. Until now disabled people have only been familiar with the categorical provision of social assistance. As discussed before, their discomfort with these schemes mainly derived from its stigmatizing effect as well as its implementation in isolation from all other areas of policy, which developed at the expense of the ideal of disability equality. Nevertheless, this is not the only way of organizing an income policy. Sophie Mitra, American professor of economics, argues that there is no enough evidence that disability targeting in income policies is a must.¹³³ If disability targeting is to be abolished, this will mark the end of the medicine's depoliticizing role in the domain of social policies for disabled people.

The idea of "the right to basic income"¹³⁴ could well be adopted by the disability movement, in alliance with other groups in society. Below could be found the definition of "basic income".

¹³² Lister argues that "The language of autonomy and control helps to transcend the dependence/independence dichotomy. It also contributes to our understanding of citizenship". Ruth Lister, "Book Review: Disability, Citizenship and Empowerment by Michael Oliver," *Disability, Handicap & Society* 8, no. 2 (1993), p. 332.

¹³³ Sophie Mitra, "Disability and Social Safety Nets in Developing Countries," Social Protection Discussion Paper Series (Washington D.C.: The World Bank, 2005), p. 14.

¹³⁴ Guy Standing, "CIG, COAG and COG: A Comment on a Debate," in *The Real Utopias Project Volume V Redesigning Redistribution*, ed. E. O. Wright (London: Verso, 2003), p. 142-157.

All citizens are given a monthly stipend sufficiently high to provide them with a standard of living above the poverty line. This monthly income is universal rather than means-tested – it is given automatically to all citizens regardless of their individual economic circumstances. And it is unconditional – receiving the basic income does not depend upon performing any labor services or satisfying other conditions. In this way basic income is like publicly-financed universal health insurance: in a universal health care system, medical care is provided both to citizens who exercise and eat healthy diets and to those who do not. It is not a condition of getting medical care that one be “responsible” with respect to one’s health. Unconditional, universal basic income takes the same stance about basic needs: as a matter of basic rights, no one should live in poverty in an affluent society.¹³⁵

This idea suggests a policy of basic income for all, thus put an end to the stigmatizing effects of the categorical social assistance schemes. However, one would need to argue that basic income should only be effective for disabled people if it is situated within other social transfers including domains such as health care, education, and transport.¹³⁶ This is because the additional costs related to disability such as medical expenses, equipment, and personal care¹³⁷ increase disabled peoples’ need for income. Rather than meeting this need through categorical cash transfer policies, disability mainstreaming in all policy domains can be advocated.

Taking into all things into account, it could be argued that the dichotomy between the income support and employment integration policies for disabled is a false dichotomy. The provision of basic income need not act against disabled people’s access to paid work opportunities. On the contrary, basic income would empower disabled individual (as well as all other citizens) to decide whether she

¹³⁵ Erik Olin Wright, “Introduction,” in *The Real Utopias Project Volume V Redesigning Redistribution*, ed. Wright, E. O (London: Verso, 2003), pp. 2-3.

¹³⁶ Philippe Van Parijs, “Basic Income: A Simple and Powerful Idea for the 21st Century”, *Basic Income European Network VIIIth International Congress* (2000), p. 3.

¹³⁷ Sophie Mitra, “Disability and Social Safety Nets in Developing Countries,” *Social Protection Discussion Paper Series* (Washington D.C.: The World Bank, 2005), p. 10.

wants to work or not or where she wants to work. Regarding that some portion of disabled people would always be present whose health conditions would not allow them to be integrated into paid work schemes and given the high rate of unemployment all over the world, basic income would be a policy option that would also serve these people.

Len Doyal and Ian Gough identify the neoliberal era as a time in which we “either to defend and refine the concept of human needs or to banish it entirely from our vocabulary.”¹³⁸ In this context, the disability movement’s aversion to income support policies based on the income needs of disabled people could well serve the second scenario. Nevertheless, taking into account the class differences among the disabled population and reclaiming the comprehensive political agenda of the disability movement, it could be argued that the income needs of disabled people and disabled people’s need to participate in social life on equal footing with others are parts of their needs which cannot be separated from each other. The disability movement could take one step further and join the ranks of those calling for the expansion of social policies aiming at further de commodification. In this case, as Mike Oliver declares, if the disability movement will fight for the extension of a need-based distributive system, “if such a situation were to occur, where the distributive dilemma was resolved on the basis of need, then that would surely mark the transition from capitalism to socialism predicted by Marx.”¹³⁹

The category of disability came into being as an exception to the masses who became free workers; disabled people were one sector of “honest beggars” in the early periods of capitalism. Later the disability category gained a special place in the

¹³⁸ Len Doyal and Ian Gough, “A Theory of Human Needs,” *Critical Social Policy* 4, no. 6 (1984), p. 6.

¹³⁹ Michael Oliver, *The Politics of Disablement* (London: Macmillan, 1990), p. 42.

emergence of need-based distribution systems in the context of capitalist welfare states. Disability, which appeared as a category of need, granted its holders special entitlements especially in the form of income support and segregated services.

Nevertheless, the rise of the social model of disability demonstrated that disabled people share more than what the disability category offers them. By shedding light on the social causes of the marginalization of disabled people, the social model give prominence to the commonality of disabled people's experiences with the multidimensional injustices they encounter in their everyday lives. Hence the disability rights movements in Western Europe and North America have developed a critique of the capitalist welfare state's approach to disabled people which has been highly informed by the medical model. For them, the welfare state affirms the unequal position of disabled people in society by giving priority to health services, income support policies, and rehabilitation and it does not aim at the equality of disabled people in every sector of social life.

The disability rights movement's quest for recognition has paved the way to revolutionary political successes at the national as well as international levels. Disablism has been integrated into the political vocabulary on a par with racism and sexism, the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities was ratified, and disability mainstreaming started to be recognized as the appropriate way of instituting disability equality.

Nevertheless, the disability rights movement, the political position increasingly of which has become against income support policies targeting disabled people, has joined the ranks of political forces which called for the dismantling of the redistributive welfare state starting from 1990s. In that context, income support policies for disabled people and disabled people's integration into employment

started to be perceived as opposing approaches to the disability policy, the former of which creates welfare dependency and stigmatizes its beneficiaries. The rights discourse of disability organizations started to be based upon negative rights, among which right to work gained prominence. In that context, it is argued, increasing the employment of disabled people is the main policy tool for social inclusion.

However, the chapter draws attention to the fact that the labor market has been a home to economic marginalization for the masses, against which the redistributive policies of the welfare state has been developed. Hence, it is argued that there are serious limits to the social inclusion which employment-based policies will bring for disabled people. For this reason, it is suggested that the ideal of welfare state and the idea of equality it is committed to should be broadened in order to become reflexive to the demands of disabled people, and the disability rights movement should recall its comprehensive political agenda constructed upon the holy alliance between disabled people's claims for redistribution and recognition.

The historically informed theoretical discussion pursued in this chapter is highly relevant to investigating the social and economic position of disabled people in Turkey, the emergence of the disability category within Turkey's welfare regime, and the current transformation of social policies for disabled people under the auspices of the Justice and Development Party government. The relevancy of this discussion lies in the attempts to establish a welfare system in Turkey since late 1940s, which could be regarded as the counterpart of the welfare state configurations that appeared in Western Europe after the Second World War. The welfare regime in Turkey, though it remains quite immature in comparison to its Western European counterparts, closely follows the developments in European policy context and continues to be under its influence. Hence the above-mentioned discussion, within the limitations arising from the differences between Western European welfare

systems and welfare regime in Turkey, will shed light on my analysis of social policies for disabled people in Turkey and the career of disability category in Turkey's welfare regime.

CHAPTER III

DISABILITY AND TURKEY'S WELFARE REGIME BEFORE THE JUSTICE AND DEVELOPMENT PARTY (AKP) PERIOD

The main objective of this chapter is to locate the category of disability as well as disabled people within the main tenets of Turkey's welfare regime as well as its transformation up until the Justice and Development Party came to power in 2002. I will investigate the social and economic situation of disabled people by situating them within the country's welfare system and examining the developments in the area of social and employment policies targeting disabled people. In doing so, the first section would account for the basic features of Turkey's welfare regime.¹⁴⁰ Following this, I will explain the historical and political processes which paved the way to the emergence of social and employment policies for disabled people¹⁴¹ in two sections. The first one focuses on the historical period before 1976. I have chosen the year 1976 as a historical turning point in the domain of social policies for

¹⁴⁰ Esping-Andersen coins the term "regime" to underline the systematic constellation of legal and institutional configuration determining the relationship among the state, the society and the economy. Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Policy Press, 1990), p. 2.

¹⁴¹ For the purposes of this thesis, I would not include education policies. I would rather focus on employment, social insurance, healthcare, and social assistance policies.

disabled people in Turkey because disability allowance –which is the first nationwide social assistance program-, was introduced at the time.

The second section investigates the social policies for the disabled after 1976 until the AKP came to power in 2002. The historical overview that this chapter provides is a product of a review of quite limited but invaluable literature in this area, in-depth interviews conducted by the author with the pioneers of the disability movement in Turkey, and the research done on the online news archive of the national daily newspaper *Milliyet*.

Turkey's Welfare Regime Revisited

Within the literature which deals with the clustering and typifying the models of welfare and institutional settings of individual countries,¹⁴² the welfare regime in Turkey is categorized as reminiscent of those of its Southern European counterparts, namely Greece, Italy, Spain and Portugal.¹⁴³ In addition to the Esping-Andersen's typology of the three worlds of welfare in advanced capitalist countries (liberal, conservative, and social democratic). The Southern European cluster emerged as a "fourth world" to complement this typology.¹⁴⁴ The notion of "Southern Europe"

¹⁴² Seminal works in this area are: Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Policy Press, 1990); Gøsta Esping-Andersen, *Social Foundations of Post-Industrial Societies* (Oxford: Oxford University Press, 1999)

¹⁴³ Ian Gough, "Social Assistance in Southern Europe," *South European Society and Politics* 1, no. 1 (1996), pp. 1-23; Alberta Andreotti, Soledad Marisol Garcia, Aitor Gomez, Pedro Hespanha, Yuri Kazepo, and Enzo Mingione "Does a Southern European Model Exist?" *Journal of European Area Studies* 9, 1 (2001), pp. 43-62; Ayşe Buğra and Çağlar Keyder, "The Turkish Welfare Regime in Transformation," *Journal of European Social Policy* 16, no. 3 (2006), pp. 211-228; Burcu Yakut-Çakar, "Turkey," in *Social Policy and International Interventions in South East Europe* eds. B. Deacon and P. Stubbs (Clethenham: Edward Elgar, 2007), pp. 103-129.

¹⁴⁴ For the discussion on Southern European welfare regimes: Stephan Leibfried, "Towards a European Welfare State?" *Social Policy in a Changing Europe*, eds. Z. Ferge, and J. E. Kberd, J.E. (Boulder: Westview Press, 1993), pp. 245-79; Maurizio Ferrera, "The 'Southern Model' of Welfare in Social Europe," *Journal of European Social Policy* 6, no. 1 (1996), pp. 17-37; Ian Gough, "Social Assistance in Southern Europe," *South European Society and Politics* 1, no. 1 (1996), pp. 1-23; Gøsta

here refers not only to a geographical region, but also to a political-economic setting as these countries share a number of common traits in their contemporary political economies as well as institutional setups.¹⁴⁵ Four common characteristics could be identified with regard to the political economies and institutional setups of these countries which are also relevant in understanding the welfare regime in Turkey.

- 1) Highly protective employment regimes for the core sectors gradually serving to segment the labor market into ‘insiders’ as a protected core workforce and “outsiders” as workers in the informal economy, young and long term unemployed or precarious left-outs and junk laborers typically working in small enterprises without job security.¹⁴⁶
- 2) Patchy and ineffective safety nets which evolved slowly in a fragmented and categorical fashion with disparate rules and differentiated benefit amounts.¹⁴⁷
- 3) Strong emphasis on the role of families that are functioning (or assumed to function) as effective safety nets by providing for such needs as child care, unemployment assistance, care for the elderly and disabled and heavily relying on unpaid female work.¹⁴⁸

Esping-Andersen, *Social Foundations of Post-Industrial Societies* (Oxford: Oxford University Press, 1999); Maurizio Ferrera, “Reconstructing The Welfare State,” in *Survival of the European Welfare State*, ed. S. Kuhnle (London: Routledge, 2000), pp. 166-81; Alberta Andreotti, Soledad Marisol Garcia, Aitor Gomez, Pedro Hespanha, Yuri Kazepo, and Enzo Mingione “Does a Southern European Model Exist?,” *Journal of European Area Studies* 9, no. 1 (2001), pp. 43-62; Maurizio Ferrera, “Welfare States and Social Safety Nets in Southern Europe: An Introduction,” in *Welfare State Reform in Southern Europe*, ed. M. Ferrera (London: Routledge, 2005), pp. 1-32; Luis Moreno, “The Model of Social Protection in Southern Europe: Enduring Characteristics” (Madrid: *CSIS Working Papers* no. 06-07, 2006).

¹⁴⁵ Maurizio Ferrera, “Reconstructing the Welfare State,” in *Survival of the European Welfare State*, ed. S. Kuhnle (London: Routledge, 2000), pp. 166-81; Maurizio Ferrera, “Welfare States and Social Safety Nets in Southern Europe: An Introduction,” in *Welfare State Reform in Southern Europe*, ed. M. Ferrera, (London: Routledge, 2005), pp. 1-32.

¹⁴⁶ Maurizio Ferrera, “The ‘Southern Model’ of Welfare in Social Europe,” *Journal of European Social Policy* 6, no. 1 (1996), pp. 17-37; Luis Moreno, “The Spanish Development of Southern European Welfare,” in *Survival of the European Welfare State*, ed. S. Kuhnle (London: Routledge, 2000), pp. 146-65; Maurizio Ferrera, “Welfare States and Social Safety Nets in Southern Europe: An Introduction,” in *Welfare State Reform in Southern Europe*, ed. M. Ferrera (London: Routledge, 2005), pp. 1-32.

¹⁴⁷ Chiara Saraceno, *Social Assistance Dynamics in European Welfare States*, (Bristol: Policy Press, 2002); Maurizio Ferrera, “Welfare States and Social Safety Nets in Southern Europe: An Introduction,” in *Welfare State Reform in Southern Europe*, ed. M. Ferrera (London: Routledge, 2005), pp. 1-32.

¹⁴⁸ Enzo Mingione, “The Southern European Welfare Model and the Fight Against Poverty and Social Exclusion,” in *Our Fragile World: Challenges and Opportunities for Sustainable Development*, ed. M. Tolba (Oxford: EOLSS Publications, 2001), pp. 1041-1051.

- 4) Low level of institutional autonomy of the administrative system leading to the emergence of “patronage machines” for the distribution of means tested cash benefits with the presence of articulated patron-client networks in a particularistic political culture.¹⁴⁹

In addition to the Southern European cluster, Turkey’s welfare regime, when examined from the point of view of the classification initiated by Seekings, suggests that there is a fundamental difference between welfare regimes in the advanced capitalist countries and those of developing countries of the global South. This difference, Seekings argues, originates from extensive informal employment, which is argued to characterize the structure of labor markets in the developing countries of the global South.¹⁵⁰ Seekings develops a new classification for the countries of the South. His classification mainly is based upon the differences among the countries with regard to their institutional responses to informal employment. On this ground, Seekings identifies three groups of welfare regime in the South: agrarian, inegalitarian corporatist and redistributive.¹⁵¹

- 1) Agrarian: The majority of the labor force is in agriculture, family and kinship relations as the major actors of welfare provision, and state policies supporting this configuration.¹⁵²
- 2) Inegalitarian corporatist: Labor force is divided into formally and informally employed, social insurance system protecting only the former, the poor being excluded both from formal employment and social insurance system.¹⁵³

¹⁴⁹ Maurizio Ferrera, “The ‘Southern Model’ of Welfare in Social Europe,” *Journal of European Social Policy* 6, no. 1 (1996), pp. 17-37

¹⁵⁰ Jeremy Seekings, “Prospects for Basic Income in Developing Countries: a Comparative Analysis of Welfare Regimes in the South,” Working Paper No. 104 (Cape Town: University of Cape Town Center for Social Science Research, 2005), p. 14.

¹⁵¹ Ibid, p. 3.

¹⁵² Ibid., p. 16.

¹⁵³ Ibid., pp. 16-17.

- 3) Redistributive: Citizens' right to income security being officially recognized and universal provision of non-contributory social assistance.¹⁵⁴

Even though different combinations of these features could be found together in each country, countries are classified on the basis of their dominant institutional response to informal employment. Within this typology, Buğra and Keyder identify Turkey with the inegalitarian corporatist regime type, mainly because of extensive informal employment both in rural as well as urban areas, the employment-based character of the social security system which leaves the informally employed outside this system,¹⁵⁵ which mainly consist of people who are self-employed, unpaid family labor, and those working in small-scale enterprises. The social security system of Turkey cannot provide social protection for all and it is based upon an insider/outsider dilemma.¹⁵⁶

The exclusion of the significant portion of the society from the formal employment opportunities as well as pension schemes of the social security regime strengthens the risk of income poverty among the members of this group. In order to address this risk, social assistance policies increasingly come to the front as a redistributive mechanism. Social assistance mainly refers to a “range of benefits and services available to guarantee a minimum (however defined) level of subsistence to people in need, based on a test of resources.”¹⁵⁷ These resources may include the material resource of the individuals or households and/or personal characteristics

¹⁵⁴ Ibid., p. 17.

¹⁵⁵ Ayşe Buğra and Çağlar Keyder, “The Turkish Welfare Regime in Transformation,” *Journal of European Social Policy* 16, 3 (2006), pp. 211-228.

¹⁵⁶ Ibid.

¹⁵⁷ Tony Eardley, Jonathan Bradshaw, John Ditch, Ian Gough, and Peter Whiteford, *Social Assistance in OECD Countries*, Department of Social Security Research Report No. 46 (London: Surrounds HMSO, 1996), p. 15.

such as age or extent of disability. Eardley et. al. categorize social assistance schemes into three: general (targeting all people below a specified minimum income standard), categorical (targeting only specific groups such as elderly and the disabled), and tied (provided with the condition of being spent on specific goods or services in kind or in cash such as housing and health care).¹⁵⁸

In line with the Southern European welfare regimes as well as the inegalitarian corporatist regime type, social assistance schemes are immature in Turkey. They are rudimentary, patchy, and organized in a non-universalist fashion. Turkey does not have a single income support policy targeting all below a specific poverty line, rather there are social assistance schemes targeting categorical groups such as the elderly and the disabled. Even categorical universality for these two groups is lacking in social assistance policies.

The marginal role attributed to social assistance in Southern Europe has long been argued to be related strongly with the familialistic nature of the welfare regimes, incidence of informal economy and low level of administrative capacities.¹⁵⁹ The familialistic nature of Turkey's welfare regime could be regarded as one of its defining characteristics. Familialism here refers to two facts. The first one is that women are compelled to assume the responsibility of care for the elderly due to the lack of state-funded care policies and social services.¹⁶⁰ The second one is that again women need to contribute to income generation through either working in irregular

¹⁵⁸ Ibid.

¹⁵⁹ Maurizio Ferrera, "The 'Southern Model' of Welfare in Social Europe," *Journal of European Social Policy* 6, no. 1 (1996), pp. 17-37; Maurizio Ferrera, "Reconstructing the Welfare State," in *Survival Of The European Welfare State*, ed. S. Kuhnle (London: Routledge, 2000), pp. 166-81; Maurizio Ferrera, "Welfare States and Social Safety Nets in Southern Europe: An Introduction," in *Welfare State Reform in Southern Europe*, ed. M. Ferrera (London: Routledge, 2005), pp. 1-32.

¹⁶⁰ Maurizio Ferrera, "Welfare States and Social Safety Nets in Southern Europe: An Introduction," in *Welfare State Reform in Southern Europe*, ed. M. Ferrera (London: Routledge, 2005), p. 6.

and underground sectors or searching for charity, in a context where social assistance policies do not exist.¹⁶¹

Despite the fact that this literature on the comparative studies of the welfare regimes may portray welfare systems in individual countries as static institutional setups, welfare systems can and do change over time. But transformations in welfare systems of individual countries do not occur in a political and institutional vacuum. Rather “the history’s heavy hand” is at play and has a decisive influence over the political actors as well as political outcomes. In addition to the history and institutional setup of the country, as new age scholars working within historical institutionalist approach give prominence, ideas of the political actors also should be taken into consideration in investigating the institutional change in welfare systems. Therefore, institutional transformation in welfare regimes cannot be understood as a linear process of institutional evolution. On the contrary, politics do matter and shape the political outcomes, but not without any strings attached. History and pre-existing institutional framework constitute together these strings with which politics occur. In light of this perspective, below can be found the emergence of the basic features of Turkey’s welfare regime, how disabled people were positioned in relation to it, and the historical career of disability category in Turkey’s welfare regime.

Disability, Social Policy and Turkey’s Welfare Regime before 1976

This section locates disability within the history of social policy in Turkey and investigates the historical careers of the category of disability in the social and employment policy legislation and the social and economic situation of disabled people in Turkey.

¹⁶¹ Ibid.

In the early years of the Republic of Turkey, apart from developing specific social policies, even basic health and education services were quite inadequate both in extent and coverage.¹⁶² In that context, the first indications of policies targeting disability could be found in the provision of the preventive health services which introduced public health measures to eliminate epidemics which contributed to the increase in the prevalence of impairments.¹⁶³ Concerning social assistance and state aid for disabled people, the Law on Municipalities could be identified as the first legal document promulgated in 1930 which imposed a duty on the municipalities to take care of “those who are unable to work and have no relative to take care of.”¹⁶⁴ Given that even the central state was quite weak in capacity and lacked financial resources, it could be safely argued that what municipalities could do was also limited at the time.

The first examples of news articles which posed disabled people’s disadvantageous social and economic situation a problem to be dealt with can be found in the news stories discussing the conditions of workers who had industrial accidents and became disabled. For instance, as Özbek quotes from a news article that appeared in the year 1936 in the national daily newspaper *Cumhuriyet*, workers who were disabled while working in state owned enterprises demanded some form of social insurance mechanisms.¹⁶⁵ In most of the cases, the state owned enterprises either continued to pay them wages, or offered them new jobs that were suitable for

¹⁶² Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye’de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey] (İstanbul: İletişim, 2008), p. 118.

¹⁶³ Ömer Zühtü Altan, *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 171; Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye’de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey] (İstanbul: İletişim, 2008), p. 123.

¹⁶⁴ Ömer Zühtü Altan, *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 176.

¹⁶⁵ Nadir Özbek, *Cumhuriyet Türkiye’sinde Sosyal Güvenlik ve Sosyal Politikalar*, (İstanbul: Tarih Vakfı, 2006), pp. 182-183.

them to continue working. However, workers interviewed by *Cumhuriyet* newspaper declared that they would have preferred a social insurance scheme, because the employers' benevolence had its limits.

At the level of national policy, the state's deficiency in collecting data on disabled people, disability prevalence, as well as the socio-economic conditions of disabled people was prevalent. The first general census which included questions concerning the disability prevalence was carried out in 1945. This was followed by general censuses of 1955 and 1965, but none of them provide reliable data on disabled people because only visible physical impairments were taken into consideration.¹⁶⁶ Because of the limited definition of disability which included only disabilities that were visible to the pollsters employed in these censuses, the percentage of disabled people in general population was consistently declared as approximately one per cent,¹⁶⁷ which is quite low according to the international estimates about disability prevalence in developing countries. Lack of reliable data on the prevalence of disability continued to be a problem until the first Disability Survey of Turkey conducted in 2002, which indicated that almost 12 per cent of the population was disabled.

Despite the limitations of the data, the employment status of people who had physical disabilities counted in the census can be investigated for the year 1955. The census reported that almost 95 per cent of disabled people were employed.¹⁶⁸ This figure is deceptive because the overwhelming majority of these people who were counted as employed were either unpaid family workers or self-employed. Indeed, the breakdown according to the employment status of individuals demonstrates that

¹⁶⁶ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 43.

¹⁶⁷ Ibid., p. 55.

¹⁶⁸ Ibid.

approximately 11 per cent of disabled people counted as employed were employed in at a paying job.¹⁶⁹ It could be claimed that only one-tenth of people with physical disabilities in 1955 were able to find formal employment. A sectoral breakdown of disabled workers cannot be obtained from the censuses.

The employment of disabled people in formal and paid jobs is important in examining disabled people's social and economic situation, in a country the welfare system of which was established upon a contribution-based social security system which combined health and retirement insurance.

The establishment of social security institutions in Turkey dates back to the late 1940s.¹⁷⁰ The Social Insurance Institution (*Sosyal Sigortalar Kurumu*), the Retirement Fund for Civil Servants (*Emekli Sandığı*), and the Pension Fund for the Self Employed (*Bağ-Kur*) were established and together constituted the social security system in Turkey in the 1970s. This system was based on the employment status of the individuals. It was a pay-as-you-go (PAYG or budget neutral) system combining both pensions and health benefits. The beneficiaries of the system, who became eligible for both health care and retirement pensions, were only those who formally worked and thus paid regular contributions to the system and their dependents who were their first degree relatives. These institutions together constituted the main tenets of the inegalitarian corporatist welfare regime of Turkey by excluding an important number of people who either worked informally or formally self-employed who could not pay regular contributions. Given the total number of physically disabled people counted in censuses employed in Turkey did not exceed ten thousand in the year 1975 according to official statistics, the majority of whom

¹⁶⁹ Ibid., pp. 109-110.

¹⁷⁰ The first institution founded was Social Insurance Institution (*Sosyal Sigortalar Kurumu*) for formal workers. Its establishment in 1946 was followed by the emergence of Retirement Fund for Civil Servants (*Emekli Sandığı*) in 1954. The last institution, Pension Fund for the Self Employed (*Bağ-Kur*), was founded in 1971.

was employed as unpaid family members,¹⁷¹ it could be safely argued that the overwhelming majority of disabled people were left outside the social security system.¹⁷²

The introduction of invalidity insurance (*malüllük sigortası*) within each social security institution constituted an important step taken for those who became disabled or had a work accident. The invalidity insurance applied to those who had become impaired after they started to work. If the impaired person had a contribution history over a given time period (such as ten years) and a loss of working capacity at a certain degree (such as minimum 60 per cent), he/she could become eligible for the invalidity insurance.

Given this structure of the social security system, it could be argued that people with congenital impairments were among the most disadvantaged group within Turkey's welfare regime.¹⁷³ In line with the spirit of pay-as-you-go systems, people with congenital impairments were not recognized as eligible for social security benefits, because they did not become impaired after being formally employed and after contributing to the system for a specific time period. Because non-contributory social security that is funded out of the government budget did not exist, the families of people with congenital impairments were compelled to act as a welfare clearing house for their disabled family members in ensuring their access to healthcare services as well as income. Therefore, people with congenital impairments either benefited from the system as dependents of their close relatives if they had a family member with social security or were denied access to both health care and income altogether.

¹⁷¹ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 119.

¹⁷² Ibid., p. 207.

¹⁷³ Ibid.,

The first disability organizations started to be founded in the 1950s and the 1960s. Six Dots Association for the Blind (*Altı Nokta Körler Derneği*) was established in 1950. A decade later, the Association of People with Disabilities of Turkey (*Türkiye Sakatlar Derneği*) was established in 1960. The emergence of disability organizations symbolized the growing awareness about disabled people's multifaceted social problems and needs. In addition to the family as the primary welfare providing institution for disabled, charity organizations at the local level, which were established in the late Ottoman period and the early periods of the Republic, already existed and their modest activities of poor relief also included disabled poor.¹⁷⁴ However, the philosophy of disability organizations could not be equated with poor relief. Rather they put special emphasis on the objective of instituting equality between disabled people and the rest of the population in the areas of education, employment, and participation in social life.

The state's response to these organizations was quite welcoming because they were believed to assume responsibility in a policy area in which the state did not do much and lacked expertise. Though the state did not support the disability organizations through directly transferring funds from the public budget to these organizations,¹⁷⁵ it did it indirectly by granting them the status of "association for the public weal" (*kamu yararına çalışan dernek*). Six Dots Association for the Blind gained this status in 1958¹⁷⁶ and Association of People with Disabilities of Turkey in 1963.¹⁷⁷ This status entitled these organizations with privileges such as tax

¹⁷⁴ Nadir Özbek, *Cumhuriyet Türkiyesinde Sosyal Güvenlik ve Sosyal Politikalar* (İstanbul: Tarih Vakfı, 2006), pp. 150- 152.

¹⁷⁵ Bedi Nur Öztuna, interview by Abdi İpekçi, Sakatların Sorunları, *Milliyet*, 9 August 1971.

¹⁷⁶ Altı Nokta Körler Derneği, *Altı Nokta Körler Derneği Kurumsal Bilgiler*, 2010. (Accessed online March 13, 2010 from http://www.altinokta.org.tr/kurumsal_bilgiler.php#1).

¹⁷⁷ Türkiye Sakatlar Derneği, *TSD Tanıtımı-Hakkımızda*, 2010. (Accessed online March 13, 2010 from <http://www.tsd.org.tr/tsd-tanitimi-5931>).

exemptions and right to raise donations without getting permission. With these privileges, the legal status of disability organizations became no different from that of abovementioned charity organizations. This was just another facet of the abandonment of the field of social policy to the NGOs and voluntary efforts which were quite interlinked with the state in early periods of the Republican era.¹⁷⁸ The state's transfer of responsibility to the NGOs could not provide sufficient social protection for disabled citizens because the services of disability organizations were patchy, discretionary, and not sustainable.¹⁷⁹ In addition, it could be argued that the abandonment of the task of meeting the needs of disabled people delayed the emergence of social policies for disabled people on the basis of citizenship and the consolidation of disability category in Turkey's welfare regime.

As far as the activities of disability organizations are concerned, the Six Dots Association for the Blind and the Association of People with Disabilities of Turkey served three functions at the same time: poor relief, the introduction of rehabilitation and vocational training services, and advocacy. Despite the fact that the objective of disability organizations were stated as serving the ideal of instituting equality for disabled people in Turkish society, their first and dominant function turned out to be philanthropy organizations. This occurred mainly due to the fact that the majority of disabled people lived in excessive social and economic hardships and no nationwide poverty alleviation policy existed, even for categorical groups including the disabled. The statement below, which is a statement of the head of the Association of People

¹⁷⁸ Ayşe Buğra, "Poverty and Citizenship: An Overview of the Social Policy Environment in Republican Turkey," *International Journal of Middle Eastern Studies* 39 (2007), pp. 33-52; Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye'de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey] (Istanbul: İletişim, 2008), p. 98.

¹⁷⁹ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 201.

with Disabilities of Turkey Istanbul branch, indicates the situation under which the disability organizations were working at the time.

The state, before everything else, must take those unable to work under its protection. A miserable disabled person came to our association. We sent him to the hospital and unfortunately none of the hospitals accepted him. The patient spent the night in a coffeehouse, and came to us again the day after. We felt so sad, because we could not help him.¹⁸⁰

This story was not an exceptional one. Disabled people's exclusion from the social security system and the lack of social protection measures targeting them made this story a frequent one at the time. As the head of the Association of People with Disabilities of Turkey Istanbul branch suggests, the disability organizations had become the last resorts for disabled people. However, these associations could not meet the needs of the disabled, because of their limited capacity and the extent of the poverty of disabled people. The disability organizations were eager to introduce programs which would address the different needs of disabled people in line with their visions, such as rehabilitation as well as education services; however, they were constrained by the chronic poverty of their constituency. Below can be observed how disability organizations were compelled to start by addressing the basic necessities of disabled people.

Öztuna: We ask them [disabled people] 'what can I do for you'. He says 'I let be, my brother'. 'I only think of tomorrow's bread, I don't want anything more,' he says. Bread started to cost one lira today. We initiated bread campaigns. At least, we said, let us solve his bread problem which hangs over his head as the Democles's sword. We told him will give you bread till the end of your life.

İpekçi: Istanbul wide?

¹⁸⁰ Bedi Nur Öztuna, interview by Abdi İpekçi, Sakatların Sorunları, *Milliyet*, 9 August 1971. *Tr. Devlet herşeyden evvel çalışması imkansız insanı himayesine almak mecburiyetindedir. Zavalı bir sakat derneğimize gelmiştir. Hastaneye yollamışızdır ve maalesef hiçbir hastane kabul etmemiştir. Hasta kalbvede geceleyip, ertesi günü tekrar bize gelmektedir. Yardım edemediğimiz için yüreğimiz paramparçadır.*

Öztuna: Yes. We are the Istanbul branch of the Association of People with Disabilities of Turkey. We cannot meet the wide range of needs of the disabled. We prioritized the needs. We said, let us provide bread first.¹⁸¹ As the head of Association of People with Disabilities of Turkey Istanbul

branch suggests, the alarming poverty levels of disabled people restricted their activities to poor relief. Öztuna stresses that they encountered serious food poverty among the disabled people. As mentioned before, disabled people's social and economic deprivation was also acknowledged by other charity organizations such as the 'Turkish Philanthropists' Association (*Türkiye Yardım Sevenler Derneği*), a secular charity organization established in the early Republican era¹⁸² which also initiated campaigns in order to help the disabled poor financially.¹⁸³ The NGO involvement in philanthropic activities and testimonies of NGO representatives mentioned above demonstrate that families alone could not suffice to provide an effective safety net for a considerable portion of the disabled people even before the 1980s.

Even though poverty was the outstanding problem of disabled people, disability organizations also tried hard to introduce social and employment services for them albeit with their limited resources. Similar to the area of income provision, the state fell short of initiating vocational training and rehabilitation services even for those impaired during their working lives, which was legally defined as its responsibility.¹⁸⁴ Given this lack of public provision of vocational training and

¹⁸¹ Bedi Nur Öztuna, interview with Abdi İpekçi, Sakatların Sorunları, *Milliyet*, 9 August 1971. Tr. Öztuna-Adama 'ben sana ne yapabilirim' diyoruz. 'Kardeşim bırak' diyor, 'ben yarınki ekmeği düşünüyorum başka bir şey istemiyorum' diyor. Ekmek bugün bir lira oldu baktık. Ekmek kampanyaları açtık. Hiç olmazsa Demoklesin kılıcı gibi kafasında asılı olan 'ekmek davasını' halledelim dedik. Hayatının sonuna kadar ekmeğe vereceğiz dedik.

İpekçi-İstanbul çapında mı? Öztuna-Evet. Türkiye Sakatlar Derneği İstanbul şubesiyiz. Dernek olarak sakatın geniş ihtiyaçlarının hepsine birden cevap veremeyiz. İhtiyaçları mümkün olduğu kadar böldük. Önce ekmeğini temin edelim dedik.

¹⁸² Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye'de Sosyal Politika* [Capitalism, poverty and social policy in Turkey] (Istanbul: İletişim, 2008).

¹⁸³ Seracettin Zıddıoğlu, "Yoksullara aylık bağlıyorlar," *Milliyet*, 24 May 1972.

¹⁸⁴ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 215.

rehabilitation services for disabled people, disability organizations again came to the front and acted as pioneers in these policy domains. In this context, both the Six Dots Association for the Blind and the Association of People with Disabilities of Turkey initiated vocational training and rehabilitation projects in the 1970s.¹⁸⁵

Thirdly, disability organizations served as advocacy organizations. However, they were neither autonomous from the state nor powerful enough to act as an effective interest group. Even within these limitations, the advocacy functions assumed by disability organizations contributed substantially in increasing the awareness of the public as well as policy makers on disabled people's social and economic conditions and possible solutions for their problems. Concerning the content of the political agendas of disability organizations, the public declarations of the disability organizations could be investigated. To exemplify, in the following are two commonly used informative ads which the Association of People with Disabilities of Turkey put in a nationwide newspaper, *Milliyet*, between 1971 and 1975: "Being disabled is not a crime; leaving the disabled powerless and unemployed is a crime,"¹⁸⁶ and "We should protect the disabled not through feeding or charity, but through education and giving him a job."¹⁸⁷

As the quotes above suggest, the Association of People with Disabilities of Turkey mainly centered its political agenda upon employment and education. From one perspective, it could be argued that disability organizations advocated for the development of comprehensive social policies targeting disabled people. They stressed that charity did not empower disabled people, thus they hardly transformed

¹⁸⁵ Ibid., p. 216.

¹⁸⁶ Türkiye Sakatlar Derneği, "Türkiye Sakatlar Derneği ilanı," *Milliyet*, 9 June 1975. Tr. *Sakat olmak suç değil, sakatı güçsüz ve işsiz bırakmak suçtur.*

¹⁸⁷ Ibid. Tr. *Sakatı besleyerek veya sadakayla değil, eğiterek ve iş sahibi yaparak korumalıyız.*

their disadvantaged position in society. Indeed, the lack of comprehensive disability policy including policy domains such as education, employment, and rehabilitation for disabled was clearly lacking. From another perspective, it is interesting to see that non-contributory social assistance mechanisms were not part of the comprehensive agenda put forward by disability organizations. Concerning disabled people's access to income, employment was considered as the only tool which could save disabled people from poverty. Given that the Keynesian ideal of full employment was the central political ideal at the time, disability organizations' neglect of social assistance could be regarded in line with this dominant discourse and could be partly understood on this basis. Nevertheless, non-contributory income support policies were not unknown to countries such as the United States of America, Germany and the United Kingdom at the time.

Policy makers were also on the same track with disability organizations in concentrating on employment policies for disabled people. Policy proposals with the objective of increasing the employment of disabled people had come to the policy agenda in the early 1960s.¹⁸⁸ The role of the international experts from the International Labor Organization, who prepared reports on the employment of disabled people in Turkey and made policy recommendations to the government, was crucial in making the issue popular among the policy makers.¹⁸⁹ The 2nd Five-Year Development Plan in 1965 and the government program of center-right government led by Süleyman Demirel in 1967 also addressed the aim of increasing disabled people's participation in the labor force.¹⁹⁰

¹⁸⁸ *Milliyet*, "İşyerleri her 40 işçiden birini sakatlardan seçecek," 7 August 1963.

¹⁸⁹ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 218.

¹⁹⁰ Enver Ertürk, "Disability in Turkey" (MA thesis submitted to Institute for Graduate Studies in Atatürk's Principles and the History of Turkish Renovation, Boğaziçi University, 2003), pp. 90-92.

The first policy measure taken with the aim of finding jobs for disabled people appeared in the Maritime Labor Code of 1967 in the form of a compulsory employment quota allocated for disabled job applicants. Later employment quota was generalized to all areas of economic activity by including it in the Labor Code in 1971.¹⁹¹ The Labor Code required that employers hiring more than 50 workers responsibility that they should hire 2 per cent of their employees from disabled people. The implementation of this measure took effect in the aftermath of the promulgation of the “By-law Concerning the Employment of the Disabled and Ex-convicts” in 1972.¹⁹² The job applications of disabled people to positions available due to compulsory employment quota were done through the Turkish Employment Agency. The introduction of this policy measure was quite important not just because it had implications in the area of the employment of disabled people, but because it necessitated the official definition of the category of disability. In other words, the question of who would be eligible for the employment quota allocated for disabled people led to the need to come up with a definition of who would be counted as disabled officially.

Indeed, the Turkish Impairment Scale (*Türk Sakatlık Baremi*), which was necessary for medical determination of disability, had been developed in the late 1960s¹⁹³ and medical boards in charge of determining who would be eligible for invalidity insurance schemes up were established. The development of the Turkish Impairment Scale enabled the establishment of medical commissions which started

¹⁹¹ Ömer Zühtü Altan, *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları,1976), p. 219.

¹⁹² Ibid., p. 275. The separation of the by-law concerning the employment of the disabled from the abovementioned by-law was actualized in 1987. Ali Seyyar, “Uluslararası Boyutuyla Özürlü Kota Sistemi,” *Kamu-İş* 6, No. 1 (2000), p. 2.

¹⁹³ Ömer Zühtü Altan, *Sakatlar ve Türkiye’de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları,1976), p. 291.

to undertake the task of determining who the disabled is and what percent one's loss of working capacity is.¹⁹⁴ These were the main steps which laid the foundations of the consolidation of disability category and institutionalization of *modus operandi* of the medical determination of disability. Nevertheless, because the target group of the invalidity insurance schemes was limited to those formally employed with a specified contribution history, it could be argued that the employment quota introduced in the Labor Code in 1971 was the first general application of the category of disability.

Eligibility for the employment quota attached to the category of disability was defined as follows in the Labor Code of 1971:

- 1) having a physical or mental impairment,
- 2) having this impairment over a certain degree (loss of working capacity between 40 per cent to 70 per cent),
- 3) having this impairment documented medically,
- 4) being able to perform a job immediately or after a short period of adaptation,
- 5) having difficulties in finding a job.¹⁹⁵

These criteria reflected the main tenets of gaining eligibility for entitlements attached to the category of disability in Turkey's welfare regime. Indeed, especially the first three criteria were not unique to Turkey and not new to the social policy legislation worldwide. As discussed in the earlier chapter in reference to Deborah Stone, disability as a legal category of the welfare state came into being as a result of the emergence of social and employment policies in the capitalist welfare state context. Hence, the category of disability started to be part of Turkey's welfare regime first with invalidity insurance schemes, and was opened up to all disabled

¹⁹⁴ Ibid., p. 290.

¹⁹⁵ Ibid., p. 286. *Tr. Fiziksel veya d şünsel g c nde bir yoksunluk olması, s z konusu yoksunluğun belirli bir oranda bulunması, bu yoksunluğun saėlık kurulu raporu ile belgelenmesi, herhangi bir iŐi derhal ya da kısa s reli bir alıŐtırma sonunda yapabilecek durumda olması, bir iŐi bulabilmede genellikle zorluk  ekmesi.*

people complying with the criteria stated above with the implementation of employment quota.

In terms of the policy implications of employment quota are concerned, it could be argued that it symbolized the recognition that the state needed to take measures to alleviate social and economic hardships of disabled people till The first policy tool developed was to introduce a positive discrimination measure in the domain of employment, thus the expansion of formal employment among disabled people. In response, between 1972 and 1975, more than 30,000 disabled people applied for jobs through the Turkish Employment Agency, and approximately one-third of the applicants were placed.¹⁹⁶ An increase in the total number of disabled people employed continued and the employment among disabled population reached to 19,000 in 1982.¹⁹⁷ However, this success did not signify a drastic change in the social and economic positions of disabled people in general, as far as the total number of disabled people employed in 1982 accounted only for nine per cent of the total disabled population in 1982.¹⁹⁸ More than 90 per cent of disabled people were not employed, and of them considerable portion would not be employed due to their health conditions. Given the income poverty of disabled people in general, it could be argued that employment quota could hardly suffice to elevate the majority of disabled people above the poverty line.

In addition to limits of employment centered policy in providing disabled people decent living conditions, Altan also puts emphasis on two reasons why employment quota could not fare better. Firstly, the fine level for employers not

¹⁹⁶ Ibid., p. 118.

¹⁹⁷ N. Çimen, "Sakat nüfusun sadece yüzde 9'u iş olanağına sahip," *Milliyet*, 6 April 1982.

¹⁹⁸ Ibid.

complying with the employment quota was not high enough to be a deterrent.¹⁹⁹ Most of the time, Altan argues, this fine was not even implemented.²⁰⁰ These could be originated from the state's commitment to the import substitution strategy which required encouraging domestic producers. Indeed, workplaces hiring more than 50 workers were quite limited in the early 1970s, and the state preferred not to impede their growth through imposing costly labor regulations. Secondly, the mismatch between low level of education among the disabled population and high level of qualifications required for job positions constituted an important obstacle to the determined implementation of the employment quota. This obstacle could not be eliminated due to the fact that the state did not assume responsibility in introducing special vocational rehabilitation and education for disabled people.

Disability, Social Policy and Turkey's Welfare Regime between 1976 and 2002

This section investigates the career of disability category and social policies for the disabled between 1976, which signified the promulgation of the Law no. 2022, providing monthly stipends to certain portions of disabled people and people over the age of 65, and 2002, when the Justice and Development Party (AKP) came to power and then initiated the ratification of the Law on Disabled People. The section examines the developments in the areas of social policies for disabled people and disability policy in line with international trends.

Law no. 2022 constitutes one of the defining moments in the history of social policies in Turkey, because it marked the first policy development –that is the

¹⁹⁹ Ömer Zühtü Altan, *Sakatlar ve Türkiye'de Sakatların Çalışma Sorunları* (Eskişehir: Eskişehir İktisadi ve Ticari İlimler Akademisi Yayınları, 1976), p. 316.

²⁰⁰ Ibid., p. 317.

introduction of “disability allowance” and “elderly allowance,”- which directly addressed the income poverty problem.²⁰¹ Given the absence of income support policies in Turkey, the launching of a non-contributory cash transfer policy signified a major step for the country’s welfare regime. In practice, Law no. 2022 introduced a nationwide means-tested categorical social assistance scheme targeting elderly and the disabled for those not being covered by social security system, lacking a close relative to look after and living below a specified income level. It was in no sense a radical step forwards especially in comparison to the mature welfare states of advanced industrial countries in Western Europe, but because the idea of social assistance had been foreign to Turkey until then, it symbolized a historical step for Turkey’s welfare regime. If analyzed against the background of the prevalence of charity organizations the institutional capacity of which were rather weak and whose support was discretionary, the introduction of disability allowance marked the beginning of the state’s engagement with the social protection of disabled people. It could be regarded as a break from the state’s reliance on charity organizations without actively taking part in poverty alleviation and income maintenance.²⁰² Given that Law no. 2022 introduced a right to income for all disabled and elderly citizens complying with the eligibility criteria, it could be argued to symbolize an extension in the rights of the citizens.

Nevertheless, the categorical nature of the income support policy should be noted. A considerable portion of the society remained outside the social security system among which elderly and disabled constituted a subset at the time when Law

²⁰¹ Republic of Turkey, *65 yaşını doldurmuş muhtaç, güçsüz ve kimsesiz Türk vatandaşlarına aylık bağlanması hakkında kanun*, Law no. 2022, Ratified in 1 July 1976, Announced in the Official Gazette no. 15642.

²⁰² Ayşe Buğra, “Poverty and Citizenship: An Overview of the Social Policy Environment in Republican Turkey,” *International Journal of Middle Eastern Studies* 39 (2007), pp. 33-52; Ayşe Buğra, *Kapitalizm, yoksulluk ve Türkiye’de sosyal politika* [Capitalism, poverty and social policy in Turkey]. (Istanbul: İletişim, 2008), pp. 190-192.

no. 2022 was discussed in the parliament. However, the dominant belief in policy circles was that the social security system based on formal employment gradually would cover the majority of the population, as the country develops and job opportunities increase accordingly. In line with this idea, the last social security institution, the Pension Fund for the Self Employed (*Bağ-Kur*), was founded in 1971, which was thought to ensure that the population in agriculture and self-employed would be covered. In this context, Law no. 2022 only granted disabled and elderly the right to get access to income. The selection of these two groups was not arbitrary as both fell into the category of “deserving poor.”

In addition to its categorical nature, Law no. 2022 introduced an eligibility criterion for both disability and elderly allowance, which could be observed in the following quote from Buğra and Keyder:

The beneficiaries are explicitly defined as those not covered by another social security institution, who own no income-generating property, or any other sources of revenue, and *without close relatives to take care of them* (our emphasis). Thus, the presence of close relatives, unless they themselves qualify as destitute, disqualifies the disabled and the elderly as beneficiaries of the regime.²⁰³

As the quote suggests, the eligibility for disability allowance was tied by the Law to the applicant’s not having close relatives to provide care. This could be an indicative of how welfare regime was established upon a division of labor between the family and the state. Given that the family had been the social clearing house for those outside the formal employment before Law no. 2022, the introduction of disability and elderly allowance marked an expansion of the state’s role. With this

²⁰³ Ayşe Buğra, “Poverty and Citizenship: An Overview of the Social Policy Environment in Republican Turkey,” *International Journal of Middle Eastern Studies* 39 (2007), pp. 33-52; Ayşe Buğra and Çağlar Keyder “The Turkish Welfare Regime in Transformation”, *Journal of European Social Policy* 16, 3 (2006), p. 222.

Law, the state officially recognized that family and charity organizations could not suffice to meet the needs of those outside of the labor market on their own. Indeed, the demand for disability allowance proved to be quite high, and the coverage of this allowance increased over time. The number of beneficiaries of disability allowance increased roughly from 60,000 in 1977 to 150,000 in 1990, and finally to 270,000 in 2002.²⁰⁴ However, this expansion occurred by codifying that the family would continue to be the primary welfare provider, and the state would step in where the family did not function as it is expected to function. This interpenetration of family and the state that could be observed in this Law was in line with approach of the Southern European welfare regime type.²⁰⁵ From another perspective, by introducing this particular criterion, the state could be able to restrict the number of beneficiaries of this income support, thus the burden on the governmental budget.

The level of disability allowance remained quite low until the AKP came to power and increased the benefit levels substantially. The insufficiency of both disability allowance and allowance for the elderly in meeting the food expenditures of people in need were regularly mentioned by the national media. To exemplify, Yiğit wrote in *Milliyet* in 1988 that the level of disability allowance and allowance for the elderly was degrading.²⁰⁶ One year later, Örnek reported that the level of income support for the disabled in need did not go beyond charity.²⁰⁷ In early 1990s, İşleyen stated in *Milliyet* that the level of disability allowance was equal to the cost of one and a half kilograms of meat and claimed that this low amount of benefits was “the

²⁰⁴ Sosyal Güvenlik Kurumu, 2009, *Primsiz İstatistikleri*, <http://www.sgk.gov.tr> [20 November 2009]

²⁰⁵ Luis Moreno, “The Model of Social Protection in Southern Europe: Enduring Characteristics” (Madrid: *CISIS Working Papers* no. 06-07, 2006), p. 75.

²⁰⁶ E. Yiğit, “Muhtaçlık aylığı onur kırıcı: 6 bin lirayla geçinenler,” *Milliyet*, 11 December 1988.

²⁰⁷ C. Örnek, “Sakat ve malullere sadaka gibi aylık,” *Milliyet*, 22 December 1989.

shame of the society.”²⁰⁸ As these news items display, the introduction of disability allowance made social and economic problems of disabled people more visible. The public discussion started to center upon the social policy programs for disabled and demands for social policy reform began to flourish.

In addition to the introduction of disability allowance and the allowance for the elderly, another significant development in the domain of social assistance came into being in 1986, that is the establishment of the Social Assistance and Solidarity Fund (*Sosyal Yardımlaşma ve Dayanışma Fonu-SYDF*).²⁰⁹ In the aftermath of the military coup in 1980, society was impoverished by the liberalization of trade and the suppression of wage incomes.²¹⁰ In that context, SYDF emerged out of a need for poor relief. Drawing on an ideal of Ottoman *waqf* system,²¹¹ the establishment of SYDF introduced social assistance schemes providing either cash or in-kind support for citizens through local state foundations (government-organized, non-governmental organizations). Given that the eligibility criteria were loosely defined and the decision making authority was primarily composed of local state officials, the social assistance schemes of SYDF operated on the basis of discretionary form of categorical targeting. Both in-kind and cash supports of SYDF were not standard for each beneficiary and did not entail regular provision of social assistance. Different from the financial structure of disability and elderly allowances that were financed by the general budget, SYDF was funded out of an off-budgetary fund. As Öniş states,

²⁰⁸ E. İşleyen, “Muhtaçların maaşına komik zam,” *Milliyet*, 03 January 1992.

²⁰⁹ Republic of Turkey, *Sosyal Yardımlaşma ve Dayanışmayı Teşvik Kanunu*, Law no. 3294, Ratified on 29 May 1986, Announced in the *Official Gazette* no. 19134.

²¹⁰ Korkut Boratav, A. Erinç Yeldan, Ahmet H. Köse, *Globalization, Distribution, and Social Policy: Turkey, 1980-1998 Working Paper no. 20* (New York: New School University Center for Economic Policy Analysis, 2000).

²¹¹ Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye’de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey] (Istanbul: İletişim, 2008), pp. 205-207.

SYDF was established as an off-budgetary fund which symbolized the strengthening of the executive vis-à-vis the parliament in making arbitrary spending decisions based on political patronage.²¹² Thus, it could be claimed that the SYDF opened up the domain of social assistance to the discretion of state officials, which were strongly under the influence of government.

The administrators of the Turkish Confederation of the Disabled demanded that disabled people who were not covered by the social security system should be eligible for the social assistance schemes of the newly established SYDF.²¹³ In response, a government representative at the time declared that disabled people would be prioritized in the SYDF.²¹⁴ Nevertheless, Law no. 3294 did not introduce a social assistance scheme exclusively for disabled people. The main benefit of the SYDF for disabled people was that it initiated the provision of medical equipments such as orthosis, prosthesis, and hearing devices for those not covered by social security system. However, due to the *modus operandi* of SYDF mentioned before, disabled people had difficulty get accessing to medical equipment automatically as a citizenship right. The provision of medical equipments for disabled people through local state foundations hardly differed from that of the procedures implemented by charity organizations.

The realm of social services was another policy domain that was of crucial importance for disabled people yet was almost totally ignored before the 1980s.²¹⁵ Before that time, a draft law on social services had been prepared in early 1970s,

²¹² Ziya Öniş, "Anatomy of Unorthodox Liberalism: The Political Economy of Turkey in 1980s," in *Strong State and Economic Interest Groups: the Post-1980 Turkish Experience*, ed. M. Heper (Berlin: Martin de Gruyter, 1991), pp. 120-121.

²¹³ *Milliyet*, "Sakatlarn isteđi," 20 August 1986.

²¹⁴ *Milliyet*, "Fakirlere yardım," 13 October 1986.

²¹⁵ Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye'de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey] (Istanbul: İletişim, 2008).

which had not explicitly addressed social services for the disabled.²¹⁶ That draft law could not turn into reality and the establishment of the Directorate General of Social Services and Child Protection (*Sosyal Hizmetler ve Çocuk Esirgeme Kurumu-SHÇEK*) could only be achieved in 1983. This was quite late when compared to the Western European countries in which the disability movement had already started to raise critiques against institutional care, as discussed in the earlier chapter. At the time, overwhelming majority of disabled people in Turkey did not even get in contact with social services.

Following the developments in the domain of social services, the access of people who were not covered by social security for healthcare services came onto the policy agenda. Due to the contribution-based structure of the social security system which combined both health insurance and pensions, a considerable portion of society were denied access to healthcare services. In order to address this problem, the coalition government between Right Path Party (*Doğru Yol Partisi-DYP*) and Social Democratic Populist Party (*Sosyal Demokrat Halkçı Parti-SHP*) introduced Green Card (*Yeşil Kart*) scheme in 1992, which granted free inpatient treatment²¹⁷ for those who were formerly denied access to healthcare.²¹⁸ People who were not covered by the social security system, and who had an income below a certain level became eligible for Green Cards. Buğra sees the introduction of the Green Card as an extension of citizenship rights, because the Law recognized the right to healthcare as a matter of right and started to provide services for those who did not and/or

²¹⁶ Emre Kongar, “Sosyal hizmetler kanun tasarısının düşündürdükleri: Eksikleri tamamlamak mümkündür,” *Milliyet*, 10 January 1971.

²¹⁷ Social Assistance and Solidarity Fund would compensate the Green Card scheme in the domains of for outpatient treatment and the medications.

²¹⁸ Republic of Turkey, *Ödeme gücü olmayan vatandaşların tedavi giderlerinin yeşil kart verilerek devlet tarafından karşılanması hakkında kanun*, Law no. 3816, Ratified in 03 July 1992, Announced in the Official Gazette no. 21273.

could not pay contributions to the social security system.²¹⁹ Nevertheless, the Green Card was not granted to all those not covered by social security system. The criterion of having an income below a certain level (monthly income had to be below one-third of the minimum wage per person) restricted access. People who were outside the social security system and had an income above the specified level were expected to pay for health services. Within these limits, the Green Card law also entitled disabled people who were formerly excluded from the social security system with the right to healthcare. Given that disabled people who were not covered by social security institutions could become eligible for disability allowance, it could be argued that the Green Card started to complement the allowance by providing access to healthcare. However, similar to the approach adopted in disability allowance, if disabled people's families had an income above the level defined by law, they would be responsible for their disabled members in getting access to health services. In the area of healthcare, the state assumed responsibility for disabled people and their families who were extremely poor.

Developments in social assistance, social services, and access to healthcare for disabled people in Turkey occurred concurrent to the popularization of disability at the international level mainly due to the successes of disability movement in Western Europe and North America. As the rights of disabled people increasingly gained international popularity, this trickled down to Turkey through United Nations meetings and policy documents. The first significant international development was the declaration of 1981 as the year of disabled people by the United Nations.²²⁰ With this declaration, the United Nations pioneered in drawing the member countries'

²¹⁹ Ayşe Buğra, *Kapitalizm, Yoksulluk ve Türkiye'de Sosyal Politika* [Capitalism, Poverty and Social Policy in Turkey]. (Istanbul: İletişim, 2008), p. 215.

²²⁰ R. Ege, "Sakatlar ve sorunları," *Milliyet*, 18 May 1983.

attention to social and economic hardships that disabled people face and called for action in individual countries. In the aftermath of the United Nation's announcement, the Turkish government established a permanent National Committee for the Protection of Disabled People (*Sakatları Koruma Milli Koordinasyon Kurulu*) in 1983 within the Ministry of Labor and Social Security to coordinate activities targeting the disabled,²²¹ which laid the foundations of disability policy in Turkey.

The establishment of the National Committee on the Protection of Disabled People was a very important step forward keeping disabled people's social and economic problems on the agenda. This Committee created an official platform where the problems of disabled people were regularly discussed and policy responses were investigated. The Committee also initiated primary political developments in the area of disability policy, such as granting tax exemption for disabled workers, early retirement for disabled public officials, and an increase in the compulsory employment quota for the disabled.²²² These improvements were followed by the preparation of the "Policy Document for the Disabled" (*Sakatlar için Politika Dokümanı*) by the State Planning Organization in 1990, which rightly declared that disabled people were devoid of benefiting from equality of opportunity in Turkey.

The establishment of the National Committee also contributed to establishment of official representation of disabled people at the policy level. The Turkish Confederation of the Disabled (*Türkiye Sakatlar Konfederasyonu-TSK*) was founded with a law in 1986 as an umbrella organization for the disability

²²¹ Ibid.

²²² Ibid.

organizations in the country.²²³ TSK became the legal representative of disabled people at the policy level till then. Nevertheless, the representation of disabled people by the Turkish Confederation of the Disabled on the National Committee for the Protection of Disabled People created its opposition within the disability movement.²²⁴ The Platform of the Disabled (*Engelliler Platformu*) was established in 1991 under the auspices of the Six Dots Association for the Blind (ANKD), claiming to be the civil and true representative of disabled people in Turkey.

Indeed, sailing before the wind at the international level, it could be argued that disabled people in Turkey started to voice their social and economic problems more powerfully through their organizations in the 1990s.²²⁵ Criticizing the Turkish Confederation of the Disabled by being compliant to governments, the members of the Platform of the Disabled marched to the parliament to demonstrate the disability movement's determination in demanding equality.²²⁶ This march, as Turhan İçli argues, demonstrated that disabled people could constitute a source of political power on their own, which then contributed to political parties' increasing interest in the social and economic problems of disabled people at the time.²²⁷

In line with the growing organization and activism of the disability movement, disability organizations started to develop comprehensive policy proposals which would address wide range of problems faced by disabled people. The core idea in

²²³ Türkiye Sakatlar Konfederasyonu, *Türkiye Sakatlar Konfederasyonu-Hakkımızda*, 2010. (Pdf document downloaded January 3, 2010 from <http://www.tsk.org.tr/tr/hakkimizda>).

²²⁴ T. C. Cumhurbaşkanlığı Devlet Denetleme Kurulu, *T.C. Başbakanlık Özürlüler İdaresi Başkanlığı Faaliyetlerinin Denetimi ile Özürlü Bireyler, Yakınları ve Toplumun Bütün Kesimlerinde Özürlülük Konusunda Toplumsal Bilinç ve Duyarlılık Oluşturulması Amacıyla Yapılan Çalışmaların Değerlendirilmesi ve Bu Tür Çalışmaların Düzenli ve Verimli Şekilde Yürütülmesi ve Geliştirilmesi İçin Alınması Gereken Tedbirler No. 2009/5*, 27 August 2009, p. 7.

²²⁵ Turhan İçli, interview by the author, 1 October 2009. Turkey Confederation of the Disabled (Türkiye Engelliler Konfederasyonu-TEK), Ankara.

²²⁶ Ibid.

²²⁷ Ibid.

these proposals could be summarized as the demand for a comprehensive disability policy for the country which would include all policy domains aiming at the equality of disabled people. To exemplify, the President of the Association of People with Disabilities of Turkey declared in 1990 that a special law on disability should be promulgated.²²⁸ The Vice President of the Association proposed the establishment of the Ministry for the Disabled which would be responsible for both the prevention of disability as well as the elimination of the social and economic barriers against the disabled in 1993.²²⁹ A year later, the Six Dots Association for the Blind repeated the demand for a comprehensive law on disabled people.²³⁰ In 1995, the president of the Turkish Confederation of the Disabled, Faruk Öztimur, voiced the demands of disabled people for accessibility and the effective implementation of compulsory disabled employment quotas.²³¹

Despite the fact that leading disability organizations were in close connection with social democratic center-left and that the leading figure of the Turkish Confederation of the Disabled was affiliated with center-right, it is interesting to see that the social and economic problems of disabled people became a main concern of the Islamist conservative Welfare Party (*Refah Partisi*) at the time, more than any other political party. The Welfare Party's political interest in disabled people could be explained on the basis of two interrelated factors, which are contextual and ideological.

Contextually, one should note that the Welfare Party gained popularity in the 1990s when the negative consequences of the structural adjustment policies became

²²⁸ *Milliyet*, "Özürlülere özel yasa çıkarılsın," 9 May 1990.

²²⁹ G. Canol, "Özürlülerin eğitim ve istihdam sorunu ve öneriler," *Milliyet*, 11 May 1993.

²³⁰ S. Önalın, "Özürlüler Yasa İstiyor," *Milliyet*, 7 December 1994.

²³¹ M. Çiloğlu, "Özürlülerin İsyanı," *Milliyet*, 3 December 1995.

increasingly visible and income poverty was widespread among the members of society. Due to high inflation, the already low level of disability allowance became almost meaningless. Given that the inability of the nation state to implement Keynesian-style distribution policies has led to the erosion of the power base of social democratic parties at the time,²³² the Welfare Party emerged as “heart of a heartless world,”²³³ and succeeded in mobilizing the urban poor by a small but active group of upper and middle class pioneers.²³⁴

The Welfare Party was able to absorb the grievances of the masses due to the political language of socio-economic justice and anti-corruption it adopted.²³⁵ The ideal of “just order” (*adil düzen*) that the leader of the Welfare Party, Necmettin Erbakan articulated was established upon an aspiration for capitalist industrial national development which put special emphasis on the importance of the real sector. The “just order” of the Welfare Party hardly questioned the hegemony of market distribution, rather it promised to make it flourish. Alternatively, the Welfare Party promoted poor relief for the “deserving poor,” and promised employment for the masses. Ideologically, the Party could be regarded as the institutional representative of political Islam in Turkey.²³⁶ According to the Islamic approach to social policy, disabled people constitute one of the sectors of society which is

²³² Zülküf Aydın, *Political Economy of Turkey* (London and Ann Harbor: Pluto Press, 2005), pp. 210-211.

²³³ Cihan Tuğal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism* (Palo Alto: Stanford University Press, 2009): p. 249.

²³⁴ Haldun Gülalp, “Globalization and Political Islam: The Social Bases of Turkey’s Welfare Party,” *International Journal of Middle Eastern Studies* 33 (2001), p. 435.

²³⁵ M. Hakan Yavuz, “Political Islam and the Welfare (Refah) Party in Turkey,” *Comparative Politics* 30, No. 1 (1997), pp.73-74; Haldun Gülalp, “Globalization and Political Islam: The Social Bases of Turkey’s Welfare Party,” *International Journal of Middle Eastern Studies* 33 (2001), p. 442.

²³⁶ Haldun Gülalp, “Globalization and Political Islam: The Social Bases of Turkey’s Welfare Party,” *International Journal of Middle Eastern Studies* 33 (2001), p. 433.

recognized as a part of “deserving poor”, that the society should take care of.²³⁷ In line with this approach, different from the social democratic left’s neglect for social assistance and care, the Welfare Party took these policy domains seriously. Given these factors, disabled people emerged as the natural allies of the Welfare Party and its discourse of social justice in due course.

The main actors which would design the country’s disability policy started to emerge within the Welfare Party cadres. The Istanbul Metropolitan Municipality, led by R. Tayyip Erdoğan from the Islamist conservative Welfare Party (RP) assumed a pioneering role at the municipal level. The main partner of Erdoğan was the White Moon Association (*Beyaz Ay Derneği*) which was founded in 1992 by a group of young people having sight disabilities.²³⁸ Their political collaboration with the Municipality paved the way to the establishment of the Istanbul Coordination Center for the Disabled in 1994.²³⁹ This center was renamed the Center for the Disabled in 1999 and lastly became known as the Directorate for the Disabled (*İstanbul Özürlüler Müdürlüğü-İSÖM*) in 2006.²⁴⁰ The Istanbul Coordination Center for the Disabled continued its existence and became the largest welfare providing institution organized within the organization of municipality in Turkey. Secondly, as Lokman Ayva, who was one of the founders of Beyaz Ay Association states, the collaboration between Beyaz Ay Association and Istanbul Metropolitan Municipality at the time set the ground for the establishment of nationwide social policies for the disabled under

²³⁷ Gail Richardson, “Islamic Law and Zakat: Waqf Resources in Pakistan,” in *Islam and Social Policy*, ed. S. P. Heyneman (Nashville: Vanderbilt University Press, 2004) , p. 162

²³⁸ Beyaz Ay Derneği, *Türkiye Beyazay Derneği-Hakkımızda*, 2010 (Access January 8, 2010 from <http://www.beyazay.org.tr/index.php?CatId=101&LId=1>).

²³⁹ İstanbul Büyükşehir Belediyesi, *Özürlülere Yönelik Hizmetler*, 2010 (Access January 8, 2010 from <http://application2.ibb.gov.tr/SaglikveSosyalHizmetler/YeniKlasor3/isom/isomindex.htm>); Mehmet Aysoy, *Hayatı Paylaşmak için Engel Çok* (İstanbul: Açık Yayınları, 2008), p. 36.

²⁴⁰ İstanbul Büyükşehir Belediyesi, *Özürlülere Yönelik Hizmetler*, 2010 (Access January 8, 2010 from <http://application2.ibb.gov.tr/SaglikveSosyalHizmetler/YeniKlasor3/isom/isomindex.htm>)

the auspices of Justice and Development Party (*Adalet ve Kalkınma Partisi-AKP*) thereafter.²⁴¹

Following the successes at the municipal level, the Welfare Party-led coalition government elevated disabled people's social and economic problems to the national political agenda. The first development at the national level was the promulgation of a statutory decree in 1997 which increased the employment quota for disabled people from two per cent to three per cent. In line with the Labor Code of 1971, the quota would apply to workplaces hiring more than 50 workers. Different from the earlier legislation, the level of fines which would apply to employers who did not comply with the quota increased to a deterrent level and its annual automatic increase was accepted in 1998.²⁴² The statutory decree declared that this new measure would come into effect in two years time. Its enactment in 1999 met with the harsh criticisms of employers' associations. The Turkish Employers' Association of Metal Industries (MESS) criticized the government by transferring all costs of the employment of disabled people to the employers.²⁴³ In addition to employment policies, the Welfare Party (*Refah Partisi-RP*) and the Right Path Party (DYP) coalition government mobilized a significant amount of money from Social Assistance and Solidarity Fund (SYDF), which was utilized for purchasing medical equipments for disabled people at the time.

More importantly, the Welfare Party and Right Path Party coalition government promulgated a statutory decree which established a Directorate for Disabled People (ÖZİDA) attached to the Office of the Prime Minister and

²⁴¹ Lokman Ayva, interview by the author, 7 December 2009. Boğaziçi University, Istanbul.

²⁴² Ali Seyyar, "Uluslararası Boyutuyla Özürlü Kota Sistemi," *Kamu-İş* 6, No. 1/2000 (2000), p. 3-4.

²⁴³ *Milliyet*, "Devlet yaptırım uygulamak yerine işverenle birlikte hareket etmeli," 11 April 1999.

specified its mandate.²⁴⁴ Its mandate composed of “developing coordination between national and international institutions, formulating disability policy concerning promotion full participation into society and equality of people with disabilities, and defining and solving problems faced by disabled people.”²⁴⁵ The establishment of ÖZİDA gave an end to the National Committee on the Protection of Disabled People.²⁴⁶

However, the coalition government was short-lived and removed from power under pressure from the military. In the aftermath of this government change, Turkish political life had become quite unstable. Regarding that new state institutions require a strong political will to back their consolidation within the state bureaucracy, ÖZİDA remained an ineffective state organization due to the fact that it had lost the Welfare Party’s political support. On the other hand, the founding of ÖZİDA furthered the developments followed the establishment of the National Committee on the Protection of Disabled People mainly by keeping the issue on the agenda for the governments as well as other political actors. It did so by developing new institutional channels within the state bureaucracy, which brought together the representatives of related state institutions as well as political actors such as employers’ associations and the Turkish Confederation of the Disabled. These novel institutional channels developed in the wake of the establishment of ÖZİDA were the Council on Disability (*Özjürlüler Şurası*) and the Higher Council for the Disabled (*Özjürlüler Yüksek Kurulu*).

²⁴⁴ Republic of Turkey, *Özjürlüler İdaresi Başkanlığı Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname*, No: 571, Ratified in 25 March 1997, Announced in the Official Gazette no. 23004.

²⁴⁵ Administration for the Disabled People, *About Us*, 2010 (Access January 12, 2010 from http://www.ozida.gov.tr/web_english/index.htm)

²⁴⁶ T. C. Cumhurbaşkanlığı Devlet Denetleme Kurulu, *T.C. Başbakanlık Özjürlüler İdaresi Başkanlığı Faaliyetlerinin Denetimi ile Özjürlü Bireyler, Yakınları ve Toplumun Bütün Kesimlerinde Özjürlülük Konusunda Toplumsal Bilinç ve Dıyarlılık Oluşturulması Amacıyla Yapılan Çalışmaların Değerlendirilmesi ve Bu Tür Çalışmaların Düzenli ve Verimli Şekilde Yürütülmesi ve Geliştirilmesi İçin Alınması Gereken Tedbirler No. 2009/5*, 27 August 2009, p. 8.

The Council on Disability was founded as the highest advisory body for ÖZİDA, which would bring together a wide range of participants from national and international organizations specialized in disability, disability organizations, and state officials from related institutions. The main function of the Council on Disability was defined as reporting the problems of disabled people to the Administration and making policy recommendations accordingly. As mentioned before, the lack of political will behind ÖZİDA also resulted in the ineffective working of this mechanism. The only council meeting that took place before the AKP came to power was the First Council on Disability in 1999. It covered a wide range of policy issues from the representation of disabled people on media to the establishment of independent living centers in its decisions. The main importance of the First Council was its emphasis on the need for a law on disability,²⁴⁷ which had been advocated by disability organizations since the beginning of 1990s.

The Executive Committee on Disability (*Özürlüler Yüksek Kurulu*) was also established as an advisory body to the Administration. It was composed of a small group of participants from representatives of state institutions, employee and employer unions, universities, and the Turkish Confederation of the Disabled. The members of this Committee started to meet in every three months under the presidency of the Minister in order to set the priorities for disability policy of the country, and share their organizations' point of view.²⁴⁸ However, the recommendations of the Committee were binding neither for the Administration, nor for the government. Even within these limits, it could be argued that the Executive Committee strengthened the dialogue among the related political actors

²⁴⁷ Mehmet Aysoy, 29 December 2008, "Özürlüler Kanununun Engelleri," *Birikim*, <http://www.birikimdergisi.com/birikim/makale.aspx?mid=482> [12 January 2010]

²⁴⁸ Özürlüler İdaresi Başkanlığı, 2010 (access January 7, 2010 from http://www.ozida.gov.tr/web_english/index.htm)

with regard to the social and economic problems of the disabled and paved way to the formation of a common work ethic among them. The first meeting took place in 1997. Different from the Council on Disability, these meetings did not stop. The Committee's important decisions before the AKP came into power could be listed as follows:²⁴⁹ 1) First nationwide research on disability should be conducted (1998); 2) second a national master plan should be developed in the area of disability policy (1999); and 3) last a national database which would integrate the data of disabled people dispersed among all state institutions should be compiled (2000).

The importance of these decisions lies in the fact that they set the primaries necessary for the development of disability policy in Turkey. The lack of information about disabled people was the most important practical constraint against the development of disability policy.

In the early 2000s, what needed to be done in the area of disability policy was hardly unknown to governments and state officials. The head of the Turkey Confederation of the Disabled stated that the Law on Disability came on to the political agenda in the coalition government led by the center-left Democratic Left Party (*Demokratik Sol Parti-DSP*). At the time, the disability movement struggled hard to push the government to bring the law to the parliament yet the government did not prioritize the issue at the time of serious economic crises in 2001. In that context, the Law on Disability did not reach Parliament.²⁵⁰

Conclusion

²⁴⁹ Özürlüler İdaresi Başkanlığı, *Özjürlüler Yüksek Kurulu*, 2010 (access January 7, 2010 from <http://www.ozida.gov.tr/organizasyon/yuksekkurul.htm>)

²⁵⁰ Turhan İçli, interview by the author, 1 October 2009. Turkey Confederation of the Disabled (Türkiye Engelliler Konfederasyonu-TEK), Ankara.

The majority of disabled people were part of the losing party in Turkey's welfare regime, which is defined as reminiscent of Southern European welfare regime type. Established upon a contribution-based social security system, Turkey's welfare regime delegated the income poverty of disabled people, their access to health services, their need for care and rehabilitation services primarily to the families of disabled people, and to voluntary efforts. Disability organizations established in the late 1950s and early 1960s found out that the main concern of their constituency was day-to-day survival under the conditions of social and economic hardships. Given the absence of social assistance policies, charity organizations and disability organizations, the efforts of which remained patchy and inadequate due to their organizational limits, involved in meeting the income needs of the disabled poor. In response, the state indirectly supported the activities of these organizations by granting them tax exemption and by allowing them to collect donations without getting formal permission. Disability organizations were also active in establishing first rehabilitation service units in the country.

The disability category was first defined in legislation on the invalidity insurance of social security institutions. Nevertheless, especially people with congenital disabilities remained within the domain of philanthropy. Wider implementation of the disability category, as a category which appealed to disabled people as a unitary category while entitling them to exemptions and privileges, could be observed in the Labor Code of 1971, which introduced an employment quota for disabled people. The employment quota was partially successful in finding jobs for disabled people, yet remained limited in addressing the problem of the income poverty of much larger number of disabled people. Until the late 1970s, social assistance policies were alien to both disability organizations as well as the state as a useful policy tool to tackle the income poverty of disabled people. In 1976, disability

allowance (and allowance for the elderly under the auspices of Law no. 2022) came into being as the first comprehensive social assistance policy of Turkey's welfare regime. It symbolized the positive right recognized in the welfare regime in Turkey targeting exclusively disabled people. However, the eligibility was tied to two criteria which restricted the allowance to disabled persons who lacked a close relative to look after and had an income below a specified level. For this reason, it could be argued that disability allowance scheme remained as a liberal residual policy which integrated family as the primary welfare provider institution into the Turkey's welfare regime.

The introduction of disability allowance was followed by the establishment of the Social Assistance and Solidarity Fund in the late 1980s, as a response to the growing income poverty in Turkey due to the implementation of structural adjustment economic policies. Inspired by the Ottoman *waqf* system, SYDF provided irregular and residual in-kind and cash social assistance through local state foundations. SYDF assumed the role of covering outpatient treatment and covered the costs of medications as well as medical equipments for disabled people who were not covered by the social security system. In the meantime, the Green Card scheme was established offering access to healthcare for those outside the social security system and having an income below a specified level, which also benefited disabled people. The last development in the domain of social policies for disabled people was the foundation of the Directorate General of Social Services and Child Protection which institutionalized the domain of social services which could be of important use to disabled people. Nevertheless, the scope of its services remained quite limited. Therefore, the transformation of Turkey's welfare regime in the period between 1976 and the early 2000s could be identified with the state's increasing role and capacity in the domain of social policies for disabled people, especially in the areas of social assistance, healthcare, employment, and social services. However, this

increase in the state's role primarily attempted to target the disabled poor who lacked family support and were extremely poor.

The elevation of social and economic problems of the disabled people to the international political agenda through United Nations in 1980s created the main impetus for the development of disability policy in Turkey. The first step taken was the establishment of the National Committee on the Protection of Disabled People, as a permanent public body. The disability movement also gained momentum and its efforts to become visible reached their peak in the 1990s. The Welfare Party, the institutional representative of political Islam in Turkey, became the most effective political actor in voicing disabled people's demands. Starting from the establishment of the Istanbul Coordination Center for the Disabled, the Welfare Party pioneered in founding the Directorate for Disabled People and increased the compulsory employment quota. The Directorate marked the institutionalization of disability policy within Turkey's bureaucracy and paved the way to the establishment of two important institutional channels, namely the Council on Disability and the Executive Committee on Disability. Especially the Executive Committee laid the foundations of the informational background which was necessary for the development of disability policy. Nevertheless, the Welfare Party's commitment to the market distribution remained high level of income poverty among disabled people remained the same and the measures taken did not succeed in providing an economic security for disabled people.

CHAPTER IV

DISABILITY AND THE TRANSFORMATION OF TURKEY'S WELFARE REGIME IN THE JUSTICE AND DEVELOPMENT PARTY (AKP) PERIOD

The AKP (Justice and Development Party) government, which came to power in 2002, initiated a comprehensive transformation of the welfare regime in Turkey covering a wide range of policy domains such as old-age pensions, health insurance, housing, care services, and social assistance. Developments in the area of social policies for disabled people, which came into being with the ratification of the Law on Disabled People in 2005, constituted one of the most important components of this transformation.

The main objective of this chapter is to analyze the contemporary social policies for disabled people within the current transformation of welfare regime in Turkey under the auspices of the AKP government. This chapter has five sections. In the first section, I will examine the politics of disability definition in Turkey, by utilizing the findings of the Disability Survey, data from the Database of People with Disabilities, and the definition adopted by policies targeting disabled people. Secondly, I will investigate the socio-economic situation of disabled people in Turkey at the time the AKP came to power. This will be done by employing the results of the Disability Survey conducted in 2002 and the data received from related state institutions. Thirdly, I will examine the political process leading to the ratification of the Law on Disabled People in 2005 in the AKP period and the ideational

frameworks of the leading political actors in this process. In the fourth section, I will concentrate on the policy developments that followed the ratification of the Law on Disabled People, and critically discuss these developments with regard to their impacts on the welfare regime in Turkey. Lastly, in the fifth section, I will explain the restrictions put on the eligibility of disabled people for entitlements, which refers to the introduction of work conditionality for disability allowance and changes made in the formula used to calculate disabled people's extents of disability.

Political Economy of Defining the Disability Category

Before the AKP period, as mentioned in the earlier chapter, one of the major limitations in developing comprehensive social policy measures for disabled people in Turkey was the unavailability of reliable information about the disabled population. The General Population Censuses, which restricted the disability definition to physical disabilities, produced unreliable conclusions with regard to disability prevalence. A major step taken in order to eliminate this information gap was the Disability Survey in Turkey (*Türkiye Özürlüler Araştırması*), conducted by the State Institute of Statistics (*Devlet İstatistik Enstitüsü-DİE*) in collaboration with the State Planning Organization (*Devlet Planlama Teşkilatı-DPT*) and the Presidency of Directorate for Disabled People (*ÖZİDA*) in December 2002. The Survey was a product of the decision of the Executive Committee on Disability in 1998, which came true after four years.

The Disability Survey in Turkey was a nationwide household sample survey composed of close-ended questions, covering topics such as the demographic characteristics and socio-economic conditions of disabled people, disabled people's expectations from state institutions, as well as their medical history. Its sampling

method was a single-stage stratified cluster sampling. During the survey, total number of 97,433 households was interviewed. The data was collected in December 2002 and the results of the Survey made public in 2004.²⁵¹ In the Survey, the disabled population and chronically ill population were defined separately and separate indicators were produced for these two groups. While the definition of disabled population included orthopedic, seeing, hearing, speaking, and mental disabilities, the chronically ill population was defined as people whose illness obstructs their capacity to work and other normal functions, and which makes them in need of continuous care and/or treatment.²⁵² The definition used in the Disability Survey includes a comprehensive list of common disabilities and chronic illnesses. During the survey, researchers asked respondents if they had any of the listed disabilities and chronic illnesses and administered a detailed questionnaire to each person who replied in the affirmative.²⁵³ The disability prevalence rates were calculated on the basis of the collection of these individual data. Given this research structure, the Survey produced national data on the prevalence of disability and indicators related to socio-economic characteristics of disabled population for the first time in the history of Turkey.

The findings of the Disability Survey in Turkey were made public more than a year after the questionnaires were administered in December 2002. The results were publicized in 2004 with substantial coverage in the national media. According to the Survey, the total number of disabled people (including chronically ill people) was

²⁵¹ Devlet İstatistik Enstitüsü ve Özürlüler İdaresi Başkanlığı, *Türkiye Özürlüler Araştırması* (Ankara: Devlet İstatistik Enstitüsü Matbaası, 2004)

²⁵² Ibid., p. 5.

²⁵³ Full list of disabilities and chronic illnesses could be found in the appendix of the Disability Survey.

almost 8.5 million, which equaled more than 12 per cent of total population.²⁵⁴

People with orthopedical, seeing, hearing, speaking, and mental disabilities constituted more than 1.7 million people, that is equal to more than 2.8 per cent of the total population. Because disabled people were largely invisible in social life, both the policy makers and public in general were hardly aware of the fact that disabled people constituted such a large portion of the population.

The Survey, which demonstrated that disabled population constituted an important portion of the total population in contrast to the common perception, strengthened the arguments of the disability movement. Disability organizations welcomed the findings and appropriated them into their political discourse as evidences supporting their case. It is important to note that the Survey, which made use of medically defined disability, increased the public visibility of disabled people.

The Survey findings also provided an important knowledge base which allowed the assessment of whether the scope of policies for disabled people matched the actual number of disabled people or not. This exercise could be done by comparing the findings of the Survey with the total number of officially registered disabled people that could be reached through the “Database of the Persons with Disabilities.”²⁵⁵ In both the Disability Survey and the Database, the medical definition of disability was employed. However, in order to become officially registered, disabled people had to consult with medical boards authorized to make the final decision. It is these boards that have the official responsibility for reviewing applications, determining one’s disability and the extent of disability denoted by a percentage figure, and giving a medical report to the applicant displaying this

²⁵⁴ Ibid.

²⁵⁵ The Directorate for Disabled People (ÖZİDA) has been compiling this database in order to integrate all relevant information about disabled people in Turkey, which are dispersed among different state institutions.

information.²⁵⁶ Therefore, the way the information is collected of information in the Survey and the Database differs. While the total number of disabled population in the Survey consists of each person claiming disability, the figure of the Database includes only those obtained a medical report mainly with the objective of applying for entitlements attached to the disability category.

Given this background, the total number of people officially registered as disabled in November 2009 was 675,137,²⁵⁷ which is quite low when compared to more than 1.7 million or 8.5 million (with chronically ill) found by the Disability Survey conducted in 2002.²⁵⁸ This divergence between these two figures could partly be explained by the fact that not every single disabled person had applied for a medical report, thus willing to become eligible for the entitlements granted to disabled people.

From another perspective, this difference might have originated from a non-take-up problem. By non-take-up, I refer to “the phenomenon that people or households do not receive the benefit (or full amount of the benefit) to which they are legally entitled.”²⁵⁹ Determining the reasons behind this non-take-up problem needs further research. However, some general reasons behind this phenomenon can be identified. As the director of the Department of Statistics and Disability Research of ÖZİDA reports, this could be the result of the fact that the state was unable to

²⁵⁶ The decisions of medical boards are regularly uploaded to the Database of the Persons with Disabilities.

²⁵⁷ Data provided by Directorate for the Disabled (ÖZİDA), upon author’s request.

²⁵⁸ Obtaining a medical report in Turkey is a quite lengthy and exhausting process for disabled people. In addition, even those who succeed in obtaining a medical report once, normally should make them eligible, cannot automatically start to benefit from all entitlements that they are eligible. When a disabled person applies for an entitlement, different state institutions demand a new medical report from that person. Hence, disabled people, whose health conditions are more or less static, are compelled to go through the laborious process of receiving a medical report again and again.

²⁵⁹ Wim Van Oorschot, “Non-Take-Up of Social Security Benefits in Europe,” *Journal of European Social Policy* 1, 15 (1991), p. 16.

get in contact with a significant number of the disabled citizens.²⁶⁰ Disabled people may be lacking the necessary information that they could be eligible for rights and entitlements if they registered as disabled and/or they were not be able to get access to medical boards and finalize the process of obtaining a medical report. Secondly, people who were categorized as disabled in the Disability Survey or who could obtain a disability report might not have been wanted to be officially registered as disabled for various reasons.

It should be noted that not each person who is officially registered as disabled is eligible for the entitlements attached to the disability category, because the additional eligibility criteria may come to the front, which can vary according to the specific entitlement. There are generally three types of additional eligibility criteria employed for the entitlements attached to the disability category in Turkey. The first one is having an income level below a specified level and the second one is lacking close relatives who could look after disabled person financially, both of which will be discussed in the following parts of this chapter. Here I would like to concentrate on the eligibility criterion based on one's extent of disability. As mentioned before, medical determination of one's disability by the medical board involves also the determination of his extent of disability. Based on the classification of World Health Organization, medical boards decide upon to what extent impairment of the individual translates into a functional loss, which is expressed with a percentage figure.

Different countries employ different thresholds of the extent of disability as eligibility criterion for entitlements tied to the category of disability. In addition to the differentiation at the country level, different policy schemes can also use different

²⁶⁰ Abdülkadir Anaç, interview by the author, 29 September 2009. The Directorate for the Disabled People-Department of Statistics and Disability Research, Ankara.

extents of disability thresholds as eligibility criterion. In Turkey, 40 per cent is the threshold. In other words, people with an extent of disability above 40 per cent are eligible for entitlements such as disability allowance and employment quota. Despite being officially registered as disabled, people with an extent of disability below 40 per cent cannot benefit from disability entitlements and exemptions. People with an extent of disability below 40 percent are in a disadvantageous position especially in the domain of employment. They neither are eligible for the compulsory employment quota for disabled people, nor can they easily find an ordinary job because they cannot obtain a medical report indicating that they are able-bodied and fully healthy –which is requested by the employers-.

In order to determine the total number of disabled people eligible for entitlements in Turkey, the table below shows the composition of people who were officially registered as disabled until November 2009.

Table 1: Number of Disabled People Officially Registered as Disabled, November 2009

Extent of disability	# of people
0-39	104,384
40-69	278,782
70-100	291,971
Toplam	675,137

Source: Directorate for the Disabled (ÖZİDA), upon author's request.

As the table above suggests, more than 100,000 people registered have an extent of disability below 40 per cent, which means that these people cannot benefit from any rights and privileges attached to disability category. The other two categories of extents of disability, which are 40-69 and 70+, are generally used to differentiate between people who are able to work and people in need of care. The total number of 570,753 out of 675,137 officially registered disabled people could

claim benefits as being officially recognized as disabled by November 2009. This number approximately equals to 0.79 per cent of total population. This figure equals to the sum of all disabled people who could benefit from social policies and employment quotas for disabled people, if they comply with other eligibility criteria. The question of why, assume that person having 30 per cent disability cannot, but another person with 40 per cent disability can be eligible for employment quota might hardly be explained on the basis of medical expertise.

Nevertheless, neither the findings of the Disability Survey nor the figures of the Database could give an end to the ambiguity over the question of the total number of disabled people in the country. Indeed, neither the policy makers and state officials, nor disability organizations reached a consensus among themselves with regard to the figure of 8.5 million disabled people living in Turkey. Inspired by Deborah Stone's idea that disability signifies an administrative category in the welfare state granting entitlements for its holders, I argue that this ambiguity comes into being due to the grounds of the contestation, which are the costs of social policies for disabled people and the question of how entitlements attached to the disability category would be distributed among disability groups. Therefore, discussions around the disability category demonstrate an area of political contestation over social policies which involve different political actors such as state officials as well as disability organizations.

One area in which this contestation becomes visible is the question of whether the chronically ill should be included in the disability figure or not. The head of the Department of Statistics and Disability Research at the Directorate for Disabled People asserted that chronically ill people should not be included in the definition.²⁶¹ For him, the scope of social policies for disabled people should be restricted to those

²⁶¹ Ibid.

having orthopedical, seeing, hearing, speaking, and mental disabilities.²⁶² His main concern was to restrict the prospective number of beneficiaries of disability policy. He argued that the larger the number of disabled people, the harder it is to convince people in office to address disabled people's needs through developing social policies due to the high burden they will expect these policies will put on the public budget.

Disability organizations' stance towards the same question could be identified with pragmatism. For instance, the president of the Association of People with Disabilities of Turkey (TSD) cited the figure of 12 per cent, which includes chronically ill population in his public speech.²⁶³ His rationale in using this figure could be summarized as follows. The larger the number of disabled people, the easier to demonstrate the importance of social and economic problems of disabled people. However, the exact opposite examples are also widespread. To exemplify, one of the representatives of the Turkish Confederation of the Disabled (TSK) argued in the 4th Council on Disability that including chronically ill people in the definition of disability complicates the development of policy measures to address the problems of disabled people *per se* [meaning those having orthopedical, seeing, hearing, speaking, and mental disabilities] by inflating the total number of disabled people.²⁶⁴

Taking all these into consideration, it is clear that the questions of how disability is defined and which definition is used as an eligibility criterion for which entitlement are political questions. The answers to these questions have profound implications in determining the possible beneficiaries of rights and entitlements attached to disability category. While state officials and policy makers are aiming at stabilizing the costs of social policies for disabled people, disability organizations are

²⁶² Ibid.

²⁶³ Şükrü Boyraz, speech given at Kartal Municipality's Conference on the Rights of the Disabled People in Turkey, 11 October 2009, İstanbul.

²⁶⁴ Field notes by the author, 4th Council on Disability titled "Employment", 16-20 November 2010, Ankara.

claiming that their constituencies are the authentic group of disabled people in need of state help.

The Socio-Economic Situation of Disabled People before the AKP period

The social and economic characteristics of disabled people, which clearly constitute a socially important yet an underresearched topic in Turkey, need to be explained first in order to discuss the appositeness of social policies introduced in the AKP period. There were no Turkey wide data to examine the relationship between poverty and disability.²⁶⁵ Since it was conducted in 2002, the results of the Disability Survey can be taken to represent the social and economic characteristics of disabled people before the AKP came to power in the 2002 general elections. Even though the Survey does not provide poverty and social exclusion figures for the disabled population, the other indicators of poverty and social exclusion it includes such as unemployment rate and educational attainment can be utilized for the purposes of this study. Scholarly research about disabled people's social and economic problems also remained quite limited until the late 2000s.²⁶⁶ Recent studies will also be consulted, if needed.

Considering the socio-economic determinants, the Survey included questions on social security status, educational attainment, and employment status of disabled

²⁶⁵ For a small-scale research based on in-depth interviews with beneficiaries of disability allowance in Ankara, Keçiören please see Fatma Erbil Erdugan, *Türkiye'de Özürlü Yoksulluğu ve Mücadele Politikalarının Değerlendirilmesi: Ankara-Keçiören Örneği* (T.C. Başbakanlık Özürlüler İdaresi Başkanlığı thesis, 2009).

²⁶⁶ Some examples of this kind are: Zeynep Aycan, *Toplumun ve İşverenlerin Engellilerin İstihdamına Yönelik Tutumları* (Ankara: TÜBİTAK-Koç Üniversitesi, 2004); İsmail Tufan and Özgür Arun, *Türkiye Özürlüler Araştırması 2002 İkincil Analizi* (Ankara: TÜBİTAK, 2006); Esra Burcu, *Türkiye'de Özürlü Birey Olma: Temel Sosyolojik Özellikleri ve Sorunları Üzerine Araştırma* (Ankara: Hacettepe Üniversitesi Yayınları, 2007); Fatma Erbil Erdugan, *Türkiye'de Özürlü Yoksulluğu ve Mücadele Politikalarının Değerlendirilmesi: Ankara-Keçiören Örneği* (T.C. Başbakanlık Özürlüler İdaresi Başkanlığı unpublished thesis, 2009).

individuals. These three determinants could be used in determining if disabled people as a group have a clearly disadvantaged position in society when compared with the population at large. In order to provide a tentative answer to this question, I compiled the Table 2 below.

Table 2: Comparison of the Indicators of Social Situation of the Disabled Population with General Population

	Disabled pop.	Chronically ill pop.	General pop.
Illiteracy rate	36.33	24.81	11.7
Labor force participation rate	21.71	22.87	49.6
Unemployment rate	15.46	10.77	10.3
Pop. not covered by social security	52.45	36.33	5.7

Sources: Data concerning the disabled and chronically ill populations were taken from The Disability Survey in Turkey, 2004.

Figure indicating the illiteracy rate among the general population was taken from the website of Turkish Statistical Institution. <http://nkg.tuik.gov.tr/goster.asp?aile=3>

Data concerning labor force participation and unemployment rates were taken from Household Labour Force Survey conducted by Turkish Statistical Institution. http://www.tuik.gov.tr/VeriBilgi.do?tb_id=25&ust_id=8

Figure indicating the percentage of the population not covered by social security among general population for the year 2008, which was taken from Ministry of Labor and Social Security statistics.

Before comparing and contrasting the differences between the disabled population and the general population, a clarification should be made with regard to the characteristics of these two populations. On the one hand, the share of males in the disabled population is larger than that of general population,²⁶⁷ which increases the possibility of disabled population participating in the labor force, and of having higher educational attainment when compared to the general population. On the other hand, the share of elderly people in the disabled population is higher than that of population at large,²⁶⁸ which decreases the probability of the disabled population joining the labor force, and having higher educational attainment. I assume that these

²⁶⁷ İsmail Tufan, and Özgür Arun, *Türkiye Özürlüler Araştırması 2002 İkincil Analizi* (Ankara: TÜBİTAK, 2006), p. 29.

²⁶⁸ Ibid., pp. 18-19.

two characteristics would single out each other's effect, and two populations are comparable on equal footing.

In light of this background information, Table 2 demonstrates that disabled people constitute a clearly disadvantageous group within the general population. With respect to educational attainment, the table indicates that almost one-third of disabled people are illiterate. This figure is roughly three times of the illiteracy rate among the general population. For chronically ill people, the illiteracy rate is double than that of the rate of general population, but lower than that of disabled people. Concerning that literacy is a necessary but not a sufficient condition for employment at least in urban areas, it could be argued safely that the high rate of illiteracy among disabled people and to a less extent people with chronic illnesses could result in disabled people's exclusion from employment opportunities or the marginalization of disabled people in the labor market.

In regard to labor force participation figures, Table 2 shows that roughly one fifth of disabled people participate in the labor force. The low level of labor participation among disabled people in comparison to the general population is not unique to Turkey. This universal phenomenon has multiple reasons. The first reason could be that a significant portion of disabled people are in need of care due to their medical conditions and are unable to work unless the organization of work is fundamentally reformed. In November 2009, the Directorate for Disabled People declared that the number of people whose extent of disability was over 69 per cent was 291,971.²⁶⁹

In the second place, another important sector of the disabled population may be recognized as "discouraged workers." By this term, I refer to people who are available for work but do not actively look for jobs because they think they cannot

²⁶⁹ Data provided by Directorate for the Disabled (ÖZİDA), upon author's request.

find one. Part of the low level of labor force participation among disabled people could be explained on the basis of this phenomenon, which can be indicative of discrimination on the basis of disability in employment and the negative impact of disabled people's social exclusion from other social areas such as education on their probability of finding a job. For the chronically ill population, the labor force participation rate is only one point above that of disabled people. Similar to the case of disabled people, a significant portion of the chronically ill population could be in need of care and others might be considered discouraged workers.

As far as unemployment rates are concerned, Table 2 indicates that the unemployment rate among disabled people is higher than that of the general population. While the unemployment rate for the general population is roughly 10 per cent, 15 per cent of disabled people are unemployed. This figure shows that, even among disabled people who participate in the labor force, their probability of finding a job is lower than that of the general population. Indeed, it should be noted that the unemployment rate for disabled people is higher than that of the general population even in the context where compulsory employment quotas for disabled are implemented and only one-fifth of the disabled people participate in the labor force. If left to the dynamics of the labor market, it could be foreseen that unemployment rate for disabled people would be higher.

With respect to the unemployment rates, disabled people and the chronically ill population differ from each other. The unemployment rate among the chronically ill population is barely above that of the general population. The difference between the disabled and chronically ill population could originate from the fact that people with chronic illnesses who are able to work do not necessarily encounter discrimination on an equal footing with that of disabled people. This can be possible either because people with chronic illnesses are able to hide their illnesses from the

employer or employers prefer hiring people with chronic illnesses in order to fill the compulsory employment quota. Interviews also supported this hypothesis. State officials and NGO representatives confirmed that employers prefer hiring people with chronic illnesses in selecting employees for job positions allocated to compulsory disability quota.²⁷⁰

In the last instance, Table 2 shows that more than half of the disabled population and more than one-third of those chronically ill are not covered by the social security system. This supports the hypothesis stated in the earlier chapter. Given the inegalitarian corporatist character of Turkey's welfare regime, the exclusion of disabled people from the contribution-based social security system may have been expected. Even though it could be claimed that disabled and chronically ill people benefit from the social security system as dependents of their family members who either work in the formal sector or are retired, these figures display bluntly the limits of this configuration. All these indicators reveal the poor record of Turkey's welfare regime in providing an effective safety net for disabled people.

As mentioned before, the Disability Survey in Turkey does not include questions about the income level of disabled people. Nevertheless, two inferences could be made. The first one concerns the fact that only one-fifth of the disabled population participated in the labor market, more than 15 per cent of which were unemployed. These figures demonstrate wages, which constitute the largest income source for the general population, do not constitute a considerable portion of the total income of overwhelming majority of disabled people. Secondly, the question asked in the Disability Survey to disabled people about their expectations from state institutions can be used as indicative of the priorities of disabled people about their

²⁷⁰ Field notes, 4th Council on Disability titled "Employment", 16-20 November 2010, Ankara; Dilek Doğaç, interview by the author, 13 September 2009. Kadıköy Municipality Job without a Disability Center, İstanbul; İpek Ünver, Metropolitan Municipality, interview by the author, 25 September 2009. İstanbul Directorate for the Disabled in İstanbul, İstanbul.

living conditions and relative importance of financial concerns. Table 3 below demonstrates disabled people's expectations from state institutions.

Table 3: Proportion of Disabled Population by Expectations from State Institutions

Financial support	61,22
Creation of educational opportunities	3,31
Helping to find job	9,55
Defense of legal rights	3,51
Having treatment and care services by health personnel at home	4,12
Other	13,53

Source: The Disability Survey in Turkey, 2004, p. 31.

As Table 3 suggests, the overwhelming majority of disabled people desire to receive financial support from state institutions. The finding that disabled people primarily demand income support from state institutions has been also found in small scale surveys. For instance, the survey conducted in the Gaziosmanpaşa district of İstanbul demonstrates that more than 43 per cent of disabled people there declared that they expected income support from the municipality.²⁷¹ In addition to the fact that the share of wages was marginal in the total income received by the disabled population, these findings could indicate that family cannot suffice to meet disabled people's need for income. Given the positive correlation between disability and poverty, families' inability to provide a living income for their disabled members might originate not only from the dynamics of income allocation within the family which disadvantages disabled people, but also from the income poverty of the family. Another conclusion could be that the level and coverage of disability allowance in 2002 did not suffice to meet disabled people's need for income.

Therefore, these figures clearly indicate that disabled people in Turkey are generally in need of extra income and their current income levels do not meet their basic necessities. One should note that disabled people prioritize income support, in

²⁷¹ Metropoll Stratejik ve Sosyal Araştırmalar and Gaziosmanpaşa Belediyesi, *Gaziosmanpaşa Özürlüler Araştırması* (İstanbul: Metropoll Stratejik ve Sosyal Araştırmalar, 2006), p. 124.

a context where the majority of disabled people are also excluded from education, employment, and social security. Rather than interpreting this phenomenon as the shortsightedness of disabled people, this could be considered as evidence of prevailing high level of income poverty among disabled population, which suppresses all other problems.

Following income support, the second most popular expectation of disabled people from state institutions in the Disability Survey is help in finding jobs. About 10 per cent of the respondents claimed that state should engage in finding disabled people jobs. Given that the unemployment rate among the disabled population is roughly 15 per cent, the finding that 10 per cent of respondents asking for state help in finding employment is not surprising. Income and employment support were followed by a need for at-home care services with 4 per cent, defense of legal rights with 3.5 per cent, and expansion of education opportunities with 3.3 per cent.

As discussed in the third chapter, Turkey's welfare regime falls short of reaching a significant proportion of disabled people and the level of income support as well as coverage of disability allowance remained limited. The high level of income poverty among disabled people in the 1970s, which was mentioned earlier deepened in the beginning of the 2000s, mainly due to the weakening of traditional support mechanisms based on family and community ties which came into being due to the growing hegemony of neoliberal economic policies.²⁷² Given all these, it is clear that the need for income support appeared as the main area of concern for disabled people in the Disability Survey in Turkey. In this context, disability allowance could be a starting point for social policy reform targeting disabled population. Nevertheless, this could only be the initial point, not the endpoint, given the multidimensional inequalities to which disabled people were subjected.

²⁷² Ayşe Buğra, and Çağlar Keyder, *New Poverty and Changing Welfare Regime of Turkey* (Ankara: United Nations Development Programme, 2003), p. 49.

Political Process Leading to the Ratification of the Law on Disabled People

Behind the elevation of disabled people's social and economic problems to the national policy agenda stands the constellation of diverse contextual factors and efforts of various political actors. In the first instance, the Law on Disabled People is first and foremost the victory of the disability movement's struggle for equality in Turkey. As mentioned in the earlier chapter, leading disability organizations such as the Six Dots Association for the Blind (ANKD) and the Association of People with Disabilities of Turkey (TSD) consistently voiced the social and economic problems of disabled people in Turkey since their establishment in the 1950s and 1960s.²⁷³ These associations gained public visibility throughout the 1990s,²⁷⁴ which enabled them to draw the attention of the public and policy makers to social and economic problems of disabled people. The disability organizations' efforts had long been aimed at increasing public awareness of the unequal position of disabled people in the society.

Another historical factor which led to the gradual integration of disability into the national policy agenda has been the influence of the United Nations in calling the government's attention to the social and economic conditions of disability and promoting the establishment of the National Committee for the Protection of Disabled People as the first permanent public body in the domain of disability policy. The introduction of disability allowance by the Justice Party (*Adalet Partisi-AP*)

²⁷³ Turhan İçli, interview by the author, 1 October 2009. Turkey Confederation of the Disabled (Türkiye Engelliler Konfederasyonu-TEK), Ankara.

²⁷⁴ Mehmet Aysoy, *Hayatı Paylaşmak için Engel Çok* (İstanbul: Açık Yayınları, 2008), p. 55.

government, the establishment of the Green Card scheme by the coalition government between the Right Path Party (DYP) and the Social Democratic Populist Party (*Sosyal Demokrat Halkçı Parti-SHP*), and the establishment of the Directorate for Disabled People by Welfare Party (RP) government laid the institutional foundations of disability policy in Turkey. These political actors and policy developments informed the AKP government by laying the institutional setting in which the Law on Disabled People was prepared and implemented.

Given these historical and institutional factors, the most important political actor behind the introduction of the Law on Disabled People is clearly the AKP government. Ideologically, the AKP's political interest in disabled people's social and economic problems could be traced back to the party's historical roots in the Welfare Party. In order to understand the relationship between these two parties, one should note that the AKP was founded in 2001 by a leading cadre composed of a group of politicians which formerly had been active in the Welfare Party, which has been recognized as the representative of political Islam within the political spectrum of Turkey. The Welfare Party, which played a pioneering role in initiating institutionalization of disability policy both at the municipal level as well as at the central level, was banned by the Constitutional Court in 1998 due to its activities against secularism. After three years, the successor of Welfare Party, the Virtue Party (*Fazilet Partisi-FP*), shared the same fate with RP in 2001. After the closure of Virtue Party the movement was divided into two. The first group known as "reformists" (*yenilikçiler*) established the AKP by renouncing the political tradition of Welfare Party that was clearly anti-Western, against Turkey's accession to the European Union (EU), and for a form of national developmentalism with an Islamic flavor. The new party, as the founders of the party declared, could be better identified as a

“democratic” center right party,²⁷⁵ committed to support Turkey’s EU accession process and pursue neoliberal economic policy agenda.

The ideological similarities and differences between the Welfare Party and the Justice and Development Party have been debated extensively in the popular media and among academics. In relation to the AKP’s approach to the relations between economy, society, and the state, Özel argues that the AKP advocates for a minimal state, which would retrench from social welfare functions.²⁷⁶ Özel states that, for the AKP cadres, the state should not engage in moderating the relations between employers and employees, rather an Islamic ambiguous morality would replace the state and would bring perpetual peace for both parties. Even though Özel’s conclusion could be valid for labor relations, I argue that the AKP’s approach to social policy targeting people outside the labor market carries the traces of the Welfare Party tradition. As discussed in the earlier chapter, disabled people are considered as the “deserving poor” who should be taken care of, while other sectors of the urban poor are left to their destiny that is the market.

In addition to the legacy of the Welfare Party, the AKP government has also been under the influence of the European Union. Different from the context in which the Welfare Party government, Turkey became a candidate country to the EU at the time the AKP came to office. The AKP government’s perspective towards social policies for disabled people and disability policy in general has been highly informed by the institutions of the European Union throughout the accession process. As mentioned in the second chapter, the European Union’s approach to

²⁷⁵ Tayyip Erdoğan, *59. Hükümet Programı (59th Government Program)*, 18 March 2002 (Pdf version of this document downloaded February 22, 2010 from <http://www.byegm.gov.tr/iccrikdetay.aspx?Id=24>).

²⁷⁶ Işık Özel, “Political Islam and Islamic Capital: The Case of Turkey,” *Religion and Politics in Europe, the Middle East and North Africa*, ed. in J. Haynes (New York: Routledge/ECPR Studies in European Political Science, 2010), p. 150.

disability gives prominence to disability mainstreaming, with a special focus on the integration of disabled people into employment as the main tool of social inclusion. It could be claimed that the AKP's perspective towards social policies for the disabled and disability policy came into being as a result of the amalgamation of these two axes of influence. The resulting approach could be regarded as an eclectic perspective towards social policies for the disabled and disability policy.

This could be observed in the AKP's party program. In the first instance, the party program of the AKP indicated that social policies for disabled people would constitute the main axis of expansion in Turkey's welfare regime. The social policy chapter of the AKP's party program was organized around the social and economic hardships that disabled people face and the AKP's promise and commitment to eliminate these problems.²⁷⁷ The party program gives reference to a wide range of problem areas that is of importance for disabled people including accessibility problems; lack of special education opportunities for disabled children; insufficiency of professional, medical rehabilitation, and care services for the disabled; and the absence of cooperation between municipalities, disability organizations, and the central government. Regarding the solutions suggested, the program proposed that disabled people would be integrated into the labor force; close cooperation would be established between municipalities, disability organizations, the central government, and the private sector in ensuring efficient delivery and increase in scope in the area of social services; education, sports facilities and care services for disabled people would be improved; and accessible housing projects would be promoted.

Given the definition of problems and solution in the party program, it could be suggested that disabled people's problems would be addressed through a wide range

²⁷⁷ Justice and Development Party, *Party Program, Chapter 5-Social Policy*, 2010 (Pdf version of this document downloaded February 7, 2010 from <http://eng.akparti.org.tr/english/partyprogramme.html#5.1>)

of policy interventions, which would concentrate on the domains of special education, rehabilitation and care services. However, as the program suggested, the state would not be the institutional supplier in any of these policy domains. The emphasis put on the close cooperation between municipalities, disability organizations, the central government, and the private sector in ensuring the efficient delivery of services for disabled people could be regarded as indicative of the AKP's political preference to rely on public-private mixes in the domain of social policy. In other words, the AKP's party program introduces the private sector and NGOs as important partners of the state in the provision of social policy.

The following quote from a speech by Prime Minister Erdoğan demonstrates the holistic perspective of the AKP towards the problems of disabled people, which is in line with the approach of the European Union: "The state, by meeting the needs of the disabled in the domains such as education, rehabilitation, healthcare, law, and administration, will provide for them to live with minimum dependence on others. Discrimination based on physical and mental disabilities will not be allowed. This principle will form the basis of our government's policy about disabled people."²⁷⁸

As the quote suggests, the main axis of disability policy in the AKP period was presented as increasing disabled people's access to education, rehabilitation, healthcare, law, administration. Indeed, disabled people's access to these services and state provision of these services were long disregarded policy domains in Turkey's welfare regime. Through the expansion of rehabilitation and education services for disabled people, Erdoğan emphasized that dependence of disabled people on others would be reduced. On the basis of this approach, it could be argued that the AKP

²⁷⁸ Tayyip Erdoğan, *59. Hükümet Programı (59th Government Program)*, 18 March 2002 (pdf version of this document downloaded February 22, 2010 from <http://www.byegm.gov.tr/icerikdetay.aspx?Id=24>) Tr. *Devlet, özürli vatandaşlarının, eğitim, rehabilitasyon, sağlık, hukuk, yönetim gibi alanlardaki ihtiyaçlarını karşılamak suretiyle, başkalarına en az muhtaç olarak yaşamalarını sağlayacaktır. Bedensel ve zihinsel özürleri nedeniyle insanlar arasında ayırım yapılmasına izin verilmeyecektir. Bu ilke, hükümetimizin özürliyle ilgili politikasının temelini oluşturacaktır.*

government would pursue a long-term policy objective which would strengthen the autonomy of disabled people over their own lives.

Nevertheless, the absence of references to income poverty of disabled people and disabled people's exclusion from social security system in the AKP's party program is noteworthy. As far as the AKP's approach towards social assistance and social security in general is concerned, the program suggests that the question of poverty would be delegated to the economic growth of the country which would trickle down to the poor²⁷⁹ and the coverage of the social security system would be increased through banning informal employment.²⁸⁰ Concerning these, the AKP's party program did not signal determination with regard to the development of income support policies as well as universalization of social security system. On the contrary, its approach to poverty alleviation embodied the well-known liberal utopia that the market would solve the problem of poverty. Hence, it could be claimed that the AKP's party program promised disabled people independent living, while did not offer a comprehensive poverty alleviation policy as well as universalization of social security system.

Given this ideational background, the institutional channels through which the AKP integrated disability into its policy agenda could be investigated. Soon after the establishment of the Party, the Coordination Center for the Disabled (*Özjürlüler Koordinasyon Merkezi-ÖKM*) was formed within its headquarters. The objective of ÖKM is stated as developing comprehensive solutions to the problems that disabled people face in their lives by teaching them their rights and attempting to expand their

²⁷⁹ Justice and Development Party, *Party Program, Chapter 3-The Economy*, 2010 (pdf version of this document downloaded January 4, 2010 from <http://eng.akparti.org.tr/english/partyprogramme.html#5.1>).

²⁸⁰ Ibid., *Chapter 5-Social Security*.

rights.²⁸¹ Lokman Ayva, who was one of the founders of the White Moon Association and among those who established close cooperation between the Istanbul Metropolitan Municipality and the White Moon Association in the 1990s, was elected as the first head of the ÖKM. Professionals were recruited, and the Center started to function as the coordinating the body of disability branches founded in the local branches of the party in provinces all around the country. This organizational structure maintained disabled people's problems in the party's policy agenda, created an expertise in the area of disability policy, and collected information about disabled people's social and economic problems in the party.

In addition to the establishment of the Coordination Center for the Disabled, Lokman Ayva, who was among the founding members of the White Moon Association, was nominated to the Parliament in the 2002 general election. Indeed, he was ranked 7th in the AKP's nominee list for the 3rd region of Istanbul, which sent a total number of 21 deputies to the Parliament, which almost guaranteed his election. Ayva was elected to the Parliament and became the first sight-disabled deputy of Turkey. Ayva's election to the Parliament could also be regarded as of crucial importance for disability movement. Even though the AKP's political affiliation does not appeal to considerable number of disability organizations, they gained an ally in the Parliament which could well understand their demands and promote them there.

In the aftermath of the general elections that took place in 2002, the AKP, being home to the Coordination Center for the Disabled and with its disabled deputy Lokman Ayva, came to power. As the AKP formed the government, the most influential actor it encountered with respect to social policies for disabled and

²⁸¹ Adalet ve Kalkınma Partisi, *ÖKM Teşkilat Yapısı, ÖKM'nin Konumu ve Kuruluş Amaçları Nelerdir?*, 2010 (pdf version of this document downloaded February 3, 2010 from <http://www.akparti.org.tr/okm/teskilat.asp?dizin=2&changisi=2>).

disability policy was the European Union. Since Turkey's recognition as a candidate country in 1999, the European Union had gained considerable importance as an actor in Turkish political life, including the area of disability and social policy through the accession process. The influence of the EU accession process on Turkey's social policy could be observed in the process leading to the Joint Inclusion Memorandum (JIM) initiated in 2003. JIM is a policy document to be prepared by governments of EU candidate countries in collaboration with the European Commission and social partners, which is designed to assist EU candidate countries in "combating poverty and social exclusion and modernizing their systems of social protection as well as to help preparing their full participation in EU policies in the area."²⁸²

The preparation of JIM was a conflict-ridden process between the AKP government, the European Commission and social partners because of the incompatibility of the policy agendas and perspective promoted by the Commission and the AKP government. The Commission's perspective could be observed in the regular reports prepared on Turkey's progress towards accession. In 2003, the European Commission (EC) emphasized that there had been almost no development in the areas of social inclusion and social protection.²⁸³ Among other problem areas such as child labor, equal treatment of men and women, health and safety at work, social dialogue, were the social and economic situation of vulnerable groups such as internally displaced persons (IDPs) as well as the Roma population,²⁸⁴ The European Commission also called for the Turkish government to take measures

²⁸² European Commission, *Social Protection-Social Inclusion-Enlargement*, 2010 (Pdf version of this document February 7, 2010 from http://ec.europa.eu/employment_social/spsi/enlargement_en.htm).

²⁸³ Commission of the European Communities, *2003 Regular Report on Turkey's Progress towards Accession* (2003), p. 89.

²⁸⁴ *Ibid.*, pp. 87-88.

with the objective of eliminating the social and economic problems of disabled people in Turkey.²⁸⁵

Nevertheless, the AKP government did not show determination in taking necessary measures in dealing with the problem areas mentioned by the Commission. The government's unwillingness to take necessary measures to combat ethnicity based social exclusion as well as to remove the obstacles against trade union activities blocked the JIM process. In 2008, the Commission again declared that "no agreement has yet been reached on how to address issues of social inclusion of vulnerable groups" in 2008.²⁸⁶ The inertia of the government in taking necessary steps in the area of union rights, Social Policy and Employment chapter of the EU-Acquis could not be opened.²⁸⁷

There was only one vulnerable group, which was the disabled population, about which the AKP showed determination to work with the Commission and adopt European standards. In other words, among the vulnerable groups mentioned in JIM process, disabled people could be considered as the only common theme on which both the government and the Commission agreed upon. From the government's side, the social inclusion of disabled people appeared as least politically challenging when compared to other vulnerable groups mentioned by the Commission. In addition, the development of social policies for disabled people would increase the AKP's popularity due to the positive attitude of society towards the issue.

²⁸⁵ Ibid., p. 89.

²⁸⁶ Commission of the European Communities, *2008 Regular Report on Turkey's Progress towards Accession*, 5 November 2008, p. 62 (pdf version of this document downloaded February 26, 2010 from http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf).

²⁸⁷ Cengiz Aktar, *Sosyal Haklar Fash-Tıkanan AB Müzakere Sürecine İyi Bir Örnek*, Bahçeşehir Üniversitesi Ekonomik ve Toplumsal Araştırmalar Merkezi Araştırma Notu # 54, 23 November 2009.

More importantly, the AKP government perceived itself as competent in the area of social policies for disabled people. While this perception was partly based on the acquired competency of the legacy of the Welfare Party, it also originated from the AKP's ideological commitment to Islamic and Ottoman tradition, which was believed to have been quite generous for disabled people. State officials who are responsible for the implementation of social policies for disabled people also internalized this discourse. To exemplify, the head of the Directorate for Disabled People Abdullah Güven declared that Islamic and Ottoman history were full of much more progressive examples of treating disabled people well when compared to Europe that exterminated disabled people in the past.²⁸⁸ Inspired by this history, it could be claimed that the AKP government was politically committed providing disabled people with similar conditions prevalent in the European Union member countries.

In addition to the JIM process, additional steps taken by the Commission in the domain of disability policy created an impetus for the AKP government to accelerate the process of preparation and ratification of Law on Disabled People. The preparation of the European Action Plan titled "Equal opportunities for people with disabilities" in 2003 could be regarded as one of the most important steps.²⁸⁹ The main objective of the action plan was stated as follows: "to mainstream disability issues into relevant Community policies and develop concrete actions in crucial areas to enhance the integration of people with disabilities."²⁹⁰ Rather than keeping disabled people as passive recipients of state aid, as the plan argues, the European

²⁸⁸ Abdullah Güven, Speech given in the evaluation meeting organized after 4th Council on Disability titled "Employment," 3 December 2009, Ankara.

²⁸⁹ Commission of the European Communities, *Equal opportunities for people with disabilities: A European Action Plan*, 30 October 2003 (pdf version of this document downloaded February 22, 2010 from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0650:FIN:EN:PDF>)

²⁹⁰ Ibid.

Union would focus on the integration of disabled people into the labor market and the implementation of anti-discrimination legislation in almost all sectors of social life. Nevertheless, the report recognized the need to keep income support policies intact for those who would be unable to get sufficient income from work.

In light of its employment-centered disability policy agenda, the European Commission declared the year 2003 as the year of people with disabilities and organized the Conference on equal opportunities for people with disabilities which took place on 9-11 December 2004 in Bulgaria. The main objective of this conference was to draw the attention of candidate countries to the EU perspective towards disability policy, and to share experience between candidate countries in the areas of employment and social policies for disabled people.²⁹¹ During the meeting, the head of the Turkish delegation, who was the undersecretary from Ministry of Labor and Social Security, declared that the draft law on disabled people had been submitted to the Prime Ministry. He added that Prime Minister Erdoğan announced the year 2005 as the Year of Employment for Disabled People.²⁹² Additionally, the Minister of Women's and Family Affairs at the time, Güldal Akşit, asserted that disability was an important part of the EU accession process where harmonization between Turkish legislation and the EU Acquis needs to be completed.²⁹³ All these statements could be regarded as evidence indicating the importance of the EU

²⁹¹ Turkish delegation was composed of Ministry of Labor and Social Security (ÇSGB), Turkish Confederation of Employer Associations (TİSK), Directorate for Disabled People (ÖZİDA), The Confederation of Turkish Real Trade Unions (HAK-İŞ), Public Workers' Trade Unions Confederation (KESK), Turkish Confederation of the Disabled (TSK), Federation of People with Hearing Disabilities in Turkey and representatives from daily conservative newspaper *Zaman*. *Engelsiz Kariyer*, "Engelliler için Eşit Fırsatlar: İşbirliği ve Ortaklık-Avrupa Komisyonu Engelliler Konferansı," 2005 (Accessed February 12, 2010 from <http://www.engelsizkariyer.com/Yazi.aspx?id=43>).

²⁹² *Engelsiz Kariyer*, "Engelliler için Eşit Fırsatlar: İşbirliği ve Ortaklık-Avrupa Komisyonu Engelliler Konferansı," 2005, (Accessed February 12, 2010 from <http://www.engelsizkariyer.com/Yazi.aspx?id=43>).

²⁹³ *Sabah*, "Dünya Engelliler Günü," 3 December 2004, http://arsiv.sabah.com.tr/ozel/dunya269/dosya_269.html [14 February 2010]

accession process in accelerating the pace of the preparation of the Law on Disability and developments in the area of disability policy. Since the AKP's political agenda and the EU accession process overlapped in the area of disability, developments in this area could gather pace.

Even though the government's interest in introducing social policies for disabled people and the catalyst role played by European Union accession process, the Law on Disabled People did not come into being smoothly due to the inertia of internal political actors, which are state officials, deputies, and employers' organizations. The resistance of these actors could be summarized by two main axes of opposition. The first opposition concentrated on the prospective costs that the Law on Disabled People would bring to the public budget, which came from the state officials. For instance, the draft law prepared by the Directorate for Disabled People and submitted to the Prime Ministry met with harsh criticisms from the Ministry of Finance. The Ministry of Finance disaffirmed 40 articles of the draft Law on Disabled People out of 94 articles due to the prospective costs they would bring to the public budget, which led to the resignation Mehmet Aysoy, who was the first head of Directorate for Disabled People.²⁹⁴ This demonstrated the strong power of state officials responsible for public finance over social policy reforms.

Nevertheless, as the process slowed down, the disability movement stepped in with the objective of keeping the Law on Disabled People on the agenda. For instance, the Six Dots Association for the Blind organized a protest in 2004 meeting which aimed to revive the political interest on the problems of disabled people and

²⁹⁴ Göksel Geçin, 20 June 2004, "Engelliler ile ilgili yasanın çıkmamasına kızan Özürlüler İdaresi Başkanı Aysoy istifa etti," *Zaman*, <http://www.zaman.com.tr/haber.do?haberno=71492&keyfield=6D65686D6574206179736F7920697374696661> [16 February 2010]

called for the promulgation of a comprehensive law.²⁹⁵ This was followed by an online advocacy campaign for the ratification of a comprehensive law on disabled people, which was organized by Engelliler.biz (The Disabled and their Friends Platform).²⁹⁶ In the campaign, the members of the Platform sent e-mail messages to related ministers and government representatives demanding that Law on Disabled People should be promulgated.²⁹⁷ The campaign found echo at the government level and a minister replied to the administrator of the Platform, Bülent Küçükaslan, informing that their demands would be taken into consideration. In addition to the disability movement's endeavors, Lokman Ayva and other deputies such as Haluk Koç and Ali Aslan from the Republican People's Party (CHP) formed an alliance in the Parliament and pushed their parties to support the promulgation of the Law on Disabled People.

Thanks to these efforts, the AKP government and its main opposition CHP, came to an agreement on the ratification of the Law on Disabled People. The Turkish Grand National Assembly (TBMM) ratified the Law on Disabled People in July 2005.²⁹⁸ Because the two political parties with the largest share of seats in the parliament had reached consensus, the ratification process in the Parliament was quite smooth. Combined with the disability movement's endeavors, the

²⁹⁵ Turhan İçli, interview by the author, 1 October 2009. Turkey Confederation of the Disabled (Türkiye Engelliler Konfederasyonu-TEK), Ankara.

²⁹⁶ Dikmen Bezmez and Sibel Yardımcı, "In search of disability rights: citizenship and Turkish disability organizations," *Disability and Society*, (forthcoming in 2010).

²⁹⁷ Engelliler.biz, 10 May 2004, *Özjürlüler yasasının kabul edilmesini istiyoruz*, <http://www.engelliler.biz/forum/gundem/74-gundem-ozurluler-yasasinin-kabul-edilmesini-istiyoruz.html> [13 February 2010]

²⁹⁸ Republic of Turkey, *Özjürlüler ve Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun*, Law no. 5378, Promulgated in 1 July 2005, Announced in the Official Gazette no. 25868.

government's strong defense of the law succeeded in convincing the Ministry of Finance about the costs of the new social policies for disabled people.

There is almost a consensus among both proponents and opponents of disability policies in the AKP period that this law could be considered as the most important step taken in the area of disability in the history of the Republic. The positive reception of the law by the disability movement mainly originates from the fact that the law symbolized the official recognition of disabled people's multidimensional problems covering policy domains such as rehabilitation, care, employment, education, and urban planning. By collecting all regulations related to disability as well as rights and entitlements attached to disability category, the disability movement approached the law as a first attempt to develop a disability policy for the country.

However, disability mainstreaming and the development of a comprehensive disability policy for Turkey, which was the fundamental objective of the Law on Disabled People, could not be achieved. Aysoy emphasizes that this law, which covers a wide range of policy domains at the same time, might have challenged the state-of-art of state institutions which are not accustomed to work in coordination with each other, if the Directorate for Disabled People (ÖZİDA) would act as a coordinating body.²⁹⁹ Nevertheless, as Ayva suggested, ÖZİDA could not fulfill this role,³⁰⁰ because it lacked a supervisory authority on other state institutions.³⁰¹ For this reason, all related state institutions have been left on their own in interpreting

²⁹⁹ Mehmet Aysoy, *Hayatı Paylaşmak için Engel Çok* (İstanbul: Açı Yayınları, 2008), p. 52. *Tr. Yasa kendine yabancılaştı.*

³⁰⁰ Lokman Ayva, interview by the author, 7 December 2009. Boğaziçi University, Istanbul.

³⁰¹ T. C. Cumhurbaşkanlığı Devlet Denetleme Kurulu, *T.C. Başbakanlık Özürlüler İdaresi Başkanlığı Faaliyetlerinin Denetimi ile Özürlü Bireyler, Yakınları ve Toplumun Bütün Kesimlerinde Özürlülük Konusunda Toplumsal Bilinç ve Duyarlılık Oluşturulması Amacıyla Yapılan Çalışmaların Değerlendirilmesi ve Bu Tür Çalışmaların Düzenli ve Verimli Şekilde Yürütülmesi ve Geliştirilmesi İçin Alınması Gereken Tedbirler No. 2009/5*, 27 August 2009, p. 164.

the Law on Disabled People with regard to their spheres of responsibility. Hence, by-laws gained much more importance than the law itself, and separate state institutions kept their autonomies in due course. As the implementation of the Law transformed into a bundle of by-laws executed separately by different state institutions, the fundamental objective of disability mainstreaming withered away. Aysoy characterized this process with the statement “the law was estranged to itself.”³⁰²

Situating Changes Made in the Domain of Social Policies for Disabled People within the Transformation of Turkey’s Welfare Regime in the AKP Period

After it came to power in 2002, the AKP government initiated a massive transformation in the area of social policy covering a wide range of policy areas consisting of social assistance, care, social security, housing, labor regulations as well as healthcare.³⁰³ The transformation of the welfare regime in Turkey can be examined from the perspective of two sectors of society which has been created by the implementation of contribution-based social security system, those formally employed and those outside of formal employment. Even though each component of social policy change deserves special attention, for the purpose of this thesis, here I will only account for the general trajectory. For formal workers, the main effect of the AKP government can be considered as retrenchment which would gradually manifest itself especially concerning the new entrants to formal labor market. This shrinkage came as a result of the ratification of Social Security and General Health

³⁰² Mehmet Aysoy, *Hayatı Paylaşmak için Engel Çok* (İstanbul: Açı Yayınları, 2008), p. 87.

³⁰³ The political and academic importance of this transformation is first noted Ayşe Buğra and Çağlar Keyder, “The Turkish Welfare Regime in Transformation,” *Journal of European Social Policy* 16, no. 3 (2006), p. 213.

Insurance (*Sosyal Sigortalar ve Genel Sağlık Sigortası-SSGSS*) in 2008, which decoupled pension and healthcare systems. With the promulgation of SSGSS, the length of necessary contribution history to be eligible for retirement pension increased, and the level of benefits for all will secularly decrease.³⁰⁴

In order to evaluate the impact of the transformation of Turkey's welfare regime on people who are not in the formal labor market and thus not the direct beneficiaries of the social security system, one needs to make a distinction within this group. The AKP government did not make any endeavor to provide social protection for able-bodied people who were unemployed –the majority of whom were not eligible for unemployment insurance- and those employed in the informal sector. The myth that the working population could not be poor prevailed in the AKP period, and the reality of working poor was insistently ignored. The introduction of a nationwide income guarantee policy was not initiated. The structure of the Directorate General of Social Assistance and Solidarity, which paved way to the discretionary targeting and rudimentary provision of social assistance, was not reformed in the direction of instituting a rights-based approach. Nevertheless, the AKP government concentrated its limited efforts in the domain of social policy on those who were either too young or too old to work, or unable to work.

One of the most important developments in the AKP period which could be regarded as instituting a rights-based approach in social policy was the government's decision in supporting conditional cash transfers (CCT), which were introduced by the World Bank after the 2001 economic crises. Conditional cash transfers are

³⁰⁴ For a comprehensive critical account indicating the implications of social security reform undertaken by AKP government: Osman Öztürk, Aziz Çelik, *Sosyal Güvenlikte Hak Kaybı Dönemi*, (Ankara: Türk Tabipler Birliği Yayınları, 2008). For an academic article on the same issue: Adem Y. Elveren, "Social Security Reform in Turkey: A Critical Perspective," *Review of Radical Political Economics* 40, no. 2 (2008), pp. 212-232. Especially in the case of healthcare, the recent increase in public expenditures spent on healthcare could indicate that the reform is not a retrenchment *per se*, rather a new configuration of the healthcare system.

defined as “providing cash payments to poor households that meet certain behavioral requirements, generally related to children’s health care and education.”³⁰⁵

Secondly, the Directorate General of Social Assistance and Solidarity started to fund all text books of primary school children, which are now distributed for free.

Developments in the domain of social policies for disabled people constitute the largest positive step taken by the AKP government in expanding the frontiers of the welfare regime in Turkey. Law on Disabled People was put in practice by 14 by-laws and 60 memorandums issued by different state institutions,³⁰⁶ which led to the consolidation of new social policies for the disabled as well as the expansion of the pre-existing ones. In line with the autonomy of the state institutions over their policy domains, policy developments will be evaluated on an institutional basis. The leading policy implications of the promulgation of the Law on Disabled People could be summarized as follows.

1. Increase in the benefit level of disability allowances
2. Introduction of work conditionality in order to benefit from disability allowance for those having an extent of disability between 40 and 69 per cent
3. Exemption from the value added tax in purchasing assistive devices and computer programmes (VAT)
4. Exemption from the Real Estate Tax
5. Official definition of sheltered employment
6. Introduction of at-home care allowance
7. Introduction of state-financed special education for disabled children
8. Recognition of Turkish Sign Language

³⁰⁵ World Bank, Conditional Cash Transfers, <http://web.worldbank.org> [22 March 2010]

³⁰⁶ Cemal Donat, 22 October 2009, Speech given at Istanbul University Faculty of Political Science Social Policy Conference titled “Being a Disabled in Turkey,” Istanbul.

9. Accommodation of public buildings in seven-years time
10. Adoption of the International Classification of Functioning (ICF) in disability assessment
11. Recognition of the discrimination on the basis of disability
12. Strengthening the organizational structure of the implementation of compulsory employment quota for disabled through delegating responsibility to the Turkish Employment Agency (İŞKUR)

In the domain of social and employment policies, the Law on Disabled People led to the effective implementation of the compulsory employment quota and increased the benefit levels of disability allowance, both of which substantially contributed to the well-being of disabled people in Turkey.

As mentioned in the earlier chapter, a compulsory employment quota for disabled people was initiated in the early 1970s. This quota would be applied to the workplaces with 50 or more employees. Non-compliant employers would be fined. Nevertheless, this could not be put into practice effectively due to the low level of fines and lack of political will. The Law on Disabled People, by keeping the *modus operandi* of the employment quota intact, led to two changes. The first one is that it increased the level of fines for employers who did not meet the compulsory employment quota. The fine level was increased to roughly 1950 TRY per month per person not employed, which has become quite deterrent for employers.

Secondly, the Law delegated the responsibility of implementing the employment quota to the Turkish Employment Agency, which has an extensive provincial organization. Given the relatively strong institutional capacity of the Turkish Employment Agency and the political will of the government behind it, the compulsory employment quota started to be implemented effectively. More than 63,000 disabled people were placed in jobs by the institution between 2006 and

2008.³⁰⁷ However, the figures of the year 2008 indicate that unemployment among disabled people could not be eliminated fully by the implementation of the quota. While more than 48,000 people applied for jobs and almost 96,500 people were waiting their turns, the Employment Agency succeeded in finding jobs for only almost 22,000 people.³⁰⁸

Thirdly, as discussed in the earlier chapter, the benefit level of disability allowances has been at the center of criticisms both from disability organizations and the media. According to Social Security Institution, the disability allowance for people having extent of disability between 40 and 69 in 2002 was monthly 24 TRY, which increased to 181 TRY in the year 2009. In order to examine the income portfolio of disabled people in the aftermath of the ratification of the Law on Disabled People, research conducted by Burcu in 2006 could be consulted. The research shows that 43.6 per cent of the income of disabled people who do not work comes from their family, while 34.6 per cent comes from the state.³⁰⁹ This indicates that the state's share, which includes both disability allowance and survivors' pensions, in providing income for the disabled was found to be almost on equal footing with the family, one year after the Law. It could be argued that the increase in the benefit levels of disability allowance contributed to the rise in the share of the state in the income sources of disabled people. In addition, the number of disability allowance beneficiaries rose from roughly 300,000 in 2004 to 370,000 in 2008,³¹⁰ which demonstrates that the demand for disability allowance continues to grow.

³⁰⁷ Türkiye İş Kurumu, *Özürüleriyle İlgili Hazırlanan Bilgi Notu*, September 2009.

³⁰⁸ Türkiye İş Kurumu, *Statistical Yearbook 2008*.

³⁰⁹ Esra Burcu, *Türkiye'de Özürlü Birey Olma: Temel Sosyolojik Özellikleri ve Sorunları Üzerine Araştırma* (Ankara: Hacettepe Üniversitesi Yayınları, 2007), p. 147.

³¹⁰ Sosyal Güvenlik Kurumu, *Primsiz Ödemeler Genel Müdürlüğü İstatistik Bülteni*, September 2009.

The novel policy scheme introduced by the Law is at-home care allowance, which is a cash-for-care policy. As discussed in the earlier chapter, the provision of institutional care for disabled people remained quite limited. The AKP government, rather than increasing the institutional capacity of care services or investing in increasing professional personnel, has preferred to initiate a cash-for-care policy, which aims at providing the families of disabled people with income support. At-home care allowance provides, if found eligible, a family member of disabled person who is in charge of providing care for that person with an income support which nearly equals to the level of net minimum wage. The number of beneficiaries of at-home care allowance increased from approximately 30,000 people in 2007 to more than 186,000 by May 2009.³¹¹ Being a cash-for-care policy which reduces care policies to social assistance,³¹² at-home care allowance implies a familialistic political preference in the area of care services, and symbolizes that the state once again delegated the responsibility of care to the private sphere, thus to women.³¹³ This policy preference is in line with the gendered character of the welfare regime in Turkey, which contributes to keeping women out of the workforce.³¹⁴

In addition, despite the fact that care policies can be designed to serve the needs of all disabled people regardless of their income levels given the lack of institutional care policies, the eligibility for at-home care allowance is based on having an income below a specified threshold. Disabled people whose income is

³¹¹ Sosyal Hizmetler ve Çocuk Esirgeme Kurumu, *Özjürlü Bakım Hizmetleri Dairesi Başkanlığı Brijing Raporu*, September 2009, p. 3.

³¹² Mehmet Aysoy, "Özjürlüler Kanununun Engelleri," *Birikim*, 29 December 2008 (pdf version of this document downloaded January 12, 2010 from <http://www.birikimdergisi.com/birikim/makale.aspx?mid=482>).

³¹³ Başak Ekim Akkan, "Sosyal Hak Talebi Olarak Bakım İhtiyacı," in *İnsan Hakları İhlali Olarak Yoksulluk*, ed. P. Uyan Semerci (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2010), pp. 57-70.

³¹⁴ Ayşe Buğra and Burcu Yakut-Çakar, "Structural Change, Social Policy Environment and Female Employment: The Case of Turkey," *Development and Change* 41, no. 3 (2010), pp. 1-22.

above this threshold are expected either to buy care services from the market, or one of the family members is expected to assume care responsibility. Küçükaslan, one of the leading disability rights activists in Turkey, opposes income criterion introduced for at-home care allowance, and stresses that independent living is the need of all disabled citizens, irrespective of their income levels.³¹⁵ Therefore, it could be argued that at-home care allowance is another social policy domain in which liberal residual approach to social policy with a strong flavor of conservatism has been instituted. Given that it targets the disabled poor and their families, at-home care allowance could also be characterized as a categorical social assistance policy. Nevertheless, at-home care allowance started to provide formerly unpaid family workers who assumed caretaker role living below the poverty line with a benefit equals to minimum wage, which is an important development.

Regarding that historically Turkey's welfare regime did not offer much to its disabled citizens, the introduction of at-home care allowance as well as increase in the benefit levels of disability allowance led to the expansion of the frontiers of Turkey's welfare regime. This expansion asserted itself in the significant increase in the public expenditures allocated for social policies targeting disabled people. Considering that state institutions are autonomous in interpreting as well as implementing Law on Disabled People, changes in the public expenditures could only be traced through the examination of the budgets of related institutions. In practice, state institutions determine the costs of the policies introduced in their one-to-one negotiations with the Ministry of Finance during the annual budget making processes.

³¹⁵ Bülent Küçükaslan, 15 October 2007, *Evde Bakım Hizmeti ve Bağımsız Yaşam*, Bağımsız İletişim Ağı, <http://bianet.org/bianet/toplum/102304-evde-bakim-hizmeti-ve-bagimsiz-yasam> [17 February 2010]

One should note that the political significance of a number of significant developments which came into being with the ratification of Law on Disabled People cannot be evaluated on the basis of an analysis of public expenditures due to their different nature. The quintessential example of this is the recognition of discrimination on the basis of disability. Additionally, with the ratification of Law on Disabled People, people with sight disabilities succeeded in gained signing authority. Recalling that disabled people constitute a bivalent collectivity in the sense Fraser uses the term, these developments are as important as changes made in the area of social policy. Nevertheless, within the scope of this thesis, I would focus on the developments in the area of social policy and with regard to the changes made in Turkey's welfare regime which allows the researcher to develop an analysis on public expenditures.

In order to understand the scope of the developments in the area of social policy, the main institutions which provide services or transfer resources to disabled people and their areas of provision need to be determined. As discussed before in this chapter, the Law on Disabled People did not lead to the establishment of a new institutional structure. Therefore, the pre-existing institutional structure in the area of social policies for the disabled was maintained in the aftermath of the ratification of the law. The institutions in this structure and their main expenditures related to disability policy are listed below.

1. The Social Security Institution Directorate General of Non-contributory Payments (SGK PÖGM): disability allowance
2. The Directorate General of Foundations (VGM): neediness allowance
3. The Directorate General of Social Services and Child Protection (SHÇEK): at-home care allowance and institutional care

4. The Directorate General of Social Assistance and Solidarity (SYDGM): assistive equipment and treatment support
5. The Ministry of National Education Directorate General of Special Education Guidance and Counseling (MEB ÖRGM): public special education schools and rehabilitation centers
6. The Ministry of National Education Directorate General of Private Education Institutions (MEB ÖÖKGM): costs of private special education courses for the disabled children
7. The Directorate General of Youth and Sports (GSGM): financial support for the sport federations for the disabled
8. The Directorate for Disabled People (ÖZİDA): staff costs
9. The Turkish Employment Organization (İŞKUR): project supports for NGOs working on employment and vocational rehabilitation of disabled people

Based on this list, a comprehensive and detailed research on program-based expenditures made after 2005 was conducted and the table below was compiled accordingly. This table was prepared in close collaboration with Nurhan Yentürk, professor of economics at Istanbul Bilgi University. During our research, after completing the list above, given that there is no one state institution which exclusively serves disabled people –with the exception of the Directorate for Disabled People-, we collected information on the specific departments of state institutions executing social policies for disabled people. This information enabled us to decompose the expenditures made or allocated for disabled population from the total expenditures made or allocated by the institution. Following this, we utilized the annual activity reports of state institutions, most of which are available online. In these reports, the expenditures made by each department of a state institution could be found. However, not every state institution releases its annual activity report periodically. For this reason, some of the figures had to be obtained through face-to-face interviews with state officials. In addition, with the objective of differentiating

the expenditures made or allocated for each social policy scheme, we made research visits to most of these institutions. Below could be found the table indicating the expenditures made or funds allocated for social policies targeting disabled people from 2006 to 2008 and detailed description of data sources.

Table 4:³¹⁶ Amount of Expenditures Made or Funds Allocated by Central State Institutions for Policies Related to or Targeting Disabled People in Turkey for the Years 2006, 2007 and 2008.

Institution	Expenditures made (in TRY)	2006	2007	2008
SGK				
PÖGM	means-tested social assistance for the disabled ³¹⁷	537,471,498	816,663,949	978,346,048
VGM	means-tested social assistance (including the disabled) ³¹⁸	..	1,076,937	1,207,904
SHÇEK	at-home care allowance and institutional care and rehabilitation services undertaken by SHÇEK ³¹⁹	66,160,686	141,109,438	528,856,457
SYDGM 1	assistive equipment, technologies and treatment support	1,994,745	1,673,976	1,754,075
SYDGM 2	transportation costs of the disabled students from their houses to education institutions	16,563,641	21,075,018	29,276,586
ÖZİDA	institutional maintenance and staff costs	3,638,000	4,583,000	4,395,000
İŞKUR	project supports for NGOs working on employment and vocational rehabilitation of disabled people	3,534,755	4,563,945	7,974,185
MEB				
ÖRGM	costs of public special education schools and rehabilitation centers (funds allocated)	244,588,450
MEB				
ÖÖKGM	publicly financed costs of private special education courses for the disabled children (funds allocated)	362,005,000
GSGM	financial support for the sport federations for the disabled (funds allocated)	..	60,200,000	52,810,000
TOTAL				2,211,213,705

Sources: SGK: Sosyal Güvenlik Kurumu, *Primsiz İstatistikleri*, 2009. accessed from <http://www.sgk.gov.tr> (accessed on November 20th, 2009); for VGM: Vakıflar Genel Müdürlüğü, *Faaliyet Raporu*, Ankara, 2007; Vakıflar Genel Müdürlüğü, *Faaliyet Raporu*, Ankara, 2008; for SHÇEK: Sosyal Hizmetler ve Çocuk Esirgeme Kurumu, *Faaliyet Raporu*, Ankara, 2007; Sosyal Hizmetler ve Çocuk Esirgeme Kurumu, *Faaliyet Raporu*, Ankara, 2008; for SYDGM: Sosyal Yardımlaşma ve Dayanışma Genel Müdürlüğü, *Faaliyet Raporu*, Ankara, 2007; Sosyal Yardımlaşma ve Dayanışma Genel Müdürlüğü, *Faaliyet Raporu*, Ankara, 2008; for ÖZİDA: Maliye Bakanlığı Muhasebat Genel Müdürlüğü, *Genel Bütçeli İdareler Bütçesi*, 2009. accessed from <http://www.muhasabat.gov.tr/> (accessed on November 20th, 2009); for İŞKUR: Türkiye İş Kurumu, *4. Genel Kurul Çalışma Raporu*, Ankara, 2007; 2008 İŞKUR expenditure made for the project supports for NGOs working on employment and vocational rehabilitation of disabled people is received in the interview with İŞKUR official on September 29th, 2009; for MEB directorate generals Maliye Bakanlığı Bütçe ve Mali Kontrol Genel Müdürlüğü, *Ödenek Cetvelleri*, 2009. accessed from <http://www.bumko.gov.tr> (accessed on November 20th, 2009); for GSGM: “Gençlik ve Spor Genel Müdürlüğü, özerk federasyonlar için 52.8 milyon YTL bütçe ayırdı”, *Netgazete*, November 27th, 2008. accessed from <http://www.netgazete.com/NewsDetail.aspx?nID=489794> (accessed on November 20th, 2009).

³¹⁶ This table was also published in Turkish in an earlier work of mine, with the aim of strengthening the advocacy capacity of disability rights organizations in Turkey. Volkan Yılmaz and Nurhan Yentürk, *Engellilere Yönelik Harcamaları İzleme Kılavuzu*, STK Çalışmaları-Eğitim Kitapları Bütçe İzleme Dizisi No. 7 (İstanbul: İstanbul Bilgi Üniversitesi STK Eğitim ve Araştırma Birimi Yayınları, 2010).

³¹⁷ This expenditure includes social assistance programs titled “bakıma muhtaç özürürlü aylığı”, “65 yaşından büyük bakıma muhtaç özürürlü aylığı”, “özürürlü aylığı” and “özürürlü yakını aylığı” by the institution.

³¹⁸ This expenditure refers to “muhtaçlık aylığı” targeting the poor but the disabled constitutes an important portion of the beneficiaries. The amount spent for the disabled could not be dissociated from the total.

³¹⁹ This expenditure refers to the total amount of payments made for “evde bakım aylığı” ve “SHÇEK bakım ve rehabilitasyon hizmetleri”.

The Table 4 suggests that there was an increase in the amount of public expenditures allocated for the social policies targeting the disabled in the years following the ratification of the Law on Disabled People. For the year 2008, total expenditures spent and allocated for the holders of the disability status approximately reached one per cent of total public expenditures made,³²⁰ and 0.233 per cent of the GDP. It could be safely argued that the largest increase made in public expenditures, after the skyrocketing health expenditures in the wake of the ratification of the Social Security and General Health Insurance, during the AKP period occurred in the area of social policies for the disabled.³²¹

The major increases were observed in the public expenditures made by the Social Security Institution Directorate General of Non-contributory Payments, the Directorate General of Social Services and Child Protection, the Ministry of National Education, the Directorate for Disabled People and the Turkish Employment Agency. These included increase in the benefit levels and coverage of disability allowance, the introduction of at-home care allowance, the beginning of publicly funded special education courses for disabled children, an increase in institutional maintenance and staff costs at the Directorate for Disabled People, and increase in project supports for NGOs organizing employment projects for disabled people.

As far as the composition of public expenditures made for disabled people is concerned for the year 2008, it could be observed that the largest amount was spent on disability allowance. This was followed by at-home care allowance. Given this picture, it could be argued that cash transfer policies for disabled people took the

³²⁰ Author's own calculations.

³²¹ I use the word "intentional" on purpose here because health expenditures skyrocketed in the aftermath of the promulgation of the Law on Social Security and General Health Insurance in 2008, even though the AKP government did not intend so. Yasin Yılmaz, "Unakıtan: Cimriyim ama özürülere kesenin ağzını açtım," *Yeni Şafak*, 7 December 2009 (Accessed February 15, 2010 from <http://yenisafak.com.tr/aktuel/?t=14.05.2007&c=5&i=30542>); Lokman Ayva, interview by the author, 7 December 2009. Boğaziçi University, Istanbul.

lead among other policy domains. If the changes made in the public expenditures for disabled people after the ratification of the Law on Disabled People are concerned, the largest increase could be observed in at-home care allowance, which was introduced by the Law on Disabled People. Considering that the level of disability allowance was increased by the promulgation of the Law on Disabled People and the number of beneficiaries was almost doubled from 2002 to 2008, the expenditures made for this scheme also nearly doubled. In the domain of employment, the Turkish Employment Agency's financial supports for employment and vocational training projects also indicated a substantial increase from 2006 to 2008.

For the year 2008, expenditures made on the education of disabled children ranked third, following disability and at-home care allowances. Education expenditures targeting disabled children includes the costs of private special education courses for the disabled children, the costs of public special education schools and rehabilitation centers, and the transportation costs of the disabled students from their houses to education institutions. Following this, state started to finance the private special education courses for the disabled children and the amount spent for this reached almost 250 million TRY in 2008. These expenditures, made with the objective of increasing disabled children's access to education, could be considered as a part of a long-term social inclusion agenda.

As calculated before, if all disabled people officially registered as having an extent of disability over 40 per cent or above benefit from these policies, the share of beneficiaries in the total population would be 0.79 per cent. Given that more than 12 per cent of the population is disabled according to the Disability Survey in Turkey, it could be claimed that the main problem with the current social policies for the disabled is their insufficient coverage due to stringent eligibility criteria. Because of these, large number of disabled people cannot benefit from these entitlements. This

could be indicative of the government's as well as state officials' ambition to limit the financial burden that these policies put on the public budget. Nevertheless, as Buğra and Adar argue, the share of social expenditures in the GDP in Turkey is much lower than that of European Union member countries.³²² Despite substantial increase after the Law on Disabled People, it could be claimed that this argument is also valid for this component of social expenditures which are made for social policies targeting disabled people. Therefore, the objective of stabilizing public expenditures made for social policies for disabled people at this point is not justified and designates a political preference against the universal provision of social policies for all disabled people and introduction of new social policy schemes, which are needed.

The Immoral Economy of Eligibility

The introduction of at-home care allowance and increase in the levels of benefits for disabled people met with two important restrictions that resulted in the denial of considerable number of disabled people's access to at-home care allowance and disability allowance. In the first instance, work conditionality is attached to disability allowance for those having extent of disability between 40 to 69 per cent. The second restriction originates from the change made in the calculation formula for extent of disability in 2006. These two problem areas are separately discussed below.

³²² Ayşe Buğra, Sinem Adar, *Türkiye'nin Kamu Sosyal Harcamalarının Karşılaştırmalı bir Analizi* (İstanbul: Boğaziçi Üniversitesi Sosyal Politika Forumu, 2007), p. 26.

Attaching Work Conditionality to Disability Allowance

When disability allowance was initiated in 1976, no work conditionality was attached to it. However, the recent increase in the benefit levels and coverage of disability allowance targeting the disabled poor in Turkey has occurred in an international policy context which prioritizes disabled people's integration into employment. As discussed in the second chapter, the paradigm shift in social policy from "welfare to workfare" influenced social policy in general, and did not leave social policies for the disabled untouched. Criticizing the low level of labor force participation rate of disabled people, international organizations such as Organization for Economic Cooperation and Development and European Union pointed at "passive" social policies such as social assistance create work disincentives for disabled people. From this perspective, policy suggestions are made to the governments to shift from benefit to activation programs.³²³

Parallel to the above-mentioned international policy context, the Law on Disabled People introduced an employment-centered paradigm into the design of disability allowance. This could be observed in the following article: "People who have a regular income any more than the amount specified in this article [one-third of minimum wage], or *people who are able to earn that amount* will be assumed to have a regular income source and will not be eligible for disability allowance [my emphasis]"³²⁴ As this article suggests, people who are able to work may be denied

³²³ Department for Work and Pensions, *A New Deal For Welfare: Empowering People to Work* (Norwich: United Kingdom Department for Work and Pensions, 2006); Didier Dupré and Antti Karjalainen, *Employment of Disabled People in Europe in 2002*, 25 November 2003 (pdf version of this document downloaded January 17, 2010 from http://cms.horus.be/files/99909/MediaArchive/pdf/Employment_people_EU25-EN.pdf); Organisation for Economic Cooperation and Development, *Sickness, Disability and Work: Breaking the Barriers Vol. 2 Australia, Luxembourg, Spain and United Kingdom* (Paris: OECD Publishing, 2006).

access to disability allowance. The main validating device to be employed in order to differentiate disabled people who are able to work from those who are unable to work is medical determination. Hence people with an extent of disabilities between 40 to 69 per cent may not be eligible for disability allowance.

As Cemal Donat, a successful lawyer specialized in disability law, states “the norm is to work and the exception is disability allowance, meaning social security”³²⁵ for disabled people having an extent of disability between 40 and 69. No conditionality is attached for disabled people with an extent of disability of more than 70 per cent, because they are recognized as unable to work. Against this background, I argue that understanding the category of disability which served to differentiate those who could remain within need-based distributive system from the masses who compelled to work can no longer be considered as valid. The paradigm shift from welfare to workfare in the domain of social policy led to the decomposition of the disability category within. Today, as the amendment made by the Law on Disabled People to disability allowance legislation exemplifies, the entitlements of the holders of disability category are no more homogenous. The paradigm shift in social policy which prioritized employment as the main social inclusion mechanism for disabled people will result in differentiation within this group.

³²⁴ Republic of Turkey, *65 yaşını doldurmuş muhtaç, güçsüz ve kimsesiz Türk vatandaşlarına aylık bağlanması hakkında kanun*, Law no. 2022, Ratified in 1 July 1976, Announced in the Official Gazette no. 15642, Article 1 amended by the Republic of Turkey, *Özürlüler ve Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun*, Law no. 5378, Promulgated in 1 July 2005, Announced in the Official Gazette no. 25868. *Tr. Herhangi bir şekilde bu maddede yazılı miktardan fazla devamlı gelir sağlayan veya sağlanması mümkün olan kimselerin geçim kaynağı var sayılır ve kendilerine aylık bağlanmaz.*

³²⁵ Cemal Donat, interview by the author, 12 October 2009. Foundation for the Physically Disabled, İstanbul. *Tr. Dolayısıyla yüzde 69'a kadar olan engelliler için asıl olan çalışmak, istisna olan 2022 yani sosyal güvence.”*

In practice, the implementation of work conditionality did not start yet. Law on Disabled People compels disabled people having extent of disability between 40 to 69 per cent registering with the Turkish Employment Agency (İŞKUR). Work conditionality works in practice as follows. The applicant to disability allowance is registered with the Turkish Employment Agency. Then, if she meets all other eligibility requirements, she starts to benefit from disability allowance. In case the Employment Agency offer jobs to her, she can either accept the job offer and renounce her disability allowance or reject the offer and continue being a beneficiary. As the representative of the Turkish Employment Agency asserted, their job offers are not binding at the time this thesis was written and people usually refuse these offers since they have struggled hard to become a beneficiary of disability allowance and accepting the offered job leads to the loss of that entitlement.³²⁶ Considering that the Employment Agency is responsible for setting disabled people up in open positions in the private sector, the short-term objective of compulsory registration is to compile a database of disabled people who are found to be able to work. Nevertheless, the completion of this database may enable İŞKUR to implement work conditionality attached to disability allowance by strengthening İŞKUR's institutional capacity. Given the international policy context favoring employment-based policies and the rise of critiques against increase in the public expenditures for the disabled in the aftermath of the ratification of the Law on Disabled People, the recent expansion of Turkey's welfare regime in the area of social assistance for disabled people might meet with restrictions in near future and employment-based policies might gain prominence.

³²⁶ Field notes taken by the author, 4th Council on Disability titled "Employment", 16-20 November 2009, Ankara.

Two critiques could be made about the implementation of work conditionality in disability allowance. The first one concerns the critique of introducing work conditionality in social assistance as a restriction of a person's autonomy over her life in general, and over selecting in which job she would accept or ever accept in particular, which was discussed in detail in the second chapter. The second problem could arise due to the differences in the institutional context in which work conditionality attached to disability allowance is being employed. The majority of Western European countries provide income guarantees, access to healthcare, assistive devices and technologies, and accessible cities and workplaces for their disabled citizens. In that context, while work conditionality decreases person's autonomy, it may not necessarily lead to further social exclusion. However, as discussed in the earlier chapter, disabled people's income poverty and inability to access healthcare, assistive devices and technologies, as well as cities and workplaces continues in Turkey. Recalling that the welfare regime of Turkey has not succeeded at ensuring disabled people's access to living income and healthcare, work conditionality in social assistance could lead to the further social and economic marginalization of disabled people.

This hypothesis could be evidenced by investigating the "ATM workers" (*bankamatik çalışanları*) phenomenon. The concept "ATM workers" refers to disabled people who are employed formally on paper, while not actually working, receiving wage and/or are covered by social security. They are pejoratively called "ATM workers," because they are believed to draw their salaries from the ATM, without even feeling the need to go to their workplaces. This is rather a new phenomenon emerged in the aftermath of the ratification of the Law on Disabled People which increased the level of fines for employers who do not meet compulsory employment quota. The fine level was increased to roughly 1950 TRY per month per person not

employed, which became quite a deterrent for employers. From the employers' side, "ATM working" arrangement is cost effective when compared to paying the fines for not employing disabled people. Because the Law on Disabled People declares that the state treasury pays for the employers' full share of social security contributions to be made for disabled employees, the only cost of disabled employee to the employer turns out to be the wage. In most of the cases, the employer either pays below the minimum wage, or does not pay at all. Disabled people accept this mainly because they want to be covered by the social security system, to be able get access to health services with full coverage for medications and assistive technologies, and to be able to receive retirement pension in the future.³²⁷

The concept of "ATM workers" is commonly used by NGO representatives and state officials in order to emphasize the corruptness of both the employers and disabled employees. For them, the employer discriminates against disabled people by excluding them from the workplace because of their disabilities.³²⁸ From the employers' perspective, "ATM working" means that he meets the compulsory employment quota without a need to accommodate the workplace for disabled people and "deal with" disabled people in general. For this reason, the representatives of disability organizations harshly criticize this phenomenon because they believe that it strengthens discrimination against disabled people in the labor market. In response, they work hard to eliminate this phenomenon by challenging discriminatory perceptions of the employers and convincing them that disabled employees could well contribute to the work done in that workplace.³²⁹

³²⁷ Cemal Donat, interview by the author, 12 October 2009. Foundation for the Physically Disabled, İstanbul.

³²⁸ Lütfiye Kelleci, interview by the author, 29 September 2009. Turkish Grand National Assembly, Ankara.

³²⁹ Ali Şahin, interview by the author, 12 October 2009. Foundation for the Physically Disabled, İstanbul; the President of Anadolu Engelliler Birliği exemplified how they succeeded in

Nevertheless, as the following quotes suggest, the “ATM workers” phenomenon cannot only be understood on the basis of discrimination against disabled people in the workplace. Socioeconomic deprivation of disabled people and the deficiencies of Turkey’s welfare regime also have their roles. Arıkan argues, “You cannot say a thing, you cannot say no, given these economic conditions,”³³⁰ whereas Şahin states,

If the company is a company which is not able to offer real job to a disabled such as a construction firm, if the workplace is a life-threatening working environment for the disabled, and if there is a disabled person who cannot work, in need of social security and care and if he is bedridden and economically needy, only in order to contribute to him we see this [ATM working] as an interim remedy, we see it as a last resort.³³¹

Arıkan from the Six Dots Foundation for the Blind states above, given the economic marginalization of disabled people, they cannot blame those who accept this arrangement. Therefore, Arıkan underlines the fact that it is hard to oppose this phenomenon, which is indicative of discrimination on the basis of disability, because the disabled poor lack a social safety net on which to rely. Şahin from the Foundation for the Physically Disabled (FEV) argues that they only tolerate “ATM workers,” when the workplace would not be able to employ disabled people in any case because of the nature of work and the disabled person is unable to work and extremely poor. For Şahin, this arrangement only could be accepted as “a last resort.” Therefore, Şahin argues, being eligible for the entitlements of the

convincing two large private firms in “really” employing disabled people, Field notes taken by the author, 4th Council on Disability titled “Employment”, 16-20 November 2009, Ankara.

³³⁰ Seçil Arıkan, interview by the author, 24 September 2009. Six Dots Foundation for the Blind, İstanbul. *Tr. Şey de diyemiyorsunuz, hayır diyemiyorsunuz tabi ki, bu ekonomik koşullarda.*

³³¹ Ali Şahin, interview by the author, 12 October 2009. Foundation for the Physically Disabled, İstanbul. *Tr. Böyle olunca ancak bir son noktada tercih yapabiliyoruz. Gerçekten eğer işyeri çalıştıramayacak inşaat firması gibi bir firmaysa, engelli açısından bir takım hayati risklerin bulunduğu bir yer ise, o durumda da çalışamayacak durumda olan ve bir sigortaya ihtiyaç duyan, bakım ihtiyacı bulunan engelliler varsa yataklık hale gelmiş ekonomik de yetersizliği varsa, ancak o insana da bir katkı sağlamak adına bir ara çözüm, en son tercih edilecek bir çözüm olarak görüyoruz.*

contribution-based social security system without contribution can only be acceptable for disabled people who are unable to work and are extremely poor. Hence, his account demonstrates that even for those unable to work and extremely poor, non-contributory social protection mechanisms do not provide an effective safety net, when compared to the contribution-based social security system. Taking all these into configuration, the “ATM workers” phenomenon reveals the deficiencies of the welfare regime of Turkey in failing to provide a safety net for disabled people outside the labor market.

The “ATM workers” phenomenon indicates two contextual differences between European countries and Turkey with regard to political outcomes of introducing work conditionality to disability allowance. The first difference is that disabled people’s exclusion from the inegalitarian corporatist welfare regime of Turkey makes employment the single route to a living income and health services with full coverage. Due to the inegalitarian corporatist character of the welfare regime in Turkey, employment is much more related to disabled people’s subsistence and access to healthcare rather than social inclusion. The second difference is that the state is not active in accommodating workplaces for disabled people and providing them with assistive devices and technologies, which aggravates disabled people’s transition to work and strengthens the inertia of the employers. Hence, I argue that introducing work conditionality into disability allowance will not contribute to the social inclusion of disabled people, but the consolidation of a need-based distributive system which would provide disabled people with an effective safety net will.

Changing the Calculation of Extent of Disability

Another significant restriction put on disabled people's access to disability allowance and other entitlements attached to the disability category originated from the change made in the calculation formula of extent of disability and retrospective implementation of the new formula. As mentioned before, one could be eligible to any entitlement tied to disability if her extent of disability is over 40 per cent. The Law on Disabled People introduced the International Classification of Functioning, Disability and Health (ICF) as the main classification tool for medical boards which are responsible for giving disability reports. In 2006, this classification was officially recognized and opened to the use of medical boards by the promulgation of a by-law, which led to significant decreases in the extents of disability in the medical reports of many disabled people. Due to these decreases, a considerable number of disabled people became no longer eligible for disability allowance as well as other entitlements.

The change made in the calculation formula of the extent of disability cannot be regarded as a technical alteration, as far as philosophy behind this modification is concerned and its policy implications are concerned. Regarding the former reason why change in the calculation formula is a political issue, as discussed in the second chapter, it is impossible to find a technical solution to a political problem of who should benefit from what in a given society, thus the International Classification of Functioning, Disability, and Health is no exception to this rule. More importantly, as the officials from the Ministry of Health asserted, how this new classification and calculation formula of the extent of disability will translate into policy remains a political question. As mentioned in the second chapter, thresholds concerning extent of disability used as eligibility criterion for entitlements for disabled people vary

across countries as well as policy domains. Hence, while the change in the international classification has a political meaning, how it is being appropriated in a given policy domain is also a product of a political process.

During the adoption of the ICF as the official classification tool in Turkey, thresholds concerning the extent of disability which are employed as eligibility criteria were left unaltered. Because the calculation formula in the ICF calculates one's extent of disability on the basis of the functional loss one's disability leads to, most of the time the resulting extent of the disability of that person is expressed with a lower percent figure. The Ministry of Finance approached the changes made in the calculation formula of the extent of disability as a window of opportunity to decrease the rate of public expenditures made for disabled people. After the release of the by-law which introduced the new calculation formula,³³² the new applicants' extent of disability started to be calculated on the basis of a new formula. Due to this change, the pace of disabled people being registered over 40 per cent, thus eligible for entitlements became lower, when compared to the former formula. This led to the differentiation of entitlements among the members of the disabled population according to their application time to the medical board.

Additionally, both the Ministry of Finance and the Social Security Institution started to implement this new formula retrospectively to those who already had a medical report with an extent of disability over the threshold. Being beneficiaries of entitlements attached to the category of disability, these people were right holders. Nevertheless, by asking for a new medical report annually and/or recalculating people's extent of disability through committees established within their institutions, Ministry of Finance and the Social Security Institution compelled beneficiaries to

³³² Republic of Turkey, *Özürllük Ölçütü, Sınıflandırması ve Özürllülere Verilecek Sağlık Raporları Hakkında Yönetmelik*, Promulgated in 16 July 2006, Announced in the Official Gazette no. 26230.

obtain a new medical report. Because medical boards use new formula, a considerable number of disabled people's extent of disability was lowered in the new medical reports they received. Indeed, neither retrospective implementation of the new formula till 2006, nor demanding a new medical report from disabled people was legal. However, these were implemented and, as a result, these people were denied access to entitlements. Küçükaslan, the administrator of Engelliler.biz online platform, analyzed this phenomenon as a strategy adopted by state officials to limit the expenditures made for disabled people.³³³

In reaction to this unlawful implementation, group of disabled people initiated an opposition through legal advocacy. Among them, İzzet Olğar won the suit against the Ministry of Finance which decreased his extent of disability from 40 per cent to 20 per cent.³³⁴ Another strategy of disabled people who were denied access to entitlements tied to disability is to claim additional functional losses, as Küçükaslan exemplifies in the following. Küçükaslan states, "he has a physician which he regularly visits, he asks him 'professor, what can we do for the medical report?'. He answers that they won't give you, you don't need to apply for, and we can manage something for you. This is psychological he says, he writes blood pressure problems. From there 5 percent, from other 5 percent, and the professor lets him to collect 40 percent."³³⁵ As he suggests, disabled people bring forth new impairments and functional losses in order to convince the physician to grant him an extent of

³³³ Bülent Küçükaslan, 12 November 2007, *Sakatlara Neoliberal Çözümler*, Bağımsız İletişim Ağı, <http://bianet.org/bianet/insan-haklari/102862-sakatlara-neo-liberal-cozumler> [14 February 2010]; Emine Özcan, 11 May 2009, *Yönetmelik Değişti, Türkiye'de Sakat Kalmadı*, Bağımsız İletişim Ağı, <http://bianet.org/bianet/toplum/114435-yonetmelik-degisti-turkiyede-sakat-kalmadi> [16 February 2010]

³³⁴ İzzet Olğar vs. Maliye Bakanlığı Gelirler Genel Müdürlüğü, 13 March 2007, T. C. Hatay İdare Mahkemesi, Esas no. 2006/413, Karar no. 2007/188.

³³⁵ Bülent Küçükaslan, interview by the author, 18 May 2009. *Tr. sürekli bir doktoru var mesela, işte ne hastası olsun, bilmemne hastası, ya da ampute bir ayağı, sürekli gittiği bir doktor var, ona soruyor hocam sağlık kurulu raporuna ne yapalım falan. Diyor ki sana vermezler bu raporu hiç başvurmana gerek yok, sana başka bir şey yapalım. Psikolojik bu, işte, tansiyon yazıyor. Yüzde beş ordan, yüzde beş ordan, falan filan diye yüzde kırkı toplattırıyor.*

disability over 40 per cent, and sometimes physicians help them to collect at least 40 per cent extent of disability. Even though this tendency of disabled people is commonly conceptualized as deception by state officials, it could well be understood as disabled people's strategies to get access to living income, employment opportunities, as well as social security.

Lastly, disabled people express their grievances and opposition against the loss of their entitlements by emphasizing their experiences as disabled people. It could be observed in the following two quotes from disabled people who lost their entitlements due to the decrease made in their extents of disability. A person with the pseudonym “*agalis*” states, “I also took my medical report from Kırıkkale Hospital today. Whereas the reports that I took from the same hospital and Ankara Numune Hospital –that is accredited as the arbitrator hospital- were always 40 percent before, do you know what happened now... 19 percent (hooray! we are not disabled.) that I can't say because I am still the same.”³³⁶ In this quote, “*agalis*” explains that even though she is not officially considered as eligible for the disability category any more, she cannot feel happier about not being disabled anymore. Because disability, for her, is not only a legal construct. It is what she experiences, regardless of the official recognition as such.

In addition, person with the pseudonym “*tagı çeçe*” asserts in Engelliler.biz online forum, “The ratio of the medical report that I took from Vakıf Gureba Hospital today is 32 percent, meaning you're not disabled even though your right leg is amputated from the knee. With this disability ratio, the employment organization does not place you in a job by saying that at least application should be made with a

³³⁶ Engelliler.biz, 22 January 2009, *Devlet hastanelerinin rapor oranlarındaki haksız tutumu*, <http://www.engelliler.biz/forum/saglik-raporlari/11426-devlet-hastanelerinin-rapor-oranlarindaki-haksiz-tutumu.html> [10 March 2010] *Tr. bende bugün kırıkale yüksek ibtisas hastanesinden raporumu aldım daha önce aynı hastane ve hakem hastane olarak kabul edilen ankara numune hastanesinden aldığım değişik zamanlardaki raporlarım hep %40 iken şimdi ne oldu büliyorsun %19 (özürünü değiliz yaşasın) diyemiyorum çünkü hep aynıyım.*

40 percent disability report.”³³⁷ Similar to “*agalis*”, “*tagı çeçe*” states that despite the fact that a person with a leg amputated from the knee could be able to work according to new formula, discrimination he faces in the hiring process does not disappear. Therefore, it could be claimed that “*tagı çeçe*” challenges the eligibility requirements introduced by new calculation formula on experiential grounds. He emphasizes that he experiences the disadvantages of being disabled, thus he should be eligible to entitlements attached to the disability category.

Conclusion

The Disability Survey conducted in 2002 demonstrated that there were many more disabled people living in Turkey than policy makers and state officials thought. By declaring that 8.5 million people are disabled (including people with chronic illness, people with hearing, sight, speaking, orthopedical and mental disabilities), the Disability Survey showed that a considerable number of the disabled people were not officially registered, which means they were not benefiting from entitlements for disabled. This signified a non-take-up problem in the domain of social policies for disabled people and initiated a heated debate over the definition of disability which involved state officials, politicians, and disability organizations. While the debate centered upon the problem of whether people with chronic illnesses are disabled or not, the direction of the discussion clearly revealed that the main issue at stake was the question of who would be eligible for what. Following the footsteps of Stone, I argue that the Turkish case demonstrates that contestations over the category of

³³⁷ Ibid. Tr. *Vakıf guraba hastanesinden bugün aldığım rapor derecesi %32 yani sağdizaltından kesik bacaya verdikleri sakatlık derecesi anlamı ise sakat deyilsin sağlamsın verdikleri sakatlık derecesiyle işçi bulma kurumu işede yerleş tiremiyor işe yerleştirmeleri için en az %40 sakatlık raporuyla müracat gerekli deniyor.*

disability in a capitalist welfare state context are indeed struggles over resources, and people claiming disability call for redistribution on the basis of need.

As the analysis in this chapter indicates, the socio-economic conditions under which disabled people live were clearly worse than the general population when the AKP came to power. Disabled people were less educated, lacked rehabilitation services and healthcare, and were denied access to employment. This picture evidenced how marginalized disabled people were within the inegalitarian corporatist welfare regime of Turkey. Due to the weakening of traditional support mechanisms in providing a safety net for all including disabled people, the problem of income poverty among disabled people reached alarming levels. This could be evidenced by disabled people's prioritization of income support policies among other policy domains in Disability Survey.

In this context, a number of factors came together and paved the way to the ratification of the Law on Disabled People. Disability organizations had actively demanded a comprehensive law on disabled people which would address their social and economic problems and institute equality for disabled people in Turkey since the 1990s. Despite the fact that they could not be effectively implemented, compulsory employment quotas for disabled people and disability allowance were already introduced. The Directorate for Disabled People was founded. Therefore, when it came to power, the AKP inherited an institutional legacy which could be employed in developing social policies for disabled people. In addition, the European Union accession process of Turkey constituted an important contextual factor which contributed substantially to the process leading to the promulgation of the Law on Disabled People. The Joint Inclusion Memorandum (JIM) process and the European Commission's interest in the situation of disabled people in candidate countries

provided a strong impetus in keeping disabled people's problems on the policy agenda.

The AKP gave prominence to disabled people in its approach to social policy. It openly declared that disabled people have a special place in its understanding of social policy in its party program, and made disability policy part of its party structure. Inspired by the legacy of the Welfare Party, which had been the representative of political Islam in Turkey, the AKP recognized disabled people as a special group whose wellbeing could not be left to the dynamics of the market, thus should be taken care of. In addition, the AKP's perspective towards social policies for disabled people was also highly informed by the European Union. In line with the official discourse of the European Union in the domain of social policies for disabled people, the AKP put special emphasis on anti-discrimination, independent living, the disabled people's integration into the labor market as a social inclusion mechanism at the discursive level. As an amalgamation of these two approaches, the discourse of the AKP government towards disabled people's social and economic problems was quite eclectic.

The Law on Disabled People was a product of this eclectic perspective. It covers a wide range of policy domains, including employment, rehabilitation, care, urban planning, anti-discrimination, and social assistance. While disability mainstreaming in all policy domains promised to be at the centre of the law, this objective could not be realized due to the ineffectiveness of the Directorate for Disabled People as a coordinating state institution and lack of strong political will in this political direction. Nevertheless, the Law paved the way to three important developments in the domain of social and employment policies for disabled people: the effective implementation of compulsory employment quota, an increase in the benefit level of disability allowance, and the introduction of at-home care allowance.

Especially the latter two signified the only domains of social policy which led to the expansion of Turkey's welfare regime in the AKP period. However, in both policy domains the AKP further strengthened conservative as well as liberal residual flavor of welfare regime in Turkey, by restricting eligibility to the most disadvantaged rather than introducing universal provision and by supporting family solidarity rather than independent living.

Two additional restrictions on the eligibility for entitlements for disabled people were introduced, in the aftermath of the Law on Disabled People. For people with extents of disability between 40 and 69 percent, work conditionality was put in practice. Though it was not implemented in practice yet, the introduction of work conditionality to disability allowance could be regarded as the reminiscent of “welfare to work” policies. Secondly, the calculation formula of the extent of disability was changed without adjusting the thresholds of eligibility accordingly. Since having a medical report indicating an extent of disability over a specified threshold is a must to become a beneficiary, this change led to the stabilization of the pace of increase in the beneficiaries of entitlements for disabled people. Even though this change conveyed an illusion that this occurred as a result of transformation in medical classification, disabled people who became aggrieved started to oppose this by recalling the experiential roots of being a disabled.

CHAPTER V

CONCLUSION

The disability as an administrative category came into being in the context of the capitalist welfare state, which granted people with divergent impairments an income source provided by the state, among other services, because they were believed to be unable to work and earn their living on their own. Nevertheless, this was an affirmative remedy in a capitalist society which was organized around work, and did not challenge the secondary position of disabled people in society. Disabled people increasingly were segregated from their able-bodied fellows and subjected to social and economic marginalization while being supported through categorical social assistance. Their segregation and marginalization started to appear as if it was their divine fate, and their impairments turned out to be perceived as the inborn marks of their unfortunate destiny. The incomplete humanness attributed to disabled people made them part of the deserving poor, whose deservingness were thought to originate from their imperfectness.

It was not very long ago that disabled people started to raise their voices against the powers which deemed them to be worthy of a secondary position in society. They proclaimed that marginalization is not their destiny, and their impairments do not symbolize their deficiency. They looked the Good Samaritan in the eye and declared that there is no need for his mercy. Disabled people asked society to turn its gaze to itself and to history as the main cause of their segregation and marginalization today. What they staked their claim on was the ideal of equality. By dissociating sameness from equality, disabled people demanded to be recognized equals as they are and called for the expansion of the frontiers of equality to include them as well.

Realization of such an ideal of equality necessitates a fundamental transformation of the social which would make the impairments of people irrelevant to their value in society and non-effective concerning their capabilities with regard to different sectors of social life. Their claim includes equal participation in all domains of social life and gaining autonomy over their lives. Therefore, no area of social life can remain immune to disabled people's claim to equality, and that includes the domains of social and employment policies. Here come again the limitations imposed and opportunities provided by the historical context on which a more egalitarian society needs to be constructed. How is it possible to institute disabled people's participation in all sectors of social life on a par with others and autonomy over their own lives? Where does the difference of disabled people need to be taken into account? Where do they share a common fate with others?

These questions refer to quite complex theoretical as well as political problems. However, it could be claimed that the prevailing power dynamics in relation to which the answers should be formed need to be determined first. Two names could be mentioned in order to shed light on these power relationships, whose effects could hardly be dissociated from each other in actual facts: disablism and capitalism. The former refers to the mentality structures rooted in human cultures, which leads to and strengthens the marginalization of disabled people. Capitalism, on the other hand, can provide the materialist explanation for disabled people's segregation and social and economic deprivation in a society organized around paid-work, and work formulated around efficiency. While politics against disablism allies disabled people with other minority groups which are marginalized on the basis of their differences from the mainstream society such as sexual minorities, politics against capitalism link the disability rights movement with trade unions and class politics.

Both disablism and capitalism need to be taken into account in imagining an egalitarian society. Neither autonomy, nor participation can be ensured without a politics against both. Thus far, the capitalist welfare state's disregard of disablism engendered a decommodifying redistribution which could not effectively act against disabled people's secondary position. Nevertheless, the contemporary political atmosphere dominant in the disability rights movement seems to prioritize politics against disablism over politics against capitalism, which is also likely to create political disillusionment. Disabled people's demand to be part of employment, their call for reorganization of work which would be reflexive to their differences, their claim to be employed in jobs that are suitable for their qualifications are, without a shadow of a doubt, all-important political demands which could be considered within disabled people's quest for recognition. The differences of disabled people need to be accommodated in every single sphere of social life, including the organization of work and workplace.

Nevertheless, this aspiration needs not and should better not to join the ranks of the politics of consecrating paid-work and devaluing decommodifying redistribution. Recognizing paid-work as the main social inclusion mechanism for disabled assumes that work in capitalist societies is infinitely reflexive to all differences, values them equally, and is inherently liberating. Of course that an ideational transformation of disablism society, accommodating workplaces, making cities fully accessible and state's support for assistive technologies certainly could elevate a considerable sector of disabled people to the high ranks of the capitalist society, which however, neither paid-work in capitalist societies is that reflexive to overthrow the rules of the game that is based upon power, efficiency, self-sufficiency, and aspiring for more than what a human being needs, nor could it

include all people over a certain age and provide them with the necessary conditions of a dignified life.

For the masses, working for subsistence remains to be the ground rule. In their common quest for subsistence, differences among people are translated into social inequalities between them through work. Disabled people share a common interest with their fellow humans in their quest for subsistence. Therefore, the politics of redistribution limiting the boundaries of labor market and decommodifying certain spheres of the lives of all maintains its importance. Disabled people are no different from their fellows in having a need for an adequate income and being able to politicize this need in the form of right to adequate income. Devaluing needs, depoliticizing them, putting the responsibility to meet one's needs on the individual's shoulders, and making needs-talk a mark of stigma are all vices of our age. Rather than turning the wheel hard to the benevolence of paid-work, the disability rights movement can well continue to demand equal participation in every sector of social life including employment, and create alliances with the poor, working or not working, for the universalization of the need to adequate income. Otherwise, it is highly likely that a class structure among the disabled will be consolidated, and the contemporary politics of disability will hardly be able to promise equality for all disabled people, irrespective of their social class positions.

The above-mentioned threat has become much more visible in countries with immature welfare states, such as Turkey. Long been delegated to the good will of their families, most of which were themselves struggling hard for subsistence, and to the benevolence of philanthropists, disabled people's needs were not taken into consideration by the inegalitarian corporatist welfare regime in Turkey up until the early 1970s. The first historic moment in relation to disabled people's position within Turkey's welfare regime was the introduction of compulsory employment quota and

non-contributory disability allowance in the 1970s. The category of disability, at the time, started to be consolidated as a category of need and became a part of welfare system of Turkey. Nevertheless, the employment quota could not be effectively implemented due to low fine levels, and disability allowance gradually became ineffectual in eliminating income poverty of disabled people because of extremely low benefit levels. The disability rights movement gathered speed in the 1990s, and sailed before the wind of the increasing popularity of disabled people's demands in the international arena. This transnational solidarity through the institutional channel of the UN found echo in Turkey, which contributed to the establishment of the Directorate for Disabled People.

At the beginning of the new millennium, the increasing impoverishment of the masses due to the strengthening of market relations with almost no strings attached and the gradual dissolution of the commons have been the main social impacts of the restructuration of the Turkish economy in line with the neoliberal economic project, as well as the forced migration of Kurdish people living in the Eastern and Southeastern provinces. The context in which the Justice and Development Party (the AKP) came to power was this. The AKP is politically committed to the idea that the optimum way of distributing resources in a society is reliance on market relations. However, the AKP aims to complement these market relations with the idea that individuals have a responsibility to look after their family members by earning their due from market distribution. For the AKP, intervention into market distribution is not justified; the holy Turkish family will take care of its members and will not let economic marginalization of its members out of family's house. The Turkish state, with its Ottoman roots, has a historical and ideological responsibility only for those who cannot subsist because they are not able to earn their living due to factors

beyond their control such as having a fatal illness and serious disability, and whose family is unable to take care of its members.

In this context, while the pro-market reconfiguration of policy domains such as housing, social insurance, and health services was taking place, the category of disability started to appear as the only domain which expanded the frontiers of the welfare regime in Turkey. The ratification of the Law on Disabled People in 2005 symbolized a decisive victory for the disability movement in Turkey, which could hardly be limited to the domain of social policy. Nevertheless, the Law on Disabled People also could be considered as an important step in reforming social and employment policies, because it introduced a cash-for-care policy, increased the benefit levels of the preexisting disability allowance, and made compulsory employment quota for disabled people effective. These developments, in general, had positive influences on disabled people, who have been marginalized in the inegalitarian corporatist welfare regime of Turkey thus far.

However, these developments in the domain of social assistance and cash-for-care policies for disabled people bear the traces of the main features of the welfare regime of Turkey, and indeed strengthened these characteristics. Reform in the social policies for disabled people did not adopt universality within disabled population. The traces of the legacy of welfare regime in Turkey could be observed in the coverage of the schemes and political preferences behind these schemes. Recalling that the coverage of income support policies in Turkey were restricted to those uncovered by the social security system, unable to work, having an income below a specified threshold (one-third of net minimum wage), and not having a family member who can look after them, the current reform also did not change the eligibility criteria for disability allowance. More importantly, the new cash-for-care policy also covers only disabled people not covered by the social security system,

with an income below a specified threshold. By supporting the family to take care of its disabled member(s), this policy preference neither challenges the gendered division of labor in family, nor supports independent living for disabled people. Hence developments in the area of social policy brought by the Law on Disabled People implies both liberal residualism with regard to restricted coverage of the programs, and conservative outlook due to its ideological commitment to the myth of family solidarity.

Two other important components of the Law on Disabled People had important influences on social policy: the introduction of work conditionality to disability allowance, and the recognition of the International Classification of Functioning, Disability and Health (ICF), which bases disability on functional loss, as the main validating device for determination of person's extent of disability. Both of these developments could be indicative of the adoption of a "welfare to work" paradigm in the welfare regime in Turkey. Even though work conditionality has not been implemented thus far, the adoption of the ICF has led to the restriction of the eligible population for entitlements attached to the disability category because people's extents of disability were recalculated and most of the time this led to a decrease in the figures indicating their extents of disability. Given that having an extent of disability over 40 percent is a must to benefit from disability related entitlements (i.e. disability allowance and compulsory employment quota), this decrease enabled the state to get the expenditures made for social policies for disabled people under control by limiting the eligible population. These restrictions put on the eligibility of entitlements for disabled people have been leading to the decomposition of disability category, which is already attached to residual entitlements, on the basis of person's ability to work. If this policy trend will continue as it is now, it could be speculated that disabled people who are found to be

able to work will join the ranks of the working poor in Turkish society. Eligibility for cash-transfer policies for disabled people will continue to be at the center of political debates among disabled population, who will increasingly perceive each other as competitors over limited public funds. Universality will remain as a big dream for Turkey's welfare regime, even within a specific category of disability.

APPENDIX

List of Interviews Conducted by the Author

Int. #	Interviewee	Organization	Date
1	H. Namık Demir	Social Security Institution Directorate General of Non-contributory Payments (Sosyal Güvenlik Kurumu Primsiz Ödemeler Genel Müd.)	10/05/2009
2	Reyhan Gazel	Directorate for the Disabled People (Özürlüler İdaresi Başkanlığı)	10/05/2009
3	Ömer S. Alıççı	Directorate for the Disabled People (Özürlüler İdaresi Başkanlığı)	10/05/2009
4	Bülent Küçükaslan	Engelliler.biz Online Platform (Engelliler.biz Platformu)	18/05/2009
5	Seçil Arıkan	Six Dots Foundation for the Blind (Altı Nokta Körler Vakfı)	24/09/2009
6	İsmail Mansur Özdemir	Istanbul Directorate for the Disabled (İstanbul Büyükşehir Belediyesi İstanbul Özürlüler Merkezi)	25/09/2009
7	Zeynep Şişkolar	Istanbul Directorate for the Disabled (İstanbul Büyükşehir Belediyesi İstanbul Özürlüler Merkezi)	25/09/2009
8	İpek Ünver	Istanbul Directorate for the Disabled (İstanbul Büyükşehir Belediyesi İstanbul Özürlüler Merkezi)	25/09/2009
9	Şehnaz Layıkel	Human Rights in Mental Health Initiative (Ruh Sağlığında İnsan Hakları Girişimi)	26/09/2009
10	Bünyamin Aybakır	Ankara Metropolitan Municipality Disabled and Rehabilitation Branch (Ankara Büyükşehir Belediyesi Engelliler ve Rehabilitasyon Şube Müdürlüğü)	28/09/2009
11	Kenan Önalın	Prime Ministry (Başbakanlık)	28/09/2009
12	Çiğdem Yıldız	Turkish Employment Organization (Türkiye İş Kurumu İşgücü Uyum Dairesi)	29/09/2009
13	Ekrem Kayacı	Turkish Employment Organization (Türkiye İş Kurumu İstihdam Dairesi)	29/09/2009
14	Abdülkadir Anaç	Directorate for the Disabled People (Özürlüler İdaresi İstatistik ve Araştırma Dairesi)	29/09/2009
15	Sinan Gergin	Directorate for the Disabled People (Özürlüler İdaresi İstihdam Dairesi)	29/09/2009
16	Lütfiye Kelleci	Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi)	29/09/2009
17	Fatma Başterzi	Turkish Confederation of Employer Associations (Türkiye İşveren Sendikaları Konfederasyonu)	30/09/2009
18	Ayhan Kahraman	Ministry of State Responsible for Women and Family (Kadınlardan ve Aileden Sorumlu Devlet Bakanlığı)	30/09/2009
19	Turhan İçli	Turkey Confederation of the Disabled and Six Dots Association for the Blind (Türkiye Engelliler Konfederasyonu ve Altı Nokta Körler Derneği)	01/10/2009
20	Şükrü Boyraz	Association of People with Disabilities of Turkey (Türkiye Sakatlar Derneği)	11/10/2009
21	Ali Şahin	Foundation for the Physically Disabled (Fiziksel Engelliler Vakfı)	12/10/2009
22	Cemal Donat	Foundation for the Physically Disabled (Fiziksel Engelliler Vakfı)	12/10/2009
			13/10/2009

23	Canan Öner	Kadıköy Municipality Counseling and Solidarity for the Disabled (Kadıköy Belediyesi Engelli Danışma ve Dayanışma Merkezi)	
24	Dilek Doğaç	Kadıköy Municipality Work without Disability Employment Center (Kadıköy Belediyesi Engelsiz İş ve İstihdam Merkezi)	13/10/2009
25	Anonymous	Dezavantaj.org	18/10/2009
26	Mevlana Uysal	Orthopedical Prosthesis and Orthosis Rehabilitation Center (Ortopedik Protez Ortez Rehabilitasyon Merkezi)	18/10/2009
27	Murat Yakut	Ministry of Health (Sağlık Bakanlığı Genel Sağlık Hizmetleri Genel Müdürlüğü Özürlüler Şubesi)	26/10/2009
28	Bekir Keskinlik	Ministry of Health (Sağlık Bakanlığı Genel Sağlık Hizmetleri Genel Müdürlüğü Özürlüler Şubesi)	26/10/2009
29	Emet Kaçmaz	Ministry of Health (Sağlık Bakanlığı Genel Sağlık Hizmetleri Genel Müdürlüğü Özürlüler Şubesi)	26/10/2009
30	Yusuf Çelebi	Turkish Confederation of the Disabled (Türkiye Sakatlar Konfederasyonu)	26/10/2009
31	Bayram A.Çakıroğlu	Istanbul Metropolitan Municipality Directorate General of Municipal Police (İstanbul Büyükşehir Belediyesi Zabıta Genel Müdürlüğü)	25/11/2009
32	Lokman Ayva	Justice and Development Party Istanbul deputy (Adalet ve Kalkınma Partisi İstanbul Milletvekili)	07/12/2009

Data and Information (not publicly available) Received upon the Request of the Author

#	Data received	Providing institution/person	Date
1	In house report on sheltered and supported employment (Korumalı istihdam ve destekli istihdam çalışmaları kurum içi raporu)	Turkish Employment Organization (Türkiye İş Kurumu)	29/09/2009
2	In house annotation on the employment of disabled people (Özürlülerin istihdamı kurum içi bilgi notu)	Turkish Employment Organization (Türkiye İş Kurumu)	29/09/2009
3	The list of projects financed out of Punishment Fund (Ceza Fonu'ndan yararlanan proje listesi)	Turkish Employment Organization (Türkiye İş Kurumu)	29/09/2009
4	Recommendations of Turkish Confederation of Employer Associations on the employment of disabled people (TİSK'in Özürlü İstihdamına İlişkin Önerileri)	Turkish Confederation of Employer Associations (Türkiye İşveren Sendikaları Konfederasyonu)	30/09/2009
5	Three medical reports indicating different extents of disability for the same person (Aynı kişiye verilmiş üç adet farklı özür oranında hastane raporu)	Anonymous	18/10/2009
6	Gaziosmanpaşa Municipality 2006 Disability Survey (Gaziosmanpaşa Belediyesi 2006 Özürlüler Araştırması)	Gaziosmanpaşa Municipality (Gaziosmanpaşa Belediyesi)	19/10/2009

7	The annual changes in the number of Green Card beneficiaries and distributions of active and passive users (Yeşil kart sayısının yıllar itibarıyla değişimi ve aktif/pasif dağılımları)	Ministry of Health (Sağlık Bakanlığı)	30/10/2009
8	Distribution of disabled population according to extent of disability from Disability Database (Özürler Veritabanından Türkiye'de özürlerin ötür oranına göre dağılımı)	Directorate for the Disabled People (Özürler İdaresi Başkanlığı)	09/11/2009
9	Share of disabled people among those benefiting from charity (Yardım alanlar arasında engellilerin oranı)	Kimse Yok Mu Solidarity and Aid Association (Kimse Yok Mu Derneği)	01/12/2009
11	The number of disability allowance beneficiaries whose allowance were quitted by Social Security Institutions and reasons for quitting. (2002 özürli aylığı kesilen kişi sayısı ve kesilme nedenleri)	Social Security Institution Directorate General of Non-contributory Payments (Sosyal Güvenlik Kurumu Primsiz Ödemeler Genel Müdürlüğü)	02/12/2009

List of Meetings Attended by the Author

#	Theme of the meeting	Hosting Institution	Date
1	City and Disability Forum (Kent ve Engellilik Forumu)	Six Dots Association for the Blind and People's Houses Disability Branch (Altı Nokta Körler Derneği ve Halkevleri Engelli Atölyesi)	01/03/2009
2	Disability Rights Conference (Engelli Hakları Paneli)	Kartal Municipality and People's Houses Disability Branch (Kartal Belediyesi ve Halkevleri Engelli Atölyesi)	11/10/2009
3	In house Meeting of Dezavantaj.org Online Platform (Dezavantaj.org Toplantısı)	Dezavantaj.org	18/10/2009
4	Being Disabled (Sakat Olmak)	Istanbul University Faculty of Political Sciences (İstanbul Üniversitesi Siyasal Bilgiler Fakültesi)	22/10/2009
5	4 th Council on Disability titled "Employment" (4. Özürler Şurası-İstihdam)	Directorate for the Disabled People (Özürler İdaresi Başkanlığı)	16-17/11/2009
6	Evaluation Meeting on 4 th Council on Disability (Özürler Şurası Değerlendirme Toplantısı)	Directorate for the Disabled People (Özürler İdaresi Başkanlığı)	03/12/2009

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