

# **Social welfare and educational support for people with disabilities in the United States and Japan's Independence-Support Law of People with Disabilities**

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## Purpose of this research

The Independence-Support Law of People With Disabilities was established in April of 2006. The objectives of this new Japanese law are to provide support to the mentally challenged in seeking employment, to shift the support basis from public welfare to the insurance system, and to provide support for people with disabilities and their respective households in gaining independence.

In the United States, the Clinton administration initiated extensive welfare reform in 1996 with the slogan, "the end of welfare as we know it". Under the significant impact brought from this US new policy based on the philosophy of "welfare-to-work", some of the most advanced nations in social welfare in Europe and Scandinavia have even started to introduce new welfare policies that support the provision of occupation for people with disabilities. Japan is not an exception from this global trend as the philosophy of "welfare-to-work" was widely applied to the Independence of People With Disabilities Law as well.

The purpose of this research is to identify, reveal and examine the existing issues of the Independence of People With Disabilities Law of Japan and the treatment that the people with disabilities in Japan have received, through understanding the history and background of the treatment of the mentally challenged people in the United States, which has always been based on the "independent spirit".

## The result and analysis

Throughout the history of the American social welfare and educational system in concern with people with disabilities, the status of people with disabilities labeled by society had shifted from "saints" to "those who are a burden to society" to "those who need special education to become productive" to "those who are impossible to be educated" to "those who are a threat to the society by being connected to crime and other problems" to "the nation's problem as seen from the eugenicists' perspective" to "hopeful people who are able to be educated and employed" and finally to "those who are a burden to families". People with disabilities

and their families have never been given stable social status in the United States as people's views toward them have constantly changed as a result of fluctuating social and economic conditions throughout different generations. A sense of guilt and psychological stress has always created burden for the family members of the disabled. In spite of the criticism towards inhuman treatment witnessed in institutions and the active protests that took place in the civil rights movement and the parents' associations, the number of institutionalized people with disabilities reached its peak during the 1960s and 1970s. Though it seems contradictory, this fact portrays that the institutions functioned to create an escape way for the family members from prejudice and societal alienation, as well as an escape way for those with disabilities from excessive parental expectations and a sense of self-failure. The sensational idea of eugenics and IQ testing along with the concept of normalization was fervently accepted by the citizens. However, the concept of such philosophy could easily be misunderstood or misinterpreted, and in many respects, it provided the perfect excuse for leaders of each generation to twist the truth. Though the liquidations of institutions were often regarded as an accomplishment of the rising power of the civil rights movement and the normalization movements, in fact, it was merely a result of budget reductions. The living conditions of disabled people in the United States after the collapse of many institutions has been associated with numerous problems such as abuse and lack of proper habitat, leaving no other options except returning to an institution or depending on family members, and the difficulty in maintaining a sufficient number and quality of employees at many institutions.

According to the definition of a welfare state by

Andersen (1999), the United States is a nation of liberalism where individual efforts and market-centered solutions for the welfare problems are given preference over anything else. Japan represents a combination of conservatism and liberalism, centered on its insurance system and familism. Japan's Independence-Support Law of People With Disabilities, which has been institutionalized as an insurance system, puts an inordinate burden of welfare responsibilities on people with disabilities and their families. While this represents the conservative side of the Japanese welfare system, such features as social support and aid based on needs rather than rights, benefits concomitant with work, an income survey to implement exemptions, and service utilization with individual contracts are regarded as liberalistic aspects. With some similarities in its system to that of the United States, Japan may face the same problems that the United States is now experiencing. The points of concern about Japan's Independence-Support Law of people of disabilities are the following: First, it is not a user-centered system since it determines what aid is offered according to the classification of handicap levels, to which all the handicapped are systematically assigned. With its ultimate goal of converting them to be gainfully employed, its support and aid is oriented toward training and has time limits. Such a system may tend to induce the staff and officials to take on an authoritative attitude towards the support recipients. While their participation in community activities and recreation is recommended, support for those activities for the handicapped is not deemed important enough to be specifically implemented. Second, aid money is paid on a daily basis. This payment format decreases the amount of money paid to the support facilities, which makes it necessary to reduce their personnel costs. The

system of “fulltime conversion” encourages employment of part-time workers, who work for less pay, but this, in turn, causes serious “quality of service” concerns: The system makes it difficult to recruit people with expertise in and enthusiasm for the welfare of the mentally handicapped; and quality of care may decline as a result. Lack of sufficient staff and lower quality of services as consequences of cutting down personnel costs are the serious problems in the U.S. as well. Third, a residence service facility available to each person is determined according to the classification of the person’s handicap level, and, thus, people with mild mental disabilities are sent back to the community. It is a misunderstanding that the community is always the best supporter of the handicapped. The best environment for the handicapped may be a support service facility where they can receive humane treatment according to Zigler,(1986) Indeed, allowing them to live outside the support service facilities without establishing an adequate support system in the community may incur risks that people with mental disabilities may be abused or become victims or perpetrators of crime. And as it is, there is a definite lack of welfare support for people with mild mental disabilities who live and work in the community. What’s more, at the end of the 1800s, in the U.S. as well as in Japan, mental disability was connected with criminality. That kind of misperception should not be revived ever again.

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