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Power and Normality in Paratransit – Individual Autonomy in Welfare State Law

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Introduction

The aim of this article is to reflect upon the relationship between the individual and the Swedish welfare state law. More specifically the aim is to critically engage with questions of power, autonomy and dependency arising from disability law by using analytical tools from feminist theory and feminist legal scholarship. In the Nordic countries, both feminist scholarship and disability scholarship rest on a strong ideological tradition wherein the welfare state is perceived as both the subject driving egalitarian emancipation for women and for people with disabilities, and as the object for critical analyses. This ideological tradition is only becoming more complex over time. With emancipatory success comes power and recognition, as feminist and disability causes are being incorporated into the mainstream agenda. However, at the same time, new challenges and vulnerabilities emerge, for example in the form of material retrenchment or ideological backlash. American feminist scholar Nancy Fraser has made the point that the foremost objective for critical research with an emancipatory approach is to challenge institutionalized injustice (Fraser 2008). In addition, British feminist scholar Sylvia Walby has recently put forth what she perceives as the three major challenges for the feminist movement: the engagement with government, the intersection with allies and competing forces, and the intensification of neoliberalism (Walby 2011:9). From the perspective of disability research in the Nordic welfare states, these challenges to women's emancipation are also the challenges to disabled people's emancipation. Thus, feminist scholarship and disability scholarship have every incentive to engage with these challenges as mutual allies and supporters.

The article will draw upon my own studies in Nordic disability law and especially special transport law. Special transport services cater to the needs of people who, for certain reasons,

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cannot utilize general public transport. Enjoying freedom of movement in daily life, for instance in utilizing means of transport to travel wherever one desires to go, takes on special meaning and importance for those with impaired mobility, impaired vision and the like. Public transport is often inaccessible for people with disabilities and so many depend upon compensatory measures, such as special transport services. Despite the everyday character of the issue this is no small matter. An individual's ability to move about in society as part of her or his daily life is an important precondition for the possibilities for social participation. The capacity – or lack thereof – to decide when and where to go in one's immediate surroundings highlights issues of power, autonomy and dependency, all of which are embedded in such an apparently mundane thing as taking a trip in a car. It is necessary to put these issues into context. Specifically, this means not only the context of Swedish welfare state law, but also that of disability and feminist ideologies. Finally, this article discusses whether these issues can be better understood when considered through Nancy Fraser's redistribution-recognition-representation dilemma (Fraser 1997, 2000, 2001, 2003, 2005, 2008, Nash & Bell 2007).

Feminism Challenging Universalism

In social research the Swedish welfare state is often described as universalistic, with comprehensive citizenship entitlements to social benefits and services, generous benefit levels, communitarian funding of welfare state provisions through taxation, egalitarian redistribution, and a major commitment to full employment. Another important characteristic is that entitlements to services and benefits are based on citizenship, such that the communitarian funding of social welfare reflects and reinforces the idea of social citizenship (Sainsbury 1996:31–32). Universalism is thus often considered a dominant feature of the modern Swedish welfare state, and it has been described as resting upon two fundamental and mutually reinforcing principles – the universal idea of citizenship based on social rights and the normality of waged work (Kettunen 2006:60). From a feminist point of view this idealistic description is neither obvious nor self-evident. Throughout the history of the Swedish welfare state, the principles of universalism have constantly been supplemented with various group specific measures (Christiansen & Markkola 2006:22). This has led to a degree

of complexity that becomes visible when one, for example, observes compensatory services aimed at increasing participation in society for people with disabilities, such as special transport services.

Rather than being universally available, access to services or benefits from the welfare state is governed by criteria determining which claims and needs are legitimate and which are not. The distribution of resources and access to services is based on the dominant political conception of justice that forms the basis for the social construction of normality (Sainsbury 1999). Access to services thus tends to be governed by criteria rooted in perceptions of normality (Gunnarsson 2007:194). From a theoretical and individual perspective these legal criteria, together with individual rights and obligations, form a qualification process where normality is articulated (Wennberg 2008, Gunnarsson 2007:192–196, Gunnarsson & Svensson 2009:220). From the viewpoint of a feminist legal analysis the process of getting access to services – such as for instance the special transport services – is not 'universal' at all. Access to specific services or benefits requires that individuals be constructed as worthy enough, or sufficiently needy, in order to be included in the right category and thus deemed eligible. In effect, the law constructs people through this qualification process. This process of construction and categorization operates according to the logic of separation. With this logic the creation of distinctive legal categories, often in the form of dichotomies, also creates dual normalities (Svensson 1997:53–69). The dual normalities typically have different characteristics. The normality constructed for eligibility to services is sometimes described in some detail, particularly with regards to bodily or mental malfunctions. An example of this is when the law describes enduring mobility impairments causing considerable difficulties when getting on and off, paying, sitting and standing onboard vehicles in the general public transport system. The other constructed normality, people who are not eligible for services, is however often not described explicitly at all, but rather implied by all the things it is not. In the example above, the non-eligible normality would, for instance, include all people without any mobility impairments, but also for example people with quite severe mobility impairments which are not considered enduring in character.

Feminist legal scholars have shown not only how such ongoing construction of normalities undermines the perceived universalism of the Swedish welfare state, but also how it undermines the perception of access to social entitlements as being either 'needs based', that

is, available to anyone who has a need for assistance or services or 'residence based', that is, available to anyone residing in the country. Rather, the ongoing constructions of normalities in Swedish welfare state law can be understood as defining a social citizenship in law (Gunnarsson 2003, Gunnarsson 2007:192–200, Wennberg 2008). On the individual level, this social citizenship in law provides a complex web of inclusion in, or exclusion from, different normalities. As we shall see below, through the example of special transport law, this social citizenship in law creates by itself a complicated dichotomy of dependency and autonomy in the welfare state.

A Feminist Understanding of the Swedish Welfare State

The intersection between law and welfare state rationality is central to the understanding of feminism in a Swedish context. The comprehensive welfare state is important because of its huge influence on the material conditions of life in Swedish society (Gunnarsson et al 2007:9–10). In feminist analyses the structure of the modern welfare state has been described through the concepts of 'the social insurance state' and 'the social service state' (Anttonen 1997 & 1998). The concept of the social insurance state refers to the welfare state structures that guarantee basic economic security for the citizens. That of the social service state refers to welfare state structures that provide a maternalistic and caring social policy. As such, the social insurance state provides benefits aimed at income maintenance and individual economic independence, while the social service state provides care and assistance in coping with daily life. Both of these welfare state concepts are therefore instrumental in establishing the boundaries of social citizenship for any group which depends on welfare state benefits and services (Anttonen 1997:11–17).

Each mode of the welfare state, the social insurance state and the social service state, embodies certain important legal characteristics. The social insurance state rests on individual rights to claim cash benefits in specific situations, such as old age pension, unemployment insurance, or sickness benefit, all of which are generally regulated and administered on a national level. In comparison the social service state emerges as decentralized and full of nuances and variations at the structural level. It is generally situated in the municipalities and

the counties, which both enjoy comprehensive local self-governance in matters of social policy and welfare law. Local self-governance is often also perceived as an important ideological value in itself, especially regarding the legitimacy of the welfare state. The social service state is typically regulated by so-called framework legislation where the vague and open ended language of parliament acts and national government decrees serve merely to establish a framework which is then filled by administrative authorities, professions and organizations in the society. Its administration is characterized by wide normative discretion exercised by the authorities, and the legislation then mainly sets forth standards against which actions and activities can be measured (Vahlne Westerhäll 2002:60; Gunnarsson et al 2007:7–10). The social service state appears to be perpetually set in a borderland where normative legal patterns and patterns of social policy collide and intermingle (Wennberg 2008:358). Never understood as purely legal or purely political, the law of the social service state can thus be viewed as inherently pluralistic (Vahlne Westerhäll 2002:59). This normative pluralism further complicates the already complex picture of the rationalities that govern services for people with disabilities in the social service state. It has been observed in disability research that local economic and political rationalities can create quite forceful norms that challenge both individual rights and municipal obligations (Nordgren 2009:18).

Disability in the Welfare State – Equal Participation in Society

Perceptions and definitions of disability have changed significantly over time. In the 1970's the global understanding of disability experienced the so called 'environmental turn' where the perception of disability evolved from a medicalized characterization of the individual to a definition located in the environment and the social and political context. Central themes in the Nordic understanding of disability may be traced back to the so-called 'normalization principle' which was formulated mainly in the 1960's. This principle, built upon a strong critique of segregation and exclusion, embraced the idea that citizenship rights and duties should be expanded to the entire population (Traustadóttir 2009:12). The normalization principle took as its point of departure in a drive among scholars and welfare operators to end segregation for people with intellectual disabilities and to create living conditions as close as possible to those of the 'normal' population. In the context of the realities for people with

intellectual disabilities in the 1960's and 1970's the normalization principle represented an emancipatory liberation movement. From being separated from their families at an early age and brought up in large government-run institutions, these persons were now mainstreamed into the larger society. The normalization movement spearheaded support for parents with disabled children, admission to schools in the vicinity of the families' homes, and support for adult persons to live and work in the community.

However, the normalization principle also contained seeds of ideological conflicts. Normalization, almost by definition, requires a normative understanding of normality itself. The principle thus highlighted a tension between normality as defined collectively, that is, to live like other people do, and freedom for the private individual to define for oneself what it meant to lead an independent life, and thus to be able to also reinforce diversity within the larger normality (Askheim 2005:17–24).

At the core of modern disability ideology in the Swedish welfare state is the notion of full and equal participation in society. This is a result of a long and gradual emancipatory process in close connection with the expansion of the social service state (Lindberg 2006). Full participation for people with disabilities is a notion with many nuances. A main component has been a social understanding of participation, that is, integration and mainstreaming instead of segregation, and inclusion instead of exclusion. An inherent tension has been noted also in the notion of participation. The idea of full participation in society can be given somewhat different meanings according to whether it is understood from a traditional Nordic perspective with a collective focus on the society as a whole, more specifically on the operations of the social service state to empower individuals, or, from an individual perspective, with a focus on the private individual's possibilities to choose to participate in various activities and social relations. Participation in the collective and Nordic sense requires a social context and a welfare state. In the individual sense it is (probably) quite possible to fully participate alone (Gustavsson 2004).

Disability researchers in the Nordic countries have developed an understanding of disability as relational, as a mismatch between a person's capabilities and the functional characteristics of the environment. Disability is viewed as situational, contextual and relative rather than situated in some essence of the person (Tøssebro 2004:4). The Nordic relational approach,

also called the environmentally relative model of disability, has been widely adopted by researchers and authorities alike in the Nordic welfare states and has exercised a considerable influence in both legal and policy documents (Traustadóttir 2009:12–13).

Autonomy and Disability in the Social Service State

The Swedish welfare model has been described as Social Democratic in outlook and committed not only to equal opportunities but to equality of outcomes (Sainsbury 1996:32). This understandably creates a severe tension between the ethics and rationality of the welfare state and neoliberal ideology. The services of the welfare state aimed at people with disabilities are often described as moving away from collectivist and egalitarian notions and moving toward more freedom of choice for the private individual among a multitude of competing service providers (Lindberg & Grönvik 2011:93–96). However, when approached on an individual level, and/or with a critical perspective, the perceptions are often the opposite. For example, when scholars estimate eligible people's attitudes toward the special transport services the results indicate that the more dependent the person is upon the services, that is, the more frequently the services are being utilized by that person, the more negatively that person views the services. Over time, as more elements of procurement, competition and individual choice are introduced in the services, the results indicate that frequent travelers are increasingly unhappy with both quality and quantity of services (Strömberg 2011, Knutsson 1998).

Individual autonomy in the context of the Nordic welfare states usually takes on a different meaning compared to classical liberal notions. Autonomy in the Nordic countries, as understood by disability researchers, is often perceived as the individual freedom and ability to take part in all kinds of communal and private activities. Rather than mere freedom of choice or freedom from government interference, this concept of autonomy is linked to the freedom to fully participate in society on an equal footing with everybody else. Such Nordic autonomy rejects paternalism, but the means for doing so include making available and accessible to the private individual the full arsenal of society and government (Helmius 2004a:114, 2004b:106). In this context the welfare state can also be perceived as the foremost

emancipatory agent from an individual autonomy perspective. This egalitarian Nordic concept of individual autonomy resonates very well with Nancy Fraser's idea of participatory parity as a key component of social justice. The concept of participatory parity may be more or less realized depending on the social relations between individuals in the community. In any case, the concept inevitably raises questions about power relations in that community. Regardless of whether institutionalized injustices and inequalities manifest as maldistribution, misrecognition or misrepresentation, they must be viewed comprehensively, that is, as evidence of a status in society, and not merely as a singular issue of, for example, the distribution of certain social goods or a personal feeling of identity (Fraser 2008). As a consequence of the comprehensive view of individual autonomy, the material scope of the various individual legal rights becomes a very important component in the social citizenship of the private individual in the Swedish welfare state.

Article 3 of the UN Convention on the Rights of Persons with Disabilities explicitly lists individual autonomy, including the freedom to make one's own choices, as a general principle underlining the entire Convention. Accordingly, the impact on individual autonomy ought to be important when interpreting law concerning services for people with disabilities. How to reinforce and support individual autonomy for persons with disabilities within the context of welfare state law is of course a complex and multi-faceted issue. Disability research has shown that the operators of the social service state, that is, the people of various professions employed within it, tend to take on the role of experts and become chief interpreters of the needs and desires of persons with disabilities, even in situations where the private individuals concerned may very well be able to articulate their own needs (Barron 2000:121–122). So although the expansion of the social service state has indeed served to liberate people with disabilities from segregation and a status as objects for medical dominance, interactions between private individuals and welfare state operators may create perceptions of dependency. The underlying values of professional systems and the rationality of the social service state may still take precedence over such values as, for example, that of individual autonomy (SOU 1998:48, SOU 1999:21, Askheim 2005:92, Nordgren 2009).

The Special Transport Services

Special transport services for people with disabilities gradually became available in the entire country of Sweden during the 1970's. These services are currently regulated by the 1997 Special Transport Services Act, which defines them as "specially arranged transports for people with disabilities". They provide a telephone call based service whereby a private individual who wishes to go somewhere simply orders either a regular taxi or a specially adapted vehicle to pick up and drive him or her to a certain pre-agreed upon location, usually a short or medium short distance away. The Act specifically mandates every Swedish municipality to provide its citizens with special transport services of good quality. Municipalities may commission the county or a private enterprise to coordinate and provide the services, which they frequently do. Nevertheless, the respective municipality always carries the final responsibility towards the private individual for providing the services.

The most frequently utilized means of transportation in Sweden for people both with and without disabilities is the car. The majority of people who have no problems in using public transport still tend to favor the car. People with severe visual impairments and severe mobility impairments are among those groups who use general public transport only rarely, with those with multiple impairments tending to use it very rarely, if at all. The frequency of impairments increases with age and, as a result, the majority of people with multiple impairments are elderly. Because women live longer than men, a large majority are women. In practice, for several diverse groups, the special public transport is the primary, and sometimes only, option when travelling short or medium short distances (Davidsson 2001).

Swedish disability policy, informed and influenced by EU disability policy, is increasingly focused on mainstreaming the transport sector. In the disability context this means making the general public means of transportation accessible and accommodating for as many people as possible. Key notions are 'Design for all' and 'Universal design' (Prop. 1999/2000:79, Skr. 2002/03:25, SOU 2003:87:55–63, Skr. 2005/06:110, Prop. 2008/09:93, von Axelson 2006:39). Although these mainstreaming efforts are intended to gradually and progressively widen the group of people that can utilize general public transport, still a number remain effectively barred or hindered from utilizing even this more accessible general public transport system.

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The special transport services first became mandatory upon the municipalities through a clause in the Social Services Act in 1982. This affirmed the status of special transport as a social right and put it firmly in the center of welfare state administration. During the 1990's disability policies shifted insofar as special transport services were no longer viewed primarily as a social issue but rather as an issue of transportation. Regulation of the services was transferred from the Social Services Act in 1997 and supervision of the services was transferred from the National Board of Health and Welfare to the national traffic authorities. Despite the policy shift the importance of the special transport services for people with disabilities in their daily lives has, of course, not become any less 'social'. However, it is possible that moving away from the official social policy context has served to hide the importance of the services for such ideological values as independent living and equal participation in society (Vägverket 2001:6).

Constructing the Subject – The Normality in Special Transport Services Law

Not everyone may utilize the special transport services. First there is a screening process to determine if a person is at all eligible for services, that is, the worthiness of each individual to receive services is weighed and measured. The Special Transport Services Act offers certain legal criteria. Entitlements under the Act are only given to persons with impairments that are considered to be permanent and not temporary in nature. While the criteria in the Act are given as written at the moment of legislation, the criteria in practice still evolve, adapt and change in a manner that is typical of the framework law. Over time the difficulties in obtaining an entitlement have increased (SOU 2003:87:87–88). If an individual clears the screening process and gets an entitlement to services, then there is virtually no end to the possible limitations and conditions that the responsible authority may impose. This follows from clause 9 of the Act which gives the municipalities wide latitude in prescribing which means of travel are allowed, which areas are included, and other matters. For example, entitled persons are often not free to decide when to travel, but may be limited to certain hours of the day or even certain days of the week. From an individual autonomy perspective the situation appears to slowly deteriorate as individual needs are subordinated to fiscal and

administrative rationalities, limiting both access to and personal influence over services (Ekensteen 2006:75–76).

The number of trips allowed over a certain period may be also limited. Further, people are often not permitted to decide for themselves who to travel with (Prop. 2005/06:160:243). If a traveler wants to go with a spouse or a partner, this may not be allowed. Similarly, to go with one's children is sometimes allowed, sometimes not, and sometimes only if the child is younger than some arbitrary age limit. To go together with someone that has not cleared the screening process, for example a friend or co-worker, is often either impossible or requires this other person to pay a hefty price for the trip, thereby discouraging this person from doing so. People may not even always be allowed to decide where to go, as there are often several destinations that are off limits for various reasons. For example, if the destination is on the other side of some administrative border (for instance in another municipality), or another traffic provider is tasked with providing special public transport to a certain destination (such as a hospital or a dentist's clinic) the special transport services might therefore not be allowed to drop off at this destination (SOU 2003:87:48, 55–63, 75–77). Accordingly, the legal and administrative criteria of the welfare state construct boundaries in time and in space for when and where people are allowed to go, effectively limiting freedom of movement in daily life for individuals with disabilities.

An example of how the construction of normality operates is the legislative development concerning the power granted to the municipalities under Section 9 of the Act to restrict and limit the number of trips during a specified period of time. This municipal practice has been severely criticized by many disability organizations as it is considered discriminatory compared to general public transport and, in any event, the private individual should always be free to decide autonomously how often to travel (Prop. 1996/97:115:50, Prop. 2005/06:160:255–256). The national government has acknowledged the ideological validity of this criticism (Prop. 2005/06:160:256). However, the government's solution to the problem was not to abandon the practice per se. Instead, in 2006 it changed Section 9 so that the municipalities may not restrict trips deemed essential for the entitled individual. That is, in order to be able to exercise individual autonomy in deciding how many trips to make, the trips must fit into the normality for trips that are deemed sufficiently essential for the law to actually allow for individual and autonomous decisions. Thus, the critique from the disability

organizations broke up the rationality of municipal discretion, only to have it renegotiated to a qualification process in which individual needs are to be measured against a normality constructed by law.

In viewing the law on special transport services for people with disabilities from an individual autonomy perspective it appears that people are constructed by law as members of an incompetent and dependent collective. Much essential power to enforce autonomous travel decisions in daily life is subject to approval from the welfare state operators and traffic corporations. This stands in stark contrast to other possible normalities, namely that of the general public transport traveler and that of the regular taxi customer, who both according to market rationality presumably decide freely, independently and individually when and where to go, and also with whom.

Individual Autonomy vs Social Service State Rationality

The opposing forces of a normative egalitarian ideal and the right of the private individual to exercise autonomous decisions in daily life may be viewed as a built-in contradiction in the social service state (Askheim 2005:25). The qualification process governed by legal criteria contains paternalistic and moralistic features that discipline the collective of citizens towards a normality that defines social justice in the welfare state. What determines whether a specific individual gets a specific right to services, and also the quality and extent of this right, is entirely connected to how the individual is constructed by law and how the particular right fits into the perception of normality in the pre-existing redistributive systems of the welfare state. When normality is not attained, social exclusion for groups or individuals is the unavoidable result (Gunnarsson & Svensson 2009:220-222).

The pluralism which characterises the social service state is in itself a complex structure of stability and change. The framework law is designed to allow change in values and methods within a stable organizing system. At the same time the institutions and the operators of the welfare state are 'normalized' to the framework system and the stability and endurance of the system is tangible. The redistributive transfer of material care and services to individuals is

viewed as wholly legitimate, while the non-transfer of ultimate power over important daily life decisions is mostly hidden as it falls outside the scope of the ideal social citizenship.

Redistribution, Recognition and Representation – A Broader Understanding of Autonomy and Power

Over the last two decades the focus of international disability law and policy appears to have been firmly set on formal social justice. The goal has been equalization of opportunities. This focus can be seen as part of an international trend that appears to be much inspired by the American civil rights movement and the Americans with Disabilities Act (Danermark & Gellerstedt 2004:341). The UN Convention on the Rights of Persons with Disabilities represents a firm global acknowledgement of the equal dignity and autonomy of people with disabilities. In the Convention the principle of social justice appears to have been influenced by a more multidimensional understanding of equality. This more nuanced and complex notion of equality is rooted in the perception of disability as a social construct. It is also evident in the core legal principle that equality requires equal treatment of equal situations and different treatment of unequal situations (Mjöll Arnardóttir 2009:43). The complexities of both cultural differences and material disadvantages have been incorporated into a broader understanding of social justice.

Much like the driving forces behind the feminist movement, the emancipatory drive behind the disability movement seeks both a redistribution of economic resources and the recognition of lived experiences (Hugemark & Roman 2007:29). As a collective, the disability movement has for a long time also grappled with issues of representation, both in the political system and within the community at large. Some observations indicate that the Swedish disability movement is slowly moving away from the traditional consensus-building of the Nordic political culture, toward a more campaign oriented approach and a more outspoken role in the form of lobby groups for disabled people (Lindberg & Grönvik 2011:101–121). Again, it is important to remember the Swedish context where the welfare state is criticized for its perceived shortcomings and contradictions, but also acknowledged as the mighty vehicle that drives emancipation for people with disabilities (Lindqvist 2007:12–

28). Still, overwhelming evidence, supplied by disability research over the years, indicates that also in modern Swedish society people with disabilities suffer both socioeconomic maldistribution and cultural misrecognition. On a structural level, people with disabilities can be viewed as a bivalent collective in that they are differentiated by both the political and economic structures as well as by the cultural and value based structures (Fraser 1997:19). Nancy Fraser uses the terms redistribution and recognition to illustrate different aspects of social justice for such bivalent collectives. While redistribution focuses mainly on socio-economic injustices, recognition focuses mainly on cultural injustices (Fraser 1997, 2003). These cultural injustices are often invisible through normative practices of the culture, and examples include being routinely maligned or disparaged in stereotypic fashion in cultural representation and in daily life interaction, as experienced by many persons with disabilities. Misrecognition should not be understood as just any cultural or symbolic bias; rather, recognition should be understood as a status in society (Fraser 2000:113). This power dimension enhances the importance of recognition as an aspect of social justice. Misrecognition proper does not occur in a purely cultural realm of symbolic patterns of stigmatizing or demeaning evaluation, but rather in cultural value patterns that are institutionally anchored and systematically subordinating. A distinct benefit of understanding misrecognition as status subordination is that it locates the wrong in the social structure of society, instead of in the essence of some individual or collective psychology (Fraser 2003:31). To the two-dimensional redistribution-recognition dilemma Fraser has added symbolic and political representation as the third dimension. Misrepresentation occurs when political and legal boundaries are at work in denying parity of participation. When particularly severe, misrepresentation of people takes the form Fraser calls 'misframing', that is, when the boundaries in the community are drawn so as to not only deny parity of participation but to deny participation at all (Fraser 2005).

When viewing the possibilities for moving about in the community from the perspective of the individual, in the context of dependence upon the special transport services, such a three-dimensional pattern of injustice becomes visible. The services are funded mainly by the public and, to a much lesser degree, through fees from the travelers. As such, the services are a form of redistribution within the Swedish welfare state. However, frequent travelers continually experience the services as an inferior and limiting factor in their daily lives, compared to what is available to other travelers by general public transport (Vägverket 2009).

At the same time travelers indicate that they are paying higher fees for the same or worse services (Strömberg 2011). These factors indicate that maldistribution is at hand. To achieve social justice it is necessary that all individuals may participate in social interaction on equal terms. This means that to overcome status subordination the misrecognized party must be established as a full and equal member of society, capable of participating on a par with all other people. Such participation on equal footing is frequently called for by people with disabilities and their organizations (Danermark & Gellerstedt 2004:342). Frequent travelers with the special transport services also continually experience that utilizing the services confers on them a stigmatizing status and in some cases even subjects them to degrading treatment from professionals. Among the worst features of the services, as indicated by users, is the requirement to order a trip several hours or sometimes even days ahead. Viewed as a lived experience, the inability to quickly or spontaneously move about in the community clearly illuminates the individual's lack of power and autonomy over important decisions in daily life (Vägverket 2009, Strömberg 2011). That this systematic, or institutionalized, injustice is considered legitimate and politically acceptable illustrates that misrecognition is also present. The individual's lack of power and autonomy in daily life finally raises questions about representation and 'misframing'. Fraser describes the politics of framing as a process where the boundaries of the political community are drawn up (Fraser 2005). The Swedish disability movement has traditionally tried to dismantle boundaries for participation by strategies of affirmative framing, that is, by contesting the boundaries, and seeking to redraw them to include people with disabilities in the political community. However, the social service state is in a constant mode of drawing and framing. The framework law, the normative pluralism and the strong position of local self-governance, all require that the boundaries and normalities be articulated again and again. This is a process in which only a strong and visible symbolic and political representation can ensure affirmative framing. As people with disabilities currently lack such forceful representation, they are also misrepresented within the political system. The microcosm of individuals depending on special transport services thus reflects the three-dimensional injustice that many disabled people experience in the Swedish welfare state.

Conclusion

One of Fraser's key points is that the redistribution, recognition and representation dimensions of social justice are not contradictory to each other; they do not present an either/or choice. Instead most social injustices are quite complex and often combine features of maldistribution, misrecognition and misrepresentation. This redistribution-recognition-representation dilemma is felt directly by many disabled persons. The disability movement, much like the feminist movement, is therefore faced with this complex and challenging dilemma when articulating claims for social justice (Hugemark & Roman 2007:29). When Fraser argues for a paradigm of social justice that includes redistribution, recognition and representation she abandons the presumed ontological distinctions of redistribution as material, recognition as cultural and representation as political, by tracing the distinctions to historical developments in social structures. In the case of the lived experiences of many persons with disabilities it is obvious that systematic subordination, stigmatization and a general lack of power in society come together with economic hardship of varying degrees. These injustices can be viewed as three-dimensional as they are rooted both in economic structure and in the status order of society (Fraser 2005). From a macro perspective, the Swedish welfare state is often described as excelling in the redistributive aspect, but the normality of the ideal social citizenship creates a pressure at the individual level that leads to misrecognition and misrepresentation of people with disabilities. And from the micro perspective of the special transport services, the absence of being able to control basic things in daily life can be viewed as a systematic and institutionalized pattern of cultural and political values. In this case the pattern is operating within the legal framework of the social service state. To move toward greater social justice a change is needed in this cultural and political pattern, a change that will allow the welfare state to continue with the comparatively successful redistribution of material goods, but that also transfers power and autonomy over basic daily life decisions to the concerned individuals.

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