# Editorial:
# Swiss Disability Policies at the Crossroads?

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*Abstract*

*The year 2024 marks significant anniversaries in the field of Swiss disability policies, reflecting a complex trajectory where notable advances in inclusion and non-discrimination coexist with path-dependency and competing political priorities. This special issue sheds light on the conflicting agendas of the promotion of human rights, inclusion and equality for people with disabilities and their actual implementation, which is confronted by cost-containment measures that restrict access to disability benefits and hinder progressive reforms in disability services. The ambition of this special issue is to highlight the fundamental contradictions between the potentials and limits of disability policy transformation. This editorial introduces how these paradoxes of disability policies operate both internationally and in the Swiss context while providing an overview of the insightful papers included in this special issue.*

*Keywords: Disability policy, welfare state, equal rights, paradoxes, Switzerland*

## Introduction

The year 2024 marks several significant anniversaries in Swiss disability and social policy, highlighting a quarter-century of new approaches intersecting with century-old path dependencies. Together, these milestones illustrate the complex and often paradoxical trajectory of Swiss disability policies. While substantial strides have been made in promoting inclusion, non-discrimination and self-determination, progress has frequently been fragmentary and constrained by competing political priorities and structural limitations. These anniversaries underscore the need for a critical examination of disability policy and reforms in Switzerland. This is precisely the aim of this special issue, which is intended to reflect and shed light on the developments, tensions and ambivalence of disability policies in Switzerland. More

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specifically, tensions between human rights aspirations and cost-containment measures reflect deeper contradictions within the welfare state and social policy over the past quarter-century, with advances in legal rights often coexisting with the political will to reduce or at least balance expenditures in the field of disability. This editorial, along with the articles that follow, explores these developments in greater depth, revealing the complex forces that shape Swiss disability policies and the ongoing challenges in achieving real equality and inclusion for all. The papers included in this special issue explore key challenges and complexities within Swiss disability policies, including social protection, activation policies and service delivery. They examine the difficulties in balancing economic considerations with the rights and empowerment of people with disabilities, as well as the interplay between cantonal, federal and international regulations, both in implementing and reforming disability policies. Together, the contributions highlight the ambivalences and paradoxes that characterize the landscape of disability policy in Switzerland, shedding light on the intricate and often conflicting forces at play in the pursuit of comprehensive inclusion and equality.

## Social policy and disability policy research and practice

Esping-Andersen's seminal 1990 work, The Three Worlds of Welfare Capitalism (TWWC), continues to exert significant influence in social policy research. However, from the perspective of disability, this welfare regime approach is limited by "gender and normality biases", as it primarily conceptualizes the "normal" able-bodied male worker as the primary agent in relation to both the market and the welfare state (Waldschmidt 2009: 19). Building on the feminist critiques that surfaced following the publication of TWWC (see, e.g., Lewis 1997; Lister 1994; McLaughlin/Glendinning 1994; Orloff 1993; Sainsbury 1994), Barnes (2000) conducted a comparative analysis of policies and policy outcomes for disabled individuals in the United Kingdom, Germany and Sweden. She synthesized the policy criteria identified by feminist critiques and incorporated additional criteria tailored to an analysis of disability policy in welfare states (see Table 1).

*Table 1: Comparing welfare states*

*Conventional criteria*

- % of GDP spent on social expenditure
- strength of church/left power (votes for confessional/social democratic parties)
- stratification (modification or reinforcement of class position)
- decommodification
- means-tested versus universal social welfare
- role of markets/state
- outcomes – e.g. pre- and post-transfer poverty rates

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| *Feminist analysis*<br>• maternity/paternity/parental leave<br>• level of female employment/wage levels<br>• poverty rates of women relative to men<br>• childcare provision and funding<br>• tax incentives to single/dual-earner households<br>• individual/joint entitlement to pensions and benefits<br>• provision and funding of care for older people and disabled people |
| *Analysis by disability*<br>• employment rates/wages of disabled people<br>• poverty rates relative to non-disabled people<br>• right to work (compulsory employment or active labour market policies)<br>• level and eligibility criteria for disability benefits<br>• provision and funding of personal assistance<br>• anti-discrimination legislation |

*Source: Barnes (2000: 31)*

It is evident that the category of disability introduces its own distinct logic and realities that significantly impact social policy, distinguishing it from other social policy fields targeting different groups. For social policy research, it is crucial to recognize disability as a genuine sociopolitical category (Holler/Ohayon 2022; Tschanz 2022b).

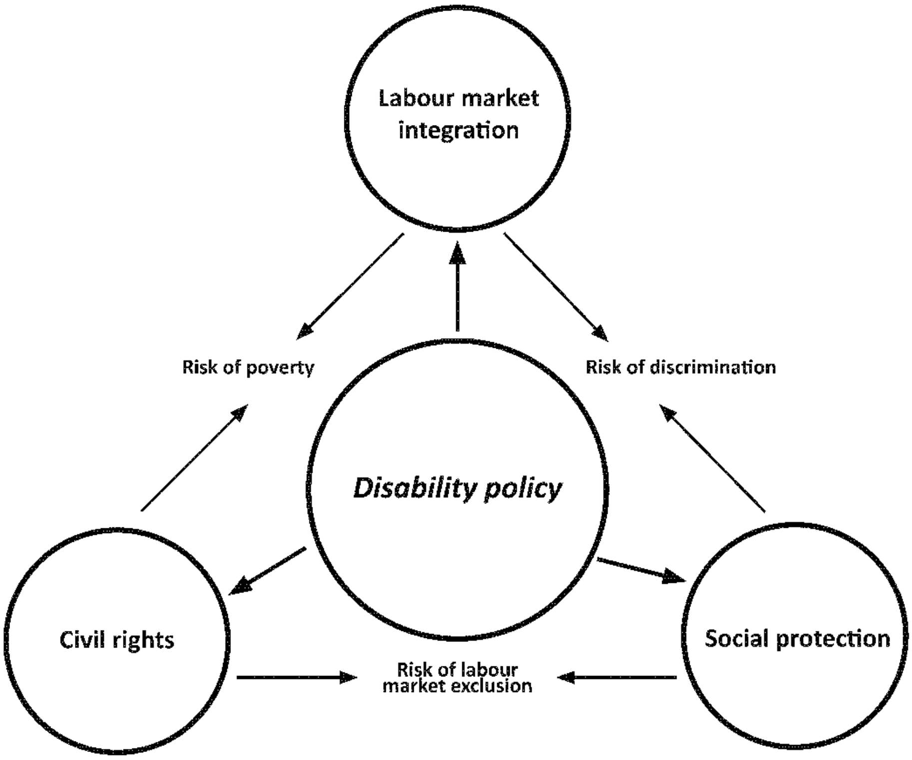
Halvorsen et al. (2017) conceptualize the disability policy system as comprising three overlapping subsystems: a cash transfer subsystem that provides redistributive income support for individuals who are not employed and incur higher expenses for special needs; a service delivery subsystem designed to enable people with disabilities to achieve independence and participate fully in their communities and broader society; and a social regulation subsystem intended to influence market dynamics and the behaviour of non-state and private actors to promote welfare objectives and human rights (Halvorsen et al. 2017). These subsystems aim to redistribute resources and equalize life chances. Disability policy encompasses both redistributive and regulatory dimensions. Funding sources include general taxes, social insurance contributions and contributions from protected persons and employers (Halvorsen et al. 2017).

The social regulation subsystem often addresses market failures by having governments establish standards and rights. Social regulatory policies take forms such as legislation, financial incentives or persuasion. Key social regulatory policies include the UN Convention on the Rights of Persons with Disabilities (UN-CRPD) (Halvorsen et al. 2017). Two key types of interplay between these three subsystems warrant particular attention, as they are crucial not only for understanding the coherence of disability policies but also for addressing their inherent ambivalences. In the following discussion, we explore these interactions in detail, highlighting their importance in navigating the complexities and contradictions that define the field.

## *The interplay of social regulation and cash transfer subsystems*

Disability policy is inherently multi-layered, involving social redistribution and regulation across various levels. To streamline the complex interplay between the cash transfer subsystem and the social regulation subsystem – or between social redistribution and regulation, respectively – Maschke (2004) proposes systematizing disability policy into three ideal-typical dimensions: social protection, labour-market integration and civil rights. Each dimension serves a specific function: combating poverty, preventing discrimination and fostering labour market integration, respectively. Consequently, an unbalanced disability policy can generate various risks, and trade-offs must be made (see Figure 1).

*Figure 1: Risks of an unbalanced disability policy*



*Source: Maschke (2004: 414), translation and minor adaptions by authors*

The relationship between civil rights and social protection is inherently ambivalent. Stone's (1984) concept of the distributive dilemma highlights the complexities involved in allocating resources to individual citizens, particularly the challenges posed by categorization. While categorizing individuals with disabilities is often necessary for resource distribution and targeted support, it simultaneously risks reinforcing social exclusion and stigmatization. This dilemma arises because identifying and labelling people with disabilities as a distinct group may inadvertently perpetuate inequality, even as it aims to address actual needs. Thus, the pursuit of individualized aid, though intended to empower, may paradoxically reproduce structural barriers by framing support within restrictive categories that emphasize differences rather than universal rights.

The challenge of categorizing individuals for support lies in the tension between addressing specific needs and reinforcing the perception of disability as an individual deficit. Waddington and Priestley (2021) argue that disability assessments prioritizing medical diagnoses over social-contextual factors contribute to structural barriers that obstruct genuine inclusion. This approach limits the transformative potential of individualized aid by continuing to frame support within narrow categories, focusing on deficits rather than universal rights to participation and inclusion.

To align with the UN-CRPD, Waddington and Priestley (2021) advocate a shift in disability assessment towards understanding disability as arising from the interaction between individuals and disabling environments rather than as an inherent attribute. This perspective would help mitigate the adverse effects of categorization by focusing on reducing environmental and social barriers, thereby harmonizing policy with the broader goals of equality and autonomy. Nevertheless, these ideas carry their own ambivalence. Efforts to dismantle categorization partially align with neoliberal paradigms that emphasize individualism and may overlook collective needs. In this framework, reducing categorization can also serve as a cost-saving strategy for the welfare state by limiting eligibility for support and benefits (Roulstone 2015).

### *The interplay of social regulation and service delivery subsystems*

Disability policy is inherently multi-layered, particularly in the interplay between the service provision subsystem and the social regulation subsystem. In this context, social regulatory measures intersect with the distinct internal logics of the service delivery economy. Significant changes have occurred in terms of social regulation. In the 1970s, the emancipatory disability movement criticized most service providers (especially in the United States, the United Kingdom and the Nordic countries), particularly residential care institutions, for being paternalistic, segregative and lacking adequate support for self-determination and person-centred approaches (Pearson 2020). This critique was later reinforced by the UN-CRPD, which advocates for the rights of individuals with disabilities to inclusion and autonomy. This transformation aligns with the principles of the Independent Living movement, which began in the 1970s with the establishment of the Center for Independent Living (CIL) in Berkeley, California. As Mladenov et al. (2023) emphasize, activists such as Ed Roberts[3] were instrumental in promoting this model, which aimed to counteract the dominant control of medical and social professionals over the lives of individuals with disabilities.

This shift, which is now embodied in Article 19 of the UN-CRPD at the level of social regulation, intersects with the internal logic of the service delivery economy, which is characterized by a distinct trilemma. As described by Iversen and Wren (1998), this trilemma

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[3] Ed Roberts, a prominent activist and a founding figure of the American disability rights movement, began his transformative journey at the University of California, Berkeley. His advocacy for disability rights and Independent Living culminated in his appointment in 1973 as the director of the CIL in Berkeley (Danforth 2020).

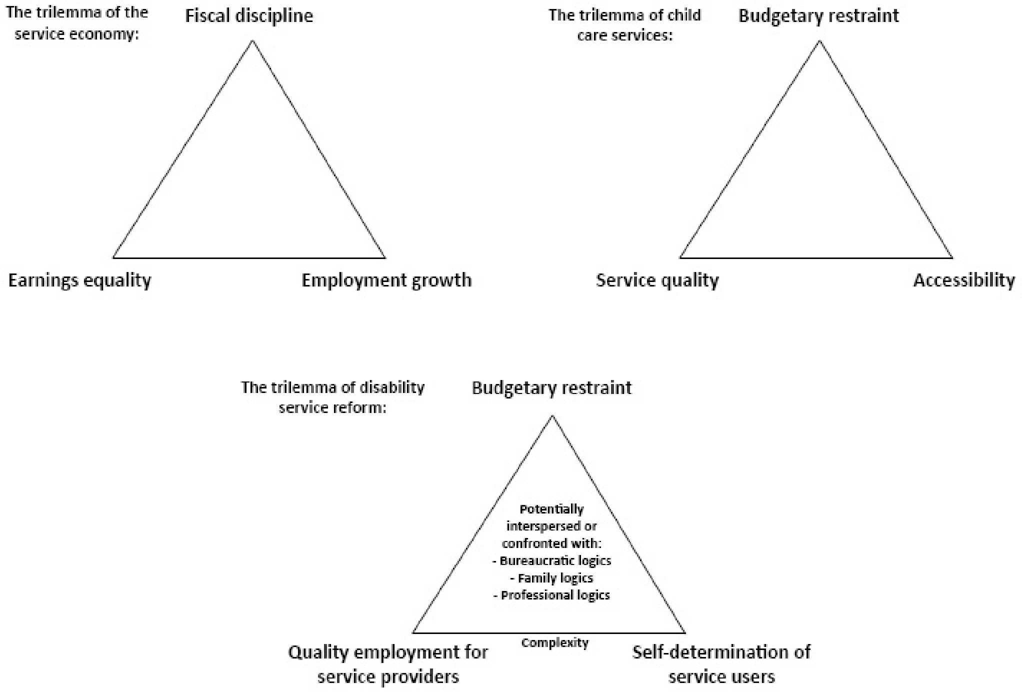
arises from the conflicting objectives of budgetary restraints, income equality and employment growth. Iversen and Wren argue that it is impossible to achieve all three goals simultaneously. A country can foster employment growth through the private service sector, but this often exacerbates income inequality, as private providers tend to offer lower wages (Iversen and Wren 1998). Conversely, achieving income equality and high employment rates in the public service sector is feasible through state intervention, but this requires higher taxes and increased public spending, which compromises fiscal discipline. Third, if a country aims to maintain wage levels and is not prepared to spend more, it is difficult to foster employment growth in the service sector (Iversen and Wren 1998).

Kim (2017) adapted this trilemma to the context of childcare services in South Korea, where the government prioritized cost containment by relying on private providers. Although this approach led to a substantial expansion of services, it came at the expense of wage equality and service quality. Consequently, the government's focus on budgetary discipline and employment growth compromised income equality. An alternative approach involves "compensating" individuals for care needs through home care allowance policies, although these do not ensure universal access to childcare (Kim 2017: 58). A third strategy focuses on developing childcare services by offering high-quality services through the public sector and promoting access to childcare as a universal right. However, this represents a costly option (Kim 2017).

In contrast to social insurance, which operates through a straightforward two-actor relationship between the government and citizens via direct payments, social services involve three principal actors: the government, citizens and service providers (Kim 2017). The Independent Living movement aimed to challenge the power imbalance within this tripartite relationship, where control was predominantly concentrated in the hands of the government and service providers, creating a quasi-two-actor dynamic that left individuals with disabilities with limited influence. In this relationship, the government operates through the intermediaries of service providers who, in turn, manage interactions with the government and relationships with individuals with disabilities. A central tenet of the Independent Living movement reimagines this arrangement as an alternative quasi-two-actor model. In this model, direct payments are expected to shift power dynamics: the government provides individuals with the resources and framework to act as employers, enabling them to hire personal assistants and take control of their own care.

In this restructured model, individuals with disabilities occupy an intermediary position. The introduction of direct payments aims to empower these individuals by granting them the ability to hire and manage their own caregivers as personal assistants, thereby promoting personal autonomy and increasing flexibility in service provision. However, disability services reform is characterized by a trilemma involving budgetary restraint, the self-determination of service users and the provision of quality employment for service providers (see Figure 2). This trilemma mirrors the challenges identified by Iversen and Wren (1998) in the general service economy and by Kim (2017) in childcare services. As Kremer (2006) highlights, the direct payment model introduces a distinct tension between consumer empowerment, service quality and the professionalization of caregivers. This model is potentially shaped and challenged by bureaucratic, familial and professional logics (Kremer 2006). Bureaucratic logic arises from the lack of a true care market, requiring bureaucratic regulation and oversight to ensure cost control and compliance, often at the expense of flexibility and personalized care. Family logics come into play when informal caregivers, typically family members, are involved, creating tension between personal commitment and formal employment standards. Additionally, the emphasis on flexibility can conflict with the professionalization of care work, leading to precarious conditions for caregivers and impeding the development of formal standards for care work or social work (Kremer 2006).

*Figure 2: The trilemma of disability service reform*



*Adaptions by authors, referring to Iversen and Wren (1998), Kim (2017), Kremer (2006), and Walby (2007)*

The trilemma is thus characterized by several competing policy options. First, personal assistance allowances for disability services can be introduced in a cost-neutral manner, serving as an alternative to previous institutional arrangements. These allowances provide financial support to individuals with disabilities or their families, enabling them to arrange personal assistant services at home, thereby enhancing autonomy and reducing reliance on institutional care. However, while this approach offers flexibility for service users, it often leads to precarious working conditions for caregivers. Guldvik, Christensen and Larsson (2014) underscore that while direct payment schemes for personal assistance grant users considerable control over their care, this often results in part-time, precarious employment for personal assistants, offering limited opportunities for professional development or career advancement. This trajectory of precarious progressive reform can be seen in Anglo-Saxon countries such as the United Kingdom (Tschanz 2022a).

A second option involves safeguarding working conditions and providing professional development opportunities for caregivers while still implementing personal assistance programs for disability services. This hybrid model could, for example, include pooled (semi-)professional service providers, granting individuals substantial freedom of choice. However, this approach is highly cost-intensive, as it requires more structured employment arrangements while simultaneously expanding flexibility and consumer autonomy. A model of encompassing progressive reform is evident in Scandinavian countries, such as Sweden (Tschanz 2022a). Balancing the needs of service users and providers – ensuring maximum self-determination for the former and quality employment for the latter – also remains a highly complex task on the meso and micro levels of service provision (Kelly 2016).

A third option is to minimize political reform and disregard the demands of the Independent Living movement and new social regulatory frameworks such as the UN-CRPD. The traditional quasi-two-actor relationship between the government and service providers reduces complexity by emphasizing stable professional working conditions within a predictable cost structure for the government. While this approach allows for controlled expenses and consistent employment standards, it restricts the autonomy and self-determination of individuals with disabilities. Such a state of stagnation is characteristic of many continental European countries (Tschanz 2022a).

Moreover, the transition from a bipartite to a tripartite structure – including service users as key actors – introduces significant complexity into the system. This complexity is highlighted by Walby's (2007) concepts of non-linearity and co-evolution. Non-linearity occurs when small adjustments to one part of the system, such as funding or regulatory changes, lead to disproportionately large and unpredictable effects. Co-evolution emphasizes the interdependence among the government, service providers and individuals with disabilities, where changes in one actor can significantly impact the others. The interplay of non-linearity and co-evolution highlights why addressing the needs of all three actors significantly amplifies the complexity of disability service delivery. From this perspective, cost-neutral solutions (see the first option above) fail to account for the unpredictable dynamics between these actors, where changes in one area often lead to unforeseen costs in others. This further underscores the challenge of balancing budgetary constraints with the demands for self-determination and service quality.

### *Paradoxes in disability policy-making*

Waldschmidt's concept of "delayed emancipation" (2012) encapsulates the paradox facing disability rights activism in late modernity. While formal recognition and legal protections for disabled people have made significant progress, the broader neoliberal shift towards privatization and individualism has simultaneously undermined the structural resources required for genuine autonomy. This notion of delayed emancipation illustrates the fact that demands for emancipation by disabled people and their social movements did not arise during the "golden years" of the welfare state or the Trente Glorieuses, but instead emerged in a period dominated by austerity measures and market-driven reforms. As a result, while legal advancements have been achieved, the accompanying socioeconomic conditions have limited their transformative potential, thereby constraining the realization of true equality and inclusion.

Holler and Ohayon (2022) emphasize the significant political challenges that people with disabilities face, which contribute to their persistent marginalization. These challenges, including barriers to voting, low political participation and underrepresentation in political offices, limit their capacity to shape the policy-making process. Their marginalization is further compounded by the lack of recognition within trade unions and working-class parties, which traditionally champion progressive welfare policies but often neglect the specific needs of disabled people. Unions tend to prioritize the interests of the "average worker", sidelining the specific experiences of disabled workers. Accessibility issues and broader societal marginalization exacerbate this exclusion, hindering disabled individuals' participation in political institutions. In contrast, Holler and Ohayon (2022) further emphasize the significant role played by social movements, particularly the emancipatory disability rights movement, in shaping disability policy outside traditional political arenas. According to the authors, grassroots activism has been vital in advancing the rights of disabled people, providing a necessary counterbalance to their limited influence within formal political institutions. However, these social movements also operate within a distinct political context that shapes their opportunities and limitations.

Waldschmidt's (2012) concept of delayed emancipation and Holler and Ohayon's (2022) insights into political marginalization reveal the dual barriers to achieving equality for disabled people. While legal advancements have been attained, socioeconomic austerity and systemic exclusion from political power have constrained their transformative impact. Disability policy-making requires addressing both structural inequities and political underrepresentation, ensuring that disabled voices are central to shaping their own futures. However, as Waldschmidt (2012) emphasizes, bridging these gaps is particularly challenging in an era where neoliberal reforms and austerity measures further entrench these barriers, limiting the potential for meaningful progress. In this sense, the active turn of social policy appears highly ambivalent. Since the 1980s, on the one hand, the activation paradigm has made participation in the labour market the primary objective of social policies (Gilbert 2005). But on the other hand, activation has also made the access to social benefits (especially the so-called "passive expenditures", opposed to the "active expenditures" – see, e.g., Erhel/Levionnois 2015) much more conditional (Handler 2003), thus eroding the very meaning of social rights, including in the field of disability (Hvinden 2003). This turn towards active disability policies have been strongly promoted by the Organisation for Economic Co-operation and Development (OECD). For example, in its 2003 report entitled "Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People", the OECD considers that the level of expenditure of its member states for disability pensions is too high, while the number of people leaving disability schemes (in particular those with a return-to-work trajectory) is too low. As a remedy, the OECD thus addresses a series of recommendations to develop rehabilitation and return-to-work programmes, including notably new obligations for disabled people:

> *"Benefit receipt should in principle be conditional on participation in employment, vocational rehabilitation and other integration measures. Active participation should*

> *be the counterpart to benefit receipt. Just as the assisting caseworker has a responsibility to help disabled persons find an occupation that corresponds to their capacity, the disabled person is expected to make an effort to participate in the labour market. Failure to do so should result in benefit sanctions." (OECD 2003: 12).*

Here we can see how the notion of "counterpart" – and more broadly, the repeated distinction made by active reforms among people with disabilities according to their work capacity and their ability to reintegrate the labour market – clearly goes against the demands of civil society for inclusion and non-discrimination. The fact remains that the OECD recommendations have had a major impact on the transformation of disability policies at the international level and on the allocation of disability benefits over the last decades, making their access more selective and conditional, including in Switzerland as we shall see below (Rosenstein/Bonvin 2020).

## Studying the case of Swiss disability policies in the light of the 2024 anniversaries

The year 2024 marks several significant anniversaries in Swiss disability and social policies, highlighting a quarter-century of new approaches and reforms intersecting with century-old path dependencies that began with the constitutional foundation of the Federal Disability Insurance (Invalidenversicherung/Assurance-invalidité – IV/AI) one hundred years ago. In response to the political crisis following World War I and pressure from the labour movement, the Federal Council proposed the introduction of a "disability, old-age and survivors' insurance" in 1919. By 1924, the decision was made to establish the constitutional foundation for the creation of the Old-Age and Survivor's Insurance (Alter- und Hinterlassenenversicherung/Assurance-vieillesse et survivants – AHV/AVS), as well as the IV/AI. It was enacted in 1925 (Germann 2020). However, this decision shifted the priority towards the AHV/AVS, delaying the legislative process for the IV/AI. As a compromise, the federal government began providing subsidies to private non-profit disability associations during the 1920s (Germann 2020). The IV/AI was not actually enshrined in law until 1959 and then finally implemented in 1960. From the outset, its focus was strongly on labour market integration (Fracheboud 2015).

As in many other countries, the field of disability in Switzerland is shaped by a complex network of non-profit and non-governmental disability organizations, whose roles became prominent due to the delayed introduction of the IV/AI. During the first half of the 20th century, state-subsidised organizations consolidated their influence, which grew further with the eventual implementation of the IV/AI (Germann 2020; Kaba 2010). These civil society organizations emerged as key advocates for disability rights, often surpassing the influence of labour unions and political parties in disability policy-making. The role of these organizations is complex. Historically, many focused on welfare, charity and labour-oriented rehabilitation programmes. However, further rights-based movements emerged in the 1980s, calling for greater equality and social inclusion for people with disabilities and thus conflicting with other institutional and civil society actors. For example, the "Club Disabled People and Their Friends" (Behinderter und ihrer Freunde, CeBeeF) protested in 1981 against Pro Infirmis for its close ties with government agencies, viewing this relationship as counterproductive to genuine rights advocacy and emancipation (Witschi, interviewed by Weisser 2011). Therefore, Holler and Ohayon's analysis of the emancipatory disability rights movement (2022) must be considered here within Switzerland's specific context and path: civil society and its organizations have indeed played – and continue to play – a crucial role in Swiss disability policy-making. However, they are not fully aligned and thus deploy a diversity of approaches, ranging from the allocation of disability benefits and services mandated by the welfare state (or filling gaps in the latter) to the struggle for equal rights and non-discrimination.

The complexity of the Swiss disability field and the tensions and paradoxes that run through it have become particularly salient over the last 25 years. On the one hand, in 1999, Switzerland saw its first direct payment for personal assistance made to an individual, embodying the principles of the Independent Living movement. The "Experiment Assistenzdienst" (Personal Assistance Service Experiment) was launched as a pilot project in March 1999 in the Canton of Zurich, supported by Pro Infirmis Canton Zurich, the Swiss Multiple Sclerosis Society (Schweizerische Multiple Sklerose Gesellschaft/Société suisse de la sclérose en plaques), and the Swiss Federation of Self-Help and Self-Advocacy Organizations of Persons with Disabilities (Schweizer Dachverband der Selbsthilfe- und Selbstvertretungsorganisationen von Menschen mit Behinderungen/Faîtière suisse des organisations d'entraide et d'autoreprésentation de personnes avec handicap, AGILE). The initiative also received backing from the Center for Independent Living Zurich (Zentrum für selbstbestimmtes Leben Zürich, ZSL) (Baumgartner 2002).In that same year, 1999, the newly enacted Swiss Federal Constitution incorporated the principle of eliminating disadvantages for people with disabilities in Article 8, Paragraphs 2 and 4. The revised constitution met two of the three primary political demands of disability advocates: prohibiting discrimination and mandating the federal legislature to promote equality (Prerost 2000). However, it fell short of fulfilling the third demand, which sought guaranteed access to all buildings, facilities and services intended for public use, regardless of whether they were publicly or privately owned. This shortcoming led to the launch of the 1998 popular initiative Equal Rights for People with Disabilities (Gleiche Rechte für Behinderte/Droits égaux pour les personnes handicapées) (Prerost 2000). In response, an indirect counterproposal (Indirekter Gegenvorschlag/Contre-projet indirect) was developed, leading to the enactment of the Federal Act on the Elimination of Discrimination against People with Disabilities (Behindertengleichstellungsgesetz/Loi sur l'égalité pour les personnes handicapées, BehiG/LHand), which came into force in 2004 after the popular initiative was rejected in a popular vote. As such, 2024 also marks the 20th anniversary of the first federal law dedicated to disability and promoting the participation of people with disabilities. A decade later, in 2014, Switzerland ratified the UN-CRPD, a milestone that celebrates its 10th anniversary this year (see, e.g., SZH/CSPS 2024). The new article of the federal constitution, the implementation of the BehiG/LHand and the ratification of the UN-CRPD are all examples of recent legal developments of Swiss disability policies aiming towards disability equality (Schefer and Hess-Klein 2014).

On the other hand, disability policies have also undergone profound changes over the same period, resulting from major legal reforms within the cash transfer subsystem. Indeed, in 2004, 2008 and 2012, the IV/AI underwent three major legal reforms. Following the recommendations of the OECD (2003, 2006), the AI/IV implemented a radical shift towards activation in response to a significant increase in the number of disability pension recipients since the mid-1990s (Rosenstein 2018). These legal amendments, associated with restrictive decisions of the Swiss Federal Court in disability case law (Ferreira 2015), have made access to disability benefits more selective (Rosenstein/Bonvin 2020) and conditional upon participation in return-to-work rehabilitation programmes (Hassler 2021).

These parallel developments have given rise to several paradoxes and tensions specific to contemporary Swiss disability policies, which are explored in the articles included in this special issue.

### *Disability policies cash transfer subsystem under scrutiny: between selectivity and social exclusion*

Following Maschke (2004), policy shifts in the prioritization of disability policy dimensions often produce paradoxical outcomes. A notable example of such a shift is the supranational convergence observed since the 1990s. This shift reflects a transition towards a more liberal disability policy framework that places greater emphasis on civil and equal rights, with a simultaneous reduction in social protections (Waldschmidt 2009). The Swiss case exemplifies these dynamics. In line with the broader characteristics of the Swiss welfare system, the development of social protection for people with disabilities has been notably slow and has demonstrated limited adaptability. This has resulted in significant risks of poverty, as the coverage provided by the disability insurance system often falls short of addressing the actual needs of beneficiaries. The expanding reliance on supplementary benefits (Ergänzungsleistungen/Prestations complémentaires) within the IV/AI system exemplifies this gap, highlighting the inadequacy of standard support mechanisms to prevent economic precarity for disabled individuals.

Since the establishment of the IV/AI, labour market integration has been a central pillar of Swiss disability policy (Fracheboud 2015). This focus was reinforced with the active turn of the IV/AI, which marks a significant turn towards activation-oriented policies. Furthermore, by narrowing eligibility criteria and imposing stricter conditions on access to disability benefits, the recent IV/AI reforms have effectively reduced the financial burden on the state while shifting risks onto individuals with disabilities. This approach aligns with broader trends identified by Roulstone (2015), where welfare states strategically change the medico-legal categorization system to access disability benefits (Stone 1984) to contain costs under the guise of efficiency and selectivity (Rosenstein and Bonvin, 2020). In addition to this increased selectivity in access to IV/AI benefits, recent analyses have shown that the impact of the active turn of disability policies has also a subjective dimension that influence the experience of potential users. Activation policies, especially when combined with the political will to fight fraud, have a negative impact on potential users' sense of entitlement, thus resulting in an increased risk of non-take-up and distrust in the welfare state (Rosenstein 2021).

This is underlined by the article in this special issue by Rotzetter (2004), which enriches the understanding of the challenges faced by individuals navigating the Swiss disability insurance system, especially those who are on the borderlines of medico-legal categorization. Rotzetter's research focuses on the biographical and subjective consequences of disability pension refusals, which is a critical yet often overlooked aspect of disability policy analysis. The study reveals how pension refusals are experienced as disregard for one's suffering, shaking individuals' trust in the welfare state and damaging their self-perception. This perspective adds depth to the understanding of the activation paradigm's social costs, particularly how it affects individuals' identities and their capacity to cope with illness or disability. These findings align with and deepen our understanding of the paradoxical outcomes of the cash transfer subsystem of Swiss disability policies. Rotzetter highlights a significant disconnect in policy: while the political focus is on promoting rehabilitation programs over allocating disability pensions, actual labour market conditions often fail to align with these goals. This mismatch frequently leaves individuals with disabilities without adequate support to access or maintain employment. Based on biographical narratives, her work underlines the gap between policy intentions and practical outcomes, particularly for those whose health impairments make full labour market participation unrealistic. This approach enriches the analysis of Swiss disability policies by connecting systemic trends with the lived realities of those most affected.

The Forum article of this special issue by Powell, Hadjar, Samuel, Traue and Zurbriggen (2024) outlines the analytical framework of the ongoing PATH_CH-Lux research project. This project investigates the drivers of and barriers to school-to-work transitions for disabled youth in two high-skill economies. Using a comparative mixed-methods approach, the study aims to uncover the systemic factors shaping inclusion and exclusion at the intersection of education and employment policies. A key theoretical contribution of the project is its engagement with Stone's concept of the distributive dilemma (1984). This concept highlights the tension between providing targeted support to individuals with disabilities and the problems of categorization, which, when aligned with education policy that prioritizes investment in people and their development, introduces its own distinct complexities. The project situates this challenge within the contrasting institutional logics of education and employment systems, showing how these logics exacerbate inequalities, particularly in stratified systems. By integrating perspectives from young people, employers and social service professionals, PATH_CH-Lux aims to address these distributive tensions and identify solutions that balance equity and efficiency. As a work in progress, PATH_CH-Lux promises to deepen our understanding of how structural inequalities impact transitions. It offers valuable insights into the policy trade-offs inherent in activation-oriented disability reforms, aligning these with broader discussions of redistribution, rights and labour market integration.

To sum up, these two articles highlight how the evolving landscape of the cash transfer subsystem in Switzerland reflects broader international trends towards liberalization and activation, which prioritize labour market integration and individual responsibility. However, the authors underline how these shifts tend to exacerbate existing inequalities, thus reinforcing the risk of exclusion and precariousness among people with disabilities in Switzerland.

### *The social regulatory subsystem: its implementation and impact challenge*

As mentioned above, the delayed adoption of civil rights for people with disabilities has been characteristic of Switzerland. This context frequently obscures the risk of poverty and offers minimal recognition of civil rights or opportunities to integrate the voices of disabled people into policy design, including disability and social policies. Consequently, advocacy for disability rights and the perspectives of disabled individuals remain largely confined to civil society, rather than being integrated into mainstream social, medical or political spheres. A stark example of this disconnect is the rejection in 2003 of the popular initiative aimed at strengthening the rights of disabled people. Instead, the comparatively weaker BehiG/LHand offers limited impact and effectiveness. Two articles in this special issue explore the specific characteristics of this situation.

Ader's article (2024) in this special issue provides a crucial contribution to understanding Swiss disability and citizenship policies by examining the intersection of disability rights, migration and citizenship laws. Through a historical analysis of Swiss legal frameworks, Ader demonstrates how Swiss immigration and naturalization policies have retained underlying ableist assumptions despite formal commitments to disability rights, such as the UN-CRPD. The research reveals that policies continue to privilege economic self-sufficiency and productive capacity, indirectly disadvantaging foreigners with disabilities seeking citizenship or residence. Ader's analysis underscores the evolving legal language and criteria in Swiss law, which increasingly require immigrants – including those with disabilities – to meet integration standards that implicitly align with ableist notions of contribution and capacity. The article offers a compelling critique of contradictions within Swiss policy: while exemptions based on disability exist, these same policies enforce integration criteria that indirectly penalize individuals unable to meet these standards due to their disabilities. The intersection of Swiss disability policies with migration and citizenship laws reveals profound inconsistencies in Switzerland's commitment to human rights and equality for people with disabilities. The situation is further shaped by the limited integration of disability rights into broader social policies and redistributive measures. By contextualizing these issues within both historical and contemporary legal and policy landscapes, Ader's analysis not only exposes the systemic inequalities faced by disabled migrants but also emphasizes the broader societal implications of ableist frameworks.

The Forum article in this special issue by Biderbost, Schwab, Zenhäusern and Zurbriggen (2024) examines the ambivalence of Swiss policies regarding the right to parenthood for persons with disabilities. The 2014 ratification of the UN-CRPD is a major shift that granted legal recognition of the right to self-determination for individuals with disabilities, including the right to family life. However, despite these formal rights, practical implementation remains insufficient, hindered by limited resources and structural barriers. Young adults with disabilities in Switzerland face significant challenges, including financial precarity, societal stigma and limited access to supportive resources. These barriers complicate not only the realization of family life but also the ability to achieve secure and stable life planning. The authors highlight that precarious financial support is among the primary obstacles preventing individuals with disabilities from achieving independent life arrangements, which are crucial for family planning. Further challenges to self-determined family life include difficulties in forming partnerships, often exacerbated by a lack of social support and the pervasive stigmatization of people with disabilities. The authors argue that Swiss disability policy, while theoretically inclusive, fails to create the structural conditions necessary for individuals with disabilities to fully exercise their rights to family life and parenthood.

Overall, the current legal framework for disability rights in Switzerland reveals significant limitations. While offering formal protections, it falls short of providing the comprehensive structural support needed to transform the broader policy field. Equality legislation in Switzerland, in its current form, is far from a panacea. Bridging the different fields and legal frameworks (human rights, welfare policies, citizenship, etc.) towards more coherent and effective disability rights remains a long-term challenge that requires close attention to the experiences of people with disabilities and to the obstacles that hinder their participation and self-determination.

### *The service delivery subsystem and its multi-layered complexities*

In Switzerland, political responsibility for social services for individuals with disabilities is organized in a complex and decentralized way. Following the 2008 National Fiscal Equalization reform (Finanzausgleich/Péréquation financière), certain federal responsibilities were delegated to the cantons. Specifically, material and financial duties related to disability support – including special education and facilities such as residential homes and workshops, along with their construction and operational management – were transferred to the cantonal level (Veyre et al. 2023). The federal level, however, plays a significant regulatory role in ensuring institutional care through the Federal Act on Institutions for the Promotion of the Integration of Disabled Persons (Bundesgesetz über die Institutionen zur Förderung der Eingliederung von invaliden Personen/Loi fédérale sur les institutions destinées à promouvoir l'intégration des personnes invalides – IFEG/LIPPI). This legislation mandates access to integration facilities for individuals with disabilities and requires each canton to provide an adequate range of such institutions (Veyre et al. 2023). This poses challenges for the development of alternative financing mechanisms for non-traditional housing solutions, thereby limiting options for individuals seeking independent or community-based living arrangements (Veyre et al. 2023; Tschanz 2019).

From this perspective, the push for personal assistance, first recognized in 1999 and formalized with the IV/AI personal assistance allowance (Assistenzbeitrag/Contribution d'assistance), which was adopted in 2012 after a federal pilot project, emerged from the Independent Living movement (Egloff 2017). Groups such as the Center for Independent Living (Zentrum für Selbstbestimmtes Leben, ZSL) and the Swiss Assistance Office (Fachstelle Assistenz Schweiz, FAssiS) were actively involved in early protests and pilot projects (Baumgartner 2002; Wehrli 2012). This push coincided with financial constraints in the IV/AI system, thus aligning with Waldschmidt's (2012) concept of delayed emancipation: demands for independent living arose during a period of limited capacity for material redistribution. Advocates strategically promoted "cost neutrality", appealing to conservative and liberal policy-makers by emphasizing self-determination. In her 1998 cost analysis, Katharina Kanka[4] argued that personal assistance could be as affordable as institutional care (Wehrli 2012), a principle that shaped the federal pilot project (BSV/OFAS 2005).

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[4] We should let Katharina Kanka (an influential chief strategist of the Independent Living movement in German-speaking Switzerland during the 1990s and 2000s, active at ZSL and later founder of FAssiS) speak for herself: "Ich bin nicht für einen teuren Aus-, sondern für einen Umbau der Behindertenhilfe. Im System hat es meiner Meinung nach heute genug Geld, aber die Vorgaben und Anreize sind falsch und es stehen nicht die Direktbetroffenen, sondern die Leistungserbringer im Mittelpunkt" (Kanka, interviewed by Graf and Weisser 2012: 178).

However, this cost-neutrality approach induced significant limitations and pitfalls in implementing the personal assistance allowance, oversimplifying the shift from institutional care to personal assistance and neglecting complexities in reforming disability services (notably regarding employment standards). The focus on cost neutrality hindered alliances with labour unions advocating for better wages and protections for assistants. Unions supported these measures (VPOD/SSP 2009); however, they were not fully realized, reinforcing the marginalization of disabled people within unions (Holler and Ohayon, 2022). Moreover, financing unpaid family caregiving made cost neutrality unattainable (Balthasar/Müller 2008; Fritz 2008). Consequently, relatives were excluded as paid caregivers to limit expenses (Egloff 2017).

In this special issue, Fritschi, Müller, von Bergen and Lehmann (2024) examine the complexity of disability service delivery in Switzerland, highlighting its often competing logics. Their analysis addresses both the institutional framework and the regulatory implications of the UN-CRPD within the multi-layered governance structure of Swiss disability policy. The article describes Switzerland's gradual shift from institutional care towards more autonomous, individualized housing solutions since ratifying the UN-CRPD. The authors demonstrate that through the personal assistance allowance (Assistenzbeitrag/Contribution d'assistance) and support under Article 74 of the Federal Disability Insurance law (IVG/LAI) via disability organizations, the federal level provides essential support for reforms in line with the intentions of the UN-CRPD. While the cantons remain primarily focused on funding stationary and institutional services, the analysis also highlights that they have some flexibility to develop ambulatory services, which they employ to varying extents and in diverse ways, notably depending on the Swiss region concerned. As such, they observe that certain cantons (predominantly German-speaking) have changed their financing model and opted for subject-oriented financing systems (Subjektfinanzierung statt Objektfinanzierung). However, they also highlight that finding accessible and affordable housing remains a significant challenge for people with disabilities in Switzerland.[5] The article thus describes the nonlinear development of disability service reforms and reveals how the shift to private housing creates an essential need for new (temporary) individualized support and counselling services to provide opportunities for gradual testing and phased transitions.

Finally, Meigniez and Haunreiter (2024) delve deeper in this special issue into the current implementation of the personal assistance allowance (Assistenzbeitrag/ Contribution d'assistance) presented above. In their article they examine the complexities surrounding its design and implementation. They show how this social benefit is relatively unique within the Swiss context. By adopting an employer model, the system introduces a distinctly Independent Living approach to social services, setting it apart from the typical characteristics seen in Swiss social policy. The article compellingly illustrates how the direct payment model can invert the typical asymmetry in aid relationships, providing notable advantages for those who use it. Meigniez and Haunreiter also clearly highlight the ambivalences and paradoxes within the system. While the model acknowledges and empowers the individual, it simultaneously raises the risk of heightened individualization and potential (over-)responsibilization. Furthermore,

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[5] The proportion of people with disabilities living in private rental housing, as opposed to those who own or receive rental subsidies, is the highest in Switzerland among OECD countries (OECD 2021: 10).

the authors reveal that this shift creates a dilemma for social work, challenging practitioners to reconsider their roles within this evolving framework. The personal assistance allowance, therefore, brings central questions of professional logic to the forefront. The authors vividly illustrate the impact of the decision to exclude relatives as paid caregivers to contain costs. The article effectively demonstrates how the allowance is shaped by both bureaucratic and familial logics. Despite substantial efforts to reduce family involvement, it is precisely the bureaucratic measures that – paradoxically – reinforce the need for family-based support. Furthermore, the article reveals a central limitation: under the current design, the potential for co-evolution and the formation of new alliances with social forces aiming to elevate the role and significance of care work remains highly restricted.

In conclusion, the Swiss disability service system is defined by its high degree of complexity, with multiple layers and a diverse array of actors creating a fragmented landscape of responsibilities. This system operates within the tension of often competing logics – balancing federal mandates, cantonal autonomy and the contrasting influences of traditional welfare-oriented organizations and emerging rights-based movements. Both articles included in this section highlight the intricate dynamics of development and reform within disability services. They reveal that while shifts towards independent living and personalized support represent significant progress, these efforts continue to face persistent challenges in implementation, leaving critical aspects of the reform agenda unresolved.

## Conclusion: Swiss disability policies at a crossroads?

The question of whether Swiss disability policies are truly at a crossroads remains open. Paradoxes are inherently tied to the global evolution of disability policies, and Switzerland is no exception. Swiss disability policies are characterized by deep-seated paradoxes alongside emerging opportunities for reform. Significant anniversaries in 2024, such as the introduction of direct payments for personal assistance and the constitutional commitment to non-discrimination, underscore notable progress in terms of inclusion and disability rights. However, these milestones also expose enduring tensions between aspirations for human rights, the imperatives of cost containment and the challenges posed by fragmented governance structures. Limited collaboration among key stakeholders further complicates coherent and inclusive disability policy-making. The current political discourse, exemplified by the ongoing partial revision of the federal law on disability (Teilrevision BehiG/Révision partielle de la LHand) and the submission of the Inclusion Initiative (Inklusionsinitiative/Initiative pour l'inclusion) in September 2024, reflects both continuity and changes. Particularly notable is the Inclusion Initiative, which seeks to embed the principles of Independent Living in the Swiss Constitution by revising Paragraph 4 of Article 8, which currently states that "the law shall provide for the elimination of inequalities that affect persons with disabilities" (Federal Constitution 1999). While this focus on fundamental rights represents continuity with the emancipatory movements of the 1990s, it also signals a generational shift in advocacy. Anchoring Independent Living at the constitutional level could address the oversimplifications of previous decades, such as the assumption that innovative financing models like direct funding (Subjektfinanzierung) are the primary (and sometimes sole) solution. However, the initiative is criticized for not creating new federal competencies, potentially limiting its practical impact within the existing multi-layered governance framework.

More broadly, disability policy-making certainly cannot be summed up as the allocation of individualized benefits. It also requires structural changes to make society more inclusive. This involves, on the one hand, close monitoring of care facilities and disability organizations to ensure they uphold participation rights and self-determination. On the other hand, it also requires supporting these institutions so that they can evolve and become proactive drivers of change, advancing greater inclusion and empowerment. The same applies to rehabilitation programmes and to the participation of people with disabilities in the labour market and in the educational system. After two decades of activation policies emphasizing individual responsibility and supply-side adaptability, the claim for equal opportunity put forward by civil society and the UN-CRPD urges Switzerland to implement structural transformations in order to make employment and education more accessible. Otherwise, the risk is that purely individualized approaches overlook broader structural and processual challenges. A meaningful engagement with stakeholders in the field of disability, including people with disabilities, and a focus on fundamental power dynamics are essential to tackle these issues comprehensively.

Addressing these complexities within the framework of fundamental rights offers an opportunity to reframe disability policy-making beyond narrow economic or administrative paradigms. Nonetheless, the broader political and fiscal context raises concerns about how to implement actual and meaningful changes in disability policy-making. Heightened budgetary pressures and demands for fiscal restraint risk perpetuating a pattern of "delayed emancipation" (Waldschmidt 2012). To overcome these barriers, Swiss disability policies must adopt a more integrated and collaborative approach, addressing the silos that fragment the current system. Building alliances – between the disability movement, labour unions and feminist organizations advocating for the recognition of care work – could help reconcile competing interests and foster a progressive evolution of disability policy. However, this remains a major challenge precisely because, in times of scarce financial resources, such alliances are not easily formed. However, to overcome the paradoxes presented above and in the articles in this special issue, our conviction is that it is necessary to highlight these fundamental ambivalences of Swiss disability policies, to position them at the centre of the discussion and to reflect on them jointly and in a systemic way rather than in silos (with the labour market regulation on one side, social protection on the other and civil rights as an external factor). This collective approach is necessary to understand and tackle jointly the various sub-systems of disability policies, as well as their dynamics and entanglement.

In this respect, actors in the administration of disability policies and in civil society, but also academia, have a responsibility in this dialogue. It is our conviction that research indeed has a role to play in highlighting these paradoxes and informing the public debate. We hope that this special issue offers a small stepping stone in this direction. Despite the inherent complexity of this field halfway between welfare policies and human rights, the contributions collected in this special issue illuminate various facets of Swiss disability policies, offering valuable insights to deepen our understanding and light the road ahead. We wish you an engaging and thought-provoking read.

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