

RESEARCH

Revealing the Ideas in the Swedish Social Services Act Regarding Support to Individuals with Disabilities

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A disability policy defines the relationship between the state and the disabled and is generally based on ideas in different legislation. These ideas have an impact on decision makers and the disabled's everyday life and are under current pressure for change; therefore, it is important to thoroughly scrutinise the ideas, make them conscious and visible. The purpose of this study is to reveal the ideas expressed in the Swedish Social Services Act (SoL), which supports people with disabilities, and to compare the results with ideas expressed in the Swedish Disability Act (LSS). A text analysis of SoL identified the following ideas, that is, conceptions of reality and values: (1) the social contract and justice, (2) the collective and integration/normalisation, (3) the individual and autonomy and (4) decentralisation and the shift of power. There are great similarities between the ideas in the legislation, but there are also few but significant differences.

Keywords: Disabilities; Swedish Social Services Act; ideas; conception of reality; values

Introduction

In a majority of Western societies, there is an ambition that public support and assistance should be provided to those who experience difficulties in society. This relationship between the public and groups in a vulnerable position is generally based on ideas and beliefs expressed in different legislation (Förhammar and Nelson 2004; Foucault 1989; Quarsell 1991). What these more basic ideas are is not always demonstrated in a conscious and explicit way in the legislation. Therefore, it is of interest to thoroughly scrutinise the ideas, unpack them, and make them conscious and visible, because they have an impact on decisionmakers to users' everyday life.

However, one study has examined these ideas in the Swedish Act on Support and Service for Persons with Certain Functional Impairments (Disability Act) (LSS) (SFS 1993:387) (Ehliasson et al. 2016). To broaden the perspective with intention to focus on public support for people with disabilities in a Swedish context, the present work will examine the ideas contained in the Swedish Social Services Act (SoL) (SFS 2001:453), with the intention of identifying and describing them while discussing and situating them in relation to the ideas identified in the study of LSS.

The Swedish policy for people with disabilities, like in most of the Western world, has since the 1950s been characterised by state responsibility, centralisation in form of large institutions, and separation of disabled from the community (Breaky 1996). The state generally decided and established what a good life should be for the disabled in the institutions, the collective and citizens in society (usually called communitarianism) (Lehning 1990; Rothstein 2010). Around the 1970s, the overall policy changed to decentralisation and municipal responsibility, and to concepts such as normalisation and integration (Ericsson 2002). Focus was put on the citizen as an autonomous and independent subject who can make choices regarding his/her own life (usually named liberalism) (Lehning 1990; Rothstein 2010).

In Sweden, the more specific legislation for people with disabilities was removed in 1980 with the introduction of the new SoL (SoL 1980:620). The latter was conceived as a general framework law that applies to all citizens, where those with disabilities are included as a special group among several others. A number of years later, the need for specific legislation for people with significant and lasting disabilities was investigated, and in 1994 LSS entered into force, specifying a number of rights for this target group. Regarding the qualitative difference between the two laws, it can be noted that, according to SoL, people with disabilities are entitled to assistance for a *reasonable standard of living* (SoL 4:1§), which is a lower level of ambition than for people with disabilities who, according to LSS (LSS 7§), are entitled to support to ensure *good living conditions*.

These differences in levels of support and the division into two laws mean that the State has decided that there should be two different principles governing how to allocate resources to people with disabilities. Consequently, these differences in ideas between the two laws constitute different starting points for the interpretations and decisions on benefits made in the public administration and in the judiciary. Ultimately, the different levels of ambition of the laws

show up in the daily lives of people with disabilities who need support from society. It can be mentioned that 2018 had 55,800 people with disabilities support by SoL at the cost of 1.46 billion euro and 74,000 were supported by the LSS at a cost of 5.55 billion euro (Socialstyrelsen 2020). There is also cost for the state for LSS for roughly 2.6 billion euro (Försäkringskassan 2017), which means a total cost for the LSS at nearly 8.15 billion euro.

The concept of *idea* means a mental construction or a conception of reality characterised by a certain stability and continuity, such as a claim that society is characterised by conflict, and by a valuation of a phenomenon, such as something being important, good or desirable (e.g. Bergström and Boréus 2012). This definition was used in earlier article that examined ideas in the LSS, and the following four conceptions of reality and values were identified: citizenship and justice, the collective and integration, the individual and autonomy, and decentralisation and the shift in power (Ehliasson et al. 2016). The present work will use this definition to ensure that a comparison between legislation can be made. With regard to the ideas identified in the first article, there are a number of studies in Sweden and the Nordic countries that have discussed these aspects, for example, citizenship (e.g., Grunewald 2008; Lindqvist and Hetzler 2004), autonomy (e.g., Brunt and Hansson 2014; Lindqvist 2009) and integration (e.g., Förhammar and Nelson 2014; Nirje 2003). An in-depth discussion on these aspects will not be carried out in the present work, but the demarcation and direction will be at an overall level similar to those in the study of LSS. At the same time, it should be noted that there are some previous studies where ideas in SoL have been studied to some extent (Alexandersson 2018; Altermark 2016; Maycraft 2014; Pettersson 2014), as well as some where LSS has been in focus (Erlandsson 2014; Lewin 1998; Lewin et al. 2008). In these studies, there have generally been no analyses of the overall ideas, with conceptions of reality and values in focus, which are specifically expressed in legal texts and the bills.

To put this work into context, we will highlight in particular how the development and articulation of new approaches and ideas, both internationally and in Sweden, create a pressure for change on the legislation in question, where a kind of negotiation takes place between the stakeholders involved. As an example of this, Brennan et al. (2016) show that there has been a change in both authorities' practical application of LSS and judicial assessments. This has included an increase in the number of rejections of applications for support under the LSS and the rejection of aid that the applicants were already receiving (Brennan et al. 2016). Consequently, this has created a debate on society's support for the target group and whether the group's statutory rights are being renegotiated and eroded, particularly in the arenas where direct and indirect decisions in relation to LSS are made, for example, in local municipalities, the Swedish Social Insurance Agency and the administrative courts (e.g., Erlandsson 2014). Due to often broadly formulated legislation and the division of responsibility between the state level and local municipalities, the final content of laws is to a great deal settled by the courts, which can be described as *juridification of politics* (Croce 2017).

In this context, there is also a discussion in Sweden not only about the scope of the welfare state and costs, for example, for LSS (Dir 2016:40; Dir 2018:35; SOU 2018:88) but also regarding the direction and scope of SoL (Dir 2017:39). Such a discussion can be seen as part of a pressure for change, and the government has set up two investigations with the task of reviewing the laws that are central to society's support for people with disabilities. Regarding the review of LSS, it has had two main objectives: that the state's personal assistance costs must not be higher than today's level and that the benefits should be better adapted for those who need them (Dir 2016:40; Dir 2018:35; SOU 2018:88). The review of SoL has a much broader purpose, where the investigation will, among other things, provide suggestions on the social services assignment; access to equal, coequal and equivalent social services; the division of different groups into the law; and prevention work that can reduce the need for individual interventions (Dir 2017:39; SOU 2020:47). It is also clear from the directives that the proposals should describe how they relate to Sweden's international human rights commitments (Dir 2017:39, p. 6).

The international conventions can be seen as another example of pressure for change on the legislation and its application, and in this context in particular the Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations in 2006 (United Nations 2007) and signed three years later by Sweden (SÖ 2008:26), can be mentioned. This Convention contains 50 articles defining a number of rights. It has been demonstrated in previous research that when the CRPD has been taken as a starting point for highlighting and reviewing legislation in a national context, studies generally show an inadequate implementation of the Convention (e.g., Chan 2015; Chaney 2017; Copley 2013; Dziva et al. 2018). Sweden has also been the subject of a certain comparison, and it has shown some insufficiencies (Brennan et al. 2018).

In addition, the state strives to control the welfare costs and how much of commitments it can finance. At the same time, both local authorities and, sometimes accordingly, the courts apply a restricted interpretation of the laws regarding distribution of aid. Moreover, the CRPD can affect how legislation is being conducted, because the welfare state often intends to act according to international conventions. Finally, pressure is also coming from the disability movement and other stakeholders, intensely defending the laws, especially LSS (Sépulchre 2019; SOU 2020:47). This current pressure for change on social service legislation in a welfare state may affect the relationship between the state and the citizens.

Based on the content and divergent levels of ambition of SoL and LSS—which form the basis for how the public allocates resources to people with disabilities and which affect their daily lives—they constitute applicable law and are the starting point for practical application in the public administration and the interpretations made in the judiciary. Furthermore, it can be noted that there is a significant discussion on the design, interpretation and application of these laws. It is also apparent from the directives for the review of SoL that its basic principles and fundamental values should

be maintained (Dir 2017:39, p. 5). Against this background, it can be said that there is a need to visualise and examine the basic ideas that characterise these laws.

The purpose of this study is thus to identify and describe the ideas that will provide support to people with disabilities and which are expressed in the Swedish SoL and the government bills that preceded the introduction and the revision made in 2001. The study covers both the general part of SoL, which applies to all citizens, and the specific part concerning people with disabilities. The results of this study will also be discussed and set against the ideas identified in the study of LSS (Ehliasson et al. 2016) with regard to similarities, differences and possible changes of meaning between the laws. Such a comparison makes it possible to chisel out and clarify differences in how the state considers and acts through the different legal spaces in terms of support for people with disabilities in Sweden. This also gives a broader picture of the state's ambition to support and help vulnerable groups.

Method

The first SoL was enacted in 1980 (SFS 1980:620), and an update was passed in 2001 (SFS 2001:453). The update meant, among other things, that the law is linguistically modernised and divided into chapters, the right to assistance for the individual is broadened, the right to appeal applies to all aid decisions, the County Administrative Board is given extended supervisory instruments and care plans for young people and children cared for outside the home should be established (Government Bill 2000/01:80, p. 1). Both bills, that is, the first SoL (Government Bill 1979/80:1) and the updated act (2000/01:80), will be included in the analysis, because the substantive changes in the revision are not of a significant scale, and because it is emphasised in the latter bill (2000/01:80, p. 81) that the basic thoughts and ideas of the first SoL and its bill still apply. SoL has been changed several times since 2001, and these changes in the legal text, not the basis for them, have been taken into account in the study up to 2018. Regarding the review of SoL, an investigation was presented in August 2020 (SOU 2020:47) but is not included in the analysis. When we write SoL in the text, we refer to both the legal text and the bills; these can be discerned by reference to specific paragraphs (e.g., SoL 4:1) in the former and by reference to page numbers in the latter.

The study will include both the general part of SoL and those sections that specifically mention people with disabilities. The reason for this is that both of them concern people with disabilities. The parts in the text relating particularly to other explicit groups, for example, children and elderly people, will not be included in the analytical material. This study will focus solely on SoL and its bills and will not examine other data materials, such as referrals and investigations that formed the basis of the bills or other discourse made by various actors in various media at the time of the two iterations of SoL. The main reasons for this are that these materials do not constitute the concrete political decisions on why the laws should be implemented. Nor are these decisive in how different actors should interpret and use the legislation in practice.

The purpose of the study is to determine the ideas that are expressed in SoL. An idea refers to a conception of reality and to the values (Bergström and Boréus 2012) expressed in SoL that are considered good, important or desirable. To ascertain these ideas, the analysis will mainly focus on the state's relationship to its citizens, which is primarily discussed from two perspectives: communitarianism and liberalism (Lehning 1990; Rothstein 2010). Of certain interest here is the tension between the state and the target group of people with disabilities and how it is expressed in different laws.

Text analysis can mainly be done in two ways. One is to start from a number of established categories (e.g., Bergström and Boréus 2012) and to investigate whether these can be found in the material. The second one is to be open to the empirical material and find the categories during the analytical process (e.g., Alvesson and Sköldberg 1994/2017). This study mainly uses the first method but with a certain element of the second. The categories are based on the ideas identified by Ehliasson et al. (2016) in the Swedish LSS. These four ideas are (1) the conception of citizenship, with the value justice and the components equality, individual rights and requirements of implementation; (2) the conception of the collective, with the value integration and the components living as normally as possible, living in community with others and participating in society; (3) the conception of the individual, with the value autonomy and the components of independence, integrity, freedom of choice and influence; and (4) the conception of decentralisation, with the value shift in power and the components local and regional responsibility (Ehliasson et al. 2016).

When analysing the text material, a number of readings were first carried out to gain an overall understanding of the whole and with openness to the entire body of text. Subsequently, a more targeted reading was carried out to find expressions of components and values in the text that were in line with those used in the first study (Ehliasson et al. 2016). At this stage, the text was simultaneously searched for components and values that were close, or tangled, or which meant that new ideas could be identified. Representative quotes were selected in the text and transferred to a separate document. Subsequently, various components were identified that could be clustered and linked to an overall value that later could be linked to a conception of reality. Based on the ideas described by Ehliasson et al. (2016), several similarities in components, values and conceptions of reality were noted. There were also a number of differences in the change of meaning regarding the components, and a new value as well as a new conception of reality were identified.

In the results section, different quotes will be grouped together from the selected documents to condense the message. These samples are central and representative of the texts as a whole. When we use the concept of state, we refer both to the central and the local governmental level.

Results

The social contract and justice

In SoL a conception of reality appears as a social contract between the state and the citizens and consists of the value justice, which includes the components security, equality, rights, obligation and implementation requirements.

The overall idea of SoL is that 'Society's social services shall promote on the basis of democracy and solidarity people's economic and social security, equality in living conditions, active participation in society' (SoL 1:1; see also 1979/80:1, pp. 133–134). It also stresses in SoL that 'An uncompromising goal for the welfare is to cover all citizens' (01:80/2000, p. 82). This means, among other things, that 'Anyone who cannot meet their needs, or whose needs can be met by other means, is entitled to assistance from the Social Welfare Board for their livelihood (income support) and for their way of life in general... The individual shall be guaranteed assistance at a reasonable level of living' (SoL 4:1; see also 1979/80:1, p. 182; 2000/01:80, p. 90) and that 'everyone has the right to intervention as needed' (01:80/2000, p. 90).

This can be interpreted that there can be a number of citizens in the society who, for various reasons, find themselves in a situation that makes community intervention necessary (1979/80:1, p. 182). Thus, there may be significant inequalities between citizens of the society. In order to address this problem, and to create equality and basic security, the state allocates resources it has at its disposal, and which it has received through various forms of taxes, to those groups in society that need support.

At the same time, SoL states that people are individually responsible and obligated to cope with their lives and to meet their own needs (SoL 1:1; 2000/01:80, pp. 90, 93–94; see also 1979/80:1, pp. 129, 212). This means that individuals are obliged to apply for work, to participate in activities for the unemployed, to seek other grants available or to use their own financial assets (prop 2000/01, pp. 93–94) before public support can be provided. The right to receive aid is therefore conditional (1979/80:1, p. 129), and there is no unconditional right to receive a specific benefit (1979/80:1, p. 185).

It is also clear that the value of justice that is demonstrated in SoL emphasises a distribution policy that will ensure a certain level of security and equality (prop 2000/01, pp. 93–94), where all citizens are seen as equal and have the same obligations and rights in society—that equal cases should be treated equally. At the same time, it should be noted that SoL also states that it is the welfare state (2000/01:80, p. 81) that should take responsibility for the fundamental security of the citizen. This can be interpreted as the state being the central player in society, which, through various forms of regulation, takes responsibility for and will bring about the social changes necessary to help vulnerable groups; other actors, such as the family, the church or civil society, are not mentioned in this context.

Furthermore, there is an argument in SoL that expresses that 'the state has the duty to care for citizens and that membership of society means having certain rights that at the same time require quid pro quos.' (01:80/2000, p. 81). This idea can, among other things, express a fundamental idea of a social contract, and a regulated relationship, between the state and its citizens. This is expressed in particular when the obligation on one party (the citizens) is to take responsibility for their lives and needs, thereby fulfilling their part in the contract, before the other party (the state) steps in and fulfils its part in the contract, giving entitlement to any support.

The last component of the value justice is the requirements for the implementation of the interventions. SoL states that these principles are a holistic approach, voluntariness, the preventive perspective and the use of the individual's own resources. The participation and responsibility of the individual shall be taken into account. Social services shall also be characterised by voluntariness and self-determination, continuity, flexibility, normalisation, vicinity, and freedom of choice' (01:80/2000, p. 81). It is also stressed that a holistic approach applies where the individual's broader situation is taken into account, for example, work, housing and so forth to avoid exclusion, segregation, poverty and the like (1979/80:1, p. 207). It is also required that if action is needed from several actors—for example municipal services and health care, or planning for cooperation in the case of other social bodies and organisations (SoL 5:8a; see also 1979/80:1, p. 217)—an individual plan should be drawn up (SoL 2:7).

It becomes clear that the state, on the basis of the social contract and in order to ensure justice for citizens, is trying to clarify the requirements for the implementation of the interventions. Thus, through legislation, the state seeks to ensure citizens a just procedure for the right to receive action.

The collective and integration/normalisation

In SoL there is a conception of reality that means that all people in society are part of a collective. This idea consists of the values integration and normalisation, containing the components participating in the community of society, living like others and being like others.

It is clear from SoL that 'The Social Welfare Board should work to ensure that people who, for physical, mental or other reasons face significant difficulties in their life, have the opportunity to participate in the community of society and to live like others.' (SoL 5:7; see also 1979/80:1, pp. 3, 104, 300–302). It also stresses that society's interventions should 'support citizens' efforts to be, as far as possible, like others and to live like others, which at the same time means the right to be themselves.' (1979/80:1, p. 212). In the process of achieving these policy objectives, particularly in the

field of disability, the bills point out that the concepts of integration and normalisation should be used (1979/80:1, p. 295, see also pp. 104, 212, 297; 2000/01:80, p. 81). It can be noted here that SoL emphasises the importance of the individual being normalised and integrated into society, that is, into a collective.

By normalisation some guidance can be found in the law, which states that ‘the Social Welfare Board should contribute to meaningful employment and to living in a way that is tailored to his or her need for special support.’ (SoL 5:7). The actions carried out shall promote the individual’s right to work, housing, education and cultural activities (1979/80:1, p. 162; 1979/80:1, p. 297). It should be noted that SoL affects all citizens, but in Chapter 5, SoL targets several specific groups, and SoL 5:7–8 particularly affects people with disabilities.

To be normal and integrated into society, a citizen should thus live like others, be like others, participate in the community of society, work, have a home and participate in cultural activities. This idea of what is normal for the individual is clearly expressed in the law—that when you are like others, you are also yourself. This can be interpreted to mean that if you are not like the others, you are not yourself; you can only be yourself by being normal and forming part of the collective. These thoughts on normalisation and integration are based on the notion that all people are generally equal, have similar perceptions and needs, and act in the same way in society and should therefore be seen as and constitute a collective.

However, it can also be interpreted that the state’s expression of normalisation means that the individual should adapt to the collective in society and that this is the prerequisite for integration to take place. This may mean that it is the collective that constitutes the basis of assessment of what should be considered normal, which may also have the effect of the individual having to submit and adapt to the collective in order for integration to take place.

The individual and autonomy

The conception of the individual emerges clearly in SoL. It consists of the value autonomy, which consists of the components self-determination, independence, integrity and voluntariness.

SoL states that social services activities ‘must be based on respect for people’s self-determination and integrity.’ (SoL 1:1; see also 1979/80:1, pp. 132, 298; 2000/01:80, p. 81). An important perspective in the support given to the citizen is that ‘Aid should be designed to strengthen his or her ability to live an independent life.’ (SoL 4:1; see also 1979/80:1, p. 301; 2000, pp. 81, 86). When this assistance is to be provided, it is also stressed that ‘voluntariness and self-determination shall apply in both health and treatment interventions and other social services which are provided’ (1979/80:1, p. 208; see also 2000/01:80, p. 81). Other important aspects highlighted are strengthening the influence of clients (1979/80:1, p. 132) and taking account of the individual’s own wishes and conditions (SoL 4:4; 1979/80:1, p. 301). It can be noted that the individuals and their autonomy and ability to decide for themselves and their life situation clearly emerge in SoL.

However, the bills recognise that the role of the client and the citizen in social care has changed. It is noted, among other things, that the influence of the clients has been limited and that they considered themselves to have had little say (1979/80:1, p. 132). There’s been ‘an authoritarian view of humanity, which, among other things, meant that social care should protect society and others and raise the person directly concerned’ (1979/80:1, p. 133). It is further mentioned that ‘The former social welfare ideology has meant categorisation and labelling of people in terms of “we” and “they” The former have been subject to government agencies that have had the latter as objects for their efforts, which have been aimed at preventing or mitigating “social abnormalities”’ (1979/80:1, p. 135; see also p. 210). It should be noted that the bill strongly criticises the previous approach of the state in relation to citizens who needed support, in particular, the view of individual self-determination and freedom to choose that was limited in form and content.

At the same time, the bill states that the individual’s self-determination and voluntary status are not always self-evident in all situations: ‘It is, however, undisputed that groups or individuals can live in such difficult circumstances that their freedom of choice is in fact small or practically non-existent’ (1979/80:1, p. 129; see also p. 196). This can be interpreted as there being, in principle, no choice for the individual, which should mean that individual autonomy is completely limited. Consequently, it should also lead to a large dependence on the social workers’ professional skills, which is the necessary resource to help the clients to solve their problems (1979/80:1, p. 211, see also p. 132). There is therefore a somewhat contradictory perception of the ability of individual citizens to have self-determination and independence.

In SoL, it can be seen that the basic approach for individual citizens themselves is to have opinions and the ability to decide what is good for their own lives. This idea can be interpreted as the existence of freedom and autonomy for the individual to act independently without the state, or other public actors, governing or influencing the choices the individual makes in life. There is also a great deal of emphasis on the individual taking responsibility for coping with his or her own life before any support is given. The perception of social contracts above also shows that there are clear obligations, conditions, requirements and responsibilities imposed on the individual from the public before aid is given, which in itself could limit individuals’ autonomy to live the lives they want to do. Overall, however, it can be noted that the conception of the individual and the value autonomy clearly appear in SoL.

Decentralisation and the shift in power

In SoL, the conception of decentralisation emerges clearly. It consists of the value shift in power and contains the component local/municipal responsibility.

It is clear in SoL that ‘Each municipality is responsible for social services in its area and has ultimate responsibility for individuals receiving the support and help they need’ (SoL 2:1). At the same time, the state’s relationship with municipalities in SoL is also clarified: ‘The state’s responsibility for the social prosperity of citizens has been imposed on municipalities in the Social Services Act. In accordance with the purpose of decentralised administrative policy, the provisions of the Social Services Act are designed to be general’ (2001/01:80, p. 84).

The idea of decentralisation and the shift in power is clearly described, in which the state sets the framework and municipalities, acting at local level, are responsible for the application of the law in practice (see also 1979/80:1, p. 186). In the bills there is also an awareness that this separation of powers, in the form of a framework law, can lead to ‘risks of default inequalities between municipalities and uncertainty over obligations and rights’ (1979/80:1, p. 141; see also p. 142). It also stresses in the bill that ‘Follow-ups have shown that there is a big difference between different municipalities and different administrators in the assessment of aid’ (2000/01:80, p. 162; see also p. 89).

According to SoL, one way of dealing with these differences is that the individual citizen has the right to appeal decisions to the courts (SoL 16:3; 1979/80:1, p. 142; 2000/01:80, p. 84). It is therefore the task of the judiciary to create the conditions for the equal application of the law throughout the country. It is further mentioned in the bill that state supervision is also an important part of creating a more equitable standard between municipalities (1979/80:1, p. 142; 2000/01:80, pp. 83–84). Our interpretation is that despite the idea of decentralisation there are significant risks of shortcomings in legal certainty and it may differ in a not insignificant way for the individual citizen because of the diversity of local applications and of a general framework law at the municipal level.

Another key purpose of the citizen’s right to appeal municipal government decisions is to strengthen legal certainty for the individual (SoL 16:3; 2000/01:80, pp. 84–85, 96, 135, 162; 1979/80:1, p. 142). We interpret this to mean that the exercise of power by municipalities in relation to the citizen must be controlled and regulated by the legal system. The state and the municipality cannot act as they please against the citizens, because the relationships between them, as described in the framework law, are specified by the interpretation and assessment of the judiciary. Here, too, we see a risk that the separation of powers, and a diversity of local applications and interpretations of a framework law, can lead to differences in the design and scope of aid and the fact that the rule of law for the citizen is not guaranteed.

Summary

The basic ideas identified in SoL are summarised in the following table.

Table 1: Ideas in SoL.

Component	Value	Conception of reality
Security	Justice	Social contract
Equality		
Rights		
Obligation		
Implementation requirements		
Participate in the community of society	Integration Normalization	Collective
Living like others		
Be like others		
Self-determination	Autonomy	Individual
Independence		
Integrity		
Voluntary		
Local and municipal responsibility	Shift in power	Decentralisation

Concluding discussion

The purpose of this study was to identify and describe the basic ideas of SoL and its bills and to discuss these results and position them in relation to the ideas that emerged in the previous study of LSS (Ehliasson et al. 2016). To lay a basis for the second purpose of this study, the ideas identified in the LSS are shown in the following table.

Table 2: Ideas in LSS.

Component	Value	Conception of reality
Equality	Justice	Citizenship
Individual rights		
Implementation requirements		
Live as normal as possible	Integration	Collective
In community with other		
Participation in society		
Independence	Autonomy	Individual
Freedom of choice and influence		
Integrity		
Local and regional responsibility	Shift in power	Decentralisation

Table 1 and **Table 2** show in a comprehensive way how the two laws based on conceptions of reality, values and components allocate resources to people with disabilities. With regard to this principle of distribution, it can be said that there are several similar ideas in the legislation but also significant differences. At the same time, it should be noted that, although there are significant similarities between the laws, the benefits provided should nevertheless be at different levels of ambition—within SoL to a *reasonable standard of living* and according to LSS to achieve *good living conditions*.

Social contract and citizenship

When it comes to conceptions of reality, the laws differ only by SoL emphasising a social contract and LSS citizenship. SoL therefore includes both rights and obligations in the social contract between people with disabilities and the state, while the LSS emphasises only the rights of people with disabilities. In LSS, it is central that people with disabilities are highlighted as citizens, like everyone else, and are assured the rights that other people in society have (e.g., Grunewald 2008; Lindqvist and Hetzler 2004). The discussion about a social contract, and contract theory, has a long tradition in political science (Lewin 1998). It is a fictitious idea that people have broken up from a natural state and created state formations where a central aspect is how much freedom the individual should relinquish to gain access to security in society. It is about the relationship and role of the state and citizens and how to define the rights and obligations of each party to the social contract (e.g., Hobbes 1651; Locke 1698; Nozick 1974; Rawls 1971). As far as the area of disability is concerned, it can be concluded that the state has generally determined the content and scope of interventions, that is, both the rights and obligations of each party in the social contract.

The individual and the collective

Two clear similarities between SoL and LSS are the conceptions of the individual and the collective. In our interpretation, there is a certain contradiction between the idea of the individual (liberalism) and of the collective (communitarianism), in which the individual should have autonomy, independence and integrity and at the same time be like others, living like others and as normally as possible. In this context, there is also a difference between the laws regarding the emphasis on the value normalisation. In SoL, it can be said that autonomy and independence only can be accepted if they are within the framework of what is considered normal within society’s collective, which also means that people with disabilities should be normal and adapt to the collective in order to access any rights (see also Förhammar and Nelson 2014; Nirje 2003).

Decentralisation

A great similarity between the laws concerns the notion of decentralisation and the value shift in power. The reasoning clearly and consistently follows the view of a decentralised administrative policy, with the state as the legislator and strong municipal self-government as an executive. Similarly, as within LSS, there is a view within SoL that a framework law should be fleshed out and interpreted at the local level, which can also lead to the decisions diverging, depending on in where of the approximately 290 municipalities the individual lives (Lindqvist, Markström & Rosenberg 2014; Socialstyrelsen 2007). This approach can lead to a significant risk of geographical injustice (Boyne, Powell & Ashworth 2001; O’Higgins 1987) and be questionable from a citizen’s point of view regarding legal equality (Municipal Act, SFS 2017:725, Chapter 2:3) and assessing needs and the right to interventions. Another way of managing decentralisation is for the state to try to ensure, even here at a very comprehensive level, the requirements for implementation efforts. It is therefore important to note that justice is highlighted as a central value in both laws, but the consequence of the idea of decentralisation and shift in power can be an undesirable effect on the form of injustice.

Similarities and differences regarding components

Regarding the components that emerged in the Results, it can generally be noted that there are both similarities and differences. SoL differs from LSS by also having security and obligations as components. These aspects are part of the relationship between the state and the citizen; whereas SoL includes all people and whereas security is an important component as an outermost safety net in society, these aspects are not needed within LSS because it is a law that has been laid on top of SoL. At the same time, it can be noted that there are several components that generally have a similar content but which to some extent differ. These are three aspects in particular: participation in the community of society (SoL) or participation in society and in community with others (LSS), the individual being able to live and be like others (SoL) or live as normally as possible (LSS), and self-determination and voluntariness (SoL) or freedom of choice and influence (LSS). The examples express several changes in importance between the respective laws, and there is a need to deepen and investigate this further to see what it means for people with disabilities who receive support under each law's different level of ambition. This also means that the conceptions of reality, values and components, as shown in the tables above, can be taken as the starting point for an in-depth analysis in a future study and set against the articles in the CRPD.

Juridification

One challenge in this context is that the state, and the policies that lay down the laws, leave it to the judiciary, through general and vague formulations in principle, to interpret and clarify political intentions. This juridification of politics (e.g., Croce 2017; Hirschl 2008; Sinding-Aasen et al. 2014) could mean a shift in power and responsibility from politicians to lawyers in the judiciary. Instead of taking political responsibility and providing slightly more precise guidance on what should be considered, for example, as a reasonable (SoL) or good (LSS) standard of living in the various laws, the laws transfer responsibility to lawyers in courts and judicial bodies to decide what is meant. In this context, it can be argued that such policy avoids, to some extent, taking political responsibility on several crucial issues for people with disabilities. An example of this concerns decisions on actions in the LSS where authorities have changed interpretations of the text of the law and where courts have in several cases become arenas for what should be included or not included in support for people with disabilities (e.g., Brennan et al. 2016; Erlandsson 2014). It could also be interpreted as allowing policies in society (e.g., authorities and the judiciary) to change interpretation and can thus, to some extent, adapt to the changing beliefs and ideas of the surrounding society. This at the same time provides room for significant pressure for change and, in a way, negotiations between different actors in the field (e.g., Erlandsson 2014).

Finally, we believe that a strength of the method is that it has described in detail the different parts of the analytical process. Furthermore, several representative texts have been used to enable a reader to assess whether the interpretations made are reasonable. At the same time, it should be stressed that when analysing a larger text to identify the basic ideas that characterise an entire document, other researchers may make other interpretations and choices.

Competing Interests

The authors have no competing interests to declare.

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How to cite this article: Ehliasson, Kent, and Urban Markström. (2020). Revealing the Ideas in the Swedish Social Services Act Regarding Support to Individuals with Disabilities. *Scandinavian Journal of Disability Research*, 22(1), pp. 393–402. DOI: <https://doi.org/10.16993/sjdr.720>

Submitted: 08 March 2020

Accepted: 26 November 2020

Published: 28 December 2020

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Scandinavian Journal of Disability Research is a peer-reviewed open access journal published by Stockholm University Press.

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