

## Courage in kindness: disability policy taking effect in community based services

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I'm fascinated with the theme of this conference. Two character virtues. High moral goals, not welfare-speak at all.

"Life is mostly froth and bubble,  
Two things stand like stone.  
Kindness in another's trouble,  
Courage in your own."

Ye Wearie Wayfarer, Adam Lindsay Gordon

Adam Lindsay Gordon's oft quoted lines from *Ye Wearie Wayfarer* form a good starting point for our conversation today. I like the conference theme take on it: 'courage in kindness', might it also be courage through kindness or kindness through courage? Either way it cements our focus on those who 'face troubles' to use Gordon's term. These are pro-social virtues. You cannot be kind or courageous while being solitary, or even worse, solipsistic and selfish. Notions of kindness and courage take us into the scriptures of the world's ancient religions, and into western philosophical roots. So that we avoid the temptations to disappear down a wormhole of philosophical conjecture I'm going to favour Aristotle's formulations, informed by moral philosophy.

Aristotle has a lot to say about these ideas and their entanglements. He takes courage and kindness as character virtues (as distinct from intellectual virtues)...virtues of being rather than virtues of thought. *Kindness* is formulated in Book II of "Rhetoric", as "helpfulness towards someone in need, not in return for anything, nor for the advantage of the helper him/herself, but for that of the person helped". Kindness calls for a transcending loyalty to the other who needs help. I am going to return to 'need' in a minute. But for now I want you to ponder the notion that kindness foregrounds the social, especially social bonds that can be mutually uplifting and beneficial, rather than the shadow – condescending, even belittling.

*Courage* is described in *The Nichomedeian Ethic* as the highest of all virtues as it guarantees attention to the other or others. You cannot be virtuous without courage. And you cannot be courageous without knowing fear. So Aristotle described courage as a 'mean' with regard to

fear and confidence. Courage enables us to strive for the good, even when it is the most difficult choice and involves some suspension of the self. C.S. Lewis said that courage is the 'form of every virtue at the testing point.' So here, in *Courage in Kindness*, we have a moral vision which is at once necessary and almost impossible. This vision calls forth deep awareness and accountability in the character of all who work in human services as individuals and in the character of their organisations. But, more than an ideal, we have a present, pressing and unrelenting testing point...this stuff is not static and it is not clear-cut, there is always a fear (or an apprehension of loss), there is nearly always a loss and there is always the possibility of woeful failure...hurting others without so intending. The testing point that could see us move away from courage in kindness to anxiety in condescension or fear in control.

I want you to hold these thoughts as we think through what this might mean in contemporary disability politics and policy in Australia.

Here's a snapshot of the contemporary world of disability services: We know that, through the NDIS, many people with disability and their close associates are discovering more flexibility than their previous arrangements offered but that this is not a widespread outcome of the changes. There is almost universal frustration with the agency interface and the transactions required to 'get onto the scheme' and finally that a significant proportion of people report that things are either the same... ho-hum, or worse. Way too many people are reporting high levels of interrogation, surveillance of their living arrangements and informal supports. Having to present as pathetic in order to maximise their package and in the process they feel humiliated. Long established service providers report uncertainty, concerns about viability, and a loss of capacity to carry out the in-between bits that gave continuity and oversight to service provision. New providers, keen to cash in or to innovate (it is sometimes hard to discern the difference) are nervous about how much to invest in order to build a future client base. Will the big, traditional providers just consolidate or will there be more diversity across the market? They ask: 'How much risk should we take on with the client characteristics?' Many want to answer that question by saying they will take the 'easy' work...easy to manage, low risk cases.

Let's see this as an historical juncture that is a compelling testing point for *Courage in Kindness*.

You cannot resolve the tests of the current day without having some idea about how you got here. Neither can you courageously resolve the test in favour of kindness without an honest analysis of the forces that will lead you into fear, weakness, condescension and control. And finally, a courageous resolution calls for a clear vision.

I am going to map this terrain, all too briefly I regret, in order to present a cautiously optimistic view that driving change in work and community is possible in this arena.

In 2013 Nancy Fraser Professor of Philosophy and Politics at the New School for Social Research in New York republished an earlier essay called 'Struggle over Needs: Outline of a Socialist-Feminist Critical Theory of Late-Capitalist Political Culture' in which she describes a set of processes through which social movement struggles over *needs and rights interpretation* are politicized and transformed into *management of need satisfactions* by the formal political-administrative sphere.

In the mid 2000s in Australia we saw what she calls *a discourse of runaway needs interpretation* break free from the service system which had held sway from the late 1980s when we also went through this process to cement the gains of the earlier deinstitutionalisation movement. [I want you to hang on to this fascinating term runaway needs as we will return to it.] We heard multiple voices in a politicised disability movement being amplified through the debates about the United Nations Convention on the Rights of Persons with Disabilities; the Rudd Government's national consultations leading to the release of the *Shut Out* Report which condemned the existing services system as broken and broke; failing in its goal to increase community participation; having morphed in time into highly restrictive services that offered little flexibility and personalisation. Very quickly the lofty, all encompassing goals of the ensuing National Disability Strategy with its focus on rights, economic and social participation and community development, were swamped by this discourse feeding into the introduction of the NDIS.

It would take more time than I have now to illustrate how the narrowing of human rights and needs to persistent neediness occurred and how that discourse served the change in service funding that we are currently experiencing. Fraser would agree that while the demand for service transformation was probably the clearest point of consensus in this large and multi-vocal social movement, she would also point out that economic forces were particularly potent at this point. Indeed she would align the economic and social here, seeing how the call for personalised services and individualised funding, genuinely fuelled by a desire for liberation from excessive social over-protection was met by and engulfed by the changes in late capitalism that bring the market to all spheres of economic, social and political life. Fraser describes it thus:

Overturning the heretofore universal relation, in which markets were embedded in social institutions and subject to moral and ethical norms, proponents of the 'self-regulating' market sought to build a world in which society, morals and ethics were subordinated to, indeed modelled on, markets. (NF, FoF 228)

There is nothing new in this idea but it is new in its manifestation in disability services. Fraser declares this approach destructive of social bonds arguing that 'untrammelled marketisation endangers the fund of capacities available to create and sustain social bonds.'(NF, FoF 228) Writing in 1944, the author of this model, Karl Polanyi proposed a highly romanticised view of society as the counter force. Fraser critiques this approach as contributing to the very over-protection assailed by the disability runaway needs discourse of the early 21<sup>st</sup> century that

said 'enough is enough of this level of congregation and control'. Fraser proposes that our actions must be directed against domination wherever it roots...in disembedded markets or exclusionary institutions (such as the education system), or uncivil communities wanting nothing of those who confront us with the certainty of human frailty.

The tragic aspect of this is that it is almost unavoidable. I have taken you into the shadow of trying to do things comprehensively and fairly. But it can be mediated and we are not eternally victim to the perverse aspects of the governmentality which is growing through the welfare market. So if we think of this as a hole that we find ourselves in, how do we get out of it without inadvertently digging ourselves in deeper?

First, we need to agree that this distorting tendency will bedevil all our efforts. It is axiomatic in democracy and it's called utilitarianism.

Following Fraser's attention to emancipatory movements, we need to swing back to listening closely for those runaway needs interpretations. Here this might indicate a call to transform and democratise, not to eradicate social protections; or to use market-thinking to open up fresh opportunities and potentiate creative, entrepreneurial ways of driving change in work and community; or to insist on full membership of society by pressing for universal access to communication, education, transport, housing etc.

Being able to hear expression of those runaway or oppositional needs interpretations (not scripted by the managerialist/transactional approach starting to cement in the NDIS) is to be courageous enough to offer a different, inspired by a commitment to emancipation, engagement with the person seeking service. This calls for the courage to admit that existing models need not be defended; the moment has arrived to address the outcomes of each past instance when the organisation failed to resolve the test in favour of genuine kindness, instead being driven by risk-aversion into increasing control. This might suggest attentiveness to disabled clients and their close associates that opens service providers to criticism while issuing an invitation for doing things differently.

There is however a further twist here. It is fundamentally and predictably difficult for a person who is living with significant lifelong impairment, the consequences of stigma and a probable trauma history to free themselves from the terrain of low expectations and hopelessness via a process of rendering themselves needy, even pathetic. Their goal of getting the supports they need in order to flourish turns into getting the impairment points they need to get into the system. Now that may need to happen at some point in the process...I am a realist. But to start there is to iron a crimp into the process from the outset. This is called adaptive preferencing and Fraser describes it thus:

...members of subordinated groups commonly internalize need interpretations that work to their own disadvantage.' NF, FoF, 63)

She attributes this to two main interwoven processes. First the consolidation for administrative purposes around consensus such as the capture of rights claims by notions of service-dependency and enduring non-participation; and secondly by professionalised, problem solving, often therapeutic approaches. So its practice can quickly morph into suspicion of claimants, rigidity of eligibility criteria, shallow decision-making, 'speed under performance' pressure, all manner of distancing tactics (the best of which is seeing a person only a representative of a class), excessive surveillance, and accountability of users rather than providers.

How can we heed the runaway needs interpretations while addressing adaptive preferencing and not automatically privileging our professional 'I know better' stance? Can attention to our notions of courage in kindness guide us here?

We have to go to a fresh starting point. One of optimism, of respect and of releasing and building capability. And we have to be able to hear those freshly voiced oppositional runaway needs interpretations that are freed from adaptive preferencing. They are likely to emerge in social movement spaces; often express anger and disappointment; frequently unsettling expressions through crip culture; they are almost universally discontented. They are found in a hybrid discursive space that shows widespread contestation of conflicting needs interpretations; competing demands for response with varying levels of defence of the old settlement now under pressure for reform. It is difficult for welfare organisations to heed this social conversation when the disabled people using their services are only related to as clients. And when the organisation is subject to public management regimes through funding programs and related social policies.

Yet an organisation such as Anglicare can do this differently. Investing in and supporting movement-level activities and capacity-building will lead to a clearer, more comprehensible engagement with those who voice both discontent with the present and point to a vision that is more aligned to full citizenship, defended rights and autonomy; and provision of supports that serve flourishing, not simply management of difficult behaviour. In particular, it is important to listen closely for those calling for establishment and renewal of community bonds and for transformation in the practice models used in our work alongside those relying on services. Heeding this will require courage in order to be authentically kind as the counter forces are compelling and seemingly more 'rational.'

Next, at the individual level, we have to guard against a potentially brutal utilitarianism in every decision that is made...remember my observations about the dominance of systems, service, professionals and families in all those little dilemmas. We must review every decision at the point of that decision...did I act to entitle or disentitle? Was that fair? Or was it diminishing? Whose interests triumphed here?

When this happens we can see that people front the system with a life-expanding vision grounding their self concept (or in the case of those with profound impairments) those who

love them believing that a small life doesn't have to be deprived and meaningless. In short, we start by believing and then acting on the belief that we are here to support the person to strive for meaning and purpose in their lives, as well as joy and connection and self-respect. This is a way to have goals. And it has the potential to lead a very different planning conversation. As it is the 'Planning Conversation' has collapsed goal setting, eligibility determination and what we social workers call 'proper assessment' ie a process of getting to know the person deeply...their struggles and victories, strengths and torments, their hopes and their fears and so on... into one front end tussle. Sadly, we cannot rely on the NDIA to do all these steps, so we have to approach the system having done the really hard work.

And it is hard work...because people are already buried in a system that has so often depleted their strengths (remember broken and broke...); because they have come to believe that their claims will be viewed as immodest and over-reaching; or that their imaginings of a different life are stupid and unsustainable; and finally they lack the skills to do this. This, I'm afraid is the time when we have to face up to the fact the 'choice and control' mantra is too weak to get us through. It might be a groovy advertising slogan for the NDIS but it is so under-theorised and under-examined that it becomes what is called a hollow signifier...a clear empty vessel into which anyone can pour any dangerously seductive rubbish they want. This is what I call out as 'carelessness'.

Is *courage in kindness* more resilient? Can we speak of it in ways that become profound rather than hollow signifiers and can reorient thinking and action in this space?

Timothy Garton-Ash writing on free speech in 2016 quotes the German political theorist Kurt Tuscholsky: 'Nothing is more difficult and nothing requires more character than to find yourself in open contradiction to your time and to loudly say: No' He goes onto explain that it is intellectually and psychologically difficult to step outside the received wisdom of your time and place...this is called the 'normative power of the given'. (TGA FS, 371).

I have three take-home points to make:

1. I want you to acknowledge the courage it takes for those oppositional disabled people and their close associates to call out the carelessness.
2. In order to defend against carelessness courage in kindness must face fear, requiring an honest appraisal of how you analyse and address risk. In disability services we know that the biggest risk is actually the corruption of care; a growing tolerance of limiting people's rights, autonomy and free expression; and a growing tolerance for brutal ways of governing behaviour. This alongside a community with a seemingly endless capacity for rejection. The twin breeding grounds of trauma.
3. In order to be dedicated to kindness we must then ask: how can we consciously use risk to improve outcomes? In services and in community: the critical and paradoxical sites to drive change in work and in community...sites of hope and of love.

Listening carefully to the disability rights movement, to the person and those who love them, will unfold a story that reveals both the damaging forces and the uplifting forces and give us something to work with as we commit to shining goals, to thoughtful, doable mid-range goals, to building capacity, to protecting autonomy, to shaping opportunities for self determination and to hearing the life-story of the person in order to support their healing from rejection, shame and trauma and the trap of adaptive preferencing. This is the ground in which meaning, purpose, joy and connection can grow. This is the ground in which we grow as citizens in a democracy. This is the ground in which families can rest with a confident hope for a future not haunted by the risk of abandonment. It is hard and rewarding work so far from the current functionalism, systematic utilitarianism, professional dominance, and aggressive governmentality that is emerging as we speak. It is potentially courage in action for kindness, viewed in their richest sense.

Further reading:

Aristotle *Rhetoric* and *Nichomedeian Ethic* freely available on the internet

Garton-Ash, T. *Free Speech: Ten Principles for a Connected World* (Yale University Press, 2016)

Fraser, Nancy Struggle over Needs: Outline of a Socialist-Feminist Critical Theory of Late-Capitalist Political Culture' <https://lse.rl.talis.com/items/974712DB-50F0-119C-F967-B55EC0B32C03.html>