

Yvette Maker

Care and Support Rights After Neoliberalism: Balancing Competing Claims Through Policy and Law. Cambridge: Cambridge University Press, 2022. 310 pp.

The law has always played an important role in shaping provision of care: What types of care should be regulated by the state? What are the responsibilities of families in providing and paying for care? What are the legal duties of those who provide care? The past ten years have seen a growing body of interdisciplinary literature on the law's relationship to care. Yvette Maker's book *Care and Support Rights After Neoliberalism: Balancing Competing Claims Through Policy and Law* builds on and makes a timely contribution to this body of work.

The fundamental social problem that the book attempts to address is marginalization of those who require care and/or provide care in "liberal welfare states" (as used by Gøsta Esping-Andersen).¹ One could argue that contemporary social policies are characterized by fragmentation along various lines of division. Maker observes that governments tend to support one activity (unpaid care or paid work) over another and to allocate resources to one constituency (carers or people with disabilities) over others (p. 3). The implication of social policies that are rooted in such dichotomous thinking is that they are "inherently limited in promoting the equality—especially the equal enjoyment of citizenship—of people with care and support needs and/or responsibilities, even for those who are the purported beneficiaries of the policy" (p. 282). The solution offered by Maker is a rights-based approach to the design of care and support policy (p. 5), which would assert care and support as citizenship entitlements (p. 98).

The book begins by unpacking two sources of tension in gender and disability studies (Chapters 1 to 4). The first is the tension between "promoting women's equality through supporting their unpaid caring roles (particularly maternal care for dependent children) and supporting their paid work participation" (p. 3). The second is the tension between recognizing and advancing the claims of people who provide care and support (i.e., carers) on the one hand and the claims of people who require and use care and support, for example people with disabilities, on the other (p. 3). Maker challenges "either/or" approaches to care (p. 3) and argues persuasively that it is indeed possible to comprehensively address the concerns of multiple care and support constituencies (p. 133).

Part II (Chapter 5) presents a set of six principles to guide the evaluation and design of care and support policy in liberal welfare states. Drawing on points of commonality and overlap in the literature, the principles (and their associated objectives and necessary features) are intended to advance social citizenship rights to provide and obtain care and support (p. 98). Policies should:

¹ Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Polity Press, 1990).


1. provide access to financial resources;
2. facilitate access to alternative sources of care and support;
3. offer flexibility in how care and support is provided and used and flexibility in how care and paid work are combined;
4. make time for care and support, paid work and self-care;
5. incorporate the voices of all parties to care and support relationships; and
6. positively recognize “difference” and reject the norm of the independent citizen-worker (pp. 107–109).

The third part (Chapters 6 to 11) presents recent policy and legislative reforms in two liberal welfare states—income support for carers of children with disabilities in Australia and care and support for adults in England. The analysis relies on a comprehensive review of legislation and policy documents and existing empirical research on experiences and needs of care and support constituencies (see pp. 15–16). In each case study, Maker highlights the relevant context of a particular care policy enacted and implemented through legislation, analyzes their pros and cons (for example, in terms of choices offered to different care constituencies) against the six principles, and identifies the kinds of reforms that would be necessary to secure the rights of all parties to care and support. Although the case studies are not intended to be direct comparisons (p. 215), Maker offers useful insights in terms of their similarities and differences throughout the book. Overall, neither the Australian nor the English policy aligns closely with the feminist, carer, or disability rights perspectives; however, the UK Care Act shares more features of disability rights and ethics of care perspectives than does Australia’s Carer Payment (child) policy (p. 287). The concluding chapter briefly examines points of contention and barriers that are likely to confront efforts to apply the six principles through policy and law reform.

The main strength of this book lies in the reform-oriented principles articulated in Chapter 5. Legal and socio-legal scholars (and scholars in other disciplines) have already advanced many interesting ideas to fully or partially reconcile the theoretical tensions noted in the first part of the book. In my view, a promising way to advance the debate would be to focus on concrete comprehensive reform proposals that acknowledge the theoretical tensions rather than trying to reconcile or resolve them. That is not to say that all the objectives and necessary features under each principle are novel (and Maker does not purport to offer completely novel policy solutions). As well, it is inevitable that some of these principles (or their necessary features) will need to evolve over time. Nonetheless, the principles represent a productive way to identify limitations of or gaps in existing care policies as well as to explore directions for reform that are more likely to encompass the concerns articulated in feminist scholarship, ethics of care, and disability studies.

This book’s interdisciplinary perspective on care and the law makes it relevant for a wide range of audiences, including policymakers and legal and socio-legal scholars interested in welfare law, poverty law, and disability law, to name just a few. For some, the ideas in this book may be dismissed as “blue-sky thinking.”

However, many care challenges await us even once social and economic activities return to pre-pandemic normal. Ambitious policy and law reform proposals are needed.

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