

Disability and Rights: The Possibilities and Limits of Rights Discourse under Neoliberalism

Two Half-day Conference

This is a two half-day conference organised by Disability Law and Social Justice Stream of the [Socio-Legal Studies Association](#) and [Marxism and Disability Network](#) scholars, and kindly funded by the [Socio-Legal Studies Association](#) and University of Leicester. The conference will take place online (using the Zoom platform) on:

- Friday, 13th June 2025, 12:30-17:30 BST (UK Time).
- Saturday, 14th June 2025, 09:30-14:30 (UK Time).

Plenary sessions

Speakers:

- Ravi Malhotra, Professor of Law, University of Ottawa.
- Peter Bartlett, Professor of Mental Health Law, University of Nottingham.

Discussants:

- Anna Lawson, Professor of Law, University of Leeds.

About the Conference

While fundamental rights were enumerated in the 1948 Universal Declaration on Human Rights (UDHR), rights instruments have proliferated since the International Covenants on Civil and Political Rights and on Economic (ICCPR), Social and Cultural Rights (ICESCR) entered into force in 1976. Disability-specific rights and their legal representation have been notably late to the conversation, with the UN Convention on the Rights of Persons with Disabilities appearing only in 2006. This and other legislative initiatives and social movements have seen some notable wins for disabled communities, with improvements to access and inclusion in both the built and social environments.

Despite a panoply of rights existing at national, regional, international and transnational levels, intractable disadvantage remains. In terms of fundamental rights, the right to life is consistently jeopardised through the lack of equal access to healthcare¹. In terms of civil and political rights, disabled people still remain largely excluded from political processes and continue to face barriers to freedom from inhuman and degrading treatment, liberty, access to justice, and many more.² In terms of economic and social (in)equality, the disadvantage experienced by disabled people in relation to employment, educational attainment, income and community inclusion are well documented and remain intractable. Given the painfully slow rate of progress, what role can and should rights play in realising full equality for those with impairments? What alternative strategies and discourses might realise equality and emancipation?

Marx was not optimistic about the potential of legal rights to resolve the tensions generated under capitalism; noting the high costs, length of time, and exclusionary systems that dissuade engagement with the legal system and individual rights narratives of oppressed peoples. His conception of 'bourgeois rights' presents rights as individualistic, based on private interest and separated from community.³ Rights, Marx (and later thinkers like Pashukanis) argued, offer formal but not substantive equality and permit the justification of vast economic inequalities.⁴ In short, rights are necessary to defend capitalist social ordering. As Russell's work has demonstrated, rights cannot, and were never intended to, realise full substantive equality for disabled people.⁵

Recent scholarship has begun to explore how rights discourses establish or legitimate neoliberalism by structuring and defending private freedoms and pro-market policies, justifying non-interference by the state⁶; but these insights remain underexplored in disability scholarship and activism. We propose a two-day symposium to question how far disability scholars and activists should pursue rights strategies; what rights-based narratives offer disabled people; and their possible shortcomings or pitfalls.

We seek contributions which explore legal, moral, political, human, economic, social and cultural rights at all levels (domestic, international, transnational), and engage with potential transformative roles that rights may or may not play in the lives of disabled people. Some, non-exhaustive, questions for consideration are set out below, but we welcome a broad spectrum of engagement with the concept of rights and disability.

- **Empirically**, what have rights-based narratives achieved in the emancipation of disabled people? What limitations exist in current rights instruments, and how might these be remedied?

¹ The COVID-19 pandemic highlighted healthcare inequalities and the marginalisation and devaluation of disabled people. Tom Shakespeare and others, 'Disabled People in Britain and the Impact of the COVID-19 Pandemic' (2022) 56 *Social Policy & Administration* 103; Frances Ryan, *Crippled: Austerity and the Demonization of Disabled People* (Verso 2020).

² Elizabeth Evans and Stefanie Reher, *Disability and Political Representation* (OUP 2024).

³ Karl Marx, 'On the Jewish Question' [1844] *Deutsch-Französische Jahrbücher* <<https://www.marxists.org/archive/marx/works/1844/jewish-question/>> accessed 29 August 2024; David Birchall, 'Human Rights and Political Economy: Addressing the Legal Construction of Poverty and Rights Deprivation' (2022) 3 *Journal of Law and Political Economy* 393, 400–401.

⁴ Evgeny B Pashukanis, *Law and Marxism: A General Theory* (Chris Arthur ed, Ink Links 1978); Nate Holdren and Eric M Tucker, 'Marxist Theories of Law Past and Present: A Meditation Occasioned by the 25th Anniversary of Law, Labor, and Ideology' (2020) 45 *Law & Social Inquiry* 1142, 1145–6.

⁵ Marta Russell, 'Disablement, Oppression, and the Political Economy' (2001) 12 *Journal of Disability Policy Studies* 87.

⁶ Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (Verso 2019); Samuel Moyn, 'Human Rights and the Age of Inequality' (openDemocracy, 27 October 2015) <<https://www.opendemocracy.net/en/openglobalrights-openpage/human-rights-and-age-of-inequality/>> accessed 28 July 2024; Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (First paperback edition, The Belknap Press of Harvard University Press 2019).

- **Conceptually**, which rights discourses have achieved most progress towards equality, and what can we learn from these? Might economic, social and cultural rights offer greater scope for developing inclusive policy initiatives that realise the full social inclusion of disabled people?
- **Theoretically**, might we problematise notions of equality and rights-based rubrics that characterise discrimination as underlying (neoliberal) market failure? What might Marxist theories of/against rights contribute to our understanding of how and why rights succeed or fail in their goals? What other decommodification strategies might achieve inclusion and equality of disabled people?
- **Methodologically**, how might we investigate the empirical, conceptual and theoretical role of rights as a technology of power, a decommodification strategy, or a means of realising social justice?

We particularly welcome contributions from scholars, activists or other people engaged in the struggle for disability equality from the Global South, which is currently under-represented in disability-focused scholarship, and we welcome contributions from early career scholars.

A note on language

We use language describing disability that aligns with the British social model of disability, taking the UPIAS (Union of the Physically Impaired Against Segregation) definition as our starting point. This means that we refer to 'disabled people' rather than 'people with disabilities'; however, all forms of inclusive language are welcomed. We understand the concept of disability in the broadest sense, and invite contributions that engage with: bodymind difference, impairment, mental distress, learning difference, D/deafness, neurodivergence, and/or chronic illness.

Application process

To apply, please send a 250-word abstract by [completing this Google Form](#) by **Friday, 11th April, 5pm BST** (UK Time). Decisions on abstracts will be shared in early May.

Bursaries

Bursaries are available to cover attendance-related costs, particularly those related to disability (such as the costs of personal assistance or support, assistance with communication) and childcare. Priority will be given to presenters and speakers in the first instance, and to unaffiliated researchers and those on precarious contracts, but we will consider applications from other attendees where possible. To apply, please send a 150-word statement and breakdown of the anticipated costs to marxismdisability@gmail.com by **Friday, 23rd May, 5pm BST (UK Time)** and add 'Conference bursary application' in the subject line of the e-mail.

This conference is funded by the Socio-Legal Studies Association (SLSA), the University of Leicester, and supported by the University of Birmingham and the University of Brighton. The funds will be administered by the University of Leicester. The co-organisers of this conference are Alison Tarrant (SLSA), Arianna Introna (MDN), Clare Williams (SLSA), Danielle Watson (SLSA), Emily Kakoullis (SLSA), Ioana Cerasella Chis (MDN) and Luke Beesley (MDN).

For questions and enquiries please contact us at: marxismdisability@gmail.com.

We look forward to receiving your submissions!



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