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Book Review of Disability Rights in Europe: From Theory to Practice

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Book Title	Disability Rights in Europe: From Theory to Practice
Book Author	Lawson, Anna and Gooding, Caroline
Bibliographic Information	Hart Publishing Ltd., 2005, Pages : 323, \$70.00, ISBN 1841134864

Review Title

Reviewer(s) Stein, Michael

Short review

Disability Rights in Europe: From Theory to Practice. Edited by Anna Lawson & Caroline Gooding. Oxford and Portland, Oregon: Hart Publishing, 2005. Pp. xxxv, 323. \$70.00.

Reviewed by Professor Michael Ashley Stein.

This is a quality collection of papers that originally were presented at a European disability rights conference. The authors include academics, legal academics, equality commissioners, and advocates. The essays are organized into three thematic parts that at times necessarily overlap: human rights, anti-discrimination, and achieving equality. Collectively, the contributors provide a broad overview of major legal frameworks affecting persons with disabilities. Although special emphasis is placed on European (and especially, British) instruments, the scope is global, and other examples are given. The

volume's strengths are the diversity of disability rights advocates that it draws upon, and the nice overview they provide on the topic; its drawback is a lack of analytical depth. Taken as a whole, this is an informative and worthwhile collection.

Lisa Waddington and Theresia Degener each offer practical guidance on disability legislation. In *Implementing the Disability Provisions of the Framework Employment Directive: Room for Exercising National Discretion*, Waddington sets forth an exegesis of the European Community Framework Employment Directive that prohibits employment discrimination on the basis of religion, disability, age and sexual orientation. The Framework Directive leaves Members with great discretion over how to implement its (minimal) mandates. Focusing on the disability-related aspects, Waddington notes the example set by Belgium and Holland in enacting legislation with protection levels higher than that required by the Framework Directive. Degener's piece, *Disability Discrimination Law: A Global Comparative Approach* compares federal laws from forty-five countries that explicitly mention disabled people. These span the gamut of anti-discrimination statutes, civil rights laws, constitutional provisions, criminal prohibitions, social welfare measures, and equality provisions, and are handily cataloged in an Appendix. Because their definitions and mandates vary, Degener concludes that to be successfully implemented, disability law requires both a clearer understanding of what constitutes discrimination, as well as "effective enforcement mechanisms."

Two notable theoretical contributions are by Olivier De Schutter and Sandra Fredman, respectively. *Reasonable Accommodations and Positive Obligations in the European Convention on Human Rights*, written by De Schutter, examines the role played by the European Court of Human Rights in requiring Members and private parties to provide positive obligations in the form of reasonable disability-related accommodations. After criticizing the existing jurisprudence, De Schutter offers strategies for future litigation brought under the European Convention on Human Rights that would make reasonable accommodation claims subsidiary to prohibitions on indirect discrimination. In *Disability Equality: A Challenge to the Existing Anti-Discrimination Paradigm?*, Sandra Fredman compares the divergent path taken by disability anti-discrimination law from that of race and gender protections in Britain. After sifting through the prevailing models that may at times be at odds with each other -- for example, difference/equality, individual/group, and minority rights/universalism -- she proffers a paradigm based on social rights and substantive equality. For disability, this requires altering what constitutes the social norm so as to comprise the "wide range of impairments which might

∴ affect anyone during their normal life cycle, whether as a subject or a carer.”