

The Human Rights of Persons with Intellectual Disabilities:

Different but Equal by Stanley Herr, Lawrence Gostin and Harold Hongju Koh (eds). New York: Oxford University Press, 2003.

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Every once in a while a book is published of outstanding quality, depth and breath that offers the academic community and practitioners alike a unique opportunity to access a resource of considerable worth, and this is such a book. It claims to be 'the first book comprehensively to address the rights of persons with intellectual disabilities from the perspectives of comparative and international human rights law' and I believe this assertion is correct, and that makes this text all the more valuable. Many of the chapters have been written by leading academics and, or, figures of national and international standing and this affords the book with an authority that makes it an invaluable addition to any library that has an interest in human rights, and especially those with a specific interest in the human rights of those with intellectual disabilities. The book comprises some 551 pages that are divided into five parts and 19 chapters.

Part 1 sets about conceptualizing the needs of persons with intellectual disabilities as a human rights issue. This part comprises needs, terminology, cross-cultural perceptions and social policy in the 19th and 20th centuries. Firstly Mittler explores issues concerning international paradigm shifts in services for people with intellectual disabilities away from a 'defect' model to one where it is the unique interaction of an individual with their environment and what kinds of support they need to successfully engage with it, although it has to be said that this seems reminiscent of some of the earlier writings of the 'disability model'. Next, Luckasson rehearses some of the issues surrounding terminology and power. While this is a most competent chapter there is not much new material or insight as to terminology used in the field of intellectual disabilities. This is followed by Rentel who presents a most fascinating chapter that explores the 'contingent nature of "normalcy"'. She advocates a shift in focus to gain insights into culturally diverse methods for understanding disability and how services should respond in more humane approaches to social issues such as disability. Finally, Braddock and Parrish present a comprehensive and competent chapter concerning social policy towards the intellectually disabled; charting the now well-known trajectory of service provision from a segregative to community-oriented and rights-based approaches. In Part 2 the human rights movement along with international norms and standards are comprehensively explored. Chapter 5 by Herr provides an authoritative account of the history and principles of international human rights. He advocates an 'internationalization' of human rights principles into national and local laws. Degener in Chapter 6 argues persuasively on how discrimination laws have brought about a paradigm shift from a medical to a human-rights model in comparative and international law. She further argues that it is the attempts to pursue 'equalization' between the disabled and non-disabled that has been the most effective way of dismantling the structural discrimination against disabled people. Smull and Parsley next explore in a most helpful way how the human rights values have to be interpreted in an operational sense that has direct impact on and meaning

to the lives of people with intellectual disabilities. In short individuals should lead the kinds of lives they want rather than focussing on constructing services to manage and contain them and respond to professionally determined needs.

In Part 3 anti-discrimination legislation is highlighted. First, Herr undertakes some comparative analysis as to how the USA, Israel and the UK have implemented law to tackle disability-based discrimination. He traces this to the development of international treaties that he sees as superior to the human rights movement than internalizing issues. Next Shnit identifies areas where countries need to adopt specific and, or, general anti-discriminatory legislation for people with intellectual disabilities. He advocates wherever possible comprehensive legislation rather than specific which he suggests has in the past reinforced parentalistic, and segregative trends. In chapter 10 Silverstein further analyses this by exploring a number of general categories of law as they affect people with disabilities.

Part 4 comprises six chapters the first of which, by Rioux, discusses the inherent nature as to how people with disabilities have their human rights violated, and that this can be explained by the ways in which human rights and norms are constructed. Chapter 12 is a most interesting chapter that explores the thorny issues surrounding conflict between value placed on individuals and interventions to prevent disabilities-an issue twice explored in editorials of *Journal of Intellectual Disabilities* (Gates, 1997; Sooben, 2004). Next Blanck and Schartz identify the importance of interdisciplinary research to inform policy makers on disability employment policies. Next Noble identifies the direct and indirect costs of mental illness and mental retardation. Once again in this chapter as in the chapter before the value placed on people is explored again and much of this is thought provoking, especially within an international perspective. Penultimately, Rimmerman explores out-of-home placements for children with intellectual disabilities by reviewing research from the USA and Israel. He compares the conflicting positions of a child's right to live with their parents to the parents' right to conserve their own well-being by being able to access out-of-home placement support. In the final chapter of this part Herr argues for new ways of thinking about guardians as opposed to listening to people with disabilities; once again there is much to challenge conventional wisdom in this chapter.

The final part of this book is entitled 'Future Goals and Aspirations' and contains three chapters that explore self advocacy, drafting human rights issues and recommendations for the United Nations. The first chapter here is by Levitz and tells the story of a young man who becomes self-sufficient by the age of 31. It is argued that self-advocacy is the first step towards being able to act as advocate for others. Next Rosenthal and Sundram highlight a growing interest in how national and international laws are drafted for disabled people. They argue for governments to adopt best practice internationally and this must include community integration as a right *per se*. Finally, Slye highlights core recommendations that arose from a Yale School law conference in 1995 to the United Nations and this is followed by some analysis at progress that has been made since-she concludes that much has still to be done.

This is a book I have no hesitation in recommending as a very necessary

– indeed I would go as far as saying an essential – addition to any university library where the study and, or, preparation for practice of working with people with intellectual disabilities and their families are being pursued. And finally, given its modest price, I can see no reason why multiple copies of this text should not be purchased. This will be a sound investment to inform a range of educational programmes that doubtless will be developed to respond to the centrality of rights of people with intellectual disabilities that can be found internationally in a range of social policy documents and that are set to shape service configurations for the next decade or so.

References

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