

(Adapted from Barnes, C. and Mercer, G. (eds.) 2005: 'The Social Model of Disability: Europe and the Majority World', Leeds: The Disability Press, pp.17-31)

CHAPTER 2

We're all Europeans now! The social model of disability and European social policy

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There has been a dramatic shift of thinking about disability in European social policy circles. For years social model perspectives remained a fringe concern, advocated by European disability activists on the international stage yet at the margins of the European policy community. By contrast, there is now much talk of the 'social model'. Indeed, according to the latest European Union (EU) Action Plan there is even an 'EU social model of disability':

The EU also sees disability as a social construct. The EU social model of disability stresses the environmental barriers in society which prevent the full participation of people with disabilities in society. These barriers must be removed (Commission of the European Communities 2003: 4)

The discussion in this chapter introduces two key questions. First, to what extent has social model thinking influenced the European social policy agenda? For example, do moves towards a rights-based policy framework really reflect a 'social model' perspective on disability? Second, how useful is the social model in providing a framework for European policy convergence; and how useful is it in explaining the situation of disabled people in an increasingly diverse range of member states?

The language of the social model is often associated with developments in Britain, and regarded by many in other European countries as a rather British concept (although there is wide agreement that disabled people's exclusion has some social causes). To recap, the traditional view of disability was to assume that people with accredited impairment would be unable to

perform 'normal' activities and social roles. From this perspective, disability was seen as an individual problem caused by impairment. The solution for policy makers was either to treat the person (through medicine and rehabilitation) or to compensate them for their 'limitation' (by arranging less valued social roles such as sheltered employment, residential care, etc.). From a social model perspective, there is no necessary causal relationship between acquiring impairment (whatever that is) and becoming disabled. Lack of participation and equality can then be attributed to limitations within society rather than within the individual. Disability can be examined as a social problem caused by social structures, social relationships and social processes. To use a familiar example:

In our view, it is society which disables... Disability is something imposed on top of our impairments, by the way we are unnecessarily isolated and excluded from full participation in society. Disabled people are therefore an oppressed group in society (Union of Physically Impaired Against Segregation/Disability Alliance 1976: 3).

There are four key points here. First, although some people may experience impairments, disability is something different. Second, disability is about exclusion from full participation in society. Third, this exclusion is not inevitable (i.e. we could imagine a society where people with impairments were not 'disabled'). Fourth, it makes sense to think of disabled people as an oppressed social group. Disability in this sense is 'the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers' (Disabled Peoples' International 1982). To summarise:

disability, according to the social model, is all the things that impose restrictions on disabled people; ranging from individual prejudice to institutional discrimination, from inaccessible buildings to unusable transport systems, from segregated education to excluding work arrangements, and so on. Further, the consequences of this failure do not simply and randomly fall on individuals but systematically upon disabled people as a group who experience this failure as discrimination institutionalised throughout society (Oliver 1996: 33).

So, how has this kind of social model approach influenced policy making within the European Union?

Early developments in European disability policy

The policy agenda for the European Community was, from the outset, preoccupied with creating the economic and monetary conditions for a single market (i.e. the free movement of capital, labour and products between member states). However, there was also recognition that relevant social actions would be required to achieve these ends, and disability was not entirely overlooked. Thus, in seeking to promote 'full and better employment' and an 'improvement of living and working conditions', the Council Resolution of 21 January 1974 concerning a social action programme recommended 'a programme for the vocational and social integration of handicapped persons', including a comparative review of national policies in this area. The European Commission proposed using the European Social Fund for an action programme concerning disabled workers and, later the same year this was established in the Council Resolution of 27 June 1974. This Resolution outlined for the first time a wider social goal for policy intervention:

The general aim of Community efforts on behalf of the handicapped must be to help these people to become capable of leading a normal independent life fully integrated into society. This general aim applies to all age groups, all types of handicaps and all rehabilitation measures (Council of the European Communities 1974).

Although framed within a rehabilitation paradigm (using medico-functional definitions of accredited impairment rather than a social model approach) the programme also recognised the need for wider public action. By the end of the 1970s then, the emerging European disability agenda acknowledged certain social goals (such as independence and full integration) but remained driven by individual model definitions, a rehabilitation approach, and a primary focus on employment.

The end of the first action programme and the International Year of Disabled People (IYDP) provided opportunities to broaden this agenda at the political level. For example, the European Parliament Resolution of 11 March 1981 affirmed a commitment to promote social and economic integration for disabled people, in addition to their vocational integration. There were also first signs of a more socio-economic understanding of disability, evidenced in acknowledgement that disabled people are amongst those most adversely affected by the economic cycle of a capitalist free market. In this context, it is worth noting that the re-evaluation of European disability policy, prompted by IYDP in 1981, occurred in the

wake of widespread economic downturn affecting member states during the late 1970s. Thus, the Council Resolution of 21 December 1981 on the social integration of disabled people articulated concerns that disabled people should not be disproportionately disadvantaged by adverse fluctuations in the European economy (particularly in relation to their employment).

By the mid 1980s, and with the growing influence of the international disabled people's movement, a broadening social analysis was becoming more clearly articulated. The 1986 'Recommendation on the Employment of Disabled People in the European Community' (86/379/EEC) benchmarks two persistent themes – the preoccupation with employment and the emergence of a rights-based approach. The Recommendation was based on the principle of 'fair opportunities' for disabled people within a European labour market, via state measures on non-discrimination and positive action. This suggested targeted measures such as job creation, sheltered employment, vocational training, guidance, and compensatory social security arrangements. But it also acknowledged the need for a more enabling environment, in terms of accessible housing, transport, workplaces, information, and social research. Significantly, there were by now explicit references to active consultation with disabled people and their organisations.

On the political and rhetorical level then, there had been something of a shift in policy focus, between the late 1970s and the late 1980s, away from individualised rehabilitation and towards equal rights, participation and the socio-economic environment. In practice, European action programmes continued within the rather narrower HELIOS framework (although there were also a number of rather general positive statements around this time). By 1990, there had also been positive moves on education, such as the Council Resolution of 31 May 1990 'Concerning Integration of Children and Young People with Disabilities into Ordinary Systems of Education'. However, since Europe's primary area of competence remained centred on labour market regulation; it is perhaps unsurprising that actual policy development continued to emphasise employment.

From discrimination to a rights-based approach

Although disabled Europeans and their organisations had championed the social model on the international stage throughout the 1980s, it had not achieved any great prominence within the European Community. That is not to say that there was no interest in disabled people, simply

that such attention was not focused through a social model lens (being more concerned with care, rehabilitation and vocational training). Although there were developments in the area of gender equality, disability (along with racism) did not yet figure prominently in such debates (Cunningham 1992).

However, in response to disabled people's increasing advocacy, and spurred by the United Nations' *Standard Rules on Equalization of Opportunities for Persons with Disabilities*, disability became a more prominent European theme by the early 1990s. In 1993 a Disabled People's Parliament was held to mark the first European Day of Disabled People, at which around 500 participants agreed recommendations to the Commission (*Report of the First European Disabled People's Parliament*, 3 December 1993). The resolution passed at that Parliament acknowledged that disabled people have equal shares in universal human rights but that they also experience discrimination in three ways - as a result of 'direct discrimination, indirect discrimination, and "unequal burdens" imposed by socially constructed barriers'. By comparison with official European policy statements, the claims of disabled people's organisations articulated a more explicit social model approach, with the conviction that:

disabled people should be guaranteed equal opportunity through the elimination of all socially-determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society (Report of the First European Disabled People's Parliament, 3 December 1993).

Such statements clearly accord with the social model, in that they recognise discrimination on a number of levels; not simply in terms of individual rights, personal prejudice or direct discrimination but also in terms of social barriers arising indirectly from existing arrangements institutionalised within society.

The same resolution called on the Commission to act in specific areas: to amend the name of Directorate General V (to identify a remit for 'Equal Opportunities' as well as employment and social affairs); to establish a new sub-Directorate, including disabled staff, with responsibility for equal opportunities policy; to adopt and monitor the UN Standard Rules; and to produce legislation, 'including a comprehensive social policy initiative'. In addition, the Resolution called institutions of European governance to support studies on human rights; to adopt equal opportunities instruments on employment, contract compliance and funding criteria, and to ensure that a 'general anti-discrimination provision' was included in any revision

of the Treaty on European Union. This was a broad and radical agenda, based largely on social model analysis, which challenged economic and cultural assumptions, demanded changes to decision-making institutions, and called for amendments to European law. In the light of its social model aspirations, it is interesting to examine what has happened to that agenda since 1993.

Perhaps the most high profile action has occurred in relation to the claim for a 'general anti-discrimination provision' in the Treaty on European Union. After 1993, disabled people and their allies become more politicised and more strategic; persuaded that progress at the European level could be most rapidly and symbolically advanced by legal recognition of discrimination at the highest level. There was already some sympathy within the European Commission for a general non-discrimination clause, bolstered by inter-governmental working groups under the Spanish presidency during 1995 (disabled people's organisations played a key role here, via the European Disability Forum and the Spanish National Council of Disabled People).

Since the campaign prioritised legal recognition, input was increasingly invited from those with legal expertise (particularly human rights lawyers). So, while the impetus arose from the self-advocacy of disabled people's organisations, grounded in a broadly 'social' approach, developments took an increasingly legalistic turn. This legal emphasis was evident in the report for the 1995 European Day of Disabled People, written by lawyers and providing detailed legal analysis of disabled people's omission from European Treaties, their rights as workers and consumers within the European Union, the inadequacy of those rights, and calls for greater legal protection (Degener et al. 1995).

After continuing pressure from disability organisations, disabled people were finally made 'visible' in the Amsterdam Treaty of 1997 (Whittle 1998, 2000). In summary, Article 13 of the amended Treaty empowered the Council to take action to combat discrimination on grounds of disability (along with discrimination on grounds of sex, racial or ethnic origin, religion or belief, age and sexual orientation). The inclusion of disability in this general clause conveyed a new competence to the European Community, permitting it to address disability discrimination, but did not immediately convey any new rights to disabled people. This legal recognition of disability discrimination was undoubtedly a landmark achievement, establishing disabled people's claims to full participation and equality as a legitimate concern of the European legislature and policy

community. Yet, questions remain about the extent to which it represents progress in 'implementing the social model'.

There is a tendency in European social policy debates towards what is often called, within disability studies, a 'rights-based approach' (Mabbett 2003). While sharing similar sources of inspiration, the rights-based approach does not always accord with social model analysis. The social model (as defined by its early British authors) had focused on the structural basis for disabled people's collective oppression, arising from social relations of production and reproduction in modern capitalist societies. The implication was that real change could only be effected through political struggle to expose and challenge the disabling relationships and institutions that underpin such societies (Oliver 1990). By contrast, disability activists in North America had drawn more heavily on a 'minority group approach' that emphasised claims to civil rights using existing legal frameworks and constitutional law (Hahn 1986). As Liggett (1988: 271) points out, the rights-based approach implies that the 'legitimate demands' of disabled people for legal protection might be pursued within an existing political system, without overtly challenging the system itself.

Both social model and rights-based approaches recognise disability as a human rights issue, yet the social model suggests that disability is much more than this. However, there is often confusion and the social model has been exposed to numerous interpretations (Priestley 1998). Indeed, it is not uncommon to see conflation of terminology in which social model and rights-based approaches are used synonymously. As Finkelstein (2001: 1-2) notes:

nowadays most people probably refer to the social model of disability in a much more vague, confused and sometimes totally alien way to the radical version that Mike [Oliver] developed. In recent times the social model of disability has even been so bent out of shape that it is confused with the 'rights' campaign agenda for legal safeguards.

That is not to say that advocates of social model analysis have not been strong advocates of civil rights and legal reform, quite the contrary (Barnes 1991). The point is simply that they are not the same thing. Indeed, it is precisely in revealing why legal safeguards alone cannot produce sufficient conditions for disabled people's full participation and equality that social model analyses are so useful (Young and Quibell 2000; Russell 2002). In order to understand disability, in the social model sense, it is necessary to look beyond the superstructure of civil society and legal institutions and to

the social and economic relations that underpin inequality and social exclusion. In capitalist market economies (like the European single market) the social model demands a critical examination of the social relations of production and exchange, and the ways in which these create or sustain disability.

The narrower rights-based approach has proved a highly successful strategy, legitimising the concerns of disabled people and pushing disability up the European policy agenda by 1997, but constraints to its progress remain. For example, there is, as yet, no imperative to act on non-discrimination in relation to disability beyond employment (although there is in relation to sex or nationality). Any attempt by the European Council to adopt anti-discrimination legislation would require a unanimous vote by member states. In addition, any such measure would be limited to existing legal competence (which, for example, does not cover areas such as children's education or housing). In this sense, the high profile campaign for legal protection in the 1990s may have been inspired by disabled people's self-organisation and a social model analysis but would not necessarily be viewed as 'implementing the social model'. It is therefore important to think more carefully about the relevance of the 'social model' to European policy development.

In order to understand the development of a rights-based policy approach it is important to appreciate how rights figure more generally in European governance. As a benchmark, Article 6.1 of the Treaty on European Union asserts that:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

The founding Treaty of the European Economic Community, in 1957, contained no equivalent to a US 'Bill of Rights' and it was not until the Single European Treaty of 1987 that citizenship rights were introduced more explicitly. It is worth noting that such rights were accorded only to workers and consumers (the fundamental European freedoms are essentially the freedom to labour within a single market and the freedom to consume its products). It is perhaps unsurprising then that disability discrimination policy remained so centred on employment rights (Waddington 1995, 1997). However, the Council Decision to combat discrimination (2000-2006) certainly raised the profile of disability equality, and the Directive on Equal Treatment in Employment (2000) required legislative action by member states.

For disabled people's rights to be addressed more generally (and, in the social model sense, more structurally) we need to look beyond the rights-based policy initiatives. Social exclusion features high on the European social policy agenda; an agenda that envisages an active European welfare state, based on the values of solidarity and justice. Article 26 of the Charter of Fundamental Rights highlights the integration of disabled people directly and the EU Disability Strategy seeks 'a society open and accessible to all' - involving the removal of disabling barriers, the participation of disabled people, and the mainstreaming of disability policy. Such aspirations may be consistent with a broadly conceived social model approach but implementation demands substantial structural investment. While individual legal rights dominate the European policy headlines, there have also been moves to address the underlying issues.

The Action Plan following 2003 European Year of Disabled People continues to prioritise equal treatment in employment, but emphasises the wider mainstreaming of disability policies. Thus:

Contributing to shaping society in a fully inclusive way is therefore the overall EU objective: in this respect, the fight against discrimination and the promotion of the participation of people with disabilities into economy and society play a fundamental role (European Commission 2003).

While legal strategies on human rights seek to engender 'respect for diversity', there is a 'social model' approach to removing environmental barriers and moves to mainstream disability concerns in the allocation of European structural funds. In this context, there may be some scope for misinterpretation, since the European Social Inclusion Process builds on a wider notion of a 'European social model' that is not specific to disability but aims to combat poverty and social exclusion more generally. The mechanisms involved can be regarded as a form of 'soft' policy (by comparison with rights-based legislation) and hinge on the Open Method of Co-ordination (OMC). This involves the negotiation of common objectives and indicators of social inclusion across a range of relevant areas (De la Porte, Pochet and Room 2001). At the central level, there is evidence that social model thinking has begun to influence European policy making. Yet, there remain questions about the opportunities for real change at the level of the member states, given the consensual nature of this process. However, for advocates of a (disability) social model, mainstreaming disability within the OMC process and its associated indicators, and campaigning for a comprehensive Disability

Directive in future, may be the most immediate ways forward at the present time.

One Europe, many countries

In this context, it is important to remember that European institutions of governance wield far less top-down authority than some Euro-sceptics would have us believe. Europe is a community of sovereign nation states and the overriding principle of subsidiarity places substantial limits on social policy implementation. As Mabbett (2003: 17) notes, 'subsidiarity may govern both the definition of disability and the determination of reasonable accommodation'. The initial Treaties of European Union conveyed only limited powers to tackle discrimination and, while the EU may now demand non-discrimination across a common labour market, many prerequisites to this (such as investments in education, housing, social security, and so on) are largely determined by individual member states (Machado and de Lorenzo 1997).

As a consequence, there remains much diversity in disability policies between different states. For example, Hvinden (2003) sees little evidence of convergence in key areas, like social security, that are already 'crowded' by the welfare regimes and traditions of individual states (Aarts, Burkhauser and de Yong 1998; van Oorschot and Hvinden, 2000, 2001; Mabbett 2003; Prinz 2003). By contrast, he argues that there is greater scope for convergence in new and relatively 'vacant' areas, such as European market regulation and anti-discrimination law. The more straightforward subsidiarity explanation is perhaps more convincing but, whatever the explanation, we must consider seriously whose Europe we are talking about if we are to pursue the political vision of 'an inclusive European society'. This by no means a straightforward task, given the political, economic and cultural diversity of states in the new Europe.

The initiation of European disability policy in the 1970s arose from co-operation between the six members of the original 'common market' (Belgium, West Germany, Luxembourg, France, Italy and the Netherlands), plus Denmark, Ireland and the United Kingdom (who joined in 1973). The three 'Southern' states of Greece, Spain and Portugal came to the table during a period of change in the 1980s, and a more disability critical agenda was well established when Austria, Finland and Sweden joined the EU in 1995. In addition to these 15 member states, the disability policy community has tended to include the non-member Nordic states of Iceland and Norway (for example, as members of the European Disability Forum).

With EU enlargement in 2004, there are new member states and applicant countries to consider, adding complexity and diversity. These include two more Southern states (Cyprus and Malta) together with eight Central and Eastern states (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia). This latter group share many aspects of European culture and traditions, yet their past histories and political transitions in the post-Soviet era create particular economic and social circumstances. For example, Walsh (1997) notes how disabled people 'share the mixed fortunes' of the diverse countries in which they live (drawing attention to people with learning difficulties in Central and Eastern European countries) while Ursic shows how social transformation impacts indirectly on disabled people and the policies affecting them:

Severe economic and political crises, reduction of social transfers, increasing unemployment - all this exerts a negative influence upon the chances for integration and full participation of the people with disabilities in social life (Ursic 1996: 91).

There are then a further applicant three countries that raise new questions about the vision of an inclusive European society. Although Bulgaria and Romania share many similarities with the Central and Eastern member states, the situation for disabled people in those countries, particularly children and adults with learning difficulties and psychiatric system users, remains challenging in the extreme (Rosenthal and Sundram, 2002). The new states and applicant countries face many barriers in harmonizing their disability policies and practices towards EU standards, and with limited economic resources to devote to that task. The addition of Turkey to the group of Southern states raises similar challenges, together with new questions about what a European identity or culture might mean.

Including the new states and the applicant countries brings the total number of countries participating in European disability policy up to 30, in which we can identify four broad groups: the traditional Western European nation states (former colonial powers and partners in post-war reconstruction); the Nordic countries (with their strong cultural links, attachment to civil society, and historic commitments to particular forms of welfare state provision); the Southern states (that had historically lower levels of industrialization and public welfare provision); and the Central and Eastern European states (associated through their recent history with the former Soviet Union). The variety of national conditions raises great challenges to implementing the social model. We will need to engage

actively with these challenges if we are to further aspirations for 'an inclusive European society', and to comprehend what a 'European welfare state' might look like, or what might constitute the core 'European values' that underpin it.

Conclusions

For those of us in member states, EU policy and regulation will increasingly frame our measures of disability equality. To summarise, the historic policy focus on employment-related issues and legal protection reflects the economic foundations of the single market and the tendency to define European citizenship in terms of employment rights (Morgan and Stalford 2005, this volume, chapter 7). Policy initiatives have emerged in other areas but there has been little convergence due to entrenched national policies, the limited competence of the European Union and the principle of subsidiarity. In recent years there has been a shift, towards a more generic, rights-based approach, added to which the European Union, through the Commission and the Council of Ministers, has developed a vision of European society in which the social inclusion of disabled people now figures more explicitly than before.

Yet, as European integration and enlargement proceed, there is an increasing awareness of the tensions raised by different national priorities. There may be differences of emphasis about the kinds of issues that matter most - or about the ways in which these should be addressed - arising from local economic conditions, welfare regimes and histories of exclusion. In this context, we need to keep asking why we need a 'European' perspective on disability policy and whether this is possible in a diverse and enlarging Union. This, in turn, raises questions about priorities for action on disability, given the complex interplay between the single market, its institutions of governance, and the range of social and economic contexts across member states. We also need to look critically at how accountability to disabled people's movements can be maintained in these diverse contexts and at the European regional context.

Finally, we need to be acutely aware that the agenda for disability policy is not simply a European one. European developments will be influenced by global activism and techniques of governance, such as the emerging United Nations Convention, but we must also consider the role of Europe in the world. To what extent does the development of a European policy agenda cause us to look inward at the expense of a more global view on social inequality? In particular, how do we advance participation and

equality for disabled people in Europe without adding cultural imperialism to the economic protectionism and exploitation that marginalises and disadvantages disabled people throughout the majority world?

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