

Book Review

Title: *Disability Harassment*

Author: Mark C. Weber

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Reviewer: Anna Kirkland

Mark C. Weber's *Disability Harassment* is a detailed account of the full range of legal options for combating harassing conduct directed at adults and children with disabilities in the contemporary United States. Weber's goal is to convince the general public that disability harassment is a significant problem of injustice, and then to show how the legal tools we already have in place could be used much more robustly than they currently are in order to decrease harassment. The first three chapters set out first, the evidence that harassment on the basis of disability happens and that it causes great trauma and limitations in the lives of the people who endure it. Weber argues next that harassment can be understood through a disability studies framework that identifies isolation and segregation as the primary forms of subordination for people with disabilities and that harassment helps accomplish that subordination. The third chapter explains that disability harassment is not the same as sexual and racial harassment and thus should not simply be shoe-horned into pre-existing legal analysis.

The primary arguments of the book come in Chapter Four, in which Weber notes that there is actually more expansive anti-harassment language in the Americans with Disabilities Act (ADA) than there is in Title VII of the 1964 Civil Rights Act, the antidiscrimination law that covers race and gender harassment. Weber's target is then the federal courts, where Weber argues judges have interpreted this anti-harassment language too restrictively. Later chapters move from the workplace context to explain the legal terrain for lawsuits against public schools for harassment of students with disabilities and also detail other less-well-known legal options for suing for disability harassment.

Disability Harassment laudably draws scholarly attention to an issue that has been widely overlooked but is surely central to any social justice movement for people with disabilities. The dense discussions of legal cases and statutory provisions, however, make it difficult for anyone not trained in the law to decipher. The book is probably more helpful as a resource for disability rights lawyers than as a general academic book for activists, people with disabilities who are not lawyers, or scholars in related disciplines like political science and disability studies. Weber also asks us to assume that if judges were to listen to him and follow his suggestions in their rulings, the groundwork would be laid for significant improvements in the lives of people with disabilities. This lawyerly perspective is complicated by evidence that the vast majority of ADA plaintiffs lose their cases as it is, by much interdisciplinary work showing that even successful

lawsuits have limited impact on people's lives and, even if law does have some impact, being part of a successful lawsuit is not necessarily the most important thing. Weber acknowledges the limitations of the formal law as a route to social change while sticking to his doctrinal arguments. Though it is certainly a worthy project to lay out the legal landscape in all its complexity, this focus limits the book's ambitions.

While *Disability Harassment* is the first and last word on the current law for anyone who is a part of disability harassment litigation or considering it as an option, it can only fulfill one small part of a multi-faceted program to remedy isolation and segregation in the lives of adults and children with disabilities. Because the book is not currently available in an affordable paperback version (and because anyone with access to law journals can find much of the material previously published) and because of its highly specific legal aims, *Disability Harassment* is not particularly accessible to people with disabilities generally. It fills a crucial niche for legal practitioners, disability law scholars, and potential plaintiffs.