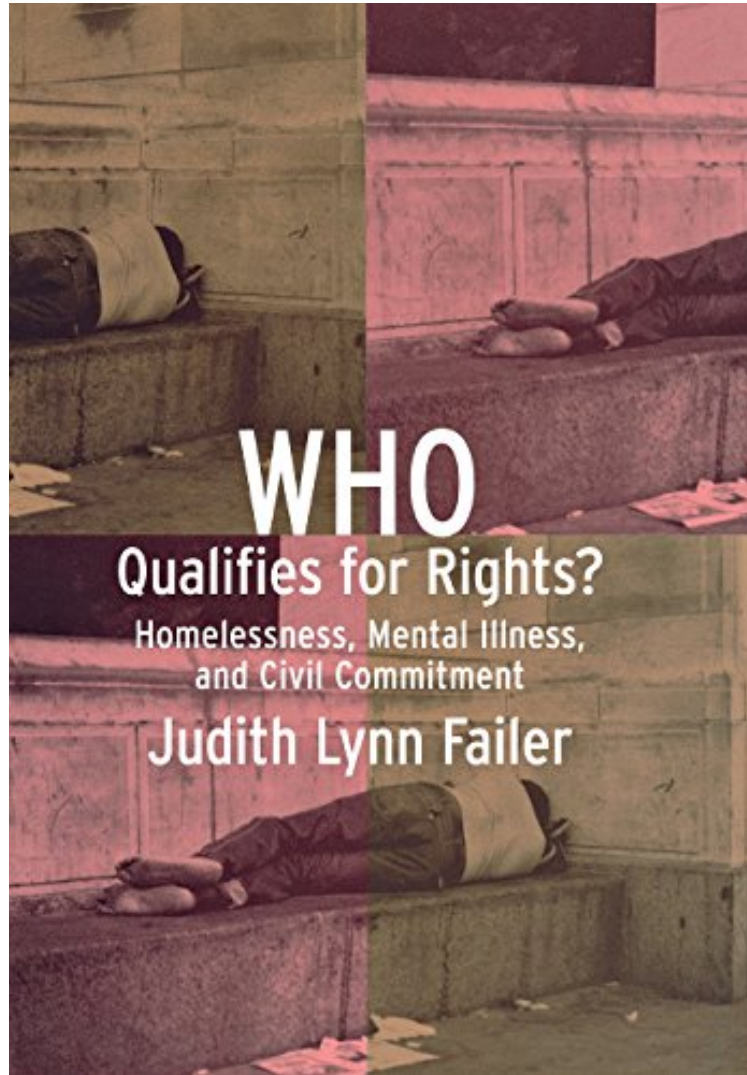


[Ebook free] Who Qualifies for Rights?: Homelessness, Mental Illness, and Civil Commitment

# Who Qualifies for Rights?: Homelessness, Mental Illness, and Civil Commitment

*Judith Lynn Failer*

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**Judith Lynn Failer : Who Qualifies for Rights?: Homelessness, Mental Illness, and Civil Commitment** before purchasing it in order to gage whether or not it would be worth my time, and all praised Who Qualifies for Rights?: Homelessness, Mental Illness, and Civil Commitment:

When does a person become disqualified for some or all of the rights associated with full citizenship? Who does qualify for rights? When mental health workers took Joyce Brown from her "home" on a New York City sidewalk and hospitalized her against her will, she defended herself by asserting her rights: to live where she wanted, to speak to the press to deride the city's policy, and to refuse unwanted psychiatric treatment. In theory, as a United States citizen, Brown possessed rights protecting her from governmental intrusion into her personal life. In practice, those rights were curtailed at the time of her civil commitment. Using the case of Joyce Brown as an example, Judith Lynn Failer explores the theoretical, legal, and practical justifications for limiting the rights of people who are involuntarily hospitalized. By looking at the reasons why law and theory say that some people diagnosed with mental illnesses no longer qualify for the full complement of constitutional rights, the author pieces together basic assumptions about who does, and who should, qualify for rights. Failer's analysis is motivated by her concern that people facing involuntary hospitalization stand to lose the most effective means they have of protecting themselves from abuse of their rights. She concludes that there is insufficient guidance for deciding who qualifies for regular rights and full citizenship. Finally, the author calls for the use of flexible standards to determine who should and who does qualify for rights.

"Tracing the 'bundle' of rights denied people labeled mentally ill from medieval legal statutes to the 1988 case of Joyce Brown in New York, Failer attempts to define the rights of full citizens by examining the civil rights withheld from the committable. . . . As an approach to defining the rights of citizenship, . . . there is much to recommend about this study. Summing Up: Highly recommended." *Choice*, March 2003 "Who Qualifies for Rights offers an important contribution to the literature on the legal deprivation of rights and the constitution of citizenship. . . . Failer's discussion of the issues present in the civil commitment of the mentally ill and the complications presented by homelessness is clear, thorough, nuanced, and balanced. Accessible to advanced undergraduates, *Who Qualifies for Rights* is a fine example of careful analysis of a legal and normative problem with implications for broad questions about citizenship, personhood, and rights." Alisa Rosenthal, *Rollins College, Law and Politics Book 13:1*, January 2003 "Failer identifies six stock characters of people identified as mentally ill that are used in civil commitment cases to justify the status of a person under civil commitment: the economically deficient person, the bad family member, the sufferer, and the nonsurvivor are all people described as being in need, whose rights can be limited in a paternalistic sense, while the person considered a danger waiting to happen the one thought to be an imminent danger may, some argue, have their rights limited for the protection of the community. . . . Failer does not question whether civil commitment is always unjustified; but she does argue that a great deal of what now seems unremarkable to many observers outside the psychiatric system should, in fact, be subjected to critical reassessment." Cal Montgomery, *Ragged Edge*, January/February 2003 "Judith Lynn Failer challenges us to reflect more deeply than we often do about the homeless mentally ill, and especially about the use of civil commitment to remove such people from the streets. This is a very thoughtful book on an important topic that has generally been neglected by political theorists." Joseph H. Carens, *University of Toronto* "Who Qualifies for Rights? is clearly and engagingly written. Judith Lynn Failer draws the reader into the issues facing the homeless mentally ill using the powerful example of the case of Joyce Brown." Leslie Francis, *University of Utah* "In this fascinating book, Failer teaches us important and sometimes disturbing lessons about the meaning of citizenship and rights by examining how and why some people are deprived of them. A valuable and original work." J. Donald Moon, *Wesleyan University*