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British Journal of Learning Disabilities

BOOK REVIEW

Book Title: Disability, Care and Family Law
Editors: Beverley Clough and Jonathan Herring
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Main body of review

This book brings together a series of chapters that examine areas of contact between disability law, family law and the law and realities of care. As the editors observe in their introductory chapter, matters relating to disability tend to be absent in texts that focus on family law, despite their relevance in this context, and are apt to be reduced to a series of administrative issues such as their impact on financial settlements in family separation proceedings. In drawing together this collection, the authors highlight the often unexplored overlaps between family law and disability, and the value of interrogating these different areas in the light of each other. In setting out the rationale for the collection, the editors point to the need to investigate, rather than ignore, areas of conflict or unease that exist between these different fields, including tensions between disability and the role, purpose and complexities of care.

The short but rich introductory chapter reflects on the common ground between disability studies and critiques of family law. The editors point out that both have contributed to an understanding of the way in which law constructs social identities and the importance it has in maintaining social norms. In short, Clough and Herring highlight that law is not a neutral force, but one that has been constructed around a socially dominant assumption that citizens are non-disabled, autonomous and male. The broad purpose of the book is therefore twofold. One aim is to consider how the law impacts on disabled people, including its unintended consequences. The other is to initiate discussions between family law and disability studies that do not only illuminate each area, but which also challenge the 'unencumbered' male subject that lies at the heart of the existing legal landscape.

The chapters are each written by a single author with a specialism in their particular field. Authors are drawn from various academic disciplines including law, sociology and criminology, and also from activist and policy environments. As a result, the book carries a breadth of expertise and different perspectives on shared areas of knowledge. The chapters span a wide range of subjects and are organised into three broad sections. The first covers care relations in the policy context, the second disabled children and family interaction with institutional and legal settings, and the third adults and family relationships. These groupings are relatively loose and it is a strength of the book that the various chapters have different formats and purposes as well as different subject matters. Some chapters, for example, such as Harding's exploration of intellectual disability, intimacy and family law, report on research projects. Others, such as Herring's discussion of common representations of young carers, operate more as 'think pieces', albeit anchored in academic discussion.

The range of topics tackled in the collection is striking. It includes, among others, pieces exploring theoretical angles (Clough), the experiences of mothers of imprisoned disabled people (Rogers), how children understand and react to disability (Jones), parental decision-making and parental responsibility in the context of deprivation of liberty (Parker) and also more broadly (Bridgeman), and the experiences of disabled parents (Higgins). The breadth of the content inevitably means that many readers will be more interested in some chapters than others, but also that readers encounter ideas and areas of study with which they might not otherwise be familiar. It is worth noting that the legal specifics under discussion are primarily relevant to the English context, although the issues discussed in the book are relevant well beyond this.

Overall, as is perhaps inevitable in a book of this type, some chapters are stronger than others in terms of their insights into the intersection of care, family and disability law and questions of how these areas construct disabled people. Clough's chapter, which examines the thorny relationship between disability studies and care ethics, is of particular interest here. The antagonisms highlighted in this chapter are by no means unrecognised in the existing literature, but Clough's analysis seeks to demonstrate that a more radical view of the legal subject has potential to develop less polarised scholarship in this field.

Similarly, the chapters are not uniform in the extent to which they seek to extend the reader's understanding of the intended and unintended consequences of different areas of law. Greater cohesion in these areas would have given the book greater strength and demonstrated its purpose more effectively. A minor frustration for the cover-to-cover reader is that many chapters included explanation of the social model of disability. This leads to a certain amount of repetition, although this is unlikely to be an issue for most readers, particularly in a book in which the chapters work as 'standalones' as well as contributions to a wider discussion. Indeed, understandings of and approaches to the social model were not uniform across the chapters – a matter which is acknowledged, although not fully explored, in the introduction.

Historically, subjects that are particularly important to people with learning disabilities have not always been comprehensively explored in books that cover disability more broadly. This is changing and is certainly not the case with this collection. Most of the chapters include a focus on people with learning disabilities or discuss questions that have a particular relevance to this group. This is one of the strengths of the book, and it illustrates how people with learning disabilities are often more likely than others to have their lives constrained by social attitudes and policy decisions. Thus Harding's chapter on the role of law in enabling (or restricting) intellectually disabled people's opportunities to engage in intimate relationships also provides powerful examples of how support availability and supporter attitudes also frame their family and sexual lives. Similarly, a strong chapter by Lindsey, which explores issues around the abuse of disabled people in family relationships, addresses difficult issues around autonomy and vulnerability that arise in this context, with a particular focus on mental capacity law.

The book will be of primary value to readers who share the editors' concerns that disability is a forgotten area not only in family law, but also in areas of the law that extend well beyond this. It successfully makes the case that issues relating to disability merit more attention in the legal landscape. The range of its content means that scholars and others with an interest in disability issues are likely to find it of interest. It is fair to say that the variety of the subject matter tackled in the collection results in both individual chapters and the volume as a whole

acting as an introduction to a broad range of issues, but this should not be considered a weakness. The book is certainly timely. Both the development and the radical content of the UN Convention on the Rights of Persons with Disabilities and the rapidly developing interest in disability law as a discipline in itself have the potential to alter the legal landscape for disabled people in many ways. In the light of this, the importance of discussion around the impact of law on disabled people and how disabled people are constructed in legal contexts cannot be overstated.

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