

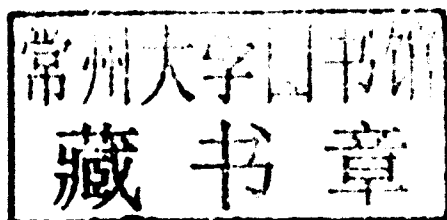
*caring
and the law*

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Caring and the Law

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CARING AND THE LAW

Caring and the Law considers the law's response to caring. It explores how care is valued and recognised, how it is regulated and restricted and how the values of caring are reflected in the law. It does this by examining the law's interaction with caring in a wide range of fields including family, medical, welfare, criminal and tort law. At the heart of the book is the claim that the law has failed to recognise the importance of caring in many areas and in doing so has led to the costs and burdens of care falling on those who provide it, primarily women. It has also meant that the law has failed to protect those who receive care from the abuse that can take place in a caring context. The book will promote an ethic of care as providing an ethical and conceptual framework for the law to respond to caring relationships.

To Kirsten and all those who care

Preface

Not long ago it was reasonable to suggest that carers were ignored and invisible in society. That can no longer be said. It is widely acknowledged that we are facing a crisis in care, and one which, without rapid action, will escalate. There is growing recognition that care work is essential to ensure the well-being of the most vulnerable in society. Further, the failure of the law and society more generally to recognise and value care has led to significant disadvantage for women. This book explores the law's response to care work.

It argues that not only must the law find a way to support, reward and acknowledge care. It needs to rethink the values that underpin the law, moving from a more individualised conception of rights and interests to one which acknowledges the importance of relational values. It is hoped this book might provide a sounder theoretical basis and some practical recommendations for the promotion of a society and legal system which puts care at its heart.

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