Charles Foster, Jonathan Herring and Israel Doron (eds.)


1 Introduction

The field of ‘health law’ has expanded greatly over the past decades, reflecting the ever-growing recognition of the breadth of challenges faced by individuals, families, carers (professional and otherwise), society, the professions themselves, and the legal and political authorities responsible for governing all of this. If the ‘medical law’ of old could at any stage have been characterised as occupying just a narrow part of (say) the law of tort, and involving just the patient and her doctor, this no longer holds. Experts in health law are not unified around specific legal approaches or a particular point of jurisdiction. Rather, they converge on the concept of health: a value of particular — on some counts fundamental — personal, societal, and political importance. Health lawyers bring expertise and insight from across the legal spectrum to debates on how health policy and practice, and health-related rights and responsibilities, can and should be understood. This focus encompasses, but stretches far beyond, healthcare and the regulation of the medical profession. And analysis in health law draws from a great range of critical and social perspectives, from doctrinal legal analysis, through ethico- and socio-legal critiques, to those based in law and politics.

In their impressively conceived and excellently produced edited collection *The Law and Ethics of Dementia*,1 Charles Foster, Jonathan Herring, and Israel Doron provide a reflection of how vast the terrain of health law now is. They also demonstrate the breadth of ‘stakeholders’ who are engaged by the subject. Their book offers clinical, ethical, legal, social, and personal perspectives on dementia: a topic of enormous scope and complexity. As explained clearly in Elissa Ash’s introductory chapter: “Dementia is not a single disease, but rather a clinical state where a decline in cognitive function, such as loss of memory, judgement, language, complex motor skills and other intellectual functions, leads to a decline in independent daily function”.2 The social, economic, and political significance of dementia is underscored by it having become almost a cliché to refer to the paradoxical triumph and challenge presented by “our aging population”, with particular regard to pressures that emerge in

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2 Elissa L. Ash, ‘What is Dementia?’, in *ibid.*, pp. 3-14, p. 3.
health and social care. And as is made clear throughout Foster, Herring, and Doron’s book, but most forcefully in the final chapters through patient and carer perspectives, the individual, person-affecting impacts of dementia are profound.

For a single book project, the editors’ sheer ambition is to be congratulated, and they successfully offer an unrivalled resource on one of the great questions that health lawyers, in collaboration with a wide range of partners, need to address. It is not possible in a review such as this to offer a chapter-by-chapter summary of a book comprising 44 contributions. As such, this review provides an overview of the book, explaining its great strengths, its importance as a practical and academic resource, and some critical observations that may be made in relation to the work as a whole.

2 Overview of the Book

The book opens with a short, punchy, and neatly devised preface that serves well to introduce the topic, explain the practical challenges, and to outline the rationale for the book’s content and structure. In the editors’ words:

Such work as there has been on the law and ethics of dementia has often suffered because the lawyers haven’t read the ethicists, the ethicists haven’t read the lawyers, neither have read the doctors and even many of the doctors have never had to break the news of the diagnosis to a patient or a spouse, or deal in the early hours with a patient who has started to masturbate in front of the nurses.3

Of course, recognising the need to bring together these different voices does not of itself amount to achieving the cross-disciplinary and cross-sector discourse referred to. In my opinion, the editorial approach is therefore truly masterful. The book is broken into five broad sections, each of which carries contributions from different perspectives, be they jurisdictional (the book’s primary focus is in English law, but includes several chapters focusing on legal governance in other contexts), professional (different carers’ voices; different legal practitioners’ voices), personal (patients, those who care for them in non-professional roles), and philosophical (including discussions rooted in ethical theory and the challenging (for this reviewer, anyway!) metaphysics of personal identity). Part I provides a grounding to the topic as a whole within medical