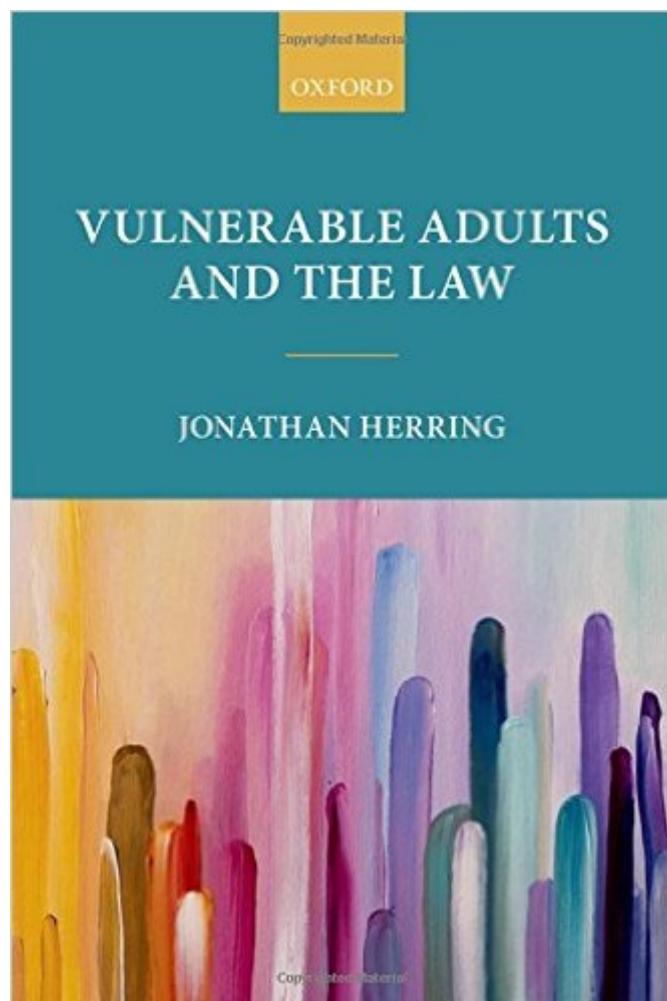


The book was found

# Vulnerable Adults And The Law



## Synopsis

We are used to thinking that most people have the capacity to make their own decisions; that they should be free to decide how to live their lives; and that it is a good thing to be self-sufficient. However, in an examination of the legal position of vulnerable adults, understood as those who have capacity under the Mental Capacity Act 2005 but are deemed impaired through vulnerability in their exercise of decision making powers, Jonathan Herring challenges that assumption. Drawing on feminist and disability perspectives he argues that we are all in fact, 'vulnerable' and we need to replace the competent, able-bodied, independent person as the norm which the law is based on and instead fashion which recognizes our interdependence and mutuality. At the heart of the law is a distinction between those who have capacity and those who do not. Those who have capacity are given the full rights of the law; they are entitled to enter contracts, dispose of their property, are able to marry. Those who are deemed to lack capacity are unable to make these decisions. Their decisions are made on their behalf based on an assessment of what is in their best interests. This approach is underpinned by the principle of autonomy, and is problematic for those who are deemed 'vulnerable'. The Court of Protection and the Court of Appeal have developed a jurisdiction to deal with cases involving vulnerable adults which has been used in a wide range of cases from those involving people with early stage dementia to cases of forced marriage. This development of law has proved controversial and the courts have struggled to draw its limits and explain the justification for it. Jonathan Herring welcomes the courts willingness to protect vulnerable adults through the inherent jurisdiction, but argues that we need to go much further. It is not just particular groups such as 'the elderly' or 'the disabled' who are vulnerable, but rather vulnerability is part of the human condition. This means that caring relationships are of central significance to our society and should be at the heart of the legal system.

## Book Information

Hardcover: 240 pages

Publisher: Oxford University Press; 1 edition (March 21, 2016)

Language: English

ISBN-10: 0198737270

ISBN-13: 978-0198737278

Product Dimensions: 9.3 x 1 x 6.4 inches

Shipping Weight: 1.4 pounds (View shipping rates and policies)

Average Customer Review: Be the first to review this item

Best Sellers Rank: #3,064,523 in Books (See Top 100 in Books) #136 in Books > Law > Family Law > Elder Law #1492 in Books > Law > Health & Medical Law #1841 in Books > Law > Legal Theory & Systems > Jurisprudence

[Download to continue reading...](#)

Vulnerable Adults and the Law The Vulnerable Empowered Woman: Feminism, Postfeminism, and Women's Health (Critical Issues in Health and Medicine) Earthquake Strengthening for Vulnerable Homes: A Practical Guide for Engineers, Contractors, Inspectors and Homeowners The Mystery of Risk: Drugs, Alcohol, Pregnancy, and the Vulnerable Child Daring Greatly: By Brene Brown --- A Full Summary & More! -- How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent, and Lead (Daring ... Audiobook, Paperback, Cd, Hardcover) Voracious Science and Vulnerable Animals: A Primate Scientist's Ethical Journey (Animal Lives) Walking Prey: How America's Youth Are Vulnerable to Sex Slavery Caring for the Vulnerable Word Search Book for Adults: Word Search Puzzles to Improve Memory and Exercise: word search, word search books, word search books for adults, adult word search books, word search puzzle books Swear Word Coloring Book : Midnight Black Edition Best Seller Adults Coloring Book With Some Very Sweary Words: 40 Stress Relieving Curse Word Designs ... Words Coloring Books For Adults) (Volume 5) Fairy tales for adults.: Fantastic fairy tales for adults with an erotic bias. Human Rights and the Protection of Privacy in Tort Law: A Comparison between English and German Law (University of Texas at Austin Studies in Foreign and Transnational Law) Marriage: monogamy and polygamy on the basis of divine law, of natural law and of constitutional law : an open letter to the Massachusetts members of ... the opinion of the Supreme Court in Reynold The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150 1625 (Emory University Studies in Law and Religion) Law of Attraction: 7 Secrets to Put in Action the Law of Attraction on a Daily Basis and Successfully Manifest Abundance, Confidence, Money, Healthy and ... The Law of Attraction, Beliefs, Abraham) Definitions and Essay Writing: Contracts Torts Criminal law (Borrowing Allowed): Look Inside! This book is the best law school help for law students! (e book) Scholarly Writing for Law Students, Seminar Papers, Law Review Notes and Law Review Competition Papers (American Casebook Series) The IMLI Manual on International Maritime Law Volume III: Marine Environmental Law and Maritime Security Law Contracts Law Without The Confusion law book - (e borrow OK): law book - (e borrow OK) Entertainment Law: The Law Student's Guide to Pursuing a Career in Entertainment Law

[Dmca](#)