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## **Book Review: Feminist Perspectives on Health Care Law**

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# BOOK REVIEWS

SALLY SHELDON AND MICHAEL THOMSON (Eds), *Feminist Perspectives on Health Care Law*. London: Cavendish, 1998, 302pp., £19.95.

This is a very interesting and informative collection, conveniently gathering together a wide range of the most recent thinking on health care law in relation to aspects of gender and feminism.

The book gives many clear examples of how health care law and practice operates to the detriment of the female patient and the female health professional, as well as other 'minorities'. Diverse theories are used as bases for the analysis of various aspects of health care and gender. Underlying the majority of the chapters is support for the new feminist ethics in relation to health and medicine, with its emphasis on caring and context as part of health services and its critique of the potential power relationship between doctor and patient. Jo Bridgeman uses this as a basis for her critique of the medical treatment of children.

Some of the chapters also usefully include the most recent relevant case law, such as that on Caesarean births by Celia Wells. Sally Sheldon's chapter is informative on legal issues and health care law. She offers a critique of the *Bolam* test of the standard of care owed by a doctor to her patient and the English judiciary's decision not to challenge medical conduct more decisively. She concentrates particularly on the contrasting images given by judges to patients and their doctors, as evidenced by case law judgments. Sheldon argues convincingly that, in practical terms, the entrenchment of medical power that this has led to has meant that those doctors, particularly in obstetrics and gynaecology, who attempt to introduce more women-centred practices will find themselves isolated and that patients, particularly women patients, will not be protected or compensated by the law.

Peggy Foster argues that cancer screening for women is another example of the lack of autonomy offered to women patients by the health care system. This is a result of surgeries, some with financial targets, exhorting women to attend screening that they might find uncomfortable, often giving traumatising false positive test results which can lead to an array of further treatments that women might not have originally intended to consent to. The comparison between the law and practice in relation to informed consent in the UK, the US and Canada is very useful. Her wish to persuade doctors in the UK to voluntarily offer a greater degree of information to their patients is also commendable. Foster does not quite manage, however, to present a convincing argument that the negative aspects of screening outweigh the positive aspects of prevention.

Eileen V. Fegan and Philip Fennell challenge current accepted psychiatric treatments for women. They provide an informative and clear analysis of psychiatric illness and law, and offer a critique of new feminist thinking in this area. They argue that

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courts have shown themselves much more ready to intervene to protect women from their own 'irrational' decisions than men, particularly where a foetus is involved. As long as ideas of normal and healthy are coloured by misconceptions of sexuality, gender and cultural difference, attempts to meet the needs of psychiatric patients will be thwarted.

Though each chapter is interesting in itself, some chapters offer particularly interesting perspectives and new problems for analysis. Marie Fox examines the issue of clinical research from which women have been excluded for reasons of their reproductive health, and points out that the male body has thus been used as a reference for clinical judgements relating to both men and women. Fox offers a thorough and informative review of recent feminist critiques of science as an illustration of the potential harm to women of simply involving more women in clinical trials. She pleads for a feminist perspective and feminist ethics to take on board the issue of animals who, along with women and minorities, have been subject to objectification and abuse. For Fox, 'a feminist science' would encompass complementary medicine and more intuitive, personalised health care practices.

Certain chapters raise issues and set a feminist agenda rather than resolving issues themselves. Noel Whitty argues that resource allocation has been neglected by feminists. The deep inequalities in access to health care currently evident may widen still further in the near future. This area thus needs a feminist critique to transform notions of health care and of justice. The chapter by Thérèse Murphy also raises questions and plays an agenda setting role. She relates theories about dialogue and communication to the issue of confidentiality between the doctor and patient. Though this is a very interesting chapter perhaps a lack of space prevented Murphy from fully relating her use of theory to the health care context. Murphy's chapter also offers an analysis of the more theoretical aspects of feminist perspectives. In a similar vein, Michael Thomson argues that the definition of the doctor needs rewriting to facilitate the autonomy of the woman patient. These chapters add stimulating theoretical dimensions to the collection.

This collection is the first of an intended series dedicated to feminist perspectives on different areas of the law curriculum. Based on a two-day workshop held at Keele University in April 1997, it is a welcome addition to the small but expanding collection of feminist-inspired texts examining English law.

The editors hope that the traditionalist lawyer as well as his or her more enlightened colleagues might find the series useful as well as interesting. I believe that lawyers in a variety of fields would find the volume enlightening. No doubt, along with other colleagues involved in the teaching of health care law, I will be recommending the collection to my students, thus realising one of the aims of the book. I, like the editors, can only hope that the more traditionalist lawyer will spare the time for this collection.

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F. PEARCE AND S. TOMBS, *Toxic Capitalism: Corporate Crime and the Chemical Industry*. Aldershot: Dartmouth, 1998, 316pp., \$47.00 (hbk).

This book, which draws together and develops the authors' previous work, argues that analysis of corporate crime necessitates breaking away from the narrow focus of criminology towards a sociology and political economy of law and legal regulation. Accordingly the authors, writing from a Marxist perspective informed by Foucauldian