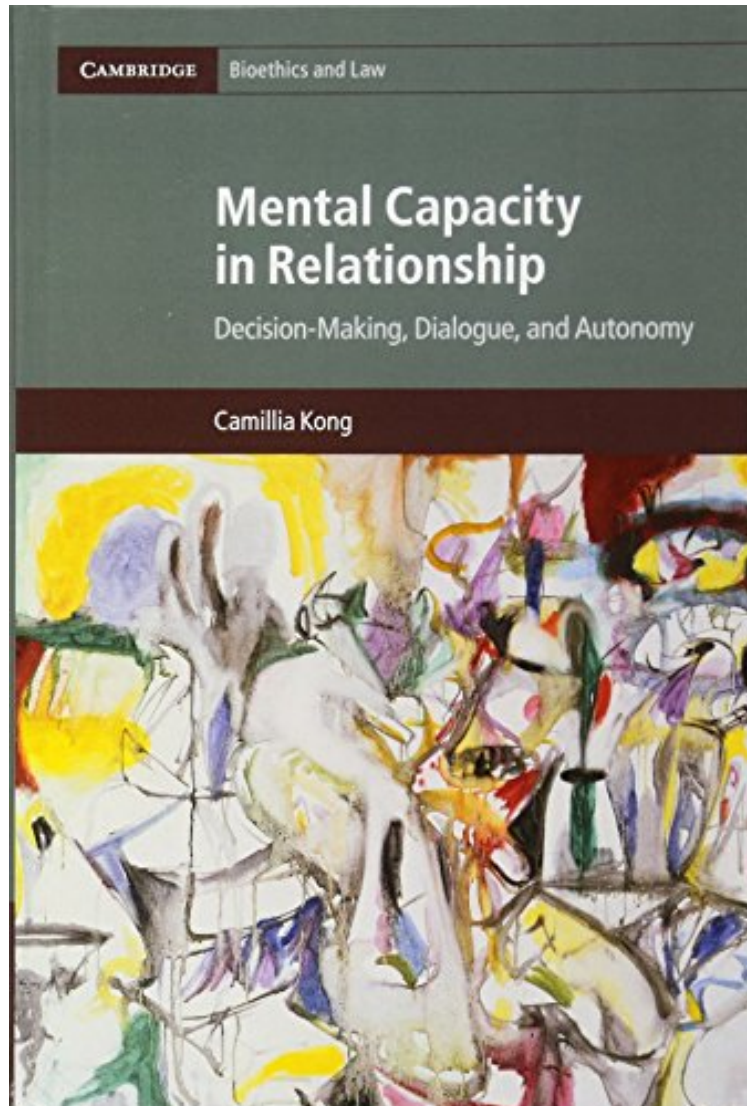


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Mental Capacity in Relationship: Decision-Making, Dialogue, and Autonomy (Cambridge Bioethics and Law)

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Recent legal developments challenge how valid the concept of mental capacity is in determining whether individuals with impairments can make decisions about their care and treatment. Kong defends a concept of mental capacity but argues that such assessments must consider how relationships and dialogue can enable or disable the decision-making abilities of these individuals. This is thoroughly investigated using an interdisciplinary approach that combines philosophy and legal analysis of the law in England and Wales, the European Court of Human Rights, and the United Nations Convention on the Rights of Persons with Disabilities. By exploring key concepts underlying mental capacity, the investigation concludes that both primary relationships and capacity assessments themselves must display key competencies to ensure that autonomy skills are promoted and encouraged. This ultimately provides scope for justifiable interventions into disabling relationships and articulates the dialogical practices that help better situate, interpret, and understand the choices and actions of individuals with impairments.

About the Author Camillia Kong is a lecturer in philosophy at the University of Kent and research associate at the Ethox Centre, University of Oxford. Her research interests include philosophical issues surrounding mental disorder, mental capacity, and the ethics of psychiatry. She was awarded funding for research into this book from the British Academy.