



Book review

Robert Leckey (ed). After Legal Equality: Family, Sex, Kinship. Abingdon: Oxon; New York, NY: Routledge, 2015, pp. 224, ISBN 978-0-415-72161-5 £85

PAWEŁ DRAĞOWSKI*

This collection is an outcome of a workshop held at McGill University under the same title in early-2013. Including an introduction by Robert Lackey, it brings together twelve essays divided into three coherent parts. An overarching theme for all contributions is an array of actual challenges posed by new developments in family law aiming at legal equality. The purpose of this book is to point out that legal struggles for egalitarian treatment of all citizens are not the end of the line but, apparently, a beginning of post-equality tensions between law and reality.

Authors draw their inspiration from legal acts, practices, social outcomes and personal experiences from Canada, the UK and the US. Although most of the essays concern implications of institutionalization of same-sex partnership, it becomes clear from the arguments that the legal equality and its outcomes go much beyond the interests of gay community. Apart for producing possible disadvantages to the members of this particular group, who might not want to conform to new, often heteronormative, standards, the changes may rebound on others and worsen their disadvantage. Specifically, the volume addresses possible adverse results of new regulations which can intensify distinctions by sex, race or class. However, the discussion is intentionally left open for other voices and further contributions.

The first part, 'Care and justice under neo-liberalism', focuses on relation between different notions of care and changing family structures. Central to the deliberations in this section are state policies which define recognized models of familial relations. In his essay, Jonathan Herring argues that care should be a determinant of legal recognition, as opposed to solely looking at blood or sexual relations, for the benefit of the society. Janet Jakobsen takes up this argument and presents it in an economic context of neoliberal environment while, in another essay, Susan Boyd exemplifies the complexity of the discussed issue on the new British Columbia Family Law Act and possibilities that it offers. One of them is the expansion of concept of parenthood beyond the limit of two caretakers. And as Richard Collier shows in his paper, reaching an agreement between two people in respect to child custody might be already quite a challenge. Collier discusses how fathers' rights movement challenges gender prejudices on care, and how much this issue can still benefit from a greater critical engagement with the debate on care and gender.

In the second part, titled 'State's reach', the contributors address tensions arising from new regulations and the way state accommodates them in practice. Texts by Kim Brooks and Clair Young focus on taxation, yet they look at the area through different lenses. The former author analyses tax court rulings to observe how

* paweldragowski@wp.pl

informality of relationships is negotiated between the state and interested individuals, who might want to benefit from their unclear legal status. Young, on the other hand, same as she did 20 years ago, argues that taxation should be delinked from conjugality as, otherwise, irrespective to sexual orientation of spouses, it reinforces class inequalities in Canada. The argument on adverse effects of legal equality is continued by Roderick Ferguson who, through a historiographic analysis, points out how the US government was ready to trade off advantages of sexual minorities for disadvantages of other groups, particularly related to race. Finally, Helen Reece exposes perplexity of governmental agencies in the UK to waive it aside that consenting adults enter into informal, non-registered relations. She analyzes content of Advicenow, an informative website sponsored by the government, to point out how the authorities promote formalization of such relations disregarding potential costs of the process. Reece shows the unease of the state in the light of new forms of relationality and its most typical reaction - formalization.

In the last part, 'Sex and love', it is heteronormativity that is problematized, especially in the context of new legal regulations which recognize non-heterosexual relations. Catherine Donovan analyzes how conceptualizations of domestic violence are challenged by new legal forms of partnership and, consequently, how this new facet of spousal abuse is addressed. The problem is not anymore to be explained with feminist critique of gender imbalance and cannot rely on this simple, heteronormative binary. Similarly, Rosie Harding employs critical discourse analysis to show an extent to which the British parliamentary debate on The 2013 Marriage Act relied on heteronormative rationale. Furthermore, she looks at a judgement concerning new forms of parenthood, as permitted by The Human Fertilization and Embryology Act of 2008, and effectively presents an interesting case study on friction between the existing legal regime, its products and very often complex and emotionally-charged situation on the ground.

Lastly, Daniel Monk's chapter exposes an existing tension between notions 'gay' and 'queer' in the context of gay-parents relations with their (god-)children. On one hand, illustrating it with problems encountered by a non-monogamous male couple in the fostering process, Monk shows that openly non-conformist attitude can be such an obstacle, despite legal equality. On the other, he points out that the same 'queerness' has been already embraced in relations between gay and lesbian godparents, their godchildren and their biological parents. It makes it an interesting point of departure to reflect on the effects of gay sex in the process of socialization.

Given the freshness of the discussed legal developments, the book stands in the vanguard of an academics discussion on post-equality outcomes. It is an unquestionable strength of this publication to effectively explore multiple themes in a succinct form. Particularly, it is enriching to see how diverse methodological approaches have been employed to develop respective contributions. It could be inspirational for those who want to engage in the discussion and fuel it with voices from the other parts of the world. Further contributions, originating from the 'After Legal Equality' workshop, will soon appear in the *Canadian Journal of Women and the Law*.

Throughout this volume, readers are reminded that it was not long ago that the legal situation in discussed jurisdictions was different and, thus, the countries considered to be progressive are actually the first ones together experience effects of new regulations. It is there where research on direct and indirect effects of legal reforms is place. The situation is fresh and develops. The academic debate needs to be continued. "After Legal Equality: Family, Sex, Kinship" is an invaluable contribution to the field and a must for those who would like to join in.