

The Journal of Sociology & Social Welfare

Volume 32 Issue 3 September

Article 21

2005

Inheritance Law and the Evolving Family. Ralph C. Brashier.

Karen Jones-Mason University of California, Berkeley

Follow this and additional works at: https://scholarworks.wmich.edu/jssw



Part of the Social Work Commons

Recommended Citation

Jones-Mason, Karen (2005) "Inheritance Law and the Evolving Family. Ralph C. Brashier.," The Journal of Sociology & Social Welfare: Vol. 32: Iss. 3, Article 21.

Available at: https://scholarworks.wmich.edu/jssw/vol32/iss3/21

This Book Note is brought to you for free and open access by the Social Work at ScholarWorks at WMU. For more information, please contact maira.bundza@wmich.edu.



potential effects. However, studies have consistently shown an association between higher education and higher employment rates, higher earnings, and reduced poverty rates.

The first chapter of the book reviews the research on welfare to work programs, arguing persuasively that the quantitative, experimental design studies suffer from a number of flaws. In particular, they employ narrow outcome criteria, omit the perspective of program participants, and assume that individual rather than structural characteristics are the critical barriers to employment for welfare recipients. Chapters 2, 3 and 4 present compelling examples of low income mothers' experiences in education and training programs. Chapters 5, 6 and 7 examine higher education policy and practices and offer illustrations of their impact on low income women. The detailed analyses of local policies and practices at specific educational institutions are especially valuable in the context of welfare reform's devolution of welfare policy to the states. Chapters 8 through 11 describe examples of advocacy campaigns to enact policies designed to improve access to and increase supports for higher education for low income women. These experiences depict the serious obstacles facing welfare policy reform efforts, but also offer hope. Overall, the contributors make a strong case for higher education and training for low income women. In some instances however, where qualitative data are presented, more comprehensive discussion of research design and methods would give greater confidence in the conclusions reached.

Sarah Carnochan, University of California, Berkeley

Ralph C. Brashier, *Inheritance Law and the Evolving Family*. Philadelphia: Temple University Press, 2004. \$69.50 hardcover, \$24.95 papercover.

In this informative new book, Professor Ralph C. Brashier of the University of Memphis School of Law presents a fascinating analysis of how the changing structure of the family is impacting inheritance laws. Many different family arrangements are considered in this book including families headed by single parents, gay and lesbian couples and step-parents, as well as families with children born with the help of advanced reproductive technology. Book Notes 207

Brashier has significant experience in the area of probate law, and this book's extensive legal and secondary source citations reflect the depth and breadth of his considerable knowledge. It is evident that Brashier is trying to exercise some influence on policy makers, but the book is written in a clear, easy to understand prose that would be understood by social workers, public health nurses, or those who simply wish to gain more knowledge on this topic.

In each chapter, Brashier presents the current law and its history in a balanced manner, although he does not hesitate to state his own views. According to Brashier, the fundamental problem facing states trying to adapt to the many different family structures that now exist is to create clear and predictable rules, particularly rules about who to include in the definition of family. Allowing judges to make a case by case decision about what is a family could result in different and inconsistent laws, and Brashier asserts that states should develop default probate laws that better reflect modern American families, without sacrificing the objectivity and efficiency.

The book is composed of six chapters focusing on inheritance issues that arise with legally married couples, couples that are not married, adopted children, and those children born with the help of reproductive technology. A separate chapter on the complexities of determining paternity is also provided. Brashier's compassion and concern for families is evident throughout the book, but nowhere more so than in his chapter on children were he condemns the ability of parents to completely disinherit their children, calling such parents "moral villains."

Brashier expresses concern for married mothers who live in "separate property" states where the wage-earner spouse is the sole owner of his wages during the marriage and literally must die before the law recognizes that the mother has any interest in his wages. In another chapter, Brashier makes intelligent and impassioned arguments supporting the right of gay and lesbian couples to enter into legal marriages and enjoy spousal inheritance rights, stressing fairness. Brashier's discussion about advanced reproductive technology, including cloning, also helps the reader understand the difficult issues involved. Challenging issues include who owns sperm or eggs; should sperm and eggs be inheritable and how long after the deceased is dead should

sperm and eggs be used to create a child? Brashier also briefly addresses human cloning and takes a fatalistic but practical position. Human cloning, he believes, is inevitable, and states should, therefore, pass laws regulating cloning to protect the children produced.

Brashier addresses controversial issues in an informed, articulate, and thoughtful manner. His book raises issues which will undoubtedly confound legislatures for decades to come. It will be a useful starting point for legislators facing the daunting task of resolving those issues. But the book is also very accessible to those who work in the social services. It is fine addition to the library of anyone wishing to provide financially for their families.

Karen Jones-Mason, University of California, Berkeley

Thomas M. Meenaghan, Keith M. Kilty and John G. McNutt, *Social Policy Analysis and Practice*. Chicago, IL: Lyceum Books, 2004. \$32.95. [January 31, 2005].

Social work and social policy are often presented as disparate fields. Many commentaries stress their divergent focus, separate methodologies and different normative commitments. However, the two have close links which can be traced back to the 19th-century. Despite social work's individualistic focus and concern with treatment, the profession's founders were mindful of wider social problems and of the need for interventions that transcended casework and brought national resources to bear on these problems. During the 20th century, the link between social work and social policy strengthened as governments expanded the social services and provided an organizational and institutional framework within which social work practice could be pursued. Today, social policy is regarded as a key element of social work, and social work students are more exposed to social policy issues than before.

This book focuses on social policy practice which is a subfield of social policy concerned with the mechanics of policymaking, the implementation of policy decisions and the evaluation of outcomes. As such it comes closest to integrating the two fields, specifically linking social work's professional commitments with the demands of policymaking, administration and outcome as-