



Choosing Life, Choosing Death: The Tyranny of Autonomy in Medical Ethics and Law

Charles Foster

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Autonomy is a vital principle in medical law and ethics which occupies a prominent place in all medico-legal and ethical debate. But there is a dangerous presumption that it should have the only vote, or at least the casting vote. This book is an assault on that presumption, and an audit of autonomy's extraordinary status. Choosing Life, Choosing Death surveys the main issues in medical law, noting, in relation to each issue, the power wielded by autonomy, asking whether that power can be justified, and suggesting how other principles can and should contribute to the law. The book's structure is broadly chronological. It starts before birth - with questions relating to reproductive technology and the ownership of gametes - and ends after death - with the issues relating to the ownership of body parts. On the way, it deals with the status of the early embryo and the fetus, the law of abortion, confidentiality, consent, medical litigation, medical research, and end-of-life decision-making. Choosing Life, Choosing Death concludes that autonomy's status cannot be intellectually or ethically justified, and that positive discrimination in favor of the other balancing principles is urgently needed in order to avoid some sinister results. There are few books which take a pro-life and anti-autonomy stance. This is a controversial subject that will provoke debate among scholars, judges, and practitioners. Authored by Charles Foster, a widely respected scholar who has written extensively in this area, Choosing Life, Choosing Death is an engaging, learned, and thought-provoking discussion of the problems central to the courts' approach to ethical issues in medical law.

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