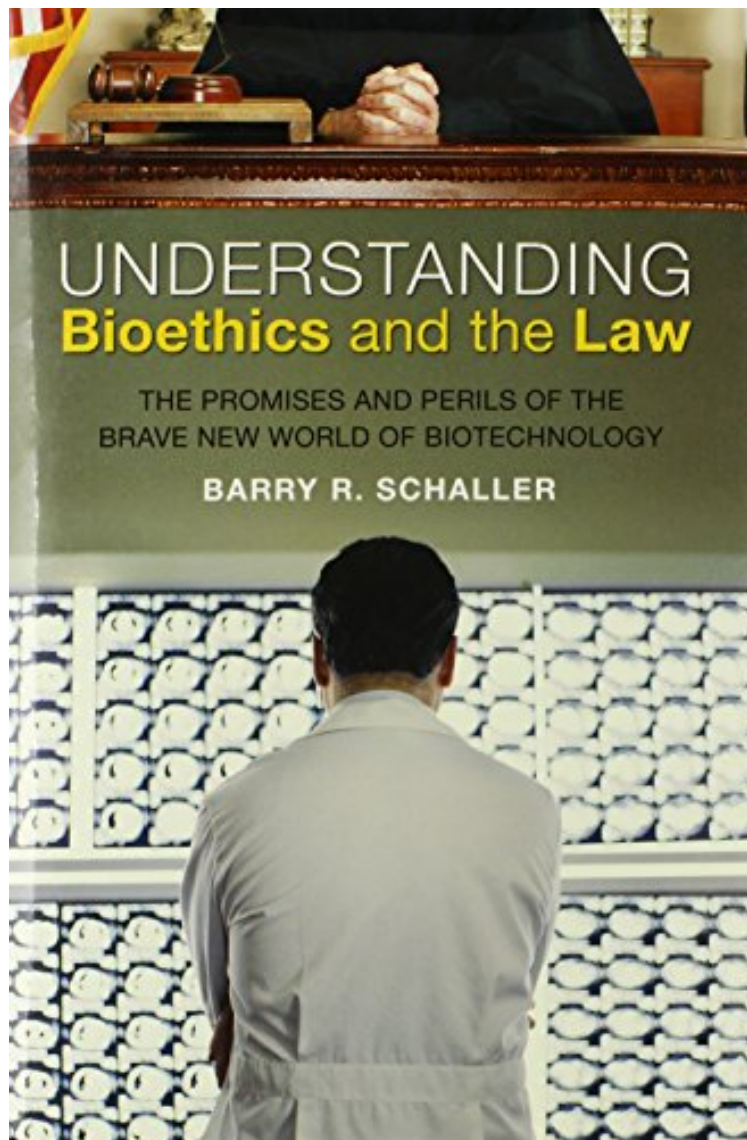


[FREE] Understanding Bioethics and the Law: The Promises and Perils of the Brave New World of Biotechnology

Understanding Bioethics and the Law: The Promises and Perils of the Brave New World of Biotechnology

Barry R. Schaller

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Understanding Bioethics and the Law: The Promises and Perils of the Brave New World of Biotechnology:

In this book, Schaller provides a thorough examination of the impact of biotechnology and biomedical advances on the everyday lives of people in modern society. Individuals and institutions are increasingly faced with a growing number of critical personal and ethical decisions that present themselves at all stages of life, from birth to death. These issues include the physician-patient relationship, informed consent, confidentiality and privacy, reproductive choices, end-of-life choices, health care, drug choices, and the allocation of scarce resources such as human organs, sperm, and eggs. In the absence of policies, we turn increasingly to the courts to resolve these issues. Schaller illuminates the role of the law in bioethics controversies. Although bioethics as an independent discipline is barely thirty years old, bioethics issues already pervade everyday life and regularly capture the attention of the media. The field is constantly changing because of new developments in technology and medicine. Many significant controversies in bioethics are developing without a great deal of policy regulation. In the absence of policy, individuals and institutions are increasingly turning to courts for decisions on crucial controversies. When court cases are brought, judge-made law has great impact, not only in terms of resolving particular controversies, but also in transforming bioethical issues in ways that cannot be anticipated. Advances and discoveries in medicine and the life sciences will continue to have important and yet unpredictable impacts, not only on the lives of individuals, but on society as a whole. The great promise of new developments is offset by numerous perils. Individual and public policy choices must take into account the full range of possibilities, and Schaller has provided an invaluable guide to this ethical minefield.

"This is an excellent book. After situating bioethics as a discipline within its social context and outlining the ways in which it is threatened by court intervention, Schaller (justice, Connecticut Supreme Court) discusses the legislative and administrative regulation of human subject research. This book is recommended for all with an interest in bioethics. Recommended. Lower-division undergraduate through professional collections." - Choice "Standing at the intersection of philosophy, law, science, medicine, and in some cases, theology, bioethics encompasses some of the most troubling questions of the past two decades. Here, Schaller addresses and analyzes in depth a range of bioethical issues: the use of human subjects in scientific research; wrongful birth and wrongful life claims; in vitro fertilization and use of embryos; genetic diagnostic techniques; embryonic stem cell research; organ transplants; and end-of-life issues. Schaller combines a practical sense of how the law works, with a reflective approach to all these contemporary legal and ethical issues." - Law and Politics Book "Justice Schaller presents a unique view of how the court system has to structure and analyze the ethical issues that are presented as legal questions. A thorough examination of the limitations of the court system is presented for the reader who is new to the analysis of ethical issues by the courts. By presenting background on the limitations of litigation with regards to biotechnology and the analysis of ethical issues that are presented as legal questions, Just Schaller is able to challenge the reader to determine if the court system really is the best way to establish policy with regards to bioethics. This book would be beneficial to anyone who has an interest in policy making in the field of public health and biotechnology." - Journal of High Technology Law "The law moves in ways that are mysterious to many. Both these fascinating books, although dealing with different jurisdictions and issues, contribute to our understanding of the most important ethical challenges that lawyers will face in the coming decades. (reviewed with *Easeful Death: Is There a Case for Assisted Dying?* OUP)" - Nature "For the practicing attorney, it is a good guide on the role of law in the bioethical field and of the possible undesirable outcomes. [] The book is well written and the issues are well developed. Although Justice Schaller approaches some of the issues from a philosophical standpoint, the problems and the needs are real, and judges and lawyers who find themselves in the thicket will benefit from the guidance which this book provides." - Connecticut Bar Journal "Judge Schaller's book is prodigious in the questions it raises and analyzes. For all the complexity of the subject, the work in a readable fashion introduces lawyers, as well as the educated public, to how legal institutions grapple with bioethical challenges in ways that avoid harm (to persons and the advance of science), respect individual autonomy, and maybe even do some good. As a reference manual to the bioethical questions that have been most significant in the last half of the twentieth century and the beginning of the current one, Judge Schaller's book is first rate." - Judicature "The dominant role of law in American bioethics makes it necessary to understand how courts function. Barry Schaller's wealth of experience as a trial and appellate judge enables him to explain the arcane and sometimes mysterious ways in which courts transform ethical issues into a legal context. His book is an invaluable resource for those who seek to understand public policy and the interaction of law, medicine and ethics." (John J. Paris, S.J., Walsh Professor of Bioethics, Boston College, Chestnut Hill, MA) "How should the courts shape bioethics and biotechnology policy? Are the concepts of the law and the institutional rules of judicial decision-making adequate to meet the social, economic, and ethical changes that medicine and the life sciences pose? In *Understanding Bioethics and the Law*, the respected jurist Barry R. Schaller provides a lucid and wide-ranging discussion of these fundamental questions. This important work covers the entire field of bioethics--from end-of-life care and clinical research to assisted reproduction and

human cloning. It will both inform general readers and challenge the assumptions of specialists." (Bruce Jennings, Director, Center for Humans and Nature)"In this book, a distinguished jurist considers the effects of litigation on bioethics at the levels of public policy development and of ethical decision-making in particular cases. He argues persuasively that at both levels, intervention by the courts has had some most unfortunate consequences. Satisfactory ethical decision-making is, in general, characterized by the creation of consensus, by accommodation of the needs and interests of the concerned parties. The courts, by contrast, are designed to determine the winners and the losers of disputes. Barry Schaller makes his well-researched and carefully constructed arguments easily accessible to a general readership." (Robert J. Levine, MD, Professor of Medicine and Co-director of the Interdisciplinary Center for Bioethics, Yale University, New Haven, CT)"With remarkable clarity, Judge Schaller identifies the pressing issues at the interface of law and biotechnology. He illustrates convincingly that the use of litigation to resolve ethical concerns raised by the development of science, medicine and technology should be the method of last resort, and that the outcome of judicial decision-making has a societal impact far beyond any single case. Moreover, Judge Schaller provides an expert view of the parameters within which contemporary law operates while capturing the complex human experiences engendered in model cases. This work is a compelling and critical guide to understanding the integration of bioethics and law." (Carolyn M. Mazure, Ph.D., Professor of Psychiatry and Psychology Yale School of Medicine)About the AuthorBarry R. Schaller is a Connecticut Supreme Court Justice. He is an instructor of trial advocacy at Yale Law School and has recently held visiting lecturer appointments at Trinity College, Wesleyan University, and the University of Connecticut's School of Public Health.