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Bioethics: Health Case Law and Ethics

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BIOETHICS: HEALTH CARE LAW AND ETHICS

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(F., J., J. & S.) Bioethics ACB
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To Donna Jo, Elena, Michael, Nicholas, Eva, and Robert

B.R.F.

To Bob, Emily, and Kathleen

S.H.J.

To Ruth, Jacob, Micah, and David

T.S.J.

To Jane, Mirra, Elana, and Bryn

R.L.S.

This book is also dedicated to the memory of our friend and colleague, Professor Nancy Rhoden, who contributed so much to the health law community, and to us individually.

*

Preface

This book is designed to provide a rigorous introduction to the discipline of bioethics and the intersection of bioethics and law for the serious beginning student in this area. Because the term "bioethics" is used in such idiosyncratic ways to describe a host of subjects that touch upon medicine, health policy, science, values, social and personal decisionmaking, and law, these materials are unlikely to seem comprehensive by any individual's standard. The authors recognize that many students using these materials will also have access to supplementary materials on particular issues or local developments.

This book does provide an introduction to the discipline of bioethics and a brief but thorough overview of the most significant theories of ethics—theories that should be familiar to anyone attempting bioethical analysis. The book then provides rather extensive treatment of the two central issues in bioethics: human reproduction and birth (in chapter 2) and death and dying (in chapters 3 and 4). The collection of materials in these areas is relatively sophisticated, and lengthy notes are included to clarify the issues for those who are not familiar with the subject matter, and to test the preconceptions and assumptions of those who are. The book ends with a brief treatment of the distribution of health care resources (in chapter 5) and several subjects related to interdisciplinary health care decisionmaking, including research upon human subjects and institutional ethics committees (in chapter 6).

Although some people may find this text to be a useful reference, it is designed as a teaching tool. The materials have been selected for their value in the classroom and the notes, questions and comments have been prepared with classroom discussion in mind. The problems, which appear throughout the text, have been constructed to bring out the underlying substantive material in a realistic way. The book should challenge those with legal, medical, and philosophical backgrounds, yet it should also be accessible to students without any background in these areas.

Of course, bioethics is a part of several larger subjects, including the subject of health law. The materials in this book were brought together originally to provide bioethics background for students studying health law, and most of the materials that appear here also appear as a part of *Health Law* (Second Edition), which is to be published contemporaneously with this volume. The *Health Law* text also includes substantial material on malpractice and related areas, quality control in health care, the structure of the health care industry, health care cost control, government regulation of health care, access to health care, and financing for the health care system. These materials also

have been separately published in *Liability and Quality Issues in Health Care* and *The Law of Health Care Organization and Finance*.

The editorial style of this text is consistent with that of most law school casebooks. Elipses in the text of quoted material indicate an omission of material within the quoted paragraph. Centered elipses indicate the omission of a paragraph or more. Brackets indicate the omission of a citation, but not any substantive material.

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