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Nota di contenuto	PART I: THE MOAL RELATIONSHIP BETWEEN A PEGNANT WOMAN AND HE FETUS: EXPLOING A WOMAN'S MORAL IGHTS AND DUTIES. 1. The Relation of the Fetus to the Pregnant Woman ; 2. The elation of the Pregnant Woman to the Fetus: The Interface between her Moral ights and Duties -- PART II: THE LEGAL AGUMENTS FOM IGHTS. 3. Introduction to the Maternal Fetal Cases and the Law of Treatment Refusal ; 4. Understanding the Values Underlying and Justifying a Pregnant Woman's Legal ight to efuse Treatment -- PART III: THE LEGAL AGUMENTS FOM DUTY. 5. "Technical" Arguments from Abortion Law ; 6. Arguments from Tort Law ; 7. Arguments from Rescue Law Concluding the Arguments.
Sommario/riassunto	"If a pregnant woman refuses medical treatment needed by the fetus - for instance for religious reasons - or conducts some aspect of her life in a way which risks fetal harm, there may arise an instance of "maternal-fetal conflict". This is an unfortunate term, since pregant women are generally renowned for their self-sacrificing behaviour, but it may well reflect the reality of certain maternal choices and actions. Should a pregnant woman have the legal right to refuse medical

treatment needed by the fetus, or should she owe it a legal duty of care which precludes her acting in ways which may harm it? Does the debate hinge simply upon the appropriateness, or otherwise, of legally compelling presumed moral obligations, or is it more complex than this? Indeed, what are a pregnant woman's moral obligations towards her fetus? In England and in some US states, courts have held that a pregnant woman has the right to refuse medical treatment needed by the fetus. In similar fashion, the idea of a general maternal legal duty of care toward the fetus has been rejected, most recently in Canada. The cases, however, leave the impression of an uncomfortable split between the ethics and the law, as if the problem were entirely one of not legally enforcing presumed moral duties. The effect is both puzzling and polarising: puzzling in that the cases leave unanswered - as largely they must - the huge question of a pregnant woman's moral rights and duties; polarising in that the cases leave troubling tensions about a pregnant woman's rights in the face of fetal harm or death. The tendency is to deny these by ever more strongly asserting a woman's rights. In turn this encourages a reaction in favour of fetal rights, one which is unlikely to attend to a woman's interests and difficulties in pregnancy. This could have serious legal repercussions for various instances of maternal-fetal conflict, including in those US states or other jurisdictions which have yet to address these issues. It might also increase the pressures on the issue of abortion. This book, which seeks a way between these polarised positions, tries to explain and justify a woman's moral and legal rights in pregnancy and, at the same time, to explore the extent of her moral duties toward the fetus. The aim is to resolve, as far as possible, the ethical, legal and social tensions which undoubtedly surround this area. Innovatively in work on this issue (and unusually in the field of medical law and ethics) the author adopts a joint philosophical and legal approach directed to issues both of principle and policy, revealing strong conceptual links between the ethics and the law. In addition to an ethical exploration of the maternal-fetal relationship, the author explores and analyses the relevant English, American, Canadian (and sometimes Australian) arguments from the law of treatment refusal, abortion, tort and rescue, as well as relevant jurisprudence from the European Court of Human Rights. This important book breaks new ground and will be of great interest to academics in law and philosophy, lawyers, health professionals, policy-makers and students of medical law and ethics."

--Bloomsbury Publishing.
