1. Record Nr. UNINA9910522967903321 Autore Jacobs Allan J. Titolo Assigning responsibility for children's health when parents and authorities disagree: whose child? // Allan J. Jacobs Cham, Switzerland: ,: Springer, , [2022] Pubbl/distr/stampa ©2022 **ISBN** 3-030-87698-5 Descrizione fisica 1 online resource (310 pages) Collana International Library of Bioethics;; Volume 90 Disciplina 174.2 Soggetti Child health services - Moral and ethical aspects Medical ethics Parent and child (Law) Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di contenuto Intro -- Acknowledgments -- Notes -- Contents -- 1 Introduction: What We Owe the Child -- 1.1 The Problem -- 1.2 My Approach -- 1.3 Prioritization of Parental and Child Interests -- 1.4 What Parents Owe Children -- 1.5 Capabilities and Functioning -- 1.6 Non-liberal Approaches -- 1.6.1 Vulnerability -- 1.6.2 Critical Theory -- 1.7 Procedural Fairness -- 1.8 The Book's Project -- 1.9 Outline of the Book -- 1.10 Conclusion: What, then, Do We Owe Children? --1.11 Nomenclature and Style -- References -- Part I Prior Approaches to State Intervention -- 2 The Primrose Path: Rights and Autonomy --2.1 Rights and Interests -- 2.2 Rights as Hohfeldian Relationships --2.3 Dignity -- 2.4 A Rights-Based Philosophical Approach to Child-Rearing -- 2.5 Summary of General Rights Discussion -- 2.6 Autonomy and Balance of Power -- 2.7 Consent as the Portal into Autonomy --2.8 Autonomy and Choice -- 2.9 Undue Influence and Coercion -- 2.10 Autonomy and Relationships -- 2.11 Autonomy, the State, Health, and Education -- 2.12 Choice and Its Preservation: Open Future --

2.13 Conclusion -- References -- 3 What is Relevant: Interests, Needs, and Harms -- 3.1 Natural History of the Parent-State Conflict -- 3.2 The Guidance Principle -- 3.3 Using the Needs Principle to Govern the Identification Phase of State Intervention -- 3.4 Harm and the Harm

Principle -- 3.5 An Ideal Best Interests Standard is Incompatible

with Liberal Pluralism -- 3.5.1 The Resolution Step -- 3.5.2 Delineation of Interests and Harms is Conclusory -- 3.6 Conflicts Between Health and Other Interests -- 3.7 Conclusion -- References -- 4 What We Owe Parents and Family -- 4.1 Introduction: What Are Family Interests? -- 4.2 Different Roles -- 4.2.1 Parents -- 4.2.2 Physicians and Other Professionals -- 4.2.3 Differences in Stance with Respect to the Child: Physician, Parent, and State.

4.3 Interests, Needs, and Everything in Between -- 4.3.1 Who are the Stakeholders? -- 4.4 The Extent and Limits of Family Authority --4.4.1 The Rational Parent -- 4.4.2 The Space Between Ideal Parenting and Harm -- 4.5 Four Zones of Parental Behavior -- 4.6 Conclusion --References -- 5 What Society May Claim: Public Health -- 5.1 Justification for Public Health Programs -- 5.2 Common and Public Goods -- 5.3 Ethical Guidelines and Possible Overreach -- 5.4 Solidarity -- 5.5 Free Riding -- 5.6 Harm Reduction -- 5.7 Conclusion -- References -- Part II The State Intervention Test (SIT) and its Theoretical Basis -- 6 Political Considerations in a Liberal Pluralist State -- 6.1 Government as Inherently Oppressive -- 6.2 State Must Have Power, Which Must Be Limited -- 6.3 Pursuit of Justice -- 6.4 Political Realism and Modus Vivendi -- 6.5 Limitations on Government Action -- 6.6 Sufficientarianism -- 6.7 Sufficientarianism Versus Equity -- 6.8 Health Care Sufficientarianism and Political Reality -- 6.9 A Modus Vivendi for Parents, Children, Physicians, and the State -- References -- 7 The State Intervention Test: When to Interfere with Parental Decisions -- 7.1 Why the Test is Necessary -- 7.2 The State Intervention Test -- 7.3 The Two Bases -- 7.3.1 Indirect Basis: Effect of the Practice on Society or its Members -- 7.3.2 Direct Effects Basis: Effect of the Practice on Children in the Minority Group -- 7.4 The Three Constraints -- 7.4.1 The Likelihood Constraint -- 7.4.2 The Comparability Constraint -- 7.4.3 The Benefit/Harm Constraint -- 7.5 The Test in the Context of Other Approaches to State-Parent Conflict -- 7.5.1 General Considerations -- 7.5.2 The Harm Principle and the Test -- 7.5.3 Family-Based Approaches and the Test -- 7.6 Potential Problems with the State Intervention Test -- 7.6.1 Economic Costs.

7.6.2 Decisions that Interfere with the Child's Economic Potential --7.6.3 Intangible Harms -- 7.6.4 Repugnance -- 7.7 Conclusion --References -- Part III Applications of the State Intervention Test -- 8 Treatment of Disease -- 8.1 Introduction -- 8.2 Parents Disagree on Treatment -- 8.3 Parents Decline Recommendations That Physicians Deem Beneficial -- 8.4 Parents Demand Treatment That Physicians Deem not to be Beneficial -- 8.5 Parents or Physicians Inappropriately Disrupt the Decision-Making Ability of the Other -- 8.6 Conclusion --References -- 9 Prevention and Screening -- 9.1 Screening for Childhood Illness -- 9.2 Vaccination -- 9.3 Risks and Benefits of Vaccination -- 9.4 Ethical Issues in Vaccination -- 9.5 General Ethical Issues in Prevention Programs -- 9.6 Applying the State Intervention Test to Screening -- 9.7 Applying the State Intervention Test to Vaccination -- 9.8 Life-Style Interventions -- 9.9 Conclusion --References -- 10 Enhancement of Function -- 10.1 Introduction --10.2 The Disability Rights Perspective -- 10.3 Enhancement for Excellence -- 10.4 The State and Parental Desire for Medical Enhancement of Children -- 10.4.1 Avoiding Harm to Children Other Than the Index Child -- 10.4.2 Fostering a Productive Population --10.4.3 Safety of Population and Environment -- 10.4.4 Socially Unacceptable Outcomes -- 10.5 Conclusion -- References -- 11 The Maturing Minor -- 11.1 Introduction -- 11.2 Scientific Considerations -- 11.3 Legal Constraints -- 11.4 Making Decisions for Adolescent

Patients -- 11.5 Privacy and Confidentiality -- 11.6 Specific Medical Decisions -- 11.6.1 Serious Illness -- 11.6.2 Compelled Treatment --11.6.3 End of Life Care -- 11.6.4 Genetic Testing and Disclosure --11.7 Conclusion -- References -- 12 Sexual and Reproductive Issues I: Education -- Reproductive Choices -- 12.1 Theoretical Considerations. 12.2 The Physical Environment and Its Consequences -- 12.3 Parents, State, Sex, and Reproduction -- 12.3.1 Reproductive Education --12.3.2 Adolescent Prerogatives -- 12.4 Conclusion -- References -- 13 Sexual and Reproductive Issues II: Departures from Binary Sexual and Gender Viewpoints -- 13.1 Variation, Disease, or Immorality? --13.2 Gender Incongruence -- 13.2.1 Natural History -- 13.2.2 Treatment -- 13.2.3 When the Patient Is from an Unaccepting Family or Milieu -- 13.3 Children with Differences (or Disorders) of Sexual Differentiation (DSD) -- 13.4 What Do Children And Parents Want? --13.5 Conclusion -- References -- 14 Male Circumcision -- 14.1 Ritual Childhood Circumcision -- 14.2 Circumcision and Health -- 14.3 The Case Against Circumcision -- 14.4 The State Intervention Test and Circumcision -- 14.5 Conclusion -- References -- 15 Female Genital Alteration -- 15.1 Female Genital Alteration and the State Intervention Test -- 15.2 Conclusion -- References -- Part IV Conclusion -- 16 Conclusion -- References -- Index.