

1. Record Nr.	UNINA9910807402003321
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Titolo	The future of assisted suicide and euthanasia // Neil M. Gorsuch
Pubbl/distr/stampa	Princeton, N.J., : Princeton University Press, c2006
ISBN	1-282-45844-2 9786612458446 1-4008-3034-6
Edizione	[Course Book]
Descrizione fisica	1 online resource (328 p.)
Collana	New forum books
Disciplina	179.7
Soggetti	Assisted suicide - Moral and ethical aspects - United States Assisted suicide - Law and legislation - United States Euthanasia - Moral and ethical aspects - United States Euthanasia - Law and legislation - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references (p. [285]-301) and index.
Nota di contenuto	1. Introduction -- 2. The Glucksberg and quill controversies : the judiciary's (non)resolution of the assisted suicide debate -- 2.1. The Washington due process litigation -- 2.2. The New York equal protection litigation -- 2.3. The final battle? : the Supreme Court does (and does not) decide -- 2.4. The aftermath of Glucksberg and Quill -- 3. The debate over history -- 3.1. Which history? -- 3.2. The project -- 3.3. The ancients -- 3.4. Early Christian history -- 3.5. English common law -- 3.6. Colonial American experience -- 3.7. The modern consensus on suicide and its assistance -- 3.8. The euthanasia movement -- 3.9. Prevailing law today -- 3.10. Conclusion -- 4. Arguments from fairness and equal protection : if a right to refuse, then a right to assisted suicide? -- 4.1. An act /omission distinction? -- 4.2. A causation-based distinction? -- 4.3. Toward an intent-based distinction : the insight of the double effect principle -- 4.4. Some (initial) arguments against double effect : conflating intent and foresight -- 4.5. Distinguishing suicide, assisted suicide, and euthanasia from the right to refuse : intending versus foreseeing death -- 4.6. Some (additional) criticisms of double effect as applied to the assisted suicide debate -- 4.7. Conclusion --

5. Casey and Cruzan : do they intimate a right to assisted suicide and euthanasia? -- 5.1. The "reasoned judgment" test and its critics -- 5.2. Casey-based arguments -- 5.3. Cruzan-based arguments -- 5.4. Conclusion -- 6. Autonomy theory's implications for the debate over assisted suicide and euthanasia -- 6.1. The autonomy debate -- 6.2. The neutralist view of autonomy -- 6.3. The harm principle's competing view -- 6.4. Perfectionism and autonomy -- 6.5. The implications of autonomy theory for the assisted suicide and euthanasia debate -- 7. Legalization and the law of unintended consequences : utilitarian arguments for legalization -- 7.1. The Dutch experience : "virtually abuse-free"? -- 7.2. The Oregon experience : an "all-too conscientious" statutory regime? -- 7.3. Legalization and other unintended consequences -- 7.4. Decriminalization as a "costless" enterprise? -- 7.5. How to "balance" the costs and benefits of legalization? -- 7.6. Conclusion -- 8. Two test cases : Posner and Epstein -- 8.1. Posner's utilitarian case for assisted suicide -- 8.2. Posner's and Epstein's libertarian case for assisted suicide -- 9. An argument against legalization -- 9.1. The Inviolability of human life -- 9.2. What does it mean to respect human life as a basic good? -- 9.3. Some objections -- 9.4. The future of the Oregon experiment? -- 10. Toward a consistent end-of-life ethic : the "right to refuse" care for competent and incompetent patients -- 10.1. The inviolability of life and the "right to refuse" for competent persons -- 10.2. The "right to refuse" and infant patients -- 10.3. The "right to refuse" and incompetent adult patients -- 10.4. Conclusions -- Epilogue -- Appendix A. Certain American statutory laws banning or disapproving of assisted suicide -- Appendix B. Statistical calculations.

Sommario/riassunto

The Future of Assisted Suicide and Euthanasia provides the most thorough overview of the ethical and legal issues raised by assisted suicide and euthanasia--as well as the most comprehensive argument against their legalization--ever published. In clear terms accessible to the general reader, Neil Gorsuch thoroughly assesses the strengths and weaknesses of leading contemporary ethical arguments for assisted suicide and euthanasia. He explores evidence and case histories from the Netherlands and Oregon, where the practices have been legalized. He analyzes libertarian and autonomy-based arguments for legalization as well as the impact of key U.S. Supreme Court decisions on the debate. And he examines the history and evolution of laws and attitudes regarding assisted suicide and euthanasia in American society. After assessing the strengths and weaknesses of arguments for assisted suicide and euthanasia, Gorsuch builds a nuanced, novel, and powerful moral and legal argument against legalization, one based on a principle that, surprisingly, has largely been overlooked in the debate--the idea that human life is intrinsically valuable and that intentional killing is always wrong. At the same time, the argument Gorsuch develops leaves wide latitude for individual patient autonomy and the refusal of unwanted medical treatment and life-sustaining care, permitting intervention only in cases where an intention to kill is present. Those on both sides of the assisted suicide question will find Gorsuch's analysis to be a thoughtful and stimulating contribution to the debate about one of the most controversial public policy issues of our day.
