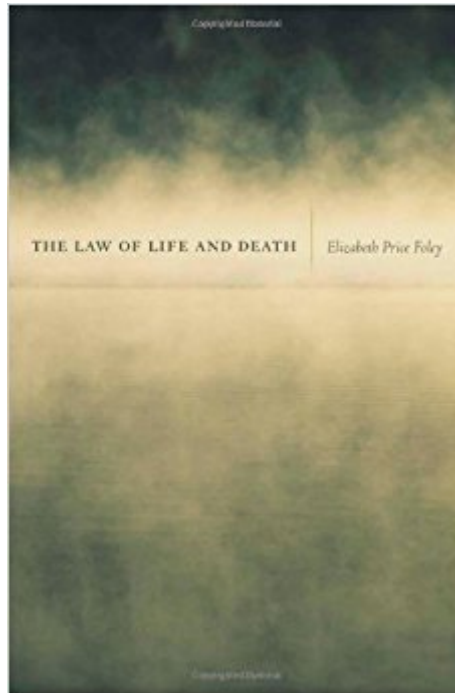




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# The Law Of Life And Death



## Synopsis

Are you alive? What makes you so sure? Most people believe this question has a clear answer—that some law defines our status as living (or not) for all purposes. But they are dead wrong. In this pioneering study, Elizabeth Price Foley examines the many, and surprisingly ambiguous, legal definitions of what counts as human life and death. Foley reveals that "not being dead" is not necessarily the same as being alive, in the eyes of the law. People, pre-viable fetuses, and post-viable fetuses have different sets of legal rights, which explains the law's seemingly inconsistent approach to stem cell research, in vitro fertilization, frozen embryos, in utero embryos, contraception, abortion, homicide, and wrongful death. In a detailed analysis that is sure to be controversial, Foley shows how the need for more organ transplants and the need to conserve health care resources are exerting steady pressure to expand the legal definition of death. As a result, death is being declared faster than ever before. The "right to die," Foley worries, may be morphing slowly into an obligation to die. Foley's balanced, accessible chapters explore the most contentious legal issues of our time—including cryogenics, feticide, abortion, physician-assisted suicide, brain death, vegetative and minimally conscious states, informed consent, and advance directives—across constitutional, contract, tort, property, and criminal law. Ultimately, she suggests, the inconsistencies and ambiguities in U.S. laws governing life and death may be culturally, and perhaps even psychologically, necessary for an enormous and diverse country like ours.

## Book Information

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## Customer Reviews

Choice Reviews, Editor's Picks: "Are you alive?' Thus begins this intriguing book that examines the

legal relationship between life and death. . . . [Foley's] engaging, accessible writing style highly recommends the book for classroom use and library collections. . . . Highly recommended. All readership levels. -- S. Behuniak, Le Moyne College

Elizabeth Price Foley takes us on an agile and insightful romp through the briar patch of state and federal laws governing medical practice at the beginning and end of life. American politics is mired in legal debates over the limits of life and death practices, including embryo research, abortion, transplantation, treatment termination, suicide, and, most recently, 'death panels.' The Law of Life and Death deserves close attention from anyone trying to understand why lawyers have more influence than physicians on birth and death. (George J. Annas author of Worst Case Bioethics)

Foley presents a profoundly intelligent, distinctive, and disturbing book. In seven short chapters, she dissects the legality behind what makes a person alive or dead...This work will be appreciated by legislators, serious readers, and legal and medical professionals. (Harry Charles Library Journal 2011-03-01)

Foley's book is essentially a primer or textbook on these legal issues of life and death, suitable for ethicists interested in learning about the law and for lawyers interested in learning about ethics...Foley ably lays out the moral arguments and legal disputes, and persuasively criticizes poorly reasoned judicial opinions. (Eric Posner New Republic online 2011-06-23)

Elizabeth Price Foley is the Institute for Justice Chair in Constitutional Litigation and Professor of Law, Florida International University College of Law.

The author is a law professor. She tackles a very difficult and emotional topic in our society. The science and the law have been and still are changing in defining how to define when a person is alive and when they are dead. Issues like brain death, and cardiopulmonary death are addressed, as well as statutory and common law on life are addressed. This is a well done book about a difficult topic that we talk about very little in our society.

This book adds nothing new to coverage of debates about life and death. The cases of Karen Quinlan, Terri Shiavo, and others have already been extremely well-covered by excellent journalists writing for the New Yorker and Harpers. See "Harvesting the Dead," for example. Biopolitics has already been theorized by Giorgio Agamben in Homo Sacer (1995) Homo Sacer: Sovereign Power and Bare Life (Meridian: Crossing Aesthetics) and earlier by Michel Foucault in The History of Sexuality, Vol. 1: An Introduction. (The author is entirely ignorant of this work, btw). I returned my copy this book to .

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