

PRESENTAZIONE DEL VOLUME

Autore: **Stefania NEGRI (ed.)**

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Informazioni sul volume

“Today, advances in medical care offer more options than ever for the treatment of diseases and the prolongation of life. Many people are now surviving with conditions that were fatal in previous generations. This represents, of course, a very significant progress. After all, the scope of medicine is the fight against disease and death. Yet there are circumstances in which patients themselves do not see advancements in clinical treatment and in life-sustaining technologies as a blessing but rather as a curse. This especially happens when patients are placed in situations of very poor prognosis and are, at the same time, confronted with aggressive medical treatments that appear to be more harmful than helpful.

In modern medical ethics and law it is widely accepted that patients have the right to refuse any kind of medical treatments. Patients’ self-determination, which is the foundation of the requirement of informed consent, also includes this possibility, even if such a refusal might shorten patients’ life. But what when patients have lost their decision-making capacity due to a condition that is not likely to be reversible (e.g. persistent vegetative state, coma, severe head injury, dementia, etc.)?” (Roberto Andorno, *Foreword*)

“Self-Determination, Dignity and End-of-Life Care” aims to provide some legal answers to the question posed by Professor Andorno in the light of the trend – recently registered in a number of countries as well as at the Council of Europe – towards a better promotion and realization of patients’ self-determination through enactment of specific legislation on advance directives.

The volume gathers the contributions of leading academics and lawyers engaged in the fields of bioethics and biolaw, health and medical law, and human rights law. By providing an interdisciplinary reading of advance directives against the background of European and International Law and jurisprudence, this book aims to offer new insights into the most hotly debated legal issues surrounding the theme of dignity and autonomy at the end of life, including euthanasia and assisted suicide, advance refusal of life-saving and life-sustaining treatments, the rights of the terminally ill and dying patients, the right to die with dignity.

Focus on the relevant international legal framework represents the distinguishing feature of this work as compared to much of the existing literature on the subject, while cross-cultural perspectives from Europe, the Americas, Australia and China offer a comprehensive, comparative analysis of legal approaches to end-of-life decision-making and care in a considerable number of selected countries, also giving an up-to-date account of recent developments in domestic legislation and case-law. Special attention is devoted to the Italian legal system and the ongoing scholarly and political discussion on the Italian Draft Bill entitled “Dispositions in matter of therapeutic alliance, informed consent and advance treatment directives”, which was first passed by the Senate of the Italian Republic on 29 March 2009, later approved with amendments by the Chamber of Deputies on 12 July 2011, and currently awaiting final adoption.

The book originates from the results of an international research project on “Bioethics and international law at the intersection of life, death and dignity”, which was carried out under the direction of Professor Negri in the framework of the research activities of the *Observatory on Human Rights: Bioethics, Health, Environment*, a network of academic experts promoting international cooperation in teaching and research between the Faculty of Law of the University of Salerno and foreign academic institutions.