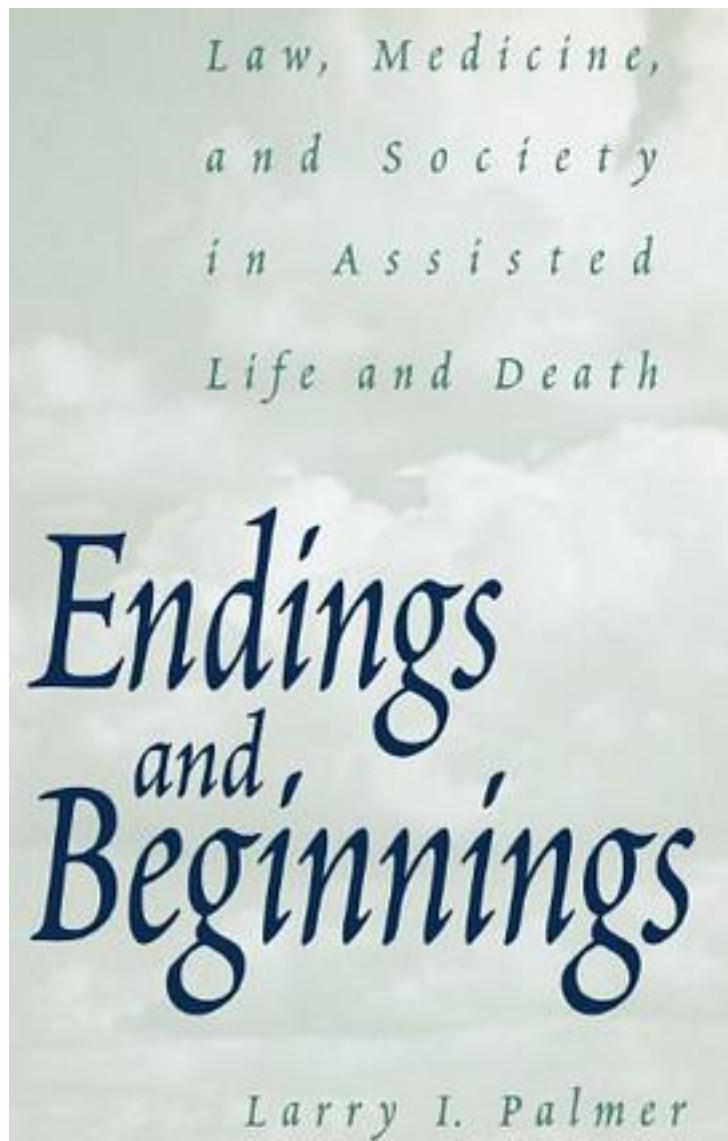


Endings and Beginnings



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As society struggles to cope with the many repercussions of assisted life and death, the evening news is filled with stories of legal battles over frozen embryos and the possible prosecution of doctors for their patients' suicide. Using an institutional approach as an alternative to the prevailing rights based analysis of problems in law and medicine, this study explains why society should resist the tendency to look to science and law for a resolution of intimate matters, such as how our children are born and how we die. Palmer's institutional approach demonstrates that legislative analysis is often more important than judicial analysis when it comes to issues raised by new reproductive technologies and physician-assisted suicide. A reliance on individual rights alone for answers to the complex ethical questions that result from society's faith in scientific progress and science's close alliance with medicine will be insufficient and ill-advised. Palmer predicts that the key role of the family as a societal institution will mean that questions of assisted reproduction will be resolved more in response to market forces than through legal intervention. However, he does support a strong role for legislatures in decisions involving the physicians' role in our deaths. These findings are based on the differing views of the Supreme Court justices in these matters: a tendency to protect family formation from state interference (as in abortion decisions), but support of a legislative obligation to control medicine (assisted suicide). According to Palmer, recent Supreme Court decisions on physician assisted suicide usher in a new era in how legal institutions will resolve biomedical dilemmas.

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