

Beyond Control Medical Power Women And Abortion Law Law And Social Theory

Britain's 1967 Abortion Act is 50 years old. It brought about profound social change, but the struggle for abortion rights is far from over. In this hard-hitting timely new book Judith Orr, leading pro-choice campaigner, argues that it's time women had the right to control their fertility without the practical, legal and ideological barriers they have faced for generations. Donald Trump's presidency threatens abortion rights within the US and his 'global gag' affects women worldwide – today 47,000 women die annually from illegal abortions. In Britain, anti-abortion campaigners attack women's rights under existing law. Elsewhere, women must cross borders or buy pills online. Meanwhile, in the US, Ireland, Poland and Latin America harsh restrictions on abortion are provoking increased resistance. Combining analysis of statistics, popular culture and social attitudes with powerful first-hand accounts of women's experiences and a history of women's attempts to control their bodies, the author shows that despite the 1967 Abortion Act full reproductive rights in Britain are yet to be won. The book also highlights current debates over decriminalisation and argues for abortion provision fit for the 21st century.

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This multi-disciplinary collection of essays from the Cambridge Socio-Legal Group is concerned with the varying circumstances, manner, timing and experiences of birth. It contains essays from a wide range of disciplines including law, medicine, anthropology, history and sociology, examining birth from the perspectives of mother, doctor, midwife and father. Questions considered in the book include: who has power during the birthing process? How has the experience of birth changed over time? Should birth mark a significant change in the legal status of the foetus? What is the proper role of birth registration? What role, if any, do fathers have in the birthing process? What legal rights should the woman have to refuse treatment during the birthing process? What is the significance of changes of the age at which women give birth? This stimulating collection of papers provides new insights into one of life's most momentous moments.

This important book fills a gap in the study of modern Scottish, and British, Society, providing as it does a vital perspective on Scotland's sexual history and its political and social context. It is unique in exploring the period from 1950 to 1980, covering the immediate post-war and Scotland's sexual 'coming-of-age'. It charts a steady political growth from a deeply moralistic policy framework towards a less judgmental, global and scientific context. Davidson and Davis lead us through the Scottish sexual

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landscape leading up to the global crisis of HIV/AIDS, analysing post-war state policy towards issues such as abortion, family planning, homosexuality, pornography, prostitution, sex education and sexual health. Policy-makers, social historians, teachers and students alike will find this an invaluable resource on the study of sexuality and policy-making in modern society.

"Regulating Reproduction" examines the genesis of reproductive rights in Britain and France over the course of the 20th Century. Melanie Latham concentrates on the role played by the various interest groups involved in the area of reproduction, namely medical professionals, religious groups, and feminists using the Policy Network Theory on interest group behavior. Latham combines legal analysis with political analysis and offers a cross-cultural perspective.

How should feminist theories conceive of the subject? What is it to be a legal person? What part does embodiment play in subjectivity? Can there be a conception of rights which does justice to the social contexts in which rights claims are embedded? Is the way the law constitutes legal subjects a form of violence? These questions lie at the heart of contemporary feminist theory, and in this collection they are addressed by a group of distinguished international scholars working in law, philosophy and politics. The volume, in which the

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concerns of one author are taken up by others, advances current debate on two interconnected levels. First, it contains original and ground-breaking discussions of the questions raised above. At the same time, it contains a more reflexive strand of argument about the intellectual resources available to feminist thinkers, and the advantages and dangers of borrowing from non-feminist traditions of thought. It thus provides an exceptionally rich examination of contemporary legal and political feminist theory.

This volume brings together some of the best journal articles of the last twenty years which deal with various aspects of the relationship between parents and children. Adopting an inter-disciplinary and comparative approach, the book reproduces articles from a variety of journals in law and the social sciences. The book is divided into eight parts dealing, respectively, with becoming a parent; the status and obligations of parenthood; issues of upbringing; adolescence; child support; parental separation, divorce and children; child abuse and state intervention; social parenthood and adoption. The volume includes a substantial introduction by the editor.

The right to bodily integrity has become a notable controversial issue within moral, political and legal discourse and this right is regarded as one of the most precious rights that persons have, alongside

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the right to life. Recent scholarly debate has focused attention on the content, scope and force of this right and has led to the recognition that a better understanding of the nature of this right will contribute to determining whether and why a multitude of clinical and research activities in medical practice should be seen as permissible or impermissible. The essays selected for this volume examine topics such as pregnancy and reproduction, altering children's bodies, transplantation, controversial modifications and surgeries, and experimentation and dead bodies. This is the first collection of scholarly research articles to provide a comprehensive overview of the ethical and legal aspects of the right to bodily integrity and its implications in theory and practice.

Human Rights and Healthcare looks at medical law from a human rights perspective. Almost all issues traditionally taught under a "medical law" label have significant human rights issues inherent within them. This book is unique in bringing those human rights implications to the fore. The rights at issue include established fundamental rights such as the right to life; the right to respect for a private life; and the right to physical integrity, as well as more controversial "rights" such as a "right to reproduce" and a "right to die". The human rights perspective of this book enables new light to be cast upon familiar medico-legal cases and issues. As such the book provides a

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genuine merging of human rights law and medical law and will be of value to all students and academics studying medical law, as well as to those interested in the broader issues raised by the growing human rights culture within the UK and worldwide.

How the Personal became Political brings together new research on the feminist and sexual revolutions of the 1970s in Australia. It addresses the political and theoretical significance of these movements, asking how and why did matters previously considered private and personal, become public and political? These movements produced a series of changes that were both interconnected and profound. The pill became generally available and sexuality was both celebrated and flaunted.

Homosexuality was gradually decriminalized. Gay liberation and Women's Liberation erupted. Activists established women's refuges, rape crisis centres, and counselling services. Crucially, in Australia, these developments coincided with the election of progressive governments, who appointed women's advisors and expanded the role of the state in the provision of childcare and other services. It was a decade of contestation and transformation. This book addresses the political and theoretical significance of these 1970s revolutions, and poses key questions about the nature of sweeping change. What were the key policy shifts? How were protests

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connected to legislative reforms? How did Australia fit into the broader transnational movements for change? What are the legacies of these movements and what can activists today learn from them?

Scholars from several disciplines offer fresh insight into this wave of social revolution, and its contemporary relevance. This book was originally published as a special issue of the journal, *Australian Feminist Studies*.

Examining the changing pluralities of contemporary abortion debate in the UK, this interdisciplinary book proves it necessary to move beyond an understanding of abortion politics as characterised in binary terms by 'pro-choice' versus 'pro-life'.

Amery traces the evolution of political and parliamentary discourses from the passage of the Abortion Act in the 1960s to the present day, arguing that the current provision of abortion in the UK rests assumptions about medical authority over women's reproductive decision-making which are unsustainable. She considers new arguments around sex-selective abortion, disability rights, pre-abortion counselling and the push for decriminalisation and radically reconceptualises the debate to account for these new battlegrounds in abortion politics.

This ground-breaking, interdisciplinary volume provides an overdue assessment of how infertility has been understood, treated and experienced in

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different times and places. It brings together scholars from disciplines including history, literature, psychology, philosophy, and the social sciences to create the first large-scale review of recent research on the history of infertility. Through exploring an unparalleled range of chronological periods and geographical regions, it develops historical perspectives on an apparently transhistorical experience. It shows how experiences of infertility, access to treatment, and medical perspectives on this 'condition' have been mediated by social, political, and cultural discourses. The handbook reflects on and interrogates different approaches to the history of infertility, including the potential of cross-disciplinary perspectives and the uses of different kinds of historical source material, and includes lists of research resources to aid teachers and researchers. It is an essential 'go-to' point for anyone interested in infertility and its history.

Chapter 19 is open access under a CC BY 4.0 license via link.springer.com.

Technology has come to dominate the modern experience of pregnancy and childbirth, but instead of empowering pregnant women, technology has been used to identify the foetus as a second patient characterised as a distinct entity with its own needs and interests. Often, foetal and the woman's interests will be aligned, though in legal and medical discourses the two 'patients' are frequently framed

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as antagonists with conflicting interests. This book focuses upon the permissibility of encroachment on the pregnant woman's autonomy in the interests of the foetus. Drawing on the law in England & Wales, the United States of America and Germany, Samantha Halliday focuses on the tension between a pregnant woman's autonomy and medical actions taken to protect the foetus, addressing circumstances in which courts have declared medical treatment lawful in the face of the pregnant woman's refusal of consent. As a work which calls into question the understanding of autonomy in prenatal medical care, this book will be of great use and interest to students, researchers and practitioners in medical law, comparative law, bioethics, and human rights.

"This collection of essays is the product of a series of seminars held by the Cambridge Socio-Legal Group in 2000."--Preface.

The referendum to overturn Ireland's near-total abortion ban in 2018 stands as one of the most remarkable political events of recent times. The campaign to repeal the 8th amendment succeeded not only in challenging centuries of religious and patriarchal dogma, but in signalling a major transformation in Irish society itself. After Repeal explores both the campaign and the implications of the referendum result for politics, identity and culture today. Bringing together a range of international

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perspectives, this collection transcends geographical and disciplinary boundaries while exploring themes including activism, artwork, social movements, law, media, democratic institutions, and reproductive technologies. This work looks beyond the Irish context and to the future, offering unique insight into the wider struggle for reproductive justice around the world.

The contributors to this collection look into the experiences of women in the Western world going through pregnancy and birth over the last hundred years.

Women's Legal Landmarks commemorates the centenary of women's admission in 1919 to the legal profession in the UK and Ireland by identifying key legal landmarks in women's legal history. Over 80 authors write about landmarks that represent a significant achievement or turning point in women's engagement with law and law reform. The landmarks cover a wide range of topics, including matrimonial property, the right to vote, prostitution, surrogacy and assisted reproduction, rape, domestic violence, FGM, equal pay, abortion, image-based sexual abuse, and the ordination of women bishops, as well as the life stories of women who were the first to undertake key legal roles and positions. Together the landmarks offer a scholarly intervention in the recovery of women's lost history and in the development of methodology of feminist legal history

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as well as a demonstration of women's agency and activism in the achievement of law reform and justice.

This book demonstrates that the symbol of maternal sacrifice is the notion that 'proper' women put the welfare of children, whether born, in utero or not conceived, over and above any choices and desires of their own. The idea of maternal sacrifice acts as powerful signifier in judging women's behaviour that goes beyond necessary care for any children. The book traces its presence in various aspects of reproductive health, from contraception to breastfeeding. Pam Lowe shows how although nominally choices are presented to women around reproductive health, maternal sacrifice is used to discipline women into conforming to specific norms, reasserting traditional forms of womanhood. This has significant implications for women's autonomy. Women can resist or reject this disciplinary position when making reproductive decisions, but in doing so, they may be positioned as transgressing and/or need to justify their decisions. The book will be of great interest to scholars of sociology, gender studies and health studies.

Jurisprudence: Themes and Concepts offers an original introduction to, and critical analysis of, the central themes studied in jurisprudence courses. The book is presented in three parts: the first two contain general themes with corresponding tutorial

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questions, and the third contains advanced topics. Every chapter in the book gives guidance on further reading. Accessible, interdisciplinary and socially informed, this book has been revised to take into account the latest developments in jurisprudential scholarship.

Examining specific areas of family law from a feminist perspective, this book assesses the impact that feminism has had upon family law. It is deliberately broad in scope, as it takes the view that family law cannot be defined in a traditional way. In addition to issues of long-standing concern for feminists, it explores issues of current legal and political preoccupation such as civil partnerships, home-sharing, reproductive technologies and new initiatives in regulating family practices through criminal law, including domestic violence and youth justice.

This title was first published in 2002. This invaluable collection of essays critically evaluates the treatment received by women as recipients and providers of health care. It looks at how their role and needs are perceived and constructed by the law, by health care organizations, by the health care professions and by commercial organizations operating in the health care sector. In doing so, it constitutes a significant advancement in the current research in this area. 'A provocative and important book that every pro-choice advocate should read.' Sinéad Kennedy,

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Coalition to Repeal the 8th Amendment When it comes to abortion, today's liberal climate has produced a common sense that is both pro-choice and anti-abortion. The public are fed an unchanging version of what the abortion choice entails and how women experience it. While it would prove highly unpopular to insist that all pregnant women should carry their pregnancy to term, the idea that abortion could or should be a happy experience for women is virtually unspeakable. In this careful and intelligent work, Erica Millar shows how the emotions of abortion are constructed in sharp contrast to the emotional position occupied by motherhood – the unassailable placeholder for women's happiness. Through an exposition of the cultural and political forces that continue to influence the decisions women make about their pregnancies – forces that are synonymous with the rhetoric of choice – Millar argues for a radical reinterpretation of women's freedom.

Offering the first comprehensive theoretical engagement with actions for wrongful conception and birth, *The Harm Paradox* provides readers with an insightful critique into the concepts of choice, responsibility and personhood. Raising fundamental questions relating to birth, abortion, family planning and disability, Prialx challenges the law's response that enforced parenthood is a harmless outcome and examines the concept of autonomy, gender and

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women's reproductive freedom. It explores a wealth of questions, including: Can a healthy child resulting from negligence in family planning procedures constitute 'harm' sounding in damages, when so many see its birth as a blessing? Can a pregnancy constitute an 'injury' when many women choose that very event? Are parents really harmed, when they choose to keep their much loved but 'unwanted child'? Why don't women seek an abortion if the consequences of pregnancy are seen as harmful? An exciting and original contribution to the fields of medical law and ethics, tort law and feminist jurisprudence, this is an excellent resource for both students and practitioners.

The Implicit Relation of Psychology and Law brings an innovative, feminist analysis to these affiliated fields. In addition to the explicit relationship between the two fields, they argue that there is an unrecognised implicit relation existing within the intersection of psychology and law which they find works to the disadvantage of women.

This thought-provoking book sets out the ethical arguments for a woman's right to choose. Drawing on the traditions of sociological thinking and moral philosophy, it maintains that there is a strong moral case for recognizing autonomy in personal decision-making about reproductive intentions. More than this, it argues that to prevent a woman from making her own choice to continue or end her pregnancy is

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to undermine the essence of her humanity. The author, a provider of abortion services in the UK, asserts that true respect for human life and true regard for individual conscience demand that we respect a woman's right to decide, and that support for a woman's right to a termination has moral foundations and ethical integrity. This fresh perspective on abortion will interest both pro- and anti-choice individuals and organizations, along with academics in the fields of gender studies, philosophy, ethics and religion. Listen to Ann Furedi and three distinguished panellists discuss her book [here](#).

Debates about the future of fatherhood have been central to a range of conversations about changing family forms, parenting and society. Law has served an important, yet often neglected, role in these discussions, serving as an important focal point for broader political frustrations, playing a central role in mediating disputes, and operating as a significant, symbolic, state-sanctioned account of the scope of paternal rights and responsibilities. *Fragmenting Fatherhood* provides the first sustained engagement with the way that fatherhood has been understood, constructed and regulated within English law.

Drawing on a range of disparate legal provisions and material from diverse disciplines, it sketches the major contours of the figure of the father as drawn in law and social policy, tracing shifts in legal and

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broader understandings of what it means to be a 'father' and what rights and obligations should accrue to that status. In thematically linked chapters cutting across substantive areas of law, the book locates fatherhood as a key site of contestation within broader political debates regarding the family and gender equality. Multiple visions of fatherhood, evolving unevenly over time across diverse areas of law, emerge from this analysis. Fatherhood is revealed as an essentially fragmented status and one which is intertwined in complex ways with the legal, cultural and political contexts in which discourses of parenthood are produced.

Fragmenting Fatherhood provides an important and unique resource, speaking to debates about fatherhood across a range of fields including law and legal theory, sociology, gender studies, social policy, marriage and the family, women's studies and gender studies.

"There's no place for the state in the bedrooms of the nation," Pierre Elliott Trudeau told reporters. He was making the case for the most controversial of his proposed reforms to the Criminal Code, those concerning homosexuality, birth control, and abortion. In *No Place for the State*, contributors offer complex and often contrasting perspectives as they assess how the 1969 Omnibus Bill helped shape sexual and moral politics in Canada. Fifty years later, the origins and legacies of the bill are equivocal and

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the state still seems interested in sexual regulation. This incisive study explains why that matters. Despite some significant advances in the creation and protection of rights affecting women's health, these do not always translate into actual health benefits for women. This collection asks: 'What is an effective law and what influences law's effectiveness or ineffectiveness? What dynamics, elements, and conditions come together to limit law's capacity to achieve instrumental goals for women's health and the advancement of women's health rights?' The book presents an integrated, co-referential and sustained critical discussion of the normative and constitutive reasons for law's limited effectiveness in the field of women's health. It offers comprehensive and cohesive explanatory accounts of law's limits and for the first time in the field, introduces a distinction between formal and substantive effectiveness of laws. Its approach is trans-systemic, multi-jurisdictional and comparative, with a focus on six countries in North America, Europe, Asia, and Africa and international human rights case law based on matters arising from Hungary, Portugal, Spain, Slovakia, the Czech Republic, Peru and Bolivia. The book will be a valuable resource for educators, students, lawyers, rights advocates and policymakers working in women's health, socio-legal studies, human rights, feminist legal studies, and legal philosophy more

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broadly. Text, Cases and Materials on Medical Law and Ethics presents a valuable collection of materials relating to often controversial areas of the law. Comprising extracts from statutes, cases and scholarly articles alongside expert author commentary and guidance which signposts the key issues and principles, this book is an ideal companion to this increasingly popular subject. Fully revised, this new edition incorporates expanded content, including: updated coverage of consent and decision making, including the the *Montgomery v Lanarkshire Health Board* (2015) judgment; the impacts of the EC directive for clinical trials and GDPR on the research use of patient data; and discussion of other recent developments in the case law, including the 2017 *Charlie Gard* litigation, the 2016 Privy Council decision in *Williams v Bermuda* on negligence causation, and the UK Supreme Court judgment in *A & B v SS for Health* (2017) on funding for patients from Northern Ireland seeking terminations elsewhere. Providing a comprehensive and up-to-date resource on this topical area of the law, this textbook is an invaluable reference tool for students of medical law as well as those studying medicine.

This volume examines the impact of women's movements on the policy making processes determining abortion laws. It comprises the results of a cross-national research project on abortion politics in 11 democratic states between the 1960s and 2000.

By analysing the European Court of Human Rightsa (TM) jurisprudence and philosophical debates on personal autonomy, identity and integrity, the book offers a critical analysis of the possibility of different versions of personal freedom emerging in the case law which may restrict rather than enhance personal freedom.

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By any measure, Judith Gardam has accomplished much in her professional life and is rightly acknowledged by scholars throughout the world as an expert in her many fields of diverse interest — including international law, energy law and feminist theory. This book celebrates her academic life and work with twelve essays from leading scholars in Gardam's fields of expertise.

This multidisciplinary volume investigates different abortion and reproductive practices across time, space, geography, national boundaries, and cultures. The authors specialize in the reproductive politics of Australia, Bolivia, Cameroon, France, 'German East Africa,' Ireland, Japan, Sweden, South Africa, the United States, and Zanzibar, with historical focuses on the pre-modern era, nineteenth and twentieth centuries, as well as the present day. This timely work complicates the many histories and ongoing politics of abortion by exploring the conditions in which women have been forced to make these life-altering decisions.

Feminist scholarship can provide public lawyers with the critical tools and insights to respond to these new challenges. This collection begins a dialogue between public law and feminism by offering a range of perspectives on contemporary public law themes and topics.

Who really controls access to abortion services in Britain, supposedly one of the most liberal western countries on this issue? Recognizing that abortion has slipped off the mainstream political (and specifically feminist) agenda, at least in the UK, Sheldon argues that the 'medicalization' of abortion law has rendered women powerless over their own bodies. She acknowledges that repoliticising abortion may mean that feminists face a backlash, but maintains that failure to act could close down vital avenues of choice and control when pressures to eliminate abortion are becoming stronger in some areas of society.

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Reproductive choices are at once the most private and intimate decisions we make in our lives and undeniably also among the most public. Reproductive decision making takes place in a web of overlapping concerns - political and ideological, socio-economic, health and health care - all of which engage the public and involve strongly held opinions and attitudes about appropriate conduct on the part of individuals and the state. *Law, Policy and Reproductive Autonomy* examines the idea of reproductive autonomy, noting that in attempting to look closely at the contours of the concept, we begin to see some uncertainty about its meaning and legal implications - about how to understand reproductive autonomy and how to value it. Both mainstream and feminist literature about autonomy contribute valuable insights into the meaning and implications of reproductive autonomy. The developing feminist literature on relational autonomy provides a useful starting point for a contextualised conception of reproductive autonomy that creates the opportunity for meaningful exercise of reproductive choice. With a contextualised approach to reproductive autonomy as a backdrop, the book traces aspects of the regulation of reproduction in Canadian, English, US and Australian law and policy, arguing that not all reproductive decisions necessarily demand the same level of deference in law and policy, and making recommendations for reform.

This book explores how children engage with sex and sexuality. Building on a conceptual and legal grounding in sexuality studies and the new sociology of childhood, the authors debate the age of consent, teenage pregnancy, sexual diversity, sexualisation, sex education and sexual literacy, paedophilia, and sex in the digital age. Whilst Moore and Reynolds recognise the necessity of child protection and safeguarding in the context of risk, danger and harm, they also argue that where these stifle children's sexual

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knowledge, understanding, expression and experience, they contribute to a climate of fear, ignorance and bad experiences or harms. What is necessary is to balance safeguarding with enabling, and encourage judicious understandings that advance from a rigid developmental model to one that recognises pleasure and excitement in children's nascent sexual lives. Exploring that balance through their chosen issues, they seek to encourage changed thinking in professional, personal and academic contexts, and speculate that children might teach adults something about the way they think about sex. Childhood and Sexuality will be of interest to students, scholars and professionals across a range of subjects and disciplines including sociology, social work, criminology, and youth studies.

Contributors: Barbara Baird, Niklas Barke, Anna Bogic, Hayley Brown, Lori A. Brown, Cathrine Chambers, Ewelina Ciaputa, Gayle Davis, Mary Gilmartin, Agata Ignaciuk, Sinéad Kennedy, Lena Lennerhed, Jo-Ann MacDonald, Colleen MacQuarrie, Jane O'Neill, Clare Parker, Christabelle Sethna, Sally Sheldon

Beyond Control Medical Power and Abortion Law Pluto Press

This book investigates the limits of the legitimate role of the state in regulating the human body. It questions whether there is a public interest in issues of bodily autonomy, with particular focus on reproductive choices, end of life choices, sexual autonomy, body modifications and selling the body. The main question addressed in this book is whether such autonomous choices about the human body

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are, and should be, subject to state regulation.

Potential justifications for the state's intervention into these issues through mechanisms such as the criminal law and regulatory schemes are evaluated. These include preventing harm to others and/or to the individual involved, as well as more abstract concepts such as public morality, the sanctity of human life, and the protection of human dignity. The State and the Body argues that the state should be particularly wary about encroaching upon exercises of autonomy by embodied selves and concludes that only interventions based upon Mill's harm principle or, in tightly confined circumstances, the dignity of the human species as a whole should suffice to justify public intervention into private choices about the body.

Does the morality of abortion depend on the moral status of the human fetus? Must the law of abortion presume an answer to the question of when personhood begins? Can a law which permits late abortion but not infanticide be morally justified? These are just some of the questions this book sets out to address. With an extended analysis of the moral and legal status of abortion, Kate Greasley offers an alternative account to the reputable arguments of Ronald Dworkin and Judith Jarvis Thomson and instead brings the philosophical notion of 'personhood' to the foreground of this debate. Structured in three parts, the book will (I) consider

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the relevance of prenatal personhood for the moral and legal evaluation of abortion; (II) trace the key features of the conventional debate about when personhood begins and explore the most prominent issues in abortion ethics literature: the human equality problem and the difference between abortion and infanticide; and (III) examine abortion law and regulation as well as the differing attitudes to selective abortion. The book concludes with a snapshot into the current controversy surrounding the scope of the right to conscientiously object to participation in abortion provision.

The authors analyse central aspects of criminal law in the context of the assumptions surrounding it, and employ a number of critical approaches, including a feminist perspective, to give insights into the current state of the law.

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