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978-0-521-87784-8 - Posthumous Interests: Legal and Ethical Perspectives

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Posthumous Interests

Daniel Sperling discusses the legal status of posthumous interests and their possible defeat by actions performed following the death of a person. The author first explores the following questions: Do the dead have interests and/or rights, the defeat of which may constitute harm? What does posthumous harm consist of and when does it occur, if at all? This is followed by a more detailed analysis of three categories of posthumous interests arising in the medico-legal context: the proprietary interest in the body of the deceased, the testamentary interest in determining the disposal of one's body after death and the interest in post-mortem medical confidentiality. Sperling concludes that if we acknowledge the interest in one's symbolic existence and legally protect it, not only do some interests survive a person's death but we should also enjoy a preemptory legal power to shape in advance our symbolic existence after death.

Daniel Sperling teaches philosophy of law and bioethics at Netanya Academic College.

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This series of books was founded by Cambridge University Press with Alexander McCall Smith as its first editor in 2003. It focuses on the law's complex and troubled relationship with medicine across both the developed and the developing world. In the past twenty years, we have seen in many countries increasing resort to the courts by dissatisfied patients and a growing use of the courts to attempt to resolve intractable ethical dilemmas. At the same time, legislatures across the world have struggled to address the questions posed by both the successes and the failures of modern medicine, while international organizations such as the WHO and UNESCO now regularly address issues of medical law.

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For my beloved parents,
Rina and Adrian Sperling

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