

BEYOND AUTONOMY

Respect for autonomy has become a fundamental principle in human research ethics. Nonetheless, this principle and the associated process of obtaining informed consent do have limitations. This can lead to some groups, many of them vulnerable, being left understudied. This book considers these limitations and contributes through legal and philosophical analyses to the search for viable approaches to human research ethics. It explores the limitations of respect for autonomy and informed consent both in law and through the examination of cases where autonomy is lacking (infants), diminished (addicts), and compromised (low socio-economic status). It examines alternative and complementary concepts to overcome the limits of respect for autonomy, including beneficence, dignity, virtue, solidarity, non-exploitation, vulnerability and self-ownership. It takes seriously the importance of human relationality and community in qualifying, tempering and complementing autonomy to achieve the ultimate end of human research – the good of humankind.

DAVID G. KIRCHHOFFER is Director of the Queensland Bioethics Centre at the Australian Catholic University's Brisbane Campus. He holds a PhD from the Katholieke Universiteit Leuven and an MPhil from St Augustine College of South Africa. He is the author of *Human Dignity in Contemporary Ethics* (2013).

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CAMBRIDGE BIOETHICS AND LAW

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. Since the early 1990s, 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 organisations such as the WHO and UNESCO now regularly address issues of medical law.

It follows that we would expect ethical and policy questions to be integral to the analysis of the legal issues discussed in this series. The series responds to the high profile of medical law in universities and in legal and medical practice, as well as in public and political affairs. We seek to reflect the evidence that many major health-related policy debates in the UK, Europe and the international community involve a strong medical law dimension. With that in mind, we seek to address how legal analysis might have a trans-jurisdictional and international relevance. Organ retention, embryonic stem cell research, physician assisted suicide and the allocation of resources to fund health care are but a few examples among many. The emphasis of this series is thus on matters of public concern and/or practical significance. We look for books that could make a difference to the development of medical law and enhance the role of medico-legal debate in policy circles. That is not to say that we lack interest in the important theoretical dimensions of the subject, but we aim to ensure that theoretical debate is grounded in the realities of how the law does and should interact with medicine and health care.

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BEYOND AUTONOMY

Limits and Alternatives to Informed Consent in
Research Ethics and Law

Edited by

DAVID G. KIRCHHOFFER

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This book represents a truly international and interdisciplinary collaboration, which began when we, the editors, were visiting scholars at the National University of Singapore's Centre for Biomedical Ethics in 2015. During this visit, a conversation about autonomy and how it is understood both philosophically and at law was started, and it continues today.

This book represents an extension of that conversation which, thanks to grants provided by Australian Catholic University and The University of Adelaide, took place at a research symposium that we hosted in Brisbane in 2016. At that time, we were able to invite our future collaborators to come along and share their thoughts on autonomy, its limitations and alternative approaches. This dialogue led directly to the collection of the ideas presented here, and we would like to acknowledge the support of our institutions and our authors who all generously shared their time and ideas to make this an interesting, thoughtful and genuinely interdisciplinary collaboration.

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