I WANT TO KNOW TWO THINGS. First, how do moral ideas shape life and law? Second, how does law shape life and life law?

The first of these questions explains the subject of the book I have just completed — The Practice of Autonomy: Patients, Doctors, and Medical Decisions. It examines the role patients ought to have in making medical decisions and suggests that the conventional legal and medical position is moving toward what I call "mandatory autonomy": the idea that patients have a moral duty to be autonomous and thus to make their own medical decisions. The second of my questions explains my book's method. I want to know what principle would work best in the lives of patients, so I have tried to find out what the lives of patients are actually like. Therefore I not only consulted all the empirical literature I could find, but I interviewed and observed doctors, patients, patients' families, nurses, and social workers, and I read many memoirs patients have published.
These investigations convince me that a substantial number of patients do not want to make medical decisions. Have these patients failed in their moral duty? I don't think so. Decisions of all kinds are repelledly hard; but medical decisions are even more daunting than most. Being sick robs you of the energy and will to make medical decisions and concentrates your attention on life's most troubling question — have I led a good life? — and its most constant question — how can I make it through the day? And sometimes sick people even want to be dissuaded from choices they would make left to their own devices. For all these kinds of reasons patients often make bad decisions and often would rather delegate their decisions to someone likely to do better.

The two questions I opened with also animate the book I am now starting. For some years I have argued that American family law has been transformed by its diminishing willingness to talk about its work in moral language. For example, the law used to be obliged to discuss whether each person seeking a divorce was morally entitled to one. In the age of no-fault divorce, however, that discussion is unnecessary. And, for example, in Roe v. Wade the Court reached its decision without evaluating the moral status of abortion.

Family law wants to eschew moral language, but family life is one moral problem after another. Can family law resolve family disputes intelligently and justly without considering their moral aspects? And why should it want to do so? I find part of the answer to this last question in experiences I have had in the classroom. When I have led discussions of divorce both here and in other law schools I have been struck by the number of students who think divorce raises no moral issues. Practical problems, yes. Psychological issues, yes. But not moral issues. My book will thus try to understand family law's avoidance of moral language in terms of broader changes in the way late-twentieth-century Americans think about their lives and duties.

My opening questions have also led me to establish a new course — Law as a Profession. It will be about the moral life of lawyers. It will therefore ask what makes a lawyer's life morally justifiable or unjustifiable. But it will also consider what it is that leads people to behave ethically. We hope, of course, that law school is one such influence. But to help find out whether this is true, the course will require a paper — due on graduation — which recounts and reflects on law school experiences which might shape students' ethical views. And this, I see, brings me back again to the questions with which I began.

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"Although until fairly recently his main interests were in family law, constitutional law and the legal process, Carl Schneider has quickly become one of the nation's leading law professors in the increasingly important field of bioethics. (Of course, his earlier work in these other fields gave him an excellent background when he turned to bioethics.)

"Earlier this year Carl picked up another title: Professor of Internal Medicine at the University of Michigan Medical School. This is only fitting and proper. Carl's work is of great interest to the medical profession and for years he has taught medical students, often co-teaching with physicians. So, to a large extent, a joint appointment only formalizes Carl's joint role.

"Carl has great analytical powers. For example, I consider his article, "Cruzan and the Constitutionalization of American Life," Journal of Medicine & Philosophy (1992), the most thoughtful and most trenchant commentary ever written on the Cruzan case, the much-analyzed first U.S. Supreme Court case on what is loosely called the 'right to die.'

"Carl is a splendid writer. He writes with power, clarity and style. For example, I think his "Bioethics in the Language of Law," a piece that appeared several years ago in the Hastings Center Report (a publication for which Carl writes a regular column), is a wonderful piece of writing. To refer to but one passage from this article, Carl warns that although the language of the law 'may have penetrated into the bosom of society,' it must still compete with the many other languages that people speak more comfortably, more fluently, and with much more conviction. 'The danger for bioethicists,' continues Carl, 'is believing too deeply that law can pierce the babel, can speak with precision, can be heard.'"

"As is well demonstrated by his new book The Practice of Autonomy: Patients, Doctors, and Medical Decisions (Oxford University Press, 1998), Carl is not only an analyst and thinker, but an empiricist. In examining the role patients should have in making medical decisions and in determining what the lives and decisions-making of patients are actually like, Carl interviewed and observed doctors, nurses and social workers as well as patients and their families. He also read the memoirs of hundreds of patients. (An excerpt from the book begins on page 98.)

"For a number of years now, Carl has been interested in the moral life of health professionals. But he is also interested in the moral health of lawyers. This has led him to establish a new course (Law as a Profession), which will consider such questions as what makes a lawyer's life morally justifiable and what leads people to act ethically."