and thoughtfulness. There are 375 references (many carefully annotated) and 22 case histories to highlight various ethical dilemmas.

Of course, like everything else, the more the subject is studied, the more difficult and complex it becomes. Attempting to classify different kinds of paternalism, Childress suggests that paternalism may be hard or soft, active or passive, pure or impure, restricted or extended, direct or indirect, and so on, until we are in danger of getting bogged down in sterile analysis and endless escape clauses designed to allow for occasional (or not so occasional) exceptions to general ethical principles.

The subject is difficult, emotive and replete with opportunities for misunderstanding – due partly to semantic difficulties. Even so, it is not easy to see exactly where Professor Childress stands with regard to paternalism, nor when he is content – whisper it softly – to leave matters to the discretion of the individual doctor. In the final sentence of his preface, for example, he states ‘Our acts, policies and practices in health care should express care and concern on the one hand, and respect for persons on the other – in short, limited or constrained paternalism’. Amen to that. Would that all our critics held the same enlightened view. Yet at times you get the feeling he is taking quite a different view. For example, ‘Nowhere is paternalism more rampant than in the care of patients who are terminally ill or dying’. And when discussing how ‘paternalism’ is to be defined, he insists on including in his definition, ‘a refusal to acquiesce in a person’s wishes, choices or actions . . .’. This puzzles me. Try as I might, after reading the whole book carefully I was still unable to understand why this alarming idea of going against the patient’s wishes should be included in the definition of something that he approves of, provided it is ‘limited or constrained’. How limited? How constrained? It seems that when the chips are down, we are still stuck with our old friends, compassion, compromise and common sense.

THURSTAN B BREWIN
Institute of Radiotherapeutics and Oncology, Glasgow.

Medicine, Morals and the Law


It is a promising idea for a medical person and a legal person, both interested in moral issues, to get together and produce a collection of joint essays on morals, ethics, medical science, law and practice. Medico-legal matters ought wherever possible to be dealt with in such an interdisciplinary manner.

The authors examine many contemporary issues, and offer a number of opinions and conclusions. When does life begin, they ask, at fertilisation, at implantation, or when? Is it satisfactory that in abortion neither the mother nor the child nor the father appear to have any legal ‘rights’? Euthanasia (in so far as it takes place) and switching off the life support machine are matters best left to the decision of the individual doctor, the authors believe and should not be regulated by law. In view of the desirability of autonomy and of the choice inhering in the patient, as a dignified human being, he should always be informed of the facts of his situation, they maintain. And experimentation is unnecessary for medical advance, but should be limited by the principle of utilitarianism. The authors believe sterilisation and contraception should be a matter for the individual, who should be entitled to control his or her capacity for reproduction. The answer to the flood of negligence actions is to seek to improve mutual patient-doctor trust. Patients expect too much; the standard imposed by the law upon doctors is too low. And, the authors conclude, decision-taking in medicine relies too heavily upon technical remedies rather than preventive medicine.

This book is interesting, readable, quite well documented, and seeks to propound theoretical and viable principles for resolving medico-legal problems, principally those of a moral or ethical character. The ‘solutions’ offered are not terribly consistent nor profound. They sometimes give the impression of compromise, and they sometimes seek to evade the moral and ethical issues. But they undoubtedly make a contribution to knowledge and thinking and understanding.

The text is a modern typescript reproduction, with unjustified pages, not a bad production of its kind, but not comparable to the printed page.

Law and Ethics in the Medical Office

Marcia A Lewis and Carol D Warden. Philadelphia, F A Davis Co, 1983. £11.20 paperback

Some books from the United States require translation; this book requires translocation. The form and content of this manual would make it very useful for medical secretaries and receptionists if only it dealt with the topics as they might apply to medical practice in the United Kingdom.

The book is divided, perhaps arbitrarily, into two equal sections: one dealing with the law, the other with ethics. In the medical office the legal implications of employment and book-keeping are as important as the medico-legal aspects of consent, confidentiality and litigation. The section on ethics, as we might expect, covers the history of ethical codes and discusses the features and constraints when considering action in abortion, sterilisation and euthanasia. The form is attractive. I admit to a liking for statements of learning objectives and each chapter of this book opens with a summary of the knowledge which should be absorbed by the reader on completing the chapter. The function of this book as a teaching aid and instruction manual is enhanced by the discussion questions posed at the end of each chapter.

Both the legal and ethical sections can be adversely criticised. Although some aspects of the two sections are common to medical practice on both sides of the Atlantic, the differences become distracting. The details given about fee collecting are irrelevant and, of course, the names of the posts and duties in the US medical office are strange to us. However, I commend the form and layout used in this book, the clear definitions of various terms in law and ethics and the easy access to references within the text as well as for further reading.

The experience of one of the writers as a patient seems to have initiated this publication and may explain the proper preaching it contains to all medical office staff of the need for real caring as well as sensitivity to patients’ feelings. References are made to the American Association of Medical Assistants and I know the Association of Medical Secretaries in the United Kingdom has an established link with this organisation. Although this US publication will be of little use to the staffs in health centres and hospitals in
this country, the link between these
organisations may, one hopes, produce
a sister publication as a training manual
and reference source for UK practice.

W G DUNCAN MURRAY
Medical Protection Society,
50 Hallam Street, London.

Law and Medical Ethics

hardback, £8.50 soft cover.

The authors of this excellent handbook
are a professor of forensic medicine and
a lecturer in law. The book is designed
primarily for lawyers and the emphasis
is laid on what the law is in relation to
the ethical problems of modern medicine
and today's society. In addition the ethics of the medico-legal problems
are explored and the book will appeal
also to doctors and other health professionals. The lawyer will at once
feel at home because the format includes a table of statutes and a list of
cases and also because the references are
all in legal style. The doctor will be less
familiar with these aspects and may
sometimes not have ready access to the
legal volumes. On the other hand there
is in most cases sufficient detail in the
text to give the gist. The emphasis is on
English law but account is taken of
Scots law and of legal decisions taken in
the Commonwealth and in the United
States.

Practice of new techniques usually precedes the law and therefore there is
often no definitive law to guide the
pioneer. This is inevitable and in most
cases desirable but it does mean that the
doctor has to work in an atmosphere of
legal uncertainty. In each example the
authors appraise the present situation,
predict the future and often suggest
alternatives of possible legislation. The
UK law as set out in the book is stated as
correct as of September 1982.

Lawyers and other non-medicals will
find helpful the brief review of medical
history and of the composition and
functions of medical organisations. The
introductory chapter stresses that the
law is there to protect people from
improper use by doctors of clinical
autonomy and paternalism but that fear
of the law leads to defensive medicine.
Thereafter nearly a third of the book is
devoted to the various aspects of repro-
ductive medicine. The other groups of
chapters are on medical practice (which
includes confidentiality, consent, neglig-
ence and dilemmas in treatment), death (a very sensitively written sec-
tion), research and experimentation and
psychiatry and the law.

Just as for the lawyer there are simple
summaries of medical conditions, so
other readers will find particularly help-
ful the descriptions of the origins of
laws, the expositions on the logic of
these origins in earlier societal
codes, and arguments as to whether existing laws are still appropriate.

In the section on the newborn, the
authors have coined a new word –
necroicide – and, having set out very
plausible arguments as to why
neocroicide should be more logical than
abortion, they conclude that 'such a
concept is abhorrent and intolerable'.

After a good discussion on whether or
not legislation is desirable, the authors
offer a single clause bill which would
cover the situations exemplified by
the Arthur case. On confidentiality one
might have hoped for more on relations
with the police. Negligence is well
covered but the influence of the United
States of contingency fee arrangements
might have been mentioned as a warn-
ing to lawyers.

The book may be intended for
lawyers but doctors and others con-
cerned with health care often have diffi-
culty in finding the exact legal position
in relation to their ethical dilemmas and
for them this work meets an important
need and is to be widely welcomed not
only for its legal authority but for some
valuable discussions on the logic and
origin of certain ethical stances. It is an
important and constructive addition to
the literature.

A S DUNCAN
Emeritus Professor of Medical Education,
University of Edinburgh.

Special Care for Babies
in Hospital

Priscilla Alderson. London, National
Association for the Welfare of Children
in Hospital, 1983. £2.00, including
postage.

Over the last decade paediatric medicine has seen the establishment of
the new sub-specialty of neonatology. It concerns the care of extremely low-
birthweight and preterm babies and it
places the neonatologist in the Special
Care Baby Unit (SCBU) a world of
incubators, probes and pumps, and
flushing/bleeding monitors, somewhere
beneath it all a minute baby weighing perhaps 800 grams. As skills have
developed and books have been written emphasis has been laid on the
physiological aspects of care, with regard to respiratory and nutritional
support, and the management of infection and metabolic disturbances.

This book aims to redress the human balance by exploring the broader interests of the
infant and the family of which he or she has become a part. It will be of interest from
two main viewpoints – firstly an exam-
ination of background information for
parents, lay supporters and adminis-
trators; and secondly as a stimulus to
the medical and nursing professions to
aim for the goal of family-centred care
in their own units. It has been written
by a former chairman of the National
Association for the Welfare of Children
in Hospital (NAWCH). She initially
describes the historical development of
special and intensive neonatal care, and
goes on to outline current practice and
organisation, and the effect their estab-
lishment has had on morbidity and mort-
ality. There are chapters on the baby's
viewpoint, and on the structure and
training of the medical and nursing
teams with comment on the stresses
under which they work. An extensive
discussion follows on the role of parents
in the Special Care Team and the impact
on them of encounters with various
aspects of the work of Special Care Baby
Units. A useful section lists pertinent
questions that should be asked by any-
one wishing to evaluate the function of a
particular unit. The book is well refer-
enced and indexed, the practical detail
provided is illustrated by the inclusion of
sources of clothes suitable for pre-
term babies, and there is a whole page
of addresses of self-help and fund-raising
organisations.

Perhaps there is now an additional
question to be asked when visiting an
neonatal nursery: Does it have a copy
of this book, and if not why not?

MARTIN BRUETON
Senior Lecturer in Child Health,
Westminster Children's Hospital.