Law and Medical Ethics


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 medicolegal problems are explored also to 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 reproductive medicine. The other groups of chapters are on medical practice (which includes confidentiality, consent, negligence and dilemmas in treatment), death (a very sensitively written section), 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 helpful 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 — neonaticide — and, having set out very plausible arguments as to why neonaticide 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 circumstances 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 in the United States of contingency fee arrangements might have been mentioned as a warning to lawyers.

The book may be intended for lawyers but doctors and others concerned with health care often have difficulty 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 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 places the neonatologist in the Special Care Baby Unit (SCBU) a world of incubators, probes and pumps, and flashing/bleeping monitors, some where 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 as a mine of background information for parents, lay supporters and administrators; 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 establishment has had on morbidity and mortality. 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 anyone wishing to evaluate the function of a particular unit. The book is well referenced and indexed, the practical detail provided is illustrated by the inclusion of sources of clothes suitable for preterm 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 a 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.