

Recent scientific developments in human reproduction have significant and widening implications for traditional notions of 'the family' and family rights. Sutherland and McCall Smith's collection of essays provides a useful survey of the main legal and ethical issues raised by modern medical technology. Medical advances have changed relationships within the family as well as the relationship between the family and society; the response of family law to these changes is explored by the authors of these essays in an interesting and thought-provoking way.

The potential of modern medicine to affect profoundly the family and family law is illustrated by the changing nature of family rights. McCall Smith questions whether there is anything left of parental rights. In a coherent and succinct way, he shows how, within the area of treatment of minors, parental rights have been subordinated to the child welfare principle as greater medical self-determination of the child is recognised by the law. The diminishing importance of parental rights is further revealed in Cusine's more specific discussion of the issue of consent in relation to the provision of contraceptives to minors and the sterilisation of mentally handicapped children.

Two of the essays concern the important ethical and legal questions encompassing the new reproductive technologies. Dickens examines the family issues raised by the technologies and deals carefully with many of the legal problems. However, I felt more thorough discussion of the moral and ethical concerns would have placed greater weight on the overall conclusion that opposition to such scientific advances rests on conservative ideologies of family relations. In her balanced analysis of the ethical and moral arguments surrounding surrogacy, Sheila McLean expands upon the idea that opposition to these techniques is founded in antiquated attitudes about women's reproductive capacities and conduct. Her belief that there is nothing inherent in surrogacy to justify interference with a person's involvement in such arrangements extends to surrogacy for payment. The moral objection to the financial element in surrogacy as amounting to 'baby-selling' is perhaps too easily answered by the suggestion that payment be denoted for the service rendered. However, the realistic observation that, inevitably, surrogacy will continue leads to the conclusion that the law

should address, not ignore, the problems of surrogacy, minimise exploitation, combat entrenched attitudes about gender roles and provide essential regulation.

This slim volume supplies the reader with a variety of interesting subject-matter. There is analysis of the family's role in life and death decision-making for incompetent patients, as well as a thought-provoking exploration of the fundamental ethical and legal questions raised increasingly in genetic counselling. Further, Elaine Sutherland's discussion about whether we should regulate pregnancy in order to protect the fetus highlights the theme in the book that the family reflects the individualistic ethos of modern society. In considering intervention in both pre- and post-conception contexts, she advocates that certain restrictions may justifiably be imposed on pregnant women. I agree with her conclusion that any regulation must be in conjunction with counselling, ante-natal care and financial support but my concern lies in the absence of concrete proposals about how such restrictions could be put into practice without disproportionate regulation of women's freedom.

As a general observation, I felt the overall tone and coherence of the book could have been enhanced by a different ordering of the essays. Having said that, I enjoyed this interesting and thoughtful analysis of the changes wrought on the family and family law by modern medicine, hitherto a neglected subject. It will be of particular value to lawyers and ethicists and will provide essential material for the continuing debates surrounding modern technology.

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Mapping the Code. The Human Genome Project and the Choices of Modern Science.

Joel Davis, 294 pages, Sussex, 1991,
John Wiley and Sons, £14.95.

The application of recombinant DNA technology to medical research has already produced enough success stories to suggest that this new field will make a major impact on clinical practice

in the future. One of the most newsworthy items from its short life is the human genome project, that is the idea of building up a complete map of our hundred thousand or so genes in their locations along our chromosomes.

As with much of the 'new biology' the ideas behind the genome project are not new but the powerful analytical tools of recombinant DNA are allowing them to be exploited in a novel fashion. In 1927 J B S Haldane reasoned that if it were possible to map 50 or more inherited 'characters' they could be used as markers for predicting whether children would carry genes for important disorders such as Huntington's Disease. The idea is beautifully simple. Supposing we want to follow the progress of a particular gene through a family and have no way of identifying it. The idea is to find a gene with a product which we can identify and which is linked to the gene that we are looking for. If the two are so close together that they always stay together through successive generations we now have a 'handle' on the gene we can't identify; if our marker is inherited so must be the gene that is closely linked to it. The same principle can be used to 'find' genes for diseases for which the cause is unknown; if we know where our marker is located the gene we are after must be close by. DNA technology has now provided us with an abundance of markers which should enable us to generate a linkage map of the human genome and, ultimately, a physical map, that is its precise nucleotide base sequence. This will undoubtedly enhance our ability to isolate genes for single gene disorders and help us to understand the complex polygenic systems which underlie conditions such as diabetes, coronary artery disease, cancer and the psychoses.

Joel Davis's book is one of several that address the complex issues raised by the human genome project. Like its fellows it starts by explaining recombinant DNA technology in terms which are comprehensible to the non-specialist. It goes on to outline the background to the project and its political aspects, describes some of the science behind it and ends by raising some of the ethical issues which may follow from its exploitation.

Presumably in an attempt to catch the readers attention the first chapter describes a series of scenarios under the heading of FUTURELINE. For example, FUTURELINE 2, subheaded THE GENEUM, describes a 19-year-old woman who is unable to obtain employment because

she carries a gene which makes her susceptible to poliomyelitis. The homeless, alcoholics, drug addicts and prostitutes which make up the 'skid row' populations of North America have, it appears, been augmented by genebombs, those whose perceived genetic shortcomings make them unemployable. They are described as thin, eating their meals from 'dumpsters' and obtaining occasional 'gruntwork', whatever this may mean. Much of what follows is written in the same style. It contains a great deal of information, at least some of it in language which should be comprehensible to the general reader. But overall it presents a rather disjointed and fragmented account of the story, much of which seems to have been gleaned from talking to some of the major players in the field, nearly all of them American. On the other hand it undoubtedly catches some of the political, commercial and scientific tension which has characterised the early years of this extraordinary project.

There is widespread concern about the ethical issues which might arise from the new genetics. Hence they must be debated openly between the scientific world and the public. It is important, therefore, that good popular science writing makes these complex issues available to a wide readership. Those who can stomach the style of this book may find parts of it helpful in defining these difficult issues. Where it seems to fail, however, is in its lack of a cool and dispassionate account of the enormous medical advances which could follow from the human genome project, weighed against these ethical concerns. And it does not make it clear that most of these concerns are not fundamentally new but have simply been highlighted by recombinant DNA technology. In an attempt to catch the reader's attention and describe the more lurid aspects of this endeavour, the book lacks balance. There are better accounts of the genome project for the non-specialist who wishes to try to understand its complexities.

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The Human Body and the Law

David Meyers, 367 pages, Edinburgh,

1991, Edinburgh University Press,
£45.00

In 1970 Meyers's book *The Human Body and the Law* was published. Some twenty-one years later Mr Meyers has brought out a second edition of his book. In the intervening period there has been an explosion in publication in the medico-legal field. The question arises: is there room for yet another book? *The Human Body and the Law* covers many of the topics already dealt with in those books presently available—consent to treatment, children and incompetent patients, transsexualism, abortion, reproductive technology, the severely damaged neonate, termination of life-saving treatment, allocation of resources and experimentation. What then is the value of this book to the student and to the academic? The short answer is that it may be of assistance to both as long as neither has unrealistic aspirations regarding the scope of the book. Those looking for detailed ethical, historical and sociological debate will not find it here. As the author comments, the book is largely a summary of the legal developments in the area since his last edition.

A major strength of the book is the comparative approach that it adopts. The author examines English, Scottish and United States law. Academics are often cautious in introducing students to source materials from other jurisdictions. Unless carefully handled, comparative analysis of medico-legal issues can confuse rather than enlighten the reader. Mr Meyers ensures there is no chance of confusion by outlining the approach taken in each jurisdiction within a separate section inside each chapter. The book also includes chapters in which the issues of transsexualism and the conflicting rights of mother and fetus are examined in greater depth than is attempted in existing textbooks.

A hazard which faces authors who write in this area is that the subject is constantly changing, with new developments both in law and in medical practice. If publication of a book occurs at the wrong time then parts of the book may be swiftly out of date. Mr Meyers has been unfortunate in this respect. The book was published prior to the Human Fertilisation and Embryology Act 1990 and thus the chapters on reproductive technology and abortion require amendment. Similarly the book also preceded cases such as *Re J* concerning the involvement of the courts with the treatment of the severely damaged

neonate.

The Human Body and the Law is a scholarly work which provides a stimulating coverage of the subject. Its niche in the market may, however, be rather in the category of a reference book than as a standard text—an impression reinforced by the price of £45.00!

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The Patient-Physician Relation: The Patient as Partner, Part 2

Robert M Veatch, 306 pages,
Bloomington and Indianapolis, 1991,
Indiana University Press, £27.50 hc.

This is an excellent sequel to the author's *The Patient as Partner*, which was in turn based on his more theoretical *A Theory of Medical Ethics*. In *The Patient as Partner* he explored the importance of the role of the patient as an active partner in medical research. In the present volume he extends his argument to the setting of clinical care.

The book is well-structured in five parts covering foundational issues, the individual professional-patient relationship, the social counterpart of this relationship, specific problem areas, and future directions. The coverage is impressive, from basic moral and political theory, through topics as diverse as malpractice, experimental drugs, placebos, cost containment, the elderly, organ transplantation, guardianship and ethics committees, to a broad picture of clinical practice in a post-modern age. Much of the material has been published before. But it has all been extensively revised and several of the chapters are completely new. Helpful summaries of the author's earlier work are included. The overall result is a clear and coherent synthesis of a mature theory of the doctor-patient relationship.

The central theme of the book is that patients and their surrogates should be recognised fully as active partners in the process of clinical decision-making. At one level this is no more than a re-statement of the importance of the principle of autonomy in medical ethics. But the author derives his model of the doctor-patient relationship from a