

## Book reviews

### Legal Aspects of Medical and Nursing Service

(Third edition)  
Michael Whincup  
Beckenham, Ravenswood Publications,  
1982  
£12.50

Legal aspects of medical and nursing service are in urgent need of discussion and clarification and this book makes a unique and useful contribution. It is unique in its references to judgments of individual court cases which readers can pursue further. It is useful in explaining the sources of the law and in its comprehensive and up-to-date inclusion of statutes, showing their relevance to the many specific problems which concern health service staff. This is the third edition of the book, which is evidence of its appeal. It is divided into two main parts, the first dealing with the rights and duties in employment and the second with medicine and the law. Topics discussed in Part I include employment contracts, dismissal, redundancy, employees' protection - all topical and important issues. Part II includes discussions of medical negligence, liabilities to the public, confidentiality and disciplinary proceedings.

In the preface it is claimed that the book 'provides a clear account of their (the medical and nursing professions) legal rights and duties which will "help them to do their work correctly and with confidence".' This claim is not justified, largely because of the complexity and ambiguity of the law but also because of the author's presentation. Although the frequent interjection of references to previous court judgments adds interest and reality to otherwise theoretical and abstract subject matter, it tends to interrupt the development of the individual problems and the flow of the arguments surrounding them.

Attempts to use the book as an aid to teaching or as a guide to individual action are not readily rewarded by success. Occasionally, obscurity and confusion are increased rather than dispelled - which is not necessarily the author's fault. However, some statements are misleading, if not untrue. For example, in the otherwise useful discussion of security of employment and the fundamental question 'Who is an employee?', it is stated that, as far as staff on the premises of doctors in general practice are concerned, the doctors are employers with all the burdens and responsibilities of this status. Yet nursing staff working within general medical practice and on the doctor's premises are most frequently health authority employees and it is precisely this fact which raises important legal and ethical problems.

The above critical comments are not intended to detract from the value of the book. It is a mammoth work, it raises many extremely important issues, handling them helpfully and sensitively and it increases the reader's awareness and knowledge of the legal and ethical maze surrounding the professional practice of health professionals. The book's inescapable destiny lies in the need for frequent up-dating if its usefulness is to be maintained.

LISBETH HOCKEY  
*Nursing Studies Research Unit*  
*University of Edinburgh*

### Deciphering Sociological Research

Gerry Rose  
London, Macmillan, 1982  
£10.00 hardback, £3.50 paperback

This book is addressed primarily to undergraduate students in sociology

but its objectives may make it of interest to a wider constituency of research consumers. Essentially, it is intended to guide the reader in the skills of interpreting and evaluating published accounts of sociological research. As such, it might well be considered for a place on methodology courses for users of sociologists' research techniques in community medicine, nursing or social work. About half of the book is devoted to exegesis while the remainder reprints, in abbreviated form, 12 journal articles which serve as case studies for the author's proposed techniques.

It must be said, however, that the objectives are somewhat imperfectly realised, largely because of a clash between the grand scale of the author's ambition and the restricted compass of his text. One has the recurrent feeling of a valuable lecture course lying behind a book which is so condensed as to be irritatingly superficial.

The volume works best on what seems to be the author's native territory of quantitative research. This is an area where there is a much clearer consensus on the framing of research debates and where there are more established criteria for distinguishing adequate and inadequate work. The greatest weakness lies in the two chapters on field or qualitative research where the literature discussed is comparatively old and the author has no grasp of the constructive impact of ethnomethodology, especially in the UK. A one-paragraph dismissal is simply inadequate where significant methodological advances have been occurring as a direct response to the ethnomethodologists' forceful critique of traditional practice. There is, too, a conspicuous absence of reference to conversation analysis, a growing point in UK research.

This would have been a much more valuable book if the author had confined himself to discussing quantitative research and taken advantage of the extra elbow room to give it a more dis-

cursive treatment. While it is still useful in that area, its discussion of other types of research technique should be treated with some caution.

One final point: the publishers are surely giving the most extraordinary hostage to fortune by sending for review in this journal a book which purports to deal with the evaluation of research reports and which makes no reference whatsoever to the necessity for an ethical as well as a technical appraisal.

ROBERT DINGWALL  
Social Science Research Council  
Centre for Socio-Legal Studies  
Wolfson College, Oxford

## The Unmasking of Medicine

Ian Kennedy  
London, George Allen & Unwin, 1981  
£8.95

If you take your harp to a party, you also take a calculated risk that no one will ask you to play; but you do feel at a loss when you find that Marisa Robles has just completed an hour-long recital. I find myself in much the same position. First, the Reith Lectures, then *The Listener* and now *The Unmasking of Medicine*. All have been the subject of commentary by experts in many walks of life and a whole issue of the Journal has been devoted to criticism of the subject matter. What more is there to say or do? To review the reviewers? On the whole, it seems best to ignore everyone else and start from scratch.

Mr Kennedy is, of course, a powerful and greatly respected authority on

moral issues in medicine. He has, in one view, discussed these better in other works – possibly a reflection of the ‘broad brush’ technique adopted in this book – and it is good to see Chapter 7 included as an addition to the original Reith Lectures. He clearly feels that doctors should not place themselves in a position of superiority *vis à vis* their patients, that there are decisions, currently taken unilaterally by doctors, which would be better resolved by the community as a whole and that doctors ought not to conflict with the law when acting in a professional capacity. In this area, the author writes as a client or consumer or receptor and his views command respect and consideration. Indeed, anyone who, like this reviewer, is exposed to a large law class in medical jurisprudence must agree with 90 per cent of what he says.

Why, then, am I vaguely dissatisfied with this book? There are two main reasons. Firstly, I find the author loses some credibility when he changes from consumer to interpreter as in ‘The Rhetoric of Medicine’. This is the opening chapter and it takes the medical reader some time to get back into a receptive frame of mind. Secondly – and it has taken a lot of thought to arrive at this conclusion – I think the title is misleading. *The Unmasking of Medicine* implies a discussion of the practice of medicine and, by association, of the attitudes of doctors. But, as Mr Kennedy says, his main concern is the politico-social operation of the health services and this must include responsibility for the training of doctors. Simplistically, I feel one needs mentally to re-title the book ‘The Unmasking of Medical Politics’ before being able to appreciate it as the very important document it undoubtedly is. Very few recent disser-

tations in this field have provoked so much discussion.

In a way, it is a pity that Mr Kennedy is a well known lawyer. Inevitably, his self-confessed aggressive style – and it is acerbic – leads to an impression of a confrontation between the law and medicine: when hospital consultants are castigated for elitism, one’s irrational but nonetheless ‘gut’ reaction is to think of barristers. But, in fact, the author of this book does not *have* to be legally qualified – it contains little which could not have been written by any intelligent man who enjoys a discussion over a glass of malt; I remember, for example, the strictures on the medical support for the developing countries being aired at a medical dinner by the Duke of Edinburgh some 15 years ago.

Since the book is so essentially patient orientated, one’s main concern is to establish how it should influence our undergraduate teaching. The student body is not stony ground – it is significant that medical students are forming their own discussion groups on medical morality and that an awareness, such as Kennedy calls for, is, in fact, emerging. Looked at in this way, the book is not so much ‘unmasking’ medicine as ‘scrubbing up’ for a new generation of doctors. The Reith Lectures, and now the book ought to have a permanent effect on British medical philosophy but if the ensuing debate is to be fully beneficial, as I sincerely hope it will be, any sense of antagonism must be eliminated. With this in mind, could I ask you, Mr Kennedy, to cool it just a little, please?

J K MASON  
Regius Professor of Forensic Medicine  
University of Edinburgh  
Medical School

### News and Notes

## Research Defence Society medal winners

Dr W Lane-Petter and the Earl of Halsbury are the first winners of the Research Defence Society’s Boyd medal. The medal commemorates the name of Sir John Boyd who was chairman of the society from 1957–1968. It may be presented biennially to anyone who, in the opinion of the society’s council, has made a noteworthy contribution to the welfare of laboratory animals.

Dr Lane-Petter was described at the presentation as one of the original pioneers of laboratory animal science. He has produced a standard textbook on *The Care and Management of Laboratory Animals*. The Earl of Halsbury received his medal for his work in Parliamentary and other debates, to improve the welfare of laboratory animals.