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Book review

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BOOK REVIEWS

Law, ethics and medical practice

Sanjay Pai

Legal and ethical aspects of healthcare. Sheila McLean and John Kenyon Mason. London, Greenwich Medical Media Ltd, 2003. 252 pages, paperback. ISBN 1-84110-128-1

Multiple factors - the increasing use of technology, paradigm shifts in patients' attitudes to doctors (and vice versa!), consumerism, litigation, and so on - have resulted in making the law an integral aspect of healthcare today. Legal and ethical aspects of healthcare addresses some of these new issues. Although it is a British book and is based on British court cases and medicine, Indian readers would find this a useful read as well.

Sheila Maclean is Director of the Institute of Law and Ethics in Medicine, Glasgow, and John Kenyon is Professor Emeritus at Edinburgh. Thus, this unusual partnership makes for sound reading on the subjects covered. Many of the topics were in areas that I had not read about before - but which are of great importance. Indeed, it is the unusual selection of topics that strikes one's attention. "Is life worth living?", a provocatively entitled essay, deals with PVS, DNR orders and euthanasia. The Alder Hey incident has done great disservice to foetal and paediatric autopsies; this can be seen by the many articles in recent issues of paediatric journals emphasising that there is no substitute for the information that the autopsy can give. Thus, we have a chapter on "Disposal of the body and body parts". Among other things, the authors play devil's advocate and pose the question: "If a daughter had suffered from a renal disease, a parent can legally and ethically donate a kidney to her. Why then is it immoral to sell the organ for treatment of a non-renal disease in the daughter?"

There are interesting parallels between cases in India and elsewhere. The authors mention a case in New Zealand in the 1980s where a doctor did not treat women with abnormal Pap smears because of his belief that cancers detected early did not always spread. (There has been, for many years now, sufficient knowledge to the effect that Pap smears can reduce mortality from cervical cancer.) A similar episode, but on a larger scale, took place in India in the 1980s as well and was reported in the BMJ by Mudur. In a separate case, a British couple claimed compensation, including costs for bringing up the child, for a failed vasectomy. The House of Lords awarded damages for the failed surgery but not costs for bringing up the child. This case is in contrast to an Indian one about four years ago where a surgeon was asked to pay costs for bringing up a child up to the age of 18 years. A major difference that I perceive between us and the West is the inputs and the commitment from the various medical bodies and the Royal Colleges on the many ethically grey areas of medicine.

The blurb on the cover states that the book is meant for "healthcare professionals at any level of training or practice, lawyers and interested members of the general public". It is truly difficult to write at a level which can be appreciated by all, both the non-medical member of an ethics committee and those with a better understanding of medical ethics. McLean and Mason achieve this with ease.

Doctor in the court. Volume 1. With best compliments from Zydus Cadilla. Medico-Legal Books Publishers. Eds. SS Purnapatre, B Sahani, K Sethi. Published by SL Sethi for Maharashtra Law Agency, Nashik.

Books on the medicolegal aspects of health care in India have been published but are currently not comparable in depth or variety to Western works. Zydus Cadilla released in early 2004 what they claim is the first (and they may be right) journal on this topic. There are five cases described in fairly good detail and I found it worthwhile perusing this slim volume. However, all the cases were, in my opinion, non-starters in the very first place. Why have only these cases been included? Are these the only cases opined on in recent times? Is this just a sample of cases? The editors do not elaborate. According to the Shorter Oxford Dictionary, a journal is "a periodical publication carrying news in any sphere". The key word is 'periodical' and I look forward to more issues.

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