PostScript

BOOK REVIEWS

The Law and Ethics of Medical Research: International Bioethics and Human Rights

Edited by A Plomer. Cavendish Publishing Limited, 2005, £50.00, pp 158 + xviii. ISBN 185941687X

This book by a leading British healthcare lawyer and philosopher provides the first sustained and in depth analysis of the impact of the Council of Europe's Convention on Human Rights and Biomedicine (CHRB) on research ethics.

The book falls into three major parts. The first part explores the development of research ethics and the problems created by the facts that the main international research ethics document, the World Medical Association's Helsinki Declaration is formulated in terms of (philosophical) principles, and the legal status of the declaration is uncertain. It is argued that the indeterminacy caused by these two factors mean that research subjects are unlikely to be able to get any effective redress if they have been harmed or wronged in the research context. It is argued that a move toward a full human rights system governing medical research would be preferable because it would remove some of the indeterminacies and could be used in the direct legal resolutions of disputes.

The second part analyses the specific problems that UK victims of research misconduct encounter when trying to get redress under the tort system and provides an interesting analysis of the dissimilarities between the legal redress available to UK and US subjects of cold war military research in this context.

The third part finally provides an analysis of the impact of the CHRB in a number of central research ethics areas. Of special interest here is the analysis of how the CHRB will become an important point of reference for the judicial interpretation of the European Convention of Human Rights in the biomedical area, and how it can therefore become normative even in those countries that have not signed or ratified it, such as the UK or Germany.

In all three parts the analysis is wide ranging and incisive, and the author manages

to draw on both her legal and philosophical competence. I personally disagree with the author on a number of points, especially whether the human rights framework introduced by the CHRB is really more determinate than the previous principles framework in the Helsinki Declaration, but these are minor quibbles.

In summary this is an excellent book that should find its place on the shelves of any European academic seriously interested in biomedical research ethics and law. If the book had been reasonably priced by the publisher I would also have advised researchers and research ethics committee members to go out and buy it, but at the current extortionate price I can only recommend that they try to get it from the library.

S Holm

Medicine for lawyers

Edited by R Palmer, D Wetherill. The Royal Society of Medicine Press, 2005, £24.95, pp 196. ISBN 1853155489.

This book is intended to assist lawyers working in medicolegal fields by enabling them to commission an expert witness to write a medical report, and by endowing them with sufficient knowledge of medical practice to interpret the report. It consists of fifteen chapters, each regarding a different area of medical or surgical specialty, and each written by an expert or experts in the relevant field.

There is not room here to consider each chapter individually, but the range of specialties covered is good and broad. With the exception of chapter one, which summarises the functions of the human body's major systems, the authors give accounts of their specialties, highlighting factors that commonly give rise to litigation, or that are often relevant in medicolegal cases. Often, a brief social and historical context is provided in the introductions. The language used is accessible to the lay reader. Although the chapters are relatively short, they are rich in information. Where it has been considered appropriate, diagrams, tables, and graphs are provided to assist understanding.

The authors do not follow a strict format, and the nature of the chapters varies. Frances Cranfield's chapter on risk management in general practice—for example, contains much empirical data and a critical analysis of practice, leading to a firm conclusion on

how good practice should evolve. Other chapters, such as the chapters on physiology and neurology, provide more of a scientific overview, containing diagrams, descriptions, and explanations. John O'Grady's chapter on psychiatry provides a conceptual framework and follows with a criticism of the adversarial legal process. Because of the inherent differences in the specialties, it is no surprise that the chapters should be distinct in this way.

As well as the references found after many of the chapters, there is a short further reading list provided at the end of the book. A glossary is also provided, which, as the editors note, is not comprehensive. This is a quick and handy reference point for those needing a basic explanation of specialist terminology.

Given its nature, the book contains some inevitable weaknesses, which are acknowledged. Not every medical specialty is covered. Furthermore, the authors are limited by space and their readers' capacity to understand, and therefore cannot provide much more than basic accounts of their areas. There are frequent reminders that situations described are not always so simple in reality. Also, it is sometimes unclear whether dissent from an author's view of good practice would reflect bad practice or valid but different practice.

Having said that, the book is not intended to be a comprehensive textbook on medicine. The chapters are all written in clear language and provide a valuable basis for non-medics in a wide range of fields. As a tool for facilitating the understanding of medical reports, it would surely be valuable to many legal practitioners whose work is in medicolegal fields. Also, its utility would extend to academics not trained in medicine who seek a clearer knowledge in order to broaden the contextual foundation of their work. There is little explicit reference to ethical matters, and many of the legal references are tacit. Neither of these factors renders the book unsuccessful. Its title does not recommend it to bioethicists, but in fact it provides a helpful point of reference to anyone who would benefit from knowing the scientific (and sometimes social and historical) basis of different practices. For lawyers it adds to this, digestible descriptions of what medical practitioners should do when presented with different situations, some of the practical difficulties that legal practitioners (and commentators) may fail fully to appreciate, and rebuttals to some of the misconceptions commonly held by non-medics.

J Coggon