



Book Review

AMJ 2013, 6,12

A good death? Law and ethics in practice

Reviewed by: Alexandra McManus

Email: A.Mcmanus@curtin.edu.au

This book discusses the dissonance experienced by clinicians between following the highest standards of clinical practice and dealing with their own value and belief systems associated with death and dying. It brings together opinions of legal scholars, philosophers, social scientists, practitioners and parents in a concise series of essays. Its uniqueness is in the combination of health professional and lay person opinions and experiences in one publication.

The Editors, Lynn Hagger and Simon Woods, endeavour to highlight the main issues surrounding the debate between patient interests and the responsibilities and roles of health professionals. Each chapter is described concisely, yet is dealt with in sufficient detail to allow the reader to clearly understand the flow between chapters. The book finishes with a chapter that reminds us that regardless of the legal or medical issues discussed and debated, end of life is about the human experience.

The book begins with an excellent introduction to a very complex and emotive subject. Chapter 2 explains the legal aspects of death, that interpreting the law is not simple, and that resolution of legal matters surrounding patients' rights are complex with interpretations varying case-by-case. In other words, there are no easy answers or guidelines around the law and ethics of death and dying in the health care system.

Chapter 3 defines death and dying from a physiological point of view. It discusses when it is legal to withhold or withdraw treatment and the need for clarity of when someone is legally dead. Without this clarity, decisions around continued treatment, withdrawal of treatment, organ retrieval and the mourning process may all be affected.

Chapter 4 discussed the philosophical issue of the term 'personhood' and the impact of a variety of advocacy groups on law and practice. Chapter 5 follows on with the pros and cons of suicide centres and assisted dying.

The next chapter is a change of pace introducing the more academic aspects of the allocation of finite resources within a health care system. It raises the notion of whether it is in the best interests of a population to spend a significant proportion of limited health resources on people who are dying. Cost effective analyses and government decisions are touched upon, as is the politicisation of medical decision making. Yet, the argument is clearly made that this should not be a debate devoid of end-user (patient or parent) input. Expanding on this argument, Chapter 7 begins by noting that palliative care will become a powerful sector within the next decade as the world's population grows and ages. By definition, palliative care is about end of life and the facilitation of 'a good death'. Indeed, the ethos of palliative care is to build on a system of values and ethics for best practice patient care. Fittingly, this chapter also covers the rights of loved ones and their role in the decision making process of patients who are incapable of being involved in this process.

Any debate about children, law and death will always be emotive, regardless of attempts to deal with it in a clinical manner. Lynn Hagger writes with sensitivity about situations when clinicians and parents are faced with the eminent death of a child, and the decisions that can be made about treatment or lack thereof. She also discusses the rights of the child in this process. The latter section of the chapter is very well written and the author should be applauded for the attention given to the rights of all parties during a time that can only be described as harrowing at best.

The final chapter (10) tells the story of Isobel who died at four and a half years of age from Tay-Sachs disease, an extremely rare, degenerative and terminal illness. Isobel's story is told in detail by her mother, Sabine Vanacker. I will let you read this for yourself. It is a fitting ending to a very thought provoking book. The reality is that the legal and ethical debate about death and dying will continue. It is easy to take a theoretical stance or engage in academic debate about what should constitute 'a good death' within a modern health care system. It is a completely different argument when you are in Sabine and her husband David's position, or are one of the nursing team who helps to care for children like Isobel.

I admit, I thought this book would be hard going; a difficult read full of legalistic jargon. It was in fact, an easy read, with



the right balance between theory and reality. This book is a good introduction to the complexity of law and ethics in death and dying. I would recommend it to medical and health professionals who are or are thinking of working in end-of-life services. I would also recommend it as a teaching text or required reading for medical and nursing related curriculum.

About the book

Hagger L, Woods S. A good death? Law and ethics in practice. Ashgate Publishing Limited, Surrey. ISBN 978-1-4094-2089-7