

## Journal Of Law Medicine And Ethics

Essential, required reading for doctors and patients alike: A Pulitzer Prize-winning author and one of the world's premiere cancer researchers reveals an urgent philosophy on the little-known principles that govern medicine—and how understanding these principles can empower us all. Over a decade ago, when Siddhartha Mukherjee was a young, exhausted, and isolated medical resident, he discovered a book that would forever change the way he understood the medical profession. The book, *The Youngest Science*, forced Dr. Mukherjee to ask himself an urgent, fundamental question: Is medicine a “science”? Sciences must have laws—statements of truth based on repeated experiments that describe some universal attribute of nature. But does medicine have laws like other sciences? Dr. Mukherjee has spent his career pondering this question—a question that would ultimately produce some of most serious thinking he would do around the tenets of his discipline—culminating in *The Laws of Medicine*. In this important treatise, he investigates the most perplexing and illuminating cases of his career that ultimately led him to identify the three key principles that govern medicine. Brimming with fascinating historical details and modern medical wonders, this important book is a fascinating glimpse into the struggles and Eureka! moments that people outside of the medical profession rarely see. Written with Dr. Mukherjee's signature eloquence and passionate prose, *The Laws of Medicine* is a critical read, not just for those in the medical profession, but for everyone who is moved to better understand how their health and well-being is being treated. Ultimately, this book lays the groundwork for a new way of understanding medicine, now and into the future.

This book uses the insights of psychology to find out why accidents occur.

A collection of essays on the social history of legal medicine including case studies on infanticide, abortion, coroners' inquests and criminal insanity.

This timely Research Handbook offers significant insights into an understudied subject, bringing together a broad range of socio-legal studies of medicine to help answer complex and interdisciplinary questions about global health – a major challenge of our time.

This analysis of the law's approach to healthcare decision-making critiques its liberal foundations in respect of three categories of people: adults with capacity, adults without capacity and adults who are subject to mental health legislation. Focusing primarily on the law in England and Wales, the analysis also draws on the law in the United States, legal positions in Australia, Canada, Ireland, New Zealand and Scotland and on the human rights protections provided by the ECHR and the Convention on the Rights of Persons with Disabilities. Having identified the limitations of a legal view of autonomy as primarily a principle of non-interference, Mary Donnelly questions the effectiveness of capacity as a gatekeeper for the right of autonomy and advocates both an increased role for human rights in developing the conceptual basis for the law and the grounding of future legal developments in a close empirical interrogation of the law in practice.

Despite global progress, staggering health inequalities between rich and poor raise basic questions of social justice. Defining the field of global health law, Lawrence Gostin drives home the need for effective governance and offers a blueprint for reform, based on the principle that the opportunity to live a healthy life is a basic human right.

A New York Times Notable Book of 1996 explores the different ways that medical science, the law, and the public weighed the evidence in the case of settlements awarded to women alleging illness caused by silicone breast implants. Reprint.

*Medical Law: Text, Cases, and Materials* offers all of the explanation, commentary, and extracts from cases and key materials that

students need to gain a thorough understanding of this complex topic. Key case extracts provide the legal context, facts, and background; extracts from materials provide differing ethical perspectives and outline current debates; and the author's insightful commentary ensures that readers understand the facts of the cases and can navigate the ethical landscape to form their own understanding of medical law. Online resource centre Online updates to the law are provided alongside a searchable glossary of medical and legal terms.

An anthology of original and reprinted articles expressing views on all aspects of the subject of abortion.

Preceded by: Errors, medicine, and the law / Alan Merry and Alexander McCall Smith. 2001

This book comprehensively discusses the background to the passing of India's revolutionary Mental Healthcare Act, 2017, offering a detailed description of the Act itself and a rigorous analysis in the context of the CRPD and the World Health Organization (WHO) standards for mental health law. It examines the fine balance, between complying with the CRPD while still delivering practical, humane, and implementable legislation. It explores how this legislation was shaped by the WHO standards and provides insights into areas where the Indian legislators deviated from these guidelines and why. Taking India as an example, it highlights what is possible in other low- and middle-income countries. Further it covers key issues in mental health, identifying potential competing interests and exploring the difficulties and limitations of international guidelines. The book is a valuable resource for psychiatrists, nurses, social workers, non-governmental organizations and all mental healthcare workers in India and anyone studying human rights law.

This edited volume presents the work of academics from the Global South and explores, from local and regional settings, how the legal order and people's perceptions of it translates into an understanding of what constitutes "criminal" behaviors or activities. This book aims to address the gap between criminal law in theory and practice in the Global South by assembling 11 chapters from established and emerging scholars from various underrepresented regions of the world. Drawing on research from Singapore, the Philippines, Peru, Indonesia, India, the Dominican Republic, Burma, Brazil, Bangladesh, and Argentina, this book explores a range of issues that straddle the line between social deviance and legal crimes in such societies, including extramarital affairs, gender-based violence, gambling, LGBT issues, and corruption. Issues of inclusivity versus exclusivity, modernity versus tradition, globalization of capital versus cultural revivalism are explored. The contributions critically analyze the role politics and institutions play in shaping these issues. There is an urgent need for empirical studies and new theoretical approaches that can capture the complexity of crime phenomena that occur in the Global South. This book will provide essential material to facilitate the development of new approaches more suitable to understanding the social phenomena related to crime in these societies. This book will make an important contribution in the development of Southern criminology. It will be of interest to students and researchers of criminology and sociology engaged in studies of sentencing and punishment, theories of crime, law and practice, and postcolonialism.

"Drawing on an unusually rich trove of data, the authors have refuted more politically convenient myths in one book than most academics do

in a lifetime." —Nicholas Bagley, professor of law, University of Michigan Law School "Synthesizing decades of their own and others' research on medical liability, the authors unravel what we know and don't know about our medical malpractice system, why neither patients nor doctors are being rightly served, and what economics can teach us about the path forward." —Anupam B. Jena, Harvard Medical School Over the past 50 years, the United States experienced three major medical malpractice crises, each marked by dramatic increases in the cost of malpractice liability insurance. These crises fostered a vigorous politicized debate about the causes of the premium spikes, and the impact on access to care and defensive medicine. State legislatures responded to the premium spikes by enacting damages caps on non-economic, punitive, or total damages and Congress has periodically debated the merits of a federal cap on damages. However, the intense political debate has been marked by a shortage of evidence, as well as misstatements and overclaiming. The public is confused about answers to some basic questions. What caused the premium spikes? What effect did tort reform actually have? Did tort reform reduce frivolous litigation? Did tort reform actually improve access to health care or reduce defensive medicine? Both sides in the debate have strong opinions about these matters, but their positions are mostly talking points or are based on anecdotes. Medical Malpractice Litigation provides factual answers to these and other questions about the performance of the med mal system. The authors, all experts in the field and from across the political spectrum, provide an accessible, fact-based response to the questions ordinary Americans and policymakers have about the performance of the med mal litigation system.

This unique and comprehensive second edition of an important volume presents writing from renowned authors about achieving social justice in medicine. Each of the 42 chapters addresses continuing and emerging policy challenges facing medicine. They deepen our understanding of theoretical and practical aspects of issues in the contemporary debate.

The Journal is published annually by the International Institute for Law and Medicine, providing commentary on current issues in the interplay among law, medicine, and health care by lawyers, physicians, and health care professionals from countries throughout the world.

Public Health Law Research: Theory and Methods definitely explores the mechanisms, theories and models central to public health law research – a growing field dedicated to measuring and studying law as a central means for advancing public health. Editors Alexander C. Wagenaar and Scott Burris outline integrated theory drawn from numerous disciplines in the social and behavioral sciences; specific mechanisms of legal effect and guidelines for collecting and coding empirical datasets of statutory and case law; optimal research designs for randomized trials and natural experiments for public health law evaluation; and methods for qualitative and cost-benefit studies of law..

They also discuss the challenge of effectively translating the results of scientific evaluations into public health laws and highlight the impact of this growing field. "How exactly the law can best be used as a tool for protecting and enhancing the public's health has long been the subject of solely opinion and anecdote. Enter Public Health Law Research, a discipline designed to bring the bright light of science to the relationships between law and health. This book is a giant step forward in illuminating that subject." -- Stephen Teret, JD, MPH, Professor, Director, Center for Law and the Public's Health, Johns Hopkins Bloomberg School of Public Health "Wagenaar and Burris bring a dose of much needed rigor to the empirical study of which public health law interventions really matter, and which don't." -- Bernard S. Black, JD, Chabraja Professor, Northwestern University Law School and Kellogg School of Management Companion Web site: [www.josseybass.com/go/wagenaar](http://www.josseybass.com/go/wagenaar)

The Oxford Handbook of U.S. Health Law covers the breadth and depth of health law, with contributions from the most eminent scholars in the field. The Handbook paints with broad thematic strokes the major features of American healthcare law and policy, its recent reforms including the Affordable Care Act, its relationship to medical ethics and constitutional principles, and how it compares to the experience of

other countries. It explores the legal framework for the patient experience, from access through treatment, to recourse (if treatment fails), and examines emerging issues involving healthcare information, the changing nature of healthcare regulation, immigration, globalization, aging, and the social determinants of health. This Handbook provides valuable content, accessible to readers new to the subject, as well as to those who write, teach, practice, or make policy in health law.

Explains civil and criminal law principles relevant to medical practitioners in language non-lawyers can understand.

A legal examination of global health governance issues relating to access to essential medicines for AIDS, tuberculosis and malaria.

The Law of American Health Care is the casebook for the new generation of health lawyers. It is a student-friendly casebook emphasizing lightly, carefully edited primary source excerpts, plain-language expository text, as well as focused questions for comprehension and problems for application of the concepts taught. The book engages topics in depth so students emerge with an understanding of the most important features of American health care law and hands-on experience working through cutting edge issues. Key Features: Focused on the needs of students who want to practice health care law in a post-ACA world. First health care law casebook to consider federal law as the baseline (as opposed to state law or common law). Intro chapter provides a set of organizing principles, illustrated with in-depth case studies, which are revisited and woven throughout the remaining chapters. "Pop-up" text boxes throughout with notes that highlight key lessons, or help to explain or enhance the material. Directed Questions and hypothetical Problems are provided as well as Capstone Problems at the end of each chapter. Approximately 800 pages, which is significantly more manageable than competitors. Focused directly on topics regularly encountered in the day-to-day practice of health law

After the American Revolution, the new republic's most prominent physicians envisioned a society in which doctors, lawyers, and the state might work together to ensure public well-being and a high standard of justice. But as James C. Mohr reveals in *Doctors and the Law*, what appeared to be fertile ground for cooperative civic service soon became a battlefield, as the relationship between doctors and the legal system became increasingly adversarial. Mohr provides a graceful and lucid account of this profound shift from civic republicanism to marketplace professionalism. He shows how, by 1900, doctors and lawyers were at each other's throats, medical jurisprudence had disappeared as a serious field of study for American physicians, the subject of insanity had become a legal nightmare, expert medical witnesses had become costly and often counterproductive, and an ever-increasing number of malpractice suits had intensified physicians' aversion to the courts. In short, the system we have taken largely for granted throughout the twentieth century had been established. *Doctors and the Law* is a penetrating look at the origins of our inherited medico-legal system.

Causation is an issue that is fundamental in both law and medicine, as well as the interface between the two disciplines. It is vital for the resolution of a great many disputes in court concerning personal injuries, medical negligence, criminal law and coronial issues, as well as in the provision of both diagnoses and treatment in medicine. This book offers a vital analysis of issues such as

causation in law and medicine, issues of causal responsibility, agency and harm in criminal law, causation in forensic medicine, scientific and statistical approaches to causation, proof of cause, influence and effect, and causal responsibility in tort law. Including contributions from a number of distinguished doctors, lawyers and scientists, it will be of great interest and value to academics and practitioners alike.

Conveys all the core topics emphasising the interplay between medical law and medical ethics in a unique chapter structure. This book analyses a variety of issues concerning medicine and the application of law governing its practice, education, and research. The author addresses them in the light of recent developments in technology and views them from a comparative perspective by focusing on Indian case law and jurisdictions from other countries.

The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

"This title was first published in 2002: A collection of articles focused on women within a general study of medicine, ethics and the law. Topics covered include: areas where the institutions of medicine, ethics and the law intersect in women's reproductive and sexual lives; the impact of legal policies and dominant ethical beliefs on many aspects of women's health; and the health practices and policies of bioethics and health law. The editors recognise that it is important not to lose sight of social differences other than gender, such as race, ethnicity, class, age, sexuality, religion, level of physical and mental ability, and family relationships. In their approach they seek to consider the lives and experiences of women as primary. Hence, they focus on the question of how women's encounters with the health-care system are structured by gender and other socially significant dimensions of their lives (rather than the question of how women differ from the male "norm")."--Provided by publisher.

Natural disasters and cholera outbreaks. Ebola, SARS, and concerns over pandemic flu. HIV and AIDS. E. coli outbreaks from contaminated produce and fast foods. Threats of bioterrorism. Contamination of compounded drugs. Vaccination refusals and outbreaks of preventable diseases. These are just some of the headlines from the last 30-plus years highlighting the essential roles and responsibilities of public health, all of which come with ethical issues and the responsibilities they create. Public health has achieved extraordinary successes. And yet these successes also bring with them ethical tension. Not all public health successes are equally distributed in the population; extraordinary health disparities between rich and poor still exist. The most successful public health programs sometimes rely on policies that, while improving public health conditions, also limit individual rights. Public health practitioners and policymakers face these and other questions of ethics routinely in their work, and they must navigate their sometimes competing responsibilities to the health of the public with other important societal values such as privacy, autonomy, and prevailing cultural norms. This Oxford Handbook provides a sweeping and comprehensive review of the current state of public health ethics, addressing these and numerous other questions. Taking account of the wide range of topics under the umbrella of public health and the ethical issues raised by them, this volume is organized into fifteen sections. It

begins with two sections that discuss the conceptual foundations, ethical tensions, and ethical frameworks of and for public health and how public health does its work. The thirteen sections that follow examine the application of public health ethics considerations and approaches across a broad range of public health topics. While chapters are organized into topical sections, each chapter is designed to serve as a standalone contribution. The book includes 73 chapters covering many topics from varying perspectives, a recognition of the diversity of the issues that define public health ethics in the U.S. and globally. This Handbook is an authoritative and indispensable guide to the state of public health ethics today.

Written jointly by experts in law and in public health, this book is designed specifically for public health practitioners, lawyers, healthcare providers, and law and public health educators and students. It identifies, defines, and clarifies the complex principles of law as they bear on the practice of public health.

It is a turbulent time for STM publishing. With moves towards open access to scientific literature, the future of medical journals is uncertain and unpredictable. This is the only book of its kind to address this problematic issue. Richard Smith, a previous editor of the British Medical Journal for twenty five years and one of the most influential people within medical journals and medicine depicts a compelling picture of medical publishing. Drawn from the author's own extensive and unrivalled experience in medical publishing, Smith provides a refreshingly honest analysis of current and future trends in journal publishing including peer review, ethics in medical publishing, the influence of the pharmaceutical industry as well as that of the mass media, and the risk that money can cloud objectivity in publishing. Full of personal anecdotes and amusing tales, this is a book for everyone, from researcher to patient, author to publisher and editor to reader. The controversial and highly topical nature of this book, will make uncomfortable reading for publishers, researchers, funding bodies and pharmaceutical companies alike making this useful resource for anyone with an interest in medicine or medical journals. Topic covered include: Libel and medical journals; Patients and medical journals; Medical journals and the mass media; Medical journals and pharmaceutical companies: uneasy bedfellows; Editorial independence; misconduct; and accountability; Ethical support and accountability for journals; Peer review: a flawed process and Conflicts of interest: how money clouds objectivity. This is a unique offering by the former BMJ editor- challenging, comprehensive and controversial. This must be the most controversial medical book of the 21st Century John Illman, MJA News Lively, full of anecdote and he [Smith] is brutally honest British Journal of Hospital Medicine

\*\*\*\*\* Please note that the reference to Arup Banerjee on page 100 of this book should be to Anjan Banerjee. We apologise to Professor Arup Banerjee for this oversight.

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This collection brings together essays from leading figures in the field of medical law and ethics which address the key issues currently challenging scholars in the field. It has also been compiled as a lasting testimony to the work of one of the most eminent scholars in the area, Professor Ken Mason. The collection marks the academic crowning of a career which has laid one of the foundation stones of an entire discipline. The wide-ranging contents and the standing of the contributors mean that the volume will be an invaluable resource for anyone studying or working in medical law or medical ethics.

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