

LAW, ETHICS AND COMPROMISE AT THE LIMITS OF LIFE TO TREAT OR NOT TO TREAT?

RICHARD HUXTABLE



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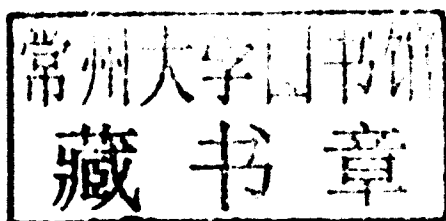
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Law, Ethics and Compromise at the Limits of Life

To treat or not to treat?

Richard Huxtable



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Law, Ethics and Compromise at the Limits of Life

A conflict arises in the clinic over the care of a critically ill, incapacitated patient. The clinicians and the patient's family confront a difficult choice: to treat or not to treat? Decisions to withdraw or withhold life-sustaining treatment feature frequently in the courts and in the world's media, with prominent examples including the cases of Charlotte Wyatt in the UK and Terri Schiavo in the USA. According to legislation like the Mental Capacity Act 2005, the central issues are the welfare (or 'best interests') of the patient, alongside any wishes he or she might have conveyed, via an 'advance directive' or through the appointment of a 'lasting power of attorney'.

Richard Huxtable argues that the law governing both welfare and wishes frequently fails to furnish clinicians and families with the guidance they require. However, he finds this unsurprising, given the competing ethical issues at stake. Huxtable proposes that there is a case for 'principled compromise' here, such that the processes for resolving principled disputes take precedence. He argues for greater ethical engagement, through a reinvigorated system of clinical ethics support, in which committees work alongside the courts to resolve the conflicts that can arise at the limits of life.

Providing a comprehensive account of the law pertaining to children and adults alike, and distinctively combining medico-legal and bioethical insights, this book engages scholars and students from both disciplines, as well as informing clinicians about the scope (and limits) of law at the limits of life.

Richard Huxtable is Reader in Medical Ethics & Law and Deputy Director of the Centre for Ethics in Medicine, University of Bristol. His many publications include *Euthanasia, Ethics and the Law: From Conflict to Compromise* (Routledge-Cavendish, 2007) and (with Dickenson & Parker) *The Cambridge Medical Ethics Workbook* (CUP, 2nd edn, 2010). A longstanding contributor to clinical ethics support, Richard is also a trustee of the National Council for Palliative Care and chair of its Ethics Forum.

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Professor Sheila McLean is International Bar Association Professor of Law and Ethics in Medicine and Director of the Institute of Law and Ethics in Medicine at the University of Glasgow.

For Ted and Tom

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and Family Law, 27(3–4): 369–81; Huxtable, R. (2012) ‘Euthanasia excused: Between prohibition and permission’, in A. Alghrani, R. Bennett and S. Ost (eds) *The Criminal Law and Bioethical Conflict: Walking the Tightrope*, Cambridge: Cambridge University Press.

List of abbreviations

ACT	Association for Children's Palliative Care
ANH	Artificial nutrition and hydration
BBC	British Broadcasting Corporation
BMA	British Medical Association
CANH	Clinically assisted nutrition and hydration
CEC	Clinical ethics committee
CPAP	Continuous positive airway pressure
CPR	Cardiopulmonary resuscitation
CPS	Crown Prosecution Service
DNAR	Do not attempt resuscitation
DNR	Do not resuscitate
DPP	Director of Public Prosecutions
fMRI	Functional magnetic resonance imaging
GMC	General Medical Council
GP	General Practitioner
ITU	Intensive treatment unit
J	Justice
LCJ	Lord Chief Justice
LJ	Lady/Lord Justice
LPA	Lasting power of attorney
MCS	Minimally conscious state
MR	Master of the Rolls
MS	Multiple sclerosis
NCPC	National Council of Palliative Care
NHS	National Health Service
P	President of the Family Division of the High Court
PEG	Percutaneous endoscopic gastrostomy
PVS	Permanent/persistent vegetative state
QC	Queen's Counsel
RCN	Royal College of Nursing
RCPCH	Royal College of Paediatrics and Child Health
TPN	Total parenteral nutrition
VS	Vegetative state

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