



Law, Ethics and Compromise at the Limits of Life: To Treat or not to Treat? (Biomedical Law and Ethics Library)

Richard Huxtable

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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 they 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.

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