6. Clinical negligence
Charles Foster

‘Clinical negligence’ discusses no-fault schemes and the elements of clinical negligence claims in tort. A claimant must prove that the defendant owed him a duty of care, there has been a breach of that duty, the breach has caused damage, and of a type recognized by the law of tort. The test for breach of duty is the Bolam test, which says that a professional will be in breach of duty if what they have done would not be endorsed by any responsible body of opinion in the relevant specialty. The ‘but-for’ causation rule, loss of chance, material contribution to injury and risk of injury, consent cases, and hypothetical causation are explained.

7. Research on human subjects
Charles Foster

‘Research on human subjects’ considers the Nuremberg Code (1947), which gave way to the World Medical Association's Declaration of Helsinki (1964). The Declaration (last revised in 2008) has no legal force in itself, but has had profound influence on national and international research ethics and law. It emphasizes the importance of autonomy and informed consent, and insists that the subject's welfare outweighs the welfare of society or the march of science. The various articles of the Declaration that are concerned with unknown risks, when research should stop, children and incompetent adults, and payment for medical research volunteers are discussed. Finally, the role of research ethics committees is reviewed.
Medical ethics—from thorny moral questions such as euthanasia and the morality of killing to political questions such as the fair distribution of healthcare resources—is rarely out of today’s media. Medical Ethics: A Very Short Introduction explores the ethical reasoning used to approach medical ethics, introducing the most important ‘tools’ of ethical reasoning, and discussing how argument, thought experiments, and intuition can be combined in the consideration of medical ethics. It also considers its practical application by health professionals in clinical settings and the increasingly important place of medical ethics in the wider social context, in healthcare policy, discussions in the media, pressure group and activism settings, and in legal judgements.

9. Culture, consent, and community
Michael Dunn and Tony Hope

Cultural differences within and across societies can also challenge our assumptions and approaches to medical ethics and require us to reconsider our ethical obligations to individuals. Medical research involving collaboration between widely varying cultures is one context that is particularly problematic. ‘Culture, consent, and community’ discusses the guidelines for medical research, which highlights four main ethical issues: respect for the autonomy of the potential participants in research; protection of participants from the risk of harm; the value and quality of the research; and aspects of justice. It then considers how to avoid the imposition of Western views and practices on non-Western countries by endorsing respectful collaboration through community advisory boards.

1. On why medical ethics is exciting
Michael Dunn and Tony Hope

‘On why medical ethics is exciting’ provides an introduction to medical ethics, which deals with some of the big moral questions: easing death and the morality of killing, for example. It takes us into the realm of politics. How should healthcare resources, necessarily limited, be distributed; and what should be the process for deciding? It is concerned with legal issues. Should it always be a crime for a doctor to practise euthanasia? When can a mentally ill person be treated against his will? Medical ethics ranges from the metaphysical to the mundanely practical. It is concerned not only with these large issues, but also with everyday medical practice.
5. Consent
Charles Foster

‘Consent’ outlines the generally recognized principles of the law of consent. It considers what is a competent adult and shows that once can demand omissions (refuse treatment), but not demand acts (insist on specific treatment). In the cases of incompetent adults and children, how one decides how to make a decision on someone else's behalf, and who does it, is discussed. The issues of when consent is not consent and ‘informed consent’ are then explained. Finally the criminal, civil, and disciplinary consequences of failing to obtain the patient's consent are discussed.

3. The nation as social relation
Steven Grosby

‘The nation as social relation’ explores the social relation aspects of nation. Social relations can be thought of as ‘tools’ for nation building, but while tools have an objective physical form, the nation exists solely within the collective consciousness of individuals participating in traditions. These national traditions, and even the criteria of national membership, can change over time, meaning that the nation is only relatively stable, and is a product of competition between many different factors. Written law codes do not always result in a unifying law of the land, but they do increase legal stability, which increases the likelihood that national law will enter the nation's collective consciousness.

Medical Law: A Very Short Introduction
Charles Foster

Medical law is concerned with our bodies, and what happens to them during and after our lives. The core issues of medical law — organ transplantation, abortion, withdrawal of treatment, euthanasia, confidentiality, research on humans — affect us all. Medical Law: A Very Short Introduction explores different examples of these issues to illustrate the key problems and principles of medical law. When things go wrong with our bodies, we want to know what our rights are, and what governs the conduct of the clinicians into whose hands we put our lives and limbs. Dealing with matters of life and death, it can therefore have a fundamental impact on medical practice.
4. On the floor
Donald A. Ritchie

“On the floor” examines the differences in the practices of the House and Senate, which are critical for understanding the legislative process. Each day’s session begins with “morning business,” when members make short speeches without rebuttal. The chambers then move on to legislation allowing debate. The floor proceedings are a mix of procedure, policy, politics, and personality. The significance of majority rule in the House is contrasted with the minority muscle exercised in the Senate. The complex process of steering legislation through the Congress is explained and the factors influencing that outcome—parties, constituents, and lobbyists—are analyzed, as is the role of the president in passing or vetoing legislation.

5. Checks and balances
Donald A. Ritchie

Legislative results rank high in measuring the success of a president. But as “Checks and balances” makes clear, Congress is sensitive to its independent role as part of government. While the president, the chief legislator, sets out his legislative program in the State of the Union Address at the start of the annual session of Congress, there are many ways in which Congress can influence the success, or otherwise, of a presidency. Cabinet appointments need Senate approval; Congress has to approve treaties and holds the purse strings; and finally congressional hearings can investigate alleged misdeeds. Congress’s relationship with the judiciary, the other wing of government, is also examined.