

Book Review

GENETICS AND THE LAW—II

A. Milunsky and G.J. Annas, eds.

Plenum Press, New York, 499 pp., 1980,
\$25.00

One does not have to be a scientist to be aware that legal and ethical dilemmas abound in science and medicine. Research in recombinant DNA, "test tube" babies, artificial insemination, prenatal detection of birth defects, abortion, and selection of defective infants for treatment are but a few of the areas in which large unresolved legal and ethical problems exist. For the workers involved in a particular field, it is sometimes difficult to understand what all the furor is about: Familiarity with the science may serve to blunt appreciation of the apprehensions experienced by those less familiar with the field. For this and a variety of other reasons, we often end up in adversarial positions, such as physician-lawyer regulator-regulated, producer-consumer, pro-choice-pro-life, etc.

It is well for people in science and medicine to be aware of the problems and controversies that are the direct or indirect results of their work. Milunsky and Annas have edited a book that has a strong appeal to those who are interested in listening and debating the issues surrounding the "new" science. *Genetics and the Law—II* is not a reference book, and it is not exhaustive in its treatment of the subject. But it is a book of ideas from a variety of people against which to test and develop one's ideas.

A big question: Are we willing to keep our minds open and debate issues with reason, or will we fall into rigid positions, hide behind our self-professed knowledge, and refuse to discuss the issues? What is needed is open debate by experienced and thoughtful people. I am reminded of an incident in the operating room when the patient developed circulatory overload. The anesthesiologist, when questioned about the volume of fluids being administered, snapped, "I know what I am doing; after all I've been an anesthesiologist for 22 years." To which the surgeon replied, "Oh, come on now, that just makes you old, not smart." Experience is invaluable, but it should be realized that experience can also undermine certainty. If we are paying attention, the rules

we were taught in school may become less sure as we accumulate experience with the exceptions to those rules. Furthermore, our rationale for doing many things may become less compelling as we are able to listen to alternate viewpoints.

Genetics and the Law—II is the proceedings of a conference held in Boston in May 1979, a follow-up to one held in 1975. Judging from the quality of the chapters in this book, the conference was well worth attending. But the book is an even greater pleasure, for with it one has time to read and think over the arguments, instead of being rushed into the next lecture. The 36 chapters are grouped into clusters: Government Control of Science; Genetic Counseling and Screening; Ethics, Eugenics, Law and Society; Law and the Control of Genetic Disease; Genetics and Family Law; and Genetics, Law, and Environmental Mutagens/Teratogens. Discussion sections follow many of the chapters. Since these are recorded verbatim, much nonsense, and occasional pearls, are included. At the end of the book there are "selected" bibliographies of books and articles. The basis of selection and organization of the material is not readily apparent, and the usefulness of the lists is therefore diminished.

The title, *Genetics and the Law*, is an oversimplification because the issues discussed go far beyond genetics per se, and the various arguments presented can be (and are) applied to a wide range of problems confronting scientists and nonscientists alike. For the most part the authors of the chapters have presented their views in the spirit of debate and not as rigid, I-am-right-and-you-must-agree-with-me expositions. The chapters I personally found most stimulating were written by lawyers. This undoubtedly reflects my greater familiarity and, hence, lesser fascination with the medical viewpoints. Readers with other backgrounds will undoubtedly have different sets of preferred chapters.

My vote for the most stimulating idea would go to Robert A. Burt: "In order to protect both these patients [ie, those unable to communicate their desires] and the psychological integrity of everyone else affected by them, courts should refuse to offer clear, advance immunity from any prospect of subsequent liability for

physicians and family who contemplate withholding treatment from silent patients [p. 160]." Burt goes on to develop a fascinating and, in many ways, compelling argument for his position; a position that is terribly threatening to those involved in life/death, treatment/no treatment decisions in defective newborns.

This book is not an exhaustive treatment of the subject. There are no answers, and there is not even consensus. There is, however, much food for thought. The dilemmas discussed gen-

erally are not science issues, but rather societal and personal issues in which science has input. Most teratologists will find material in this book that addresses issues related to their fields of endeavor. Its price is affordable and its purchase is recommended.

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