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Ethical and Legal Issues in Modern Surgery

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Preface

Over the second half of the twentieth and, even more so, in the twenty-first century there have been indisputably some truly dramatic changes in the overall framework and content of medical practice that also have major ethical and legal dimensions.

The provision of healthcare used to be dominated by a paternalistic attitude where the doctor was the dominant figure: he made all the major clinical decisions, his judgment was never questioned, he was the one making decisions on the allocation of resources, and in a situation when something went wrong it was highly unlikely that his ability or skill would be disputed. Nowadays, the provision of healthcare is based on a complicated partnership between healthcare providers (doctors, nurses, pharmacists, and clinical scientists), patients, administrators, and, last but not least, organizations responsible for providing finance (the government with respect to NHS systems or insurance companies with respect to private healthcare systems). The development of multicultural societies and the fact that decisions regarding the provision of healthcare and assessment of its quality have to be made on the background of so many different ethnicities, religions, cultures, and languages has made matters even more complex. The puzzle becomes even “tougher” if we add to this the ever developing phenomenon of patients travelling to seek healthcare in a country different to their country of origin or residence. Furthermore, the development of new medical specialties, the interdependence of medical specialties (with most decisions being taken not at an individual but at a multidisciplinary level) as well as the rapid development of modern

and advance treatments for very challenging patients and the introduction of new technologies in medical practice have dramatically broadened the spectrum of ethical and legal issues related to medical practice.

Modern surgery is of course no exception from the rest of medical specialties when it comes to facing complex ethical and legal issues. Even more, we believe that the challenges in surgical practice are greater than perhaps any other specialty if we consider that surgery is always at the far front of innovation, advanced intervention, and acute care. Surgeons of all ranks feel frequently overwhelmed with the complexity of the ethical and legal challenges and this can have a profound effect for their professional but also personal well-being and, even more so, can negatively affect patient care.

This book aims to address in a systematic and comprehensive way the ethical and legal challenges related to modern surgical practice. The first part deals with the more general issues that set the overall ethical–legal framework and “scene” and the second with more specific issues related to surgical subspecialties. The chapters are written by authors with immense experience and expertise in their respective fields. Chapter 14 on “Ethical Issues in Transplantation” is considered to be a classic and the author and Imperial College Press have kindly agreed to its inclusion in this book.

We are truly grateful to all authors for their truly superb work and to the editorial team of ICP for their precious commitment and support.

We hope that the book will be a helpful and supportive “companion” for surgeons (but also colleagues from all specialties) for their ethically and legally challenging practice in an ever-changing world.

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