

Book Reviews

A Medicolegal Study

The Human Body and the Law. A Medico-Legal Study. DAVID W. MEYERS. Aldine, Chicago, 1970. xii, 204 pp. \$7.95.

After World War II, the stark revelation of the Nazi atrocities systematically committed by a supposedly advanced Western nation in the name of racial purity, political catharsis, and scientific progress led to a series of international legal codes designed to protect human life and dignity against such assaults by governments. In Europe there was a revitalization of natural law philosophy as the legal positivism of the immediate past proved barren in the fight against concerted national policies of human extermination.

Now, some 25 years later, there are further challenges to humanity in the name of racial purity, sexual freedom, scientific progress, and something vaguely called the "quality of life." Legal principles and legal rules in nearly all Western nations are in a state of great and perplexing flux in the face of changing social and religious beliefs and practices. In this very fine monograph, David Meyers presents a scholarly review of the current law in the United States and Britain, with brief comments on the law in other parts of the world, concerning sterilization and castration, transsexualism, medical experimentation on humans, human organ transplantation, and euthanasia. He blends in discussion of the medical and the religious aspects of these subjects in a clear and quite unbiased manner.

Meyers refers to his book as a medicolegal study. It is certainly that, since each of the subjects he examines involves medical-surgical intervention, with the possible exception in some situations of euthanasia. The greatest contribution he makes, however, is in the comparative legal analysis he offers concerning these subjects. It may surprise scientists and physicians who are accustomed to research and communication across national lines to find that legal scholarship is much more provincial. American courts, and British

courts as well, rarely cite foreign statutes or cases, particularly if they are not in the common-law tradition and are in languages other than English. This is true also of our legal periodical and textbook literature. Meyers's book is the only text published in English in the past generation that gathers together so much comparative legal material on these vastly important subjects. A century and more ago, legal medicine texts in the United States and in the English colonies were commonly international in flavor and content. That tradition is largely lost, particularly on the legal side. It can be hoped that Meyers's book will set a new trend in the 1970's in the medicolegal field.

The subject that receives the most extensive attention in the book is sterilization and castration. It is also one of the richest in comparative legal analysis. The author calls attention to the eugenic sterilization laws in 26 states, in 23 of which sterilization is compulsory for certain classes of the mentally ill, the mentally retarded, and criminal offenders. There is no compulsory or voluntary sterilization law in Great Britain, France, or Italy. Denmark authorizes compulsory castration of psychotics and sexual offenders but apparently does not practice it; a small number of "voluntary" castrations of sexual offenders are performed at the famous Herstedvester in Copenhagen each year. Germany had compulsory sterilization laws during the Nazi period, but these were abolished by the Allies in 1946 and have not been enacted again. There is no doubt that these laws were used by the Nazis as a part of their genocide program. How ironic it is that the Americans who helped to abolish them did not work to abolish similar laws in our American states. Meyers in his conclusion of these chapters argues strongly against compulsory sterilization laws of all kinds. More power to him.

The chapters on transsexualism and human experimentation are not as satisfying to the reader, particularly the nonlawyer, because of the more nebulous

character of the subjects and the consequently subtler treatment by the author. The few cases and fewer statutes on these subjects anywhere in the world are well discussed, however.

The last two subjects, organ transplantation and euthanasia, offer much meatier legal fare for the author's comparative analytical style. The legal aspects of organ transplantation are already involved in international affairs because of the exchange of organs across national borders. There are actually two discussions of death in the book. One occurs in connection with organ transplantation, where the definition of death, particularly brain death, is examined. The other concerns euthanasia per se. There is an ominous overlap, as some authorities and commentators have argued that when the "quality of life" is below a certain point a person should be allowed to end his life and no medical intervention should take place to prolong it. Meyers reviews the law, or lack of it, in a number of countries on euthanasia. The discussion is fascinating, the conclusion reassuring: no nation currently allows euthanasia, either voluntary or invoked by a third party. The author seems to agree with this result in the law, though his conclusions are rather guarded. He ends this chapter with the observation that "we must trust to the professional ethics and humanitarian motives of our physicians to guide them in choosing how far and what nature of treatment shall be pursued in the particular circumstances of a given case."

On the whole, this is a unique and most worthwhile contribution to medicolegal literature of the Western world in the 1970's.

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Behavior Patterns

Ethology. *The Biology of Behavior.* IRENÄUS EIBL-EIBESFELDT. Translated from the German by Erich Klinghammer. Holt, Rinehart and Winston, New York, 1970. xiv, 530 pp. + plates. \$12.95.

The work of German ethologists has been so overshadowed by the writings of Lorenz himself that the opportunity to read a full exposition of the views of a leading member of his school is most welcome. Unhappily, although the book has a number of attractive