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In an earlier post, I pointed out that it is actually impossible for doctors to keep up with all new discoveries and developments in medicine. Is your doctors' lack of knowledge their fault? Or is your being at the receiving end of medical 'error' an example of being in the wrong place at the wrong time?

There is a huge difference between a faulty vacuum cleaner and a baby who is not totally healthy. The difference, however, is one of degrees of emotional attachment, but I don't make this point out of any indifference to the heartbreaking nature of the latter.

There are incompetent doctors as there are incompetent builders and a doctor or surgeon who acts incompetently may justifiably be sued. But not all medical mishaps have anything to do with incompetence or negligence. Because of the apparent miracles being mediated by the medical profession, we expect ever more wonderful miracles. When we don't get the miracle we expect, we are increasingly given to sue someone.

In his article "Bad Medicine"¹, Geoff Watts wrote:

No medical procedure is risk-free, and just because a patient suffers harm, it does not necessarily mean someone was at fault.

Medicine is often a matter of judgement, and getting it wrong may be just bad luck, not incompetence or recklessness.

We need to assume some of the risk of being treated. However, the medical profession is to some extent responsible for this situation of trigger-happy litigants – the profession in many cases fails to educate people about the risks involved and there are still too many doctors who encourage people to put their lives into doctors' hands without question. And when things go wrong, doctors are still reluctant to say "sorry", even though there is research to show that this would reduce patients' eagerness to sue.³

The other group which has had a large influence on the growing trend in litigation is the legal profession. Many lawyers aggressively advertise the suggestion that if you are aggrieved, sue. The ability to sue at reduced financial risk ("no win, no fees") also feeds this.

There has been a number of cases in recent years, in which people have sued doctors for 'wrongful life' or 'wrongful birth' – they were suing for compensation for the fact that the doctor had facilitated their birth instead of advising, or even carrying out, an abortion, or because a sterilisation procedure carried out on their mother was obviously not successful.³ They wanted the doctors to assume financial responsibility for their lives, which they were now 'forced' to live against their will. We must ask the question, "Do we, as a society, want this extreme of responsibility-shifting to be allowed?"

Should there be limits to how much an individual can make another responsible for what happens or doesn't happen in their life?

My purpose in posing these questions and bringing up various scenarios, has been to invite you to look at how you relate to happenstance. The way you respond to your

circumstances and to the vagaries of life will have a bearing on how you deal with your own health and wellbeing. All of this is closely related to how you see yourself in the world and to what you believe.

Getting clear about these issues is a journey without a destination. It is in undertaking that journey that we learn and grow as people. Remember, there is no right or wrong way of dealing with the world. However, there are more and less useful ways of doing so, and the evidence of which is which will show up in the living. Your choices lead to consequences, from which you may learn and as a result of which you will make new choices. And so it goes on.

1. *New Scientist*, 2470, 23/10/2004, p. 38
2. See for instance “When Doctors Say ‘We’re Sorry’.” Daniel Eisenberg, *Time Magazine*, 15/8/2005
3. “Wrongful life claims: dignity, disability and ‘a line in the sand’.” Warwick J Neville & Buddhima Lokuge, *Medical Journal of Australia* 2006:185(10), pp 558-560