Book reviews

Reproduction, Ethics and the Law: Feminist Perspectives

Edited by Joan C Callahan,
Bloomington, Indiana, Indiana
University Press, 1995, 427 pages,
£31.50 hc, £19.50 pc.

"Reproduction is the locus of some of the most pressing conceptual, moral and legal quandaries in contemporary society", Joan Callahan writes in her editor's introduction. In the wake of the Diane Blood case, in which a widow was denied access to her husband's sperm on a strict interpretation of the 1990 Human Fertilisation and Embryology Act, few would argue that this statement pertains only to America. Mary Warnock, who chaired the committee of inquiry which laid the groundwork for the act, has stated publicly that the panel never foresaw that this particular question would arise. Any reader of this book will emerge with a chastened but wider understanding of the improbable oddities that *can* arise in reproductive ethics, and with a balanced analytical understanding of how we can prepare for them.

The dramatic scenarios illustrated in this collection are complex, and a feminist analysis provides not so much straight answers as a more appropriately complex set of questions. For example, in the *Davis v Davis* case (1989) an appellate court in Tennessee ruled in favour of a man's refusal to allow his divorced wife to have cryogenically preserved embryos from their joint participation in *in vitro* fertilisation (IVF) procedures implanted, because it would force him to be a parent against his will, and because the woman could always try IVF again with donated sperm. Do feminists want to view the judge's reasoning as ignoring the burdens and expense of IVF for the wife, or as recognising that proper fatherhood requires

central values in feminist ethics, commitment and relationship? Christine Overall's contribution, "Frozen embryos and 'fathers' rights", views the pre-embryos neither as joint property shared between the couple nor as children whose "best interests" should dominate. Here, and in Joan Mahoney's article proposing a nurturing rather than a genetic standard for who counts as the parent in, for example, disputes between contract mothers and commissioning fathers, the authors demonstrate a wide conceptual grasp, a sound understanding of the law, and a dogged willingness to think through all the possible scenarios, no matter how improbable.

When the articles in this volume succeed, as they almost always do, they reconceptualise and reconstruct philosophical and legal ideas around property in the body, rights and contract, in positive and creative ways with wider implications, beyond the reproductive context, both for political theory and for medical ethics. They question the easy liberal assumption that gender equality necessarily and only requires treating men and women in procedurally similar ways. They introduce satisfying new distinctions, such as that between genetic, gestational and social motherhood, and help to counter the fundamentalist oversimplification which seems to dominate family policy and politics today. One or two articles – in fact, the least obviously feminist ones – are themselves guilty of some oversimplification, for example Laura Purdy's article on "Loving future people" and Patricia Smith's "The metamorphosis of motherhood". It might also have been useful if an edition sold in this country could have included a commentary on ways in which UK law and practice differ radically from those in the United States. For example, the issue in Joan Callahan's otherwise informative and well-reasoned article on "Ensuring a stillborn", the use of a lethal injection to prevent a live birth in late terminations, has

already been settled for practitioners here, by the interpretation of the law on abortion for fetal abnormality in the Royal College of Obstetricians and Gynaecologists' guidelines on *Termination of Pregnancy for Fetal Abnormality* (January 1996).

For the most part, however, this is a comprehensive, compelling and carefully researched volume. The depth and complexity of American case law in reproductive ethics, together with the volume's inclusion of many of the most important voices in feminist ethics, give *Reproduction, Ethics and the Law* a seriousness and realism which make for compelling reading. This is applied feminist ethics at its very impressive best.

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Improving Nature? The Science and Ethics of Genetic Engineering

Michael Reiss and Roger Straughan,
Cambridge, CUP, 1996, 288 pages,
£16.95.

Michael Reiss, a Cambridge University biologist, and Roger Straughan, a Reading University philosopher and educationalist, have combined their talents to produce this timely and comprehensive introduction to a debate which displays complexities of both the scientific and the ethical varieties.

After a brief and user-friendly introduction, the book divides into three main sections. The first of these begins – very commendably – at the beginning, with a summary of what genetic engineering *is*. It then moves on to consider two different sorts of "concern" about

genetic engineering, which it calls "moral"/"ethical" and "theological". In the second section of the book, four different sorts of genetic engineering are considered in greater depth: the genetic engineering of micro-organisms, of plants, of animals and of humans. Finally, a short third section considers how and why we might seek to achieve the "greater public understanding" of genetic engineering that is so frequently called for. It is worth pointing out at once that this book is itself one sort of model answer to that question.

I begin with some remarks about the chapter on "Moral and ethical concerns". This starts by proposing a distinction in sense between the terms "moral" and "ethical". In a rather confusing statement of this distinction (pages 57–9), the authors say, if I am not mistaken, that they want to use "moral" to mean "concerning basic, instinctive views about right and wrong", and "ethical" to mean "concerning the critique and implementation of morals": roughly, that is, they want to use "moral" as in "moral law" and "ethics" as in "ethics committee".

Now there are already a number of different proposals around about how to distinguish these terms, varying in sophistication from the old American adage that "Morals is sex and ethics is money" to Bernard Williams's long and subtle campaign in favour of ethics (construed as the pursuit of the Socratic question how we should live) and against what he has called "the morality system". Partly in view of this already confusing variety, there does not seem much to be said for making yet another proposal, unless it can clearly be shown to aid analysis. I thought the authors might have done better simply to put something like "fundamental moral beliefs" for "morals", and "critical reflection on morals" for "ethics". This distinction is, as they rightly say, an important one for their purposes, but it is not more readily accessed by calling it a morals/ethics distinction. They make a better distinction when they separate the intrinsic and extrinsic aspects of an action's or policy's moral character, briefly reviewing, and on the whole apparently not being impressed by, arguments against genetic engineering that address extrinsic concerns such as the effects and side-effects of genetic engineering, or intrinsic concerns such as the need to avoid the "unnatural", and the need to show respect for nature.

The authors do not seem to be much more impressed by the theological worries about genetic engineering

which they consider in their fourth chapter. This chapter concludes that "it is difficult to maintain fundamental theological objections to all aspects of genetic engineering *per se*". This conclusion is arrived at by way of a catalogue of the different religions' attitudes (or probable attitudes) to genetic engineering. Notions such as stewardship, exploitation and playing God are briefly considered, but none of these notions proves sufficiently powerful to provide any objection to the *principle* of genetic engineering.

Here, incidentally, Christianity seems to get the usual rough ride, and other religions the usual benevolently myopic treatment – despite the fact that Reiss himself is a Christian priest. So on the one hand a Buddhist sage tells us that a "chair is not separate" from everything else in the universe: "It is because all other things *are*. If it is *not* then all other things are *not* either". In fact anyone with a small axe can quickly prove that it is quite possible for a chair *not* to be without the rest of the universe coming *not* to be as well. But the authors (page 82) merely quote the remark as evidence of Buddhism's favourable attitude to the natural world, and are not, apparently, alarmed by the possibility that a good case might be spoiled by absurdities in its presentation.

Contrast this charitable handling of Buddhism with the authors' treatment of Christianity on page 80. Here they move from a quotation of *Genesis* 1.28, where God commands humans to subdue and fill the earth and to rule over its other creatures, to a quotation of Lynn White's claim, on the basis of that verse, that "Christianity is the most anthropocentric religion the world has seen . . . it not only established a dualism of man and nature, but also insisted that it is God's will that man exploit nature for his proper ends". Here the authors fail to make either of the two obvious points. First, that even if White's interpretation of the verse were correct, presumably that would, in the first instance, show something about *Judaism* not *Christianity*. Second, that White's interpretation is wrong anyway. The verse clearly does give humans a special status, that of ruling nature. But it says nothing at all about *exploiting* nature – ie treating nature as if we could do whatever we liked with it and had no duty of reverence to it. On the contrary, as the practice of ancient Judaism clearly shows, the writers of *Genesis* came from a society with a profound reverence for nature, which was

universally seen as Yahweh's handiwork. (As Jacob is made to say, also in *Genesis*: "How dreadful is this place! This is none other but the house of God, and this is the gate of heaven.")

In the second part of the book the authors consider in greater detail some of the different applications of the principles of genetic engineering. In the case of the genetic engineering of micro-organisms and of plants, the problems seem to them to be principally extrinsic, to do with safety and risk parameters. In the case of animals and humans they are – understandably, no doubt – more concerned with the intrinsic permissibility of the sorts of genetic engineering in question.

What kinds of moral (or if you will ethical) issues arise regarding these sorts of genetic engineering? The authors at least entertain the Singeresque view that some sort of "special pleading" or "speciesism" (page 181) is involved in any preparedness to treat humans as fundamentally morally different from the animals, or the other animals. In view of this, it is curious that the authors themselves need two separate chapters to deal first with animals, and then with humans, if speciesism is indeed a mistake, and why wouldn't one chapter have done for both? Again, the authors are happy to talk about other animal species, for example turkeys, as having a *telos* (page 181–4); yet at no point do they consider the notion of a human *telos*. Might not that inquiry have shed some light on the question of why humans might be significantly morally different from other animals? Likewise it seems a shame that the authors do not much consider any rights-based positions intermediate between species egalitarianism and the blatant exploitation of animals. There is no direct route from the claim that animals do not have rights *in the same way or to the same extent as humans* do, to the claim that animals do not have any rights *at all*. Hence a moral licence to kill mice (if they threaten the crops or carry plague) is not necessarily a licence to torture them (if it suits us); nor to deliberately give them cancer, which is after all just one way of torturing them. Perhaps we can use the notion of any species' *telos* to ground a theory of its rights (or more general moral considerability); and perhaps it will then emerge that different species, including humans, have different rights to go with their different *tele*. However this story goes, it seems unlikely to me that extreme cruelty towards any species capable of pain is going to be justifiable. One can only get such a justification by

a reversion to consequentialist thinking: which seems to be just what the authors give us at this point, despite their own avowed caution about consequentialism.

Here I have briefly touched on some points of criticism of this splendid book; but despite these possibly minor problems, no one should be in any doubt about what a splendid and useful volume it is. I recommend it to anyone seeking a way into the subject.

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Ethical Issues in Pharmacy

Edited by Bruce D Weinstein,
Washington, Applied Therapeutics
Inc, 1996, 323 pages, US\$29.95.

Ethical Issues in Pharmacy is the first publication to appear dealing specifically with ethical issues from the pharmacy perspective and comes from a publisher with an established reputation in the area of clinical pharmacy. It has been produced as a resource for pharmacists working within the American health care system and indeed refers to the American Pharmaceutical Association's Code of Ethics for Pharmacists. The book can, however, still provide a useful resource for practising pharmacists within the UK dealing with ethical issues that arise as part of their daily practice.

The book brings together both an understanding of clinical pharmacy and philosophical ethics in suggesting possible resolutions for moral problems in pharmacy and each chapter is written and reviewed collaboratively by experts in these disciplines. The topics covered are those identified as most important by the ethics course content committee of the American Association of Colleges of Pharmacy.

The first part of the book deals with the basic principles involved in ethical issues in pharmacy, each chapter dealing with a different issue, as described below. Each issue is illustrated by reference to hypothetical cases and each chapter ends with a series of discussion questions and references for further reading.

"Is pharmacy a profession?" debates the difference between a profession and a business, how the two are compatible within the role of a pharmacist, and suggests how a pharmacist can develop

his/her professional character and remain ethical in today's complex practice environment.

"The normative principles of pharmacy ethics" are identified as non-maleficence, beneficence, respect for persons, loyalty and distributive justice. This chapter explains and examines the relevance of each principle and discusses how a pharmacist can approach apparent conflict between these principles and between these principles and self-interested inclinations.

"The relationship between ethics and the law" recognises that pharmacists often face situations that raise both ethical and legal considerations and teases out the relationship between the two.

"Ethical decision-making" systematically looks at moral problems using a four-stage approach of gathering facts, identifying values, generating options and finally selecting and justifying an option.

"The counterside conversation" discusses the practical application of a principle-based approach to ethical issues in pharmacy through a "narrative" technique, involving discussion with the patient, rather than a formal or intellectual method. This accords well with the purposes and goals of pharmaceutical care.

Each chapter in the second part of the book deals with practical situations which may raise ethical issues for pharmacists in their daily practice, including: the relationship between patients and physicians; relationships with the pharmaceutical industry; the right to medication; the right to refuse to fill a prescription on moral or religious grounds; professional responsibilities to incompetent fellow professionals; the impact of the media, and involvement in clinical trials. Again discussion questions and further references are provided for each issue.

Here the differences in how health care is provided in the United States and the United Kingdom become particularly relevant. The different legal and funding situations in each country mean the practical options for action may differ, though the basic ethical considerations will be the same within each system. However, this section still provides useful concepts which must be adapted by the reader to meet the actual situation being considered.

Of particular interest is the chapter entitled "Power and professional responsibility; the social context of pharmacy". It discusses the pharmacist's changing role, recognising the concepts of pharmaceutical care and

emphasising the importance of communication and mediation rather than the practical provision of medicines. Harmonising of pharmacists' ideals and values with their role and with the expectations of others are important if pharmacists are to be empowered in their relationships with fellow professionals and patients.

For pharmacists used to dealing with facts this book is not, at first attempt, easy reading, dealing with concepts and principles which are not easily defined and which take some time to assimilate and understand. Rather than reading it from cover to cover at one sitting, pharmacists should select those areas of particular interest or relevance.

Initially it can be used by pharmacists as a practical resource for issues arising in daily practice, but as the pharmacist develops more familiarity with consideration of ethical issues it will support a deeper consideration of the ethical and moral responsibilities involved in being a pharmacist and what this means for each pharmacist as a member of society and of the health care team.

Clinical ethics is a fast developing, though still immature discipline in this country and pharmacists within primary and secondary care have an important role to play within it. This book will support the debate within the profession which is needed for that involvement to occur. I hope that it will not be so long before a similar work written from the British perspective becomes available.

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Protection of the Human Genome and Scientific Responsibility

Proceedings of the 1995 MURS-Japan/UNESCO IBC Seminars.
Edited by M Okamoto, N Fujiki and D Macer, Tsukuba, Japan, Eubios Ethics Institute, 1996, 107 pages (+101 pages in Japanese), £15.

This book contains thirty-one papers from the series of seminars organised by the Japanese branch of the Mouvement Universale de la Responsabilité Scientifiques (MURS) and the International Bioethics Committee of