Ethics in Reproductive and Perinatal Medicine: a New Framework


This is an excellent book. It covers most of the important ethical issues that the reproductive technologies have raised and it is written in an admirably clear, level-headed and even-handed way.

One might complain that it is not exactly obvious what Strong's intended audience is: on the one hand it is a little too philosophical for practising obstetricians and gynaecologists, on the other hand it is not philosophical enough for professional ethicists (like the author himself) working in the field. However, the book will be a valuable book of reference and resource for both physicians and ethicists concerned with the thorny problems that infertility treatment raises.

Basically, Strong is an autonomist in that he sees the value of patient autonomy as central: as far as possible women and couples should be able to determine their own reproductive choices and modes of family formation for themselves. I agree with the author that this is the best perspective for dealing with the ethical problems in reproductive medicine, but over the last few years there has been a sustained critique of the idea of autonomy and Strong might have spent more time defending that idea against the various contemporary attacks.

Strong claims that his own approach is a methodologically novel one, but I must say that it seems to me to be a fairly traditional liberal position. It is also rather parochial in that it is for the most part more or less exclusively concerned with the North American scene and seems unconcerned with the lively debate about reproductive technologies in Europe, the United Kingdom and Australia. The work of the Human Fertilisation and Embryology Authority in the UK and the reports of the Nuffield Council on Bioethics are not mentioned at all. Again, very little is said about the methodological "crisis" in bioethics - the questioning of traditional "deductive" approaches relying on absolute "principles", and the search for a new model for bioethics. Strong briefly discusses a "casuistic" approach but more discussion is needed here. For example, the approach in common law cases (like the UK cases on the treatment of gravely disabled children) where a precedent is gradually extended in its application in order to cover unfamiliar situations, would repay further study. Again, there has been a revival of Aristotle's idea of "practical wisdom", that is the kind of knowledge involved in deciding how we should act in particular here and now situations and where the emphasis is on a kind of quasi-intuitive "good judgment". One of Aristotle's favourite comparisons is with navigation: some rules and norms are necessary but there has to be continual adjustment and readjustment to changing circumstances. For Aristotle navigation is the "art of the possible", requiring a great deal of creative imagination and it cannot be reduced to a mechanical application of rules. So also with ethical decision making, whether it be in medicine or any other area.

However, despite these reservations, Strong's book will be a very great help to all those - physicians, nurses, ethicists and patients - involved in reproductive and perinatal medicine. I might say that the book has been handsomely produced and is a pleasure to read.

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Duty and Healing: Foundations of a Jewish Bioethic


This (electronic) book, written by a clinical bioethicist of great experience who was also well-versed in the Jewish tradition, exemplifies dialogue between two traditions at its best.

Duty and Healing is grounded in the author's practice of ethical consultation in medicine, and contains several reports of actual consultations as recorded by him over the years. But these reports, though sensitive and compelling in themselves, are included mainly for the service they perform, namely, facilitating a profound exploration of the basic suppositions and values of the practice, and thereby the effect of contemporary bioethical discourse.

Freedman argues that the basic idiom in Judaic discourse is one of duty; this he juxtaposes to the idioms of rights, which he sees as central to contemporary secular bioethics. He shows how the very process of an ethical consultation, as well as the substance of several issues it commonly addresses, suffers from a pervasive emphasis on "rights". For example, the purpose of a physician seeking advice on how to proceed in a difficult case is normally misperceived when she is taken to be asking: "What are my rights vis-a-vis this patient?", or even: "What are the rights of this patient [against me or others]?" Rather, the physician is wondering how best to discharge her duty towards the person under her care.

Similarly, members of the patient's family are not primarily concerned with exercising "rights" over the patient and his care. Freedman recognises that if it should come to a court of law, an issue of "who should decide" would appropriately be discussed in terms of rights; but he argues that it is deeply misconceived to import this legal orientation into ethical discourse in medical practice. Instead, we should realise the primary duty here of duty: for example, the duty of children towards their parents. Drawing on both empirical studies and philosophical analysis, Freedman offers a critique of the common justifications for granting family members the power to make medical decisions for incompetent patients. He offers, instead, to ground such authority in the primacy of their duty of caring for their relative. I found this one of the most compelling parts of the book (Family—section one of the book's four, the other three being Consent, Competency and Risk).

In the section on family the Judaic perspective furnishes, then, a proposed corrective to the common secular model of rights. In the section on consent, by contrast, the recognition of genuine ambiguity in medical choices—central to contemporary bioethics—is employed in a critique of standard rabbinic pronouncements. As Freedman shows, rabbinic writings in this field have mostly asserted a "duty to be healed", leaving little...
And if we resort to printouts, what are the proper page numbers for references—seeing that different printers, fonts and the like will produce various physical forms of the same electronic text? Perhaps such texts ought to have very detailed subdivisions in lieu of pages. In any case, the text is out there on the web for all who may seek it. *Duty and Healing* is a testimony to a mature, sophisticated, deeply humane and learned person. It will be of great value to those wishing to look at contemporary bioethics from a fresh angle, as well as to those interested in a deeply traditional, yet creative and unfettered approach to Jewish bioethics. I am sorry that I did not find this treasure in time to learn from it when writing my own *Alternatives in Jewish Bioethics. 7*

In his “Afterword”, Benjamin Freedman delineates how further work might be carried on, building on the foundations he has laid. Future work in Jewish bioethics—as well as in secular discourse on the important issues directly addressed in this book—is sure to be indebted to him.

References


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Mill on Utilitarianism


Anyone already interested in Mill will not need much encouragement to look at a new study of his work on utilitarianism. Why, though, should others, concerned with the problems of medical ethics, leave their case histories and immerse themselves in the complexities of a moral theory? Sufficient reason, perhaps, is the pragmatic one: sooner or later in discussion they are almost certain to meet it anyway, and it is as well to be acquainted in advance with its virtues and vices. But there are deeper reasons too. One of course is that they may find it convincing and become utilitarians themselves. Yet since we know that far more will reject the theory than adopt it, would advocating its study just lead to the waste of many people’s time for the benefit of the few? Surely not, for just as the point of studying Plato or Descartes does not lie principally in our accepting the Forms or becoming dualists, so studying a philosophical text on a moral theory is not to be justified solely by its converts. The effects on our thinking may be more subtle. For one thing, most of us find ourselves challenged by a powerful theory, driven to reflect on our current beliefs; and in the case of utilitarianism the beliefs in question are fundamental, concerning our understanding of what is thought good in our lives and its relation to the right way to act. And further, to study a general text on utilitarianism is part of something that seems important and worth encouraging in medical ethics, which is to approach it from a broader ethical and philosophical basis than that derived solely from medical ethics texts and cases. Though the study of such specific material is important, to conduct such study exclusively may sometimes obscure the fact that the problems of medical ethics are not separate from the rest of life and the rest of our moral thought, but inextricably enmeshed in our general outlook on the world, confused or otherwise. For example, to understand patient autonomy and its relation to a patient’s best interests we also need to look at autonomy and interests in the life of the well.

Once it is decided that utilitarianism is worthy of study there is much to be said for reading Mill, a man to whom it was not just an abstract moral theory but a compelling principle of social reform, one that had been a deep influence on his own education and upbringing. Yet there is a familiar problem. Oddly enough, the writers who best draw us into their subject and stimulate our thought are seldom the easiest to read and usually especially provocative of questions; and hence, of course, the value of studies like the one under review, a volume in the Routledge Philosophy Guidebooks series.

It is a pleasure to read and welcome this book. Roger Crisp has achieved the difficult task of writing an introductory work that is scholarly yet clear, lively and approachable. In other words, it is a book in a tradition that is especially important as philosophy becomes more technical and remote that of making erudition accessible and interesting to the beginner or non-specialist. Some of the material