

**Matti Häyry, Tuija Takala, Peter Herissone-Kelly and Gardar Árnason, eds.**

*Arguments and Analysis in Bioethics.*

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304 pages

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*Arguments and Analysis in Bioethics* is a volume in ‘Values in Bioethics’ (ViB) series, which is a part of the broader ‘Value Inquiry Book Series’ (VIBS). It claims to ‘continue the tradition of *Scratching the Surface of Bioethics*, edited by Matti Häyry and Tuija Takala (VIBS 144); and *Bioethics and Social Reality*, edited by Matti Häyry, Tuija Takala, Peter Herissone-Kelly (VIBS 165)’ (xv). Additionally, the papers in the edition come mainly from bioethicists located in and around the North West of England: Keele, Lancaster, Manchester, Liverpool, and Central Lancashire. But at its core, the book is a conference proceeding, with the majority of the papers adapted from presentations at two conferences: Third North West Bioethics Roundtable in Keele (February 2004) and the Fourth North West Bioethics Roundtable in Liverpool (February 2005). Additional papers were solicited in order to complement the edition, but there is no clear indication as to which papers were added separately from the conferences.

In the introduction, the editors conceive of the twenty-one chapters as being grouped into six sections: ‘Bioethical Skepticism’, ‘Bioethical Methods’, ‘Concepts and Distinctions’, ‘General Approaches’, ‘Particular Issues’, ‘Perspectives on Well-Being’, and ‘Contested Concepts’. But after the introduction there is no mention of these sections again to help guide the reader, and we are left with a series of papers with no apparent connection to each other, other than their being relevant to bioethics.

The first seven papers constitute the ‘Bioethical Skepticism’ and ‘Bioethical Methods’ sections. Of these seven papers, two by Harry Lesser are particularly interesting. The first one focuses on examples in bioethics—from the mundane to the outrageous—and questions how they might fit into broader pedagogical issues. Lesser’s second paper on moral intuitions is one of the better papers in the collection. In it, he explains with great clarity the tension caused by the epistemic superiority of moral intuitions over the rational claims of moral theories and how that tension affects our moral motivations and judgments. Angus Dawson’s contribution on the use of empirical evidence in bioethics deals with the measles, mumps, rubella (MMR) vaccine and provides a clear example of how to raise an issue and produce moral principles in a short space. This contrasts with Simona Giordano’s inferior piece arguing that bioethics principles are not needed. Sirkku Hellsten and Søren Holm’s papers, though interesting, make only minor contributions by respectively focusing on false dichotomies in bioethics and wealth and coercions. Finally the paper by Doris Schroeder and Peter Herissone-Kelly on Stephen Toulmin’s argumentation theory is too short to achieve its goal of

showing that theory is needed more than standard logical analysis in bioethics.

The next four papers focus on concepts and distinctions in bioethics. Cathleen Schulte's paper critiquing Norman Daniels and the definition of function is the star of this section. Schulte gets fifteen pages, and her explanations of function from the philosophy of biology literature include etiological, goal directed, and the capacity accounts of function. Anyone who thinks a definition of function can be value free will have to think again. The other two chapters focus on eugenics. Stephen Wilkinson defines positive and negative eugenics relative to a disease account and a normalcy account, and he defends positive eugenics for enhancements. Taking up where Wilkinson ends, Niall Scott moves the discussion from the level of the individual to liberal eugenics and what constitutes human flourishing. The section also includes Scott's discussion of the genetic fallacy, i.e., judging a claim based on its origin rather than its content, as it applies to genetics and behavior. Clearly there are confusions as to how influential our genes are in causing morphological and behavioral phenotypes, and the claims of influence vary from weaker to stronger versions of genetic determinism; however, Scott's attempt to resolve the issue is frustrated by the brevity of his essay.

The fourth section contains three papers about cloning, not having children, and commercial surrogacy respectively. Anna Smajdor takes aim at harm arguments against reproductive cloning of the Millian variety, rightfully claiming the harm arguments don't justify a ban on human reproductive cloning. Matti Häyry then presents a spirited response, well worth the effort, to critics of his article 'A Rational Cure for Prereproductive Stress Syndrome', *Journal of Medical Ethics*, 30:4 (August 2004), pp. 377–78, where he defends the view that it is irrational for humans to reproduce. Finally, this section ends with Stuart Oultram's not particularly original Kantian analysis, claiming that Kantian objections to for profit surrogacy are misguided as they don't articulate the problem properly and fail to apply Kant's 'end in itself' formula of the categorical imperative correctly. In the end, the paper does not do much to move the debate forward.

The fifth section, 'Perspectives on Well-Being', consists of two papers. The first, by John McMillan, focuses on the use of anti-depressants and their impact on the authentic existence of those taking the drugs. This chapter is particularly interesting in its exploration of Tess, a patient given Prozac, who becomes much happier and develops new personality traits. She is 'a different person' than she was before she took Prozac. Once she is no longer depressed, she is taken off Prozac, but though she is well, she wants to be 'better than well', which she was when taking Prozac. McMillan then considers Robert Nozick's experience machine and the nature of authenticity and personal identity to determine if the doctor should put her back on Prozac to make her 'better than well'. The second paper, by Floris Tomasini, is among the longer contributions, and deals with the issue of self-demanded amputation. Both Kantian and utilitarian moral theories fail to guide in cases where a person believes their well-being depends on the removal of

one or more healthy limbs. The Kantian argument against self-demanding amputation is that it is a violation of a perfect duty to oneself. Utilitarian justification of self-demand amputation leaves room for justification of the idea of the embodied self needing to be expressed with the amputation of one limb. But when bilateral amputation is requested, the professional identity of most surgeons, as healers, especially those operating within a utilitarian moral framework, fails to justify acceding to the request for a bilateral amputation. This gives rise to a problem for those *bona fide* cases of self-demanding amputees who need to have multiple limbs removed to relieve severe anxiety. This paper is longer than most, and it is one of the more philosophically compelling and sensitive to the issue; it is well worth reading.

The final five papers are lumped together in a section titled 'Contested Concepts'. Mark Sheehan argues that expensive enzyme replacement therapies for individuals have to be justified in a rule to rescue, but these agent-relative principles are the kinds of reasons that are not included in policy decisions when allocating scarce resources. Peter Lucas argues in his paper that 'therapeutic research' is a misnomer and should really be called 'medical research combined with medical care' (238). Lisa Bortolotti tackles the moral status problem, claiming that neither sentience nor Regan's 'subject-of-a-life' criterion works because each is too strong a requirement for moral status.. Instead Bortolotti proposes an intentional-agent criterion. But given the cursory nature of the analysis, more argumentation is needed to convince that non-persons deserve a particular level of moral status. Jane Wilson's chapter focuses on medical paternalism and attempts to come to grips with a non-reductive justification of paternalism.

The final paper, by Simo Vehmas, takes us back to the issue of moral status and marginal cases in the guise of someone with severe intellectual impairments. One of the problems in these cases is that disability theory has been produced by those with physical disabilities and not intellectual disabilities, and so there is a sense where disability studies claims don't fit in these contexts. Vehmas asks four questions about individuals with severe intellectual impairments: Are they people, a burden to others, members of an oppressed group, and is the disability a social construct? In a bold analysis, Vehmas, gives affirmative answers to the burden and oppressed group question, but he also gives negative answers to all the questions: not a person, not a burden, not oppressed, and not a social construct. This paper is one of the better papers in the collection and demands further attention.

This collection is best described as well-prepared conference proceedings. Often conference proceedings are just the conference papers stuck together, but this isn't the case in *Arguments and Analysis in Bioethics*. It has a comprehensive introduction explaining each section and a brief interpretation of what each of the twenty-one papers is arguing. There is an excellent index as well, which is not usually available with conference proceedings.

The majority of the papers stick to the formatting of conference papers in style and length. This makes it easy on the reader in the sense that most of the papers are roughly ten pages. But the benefit of such a structure gives rise to a problem, in that the papers lack what more polished journal articles have: depth. This is not to say these are bad papers, but many of them appear to be the beginning of what could be very good arguments and analysis in bioethics, but because of the constraints on length, often one is left feeling the best part of the paper's discussion happened in the room in which it was first presented. And that is what makes the volume disappointing in the long run. The few jewels of the book are those papers that are a bit longer and really get into the arguments at hand and provide more analysis.

**Christopher A. Pynes**

Western Illinois University