NEWSLETTER ON PHILOSOPHY AND MEDICINE

FROM THE EDITORS, ROSAMOND RHODES & MARK SHELDON

FROM THE CHAIR, DAVID DEGRAZIA

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Tony Hope: Medical Ethics: A Very Short Introduction
REVIEWED BY CHRISTINE VITRANO

ANNOUNCEMENT
FROM THE EDITORS

In this volume of the Newsletter David Perlman’s “Public Health Practice vs. Research: Implications for Preparedness and Disaster Research” identifies a very important issue that has not received adequate attention—public health practice and the extent to which such practice can be construed as research. Research, Perlman indicates, is defined by intent, systematic investigation, and generalizability. He writes, “If an investigator engages in a systematic investigation designed or intended to contribute to generalizable knowledge, then he or she is engaged in research.” The problem, he says, is that it is sometimes difficult to determine if a particular public health activity is research. And if such an activity is research, then the activity must be reviewed by the IRB, thus impeding the public health initiatives. This is particularly a problem if the public health effort is put forward in response to an emergency, where a timely effort is crucial. The dilemma, he indicates, is in the clash between “the need for quick…intervention…versus the need for ethical…oversight.” In his very interesting paper he not only usefully pinpoints the problem but also offers some solutions.

We have chosen to reprint here Frances M. Kamm’s “Ethical Issues in Using and Not Using Embryonic Stem Cells,” an article that appeared in Stem Cell Reviews in 2005. Kamm engages in penetrating analyses of the main arguments for using and not using embryonic stem cells. We found this to be a particularly thoughtful discussion of what many people perceive to be the central arguments in the embryonic stem cell argument—familiar arguments that become more problematic as Kamm pushes and prods them into unfamiliar shapes with unfamiliar implications. Kamm does a wonderful job disabusing us of any notion that we had grasped them fully.

Also included in this issue of the Newsletter is a story by Felicia Nimue Ackerman titled “Entertain the Thought.” This is a disturbing tale about a thought experiment, a favorite tool of philosophers, that becomes a reality. Also included in the issue is a poem by Ackerman, “Nettie Denison Speaks with Her Doctor.” The story is reprinted from Witness Magazine, v. 16 #1 (2002), pp.42-53, and the poem appeared in Ragged Edge Online and is reprinted with permission.

And, finally, Christine Vitrano has supplied us with a review of what sounds like a unique and interesting introduction to medical ethics—Tony Hope’s Medical Ethics: A Very Short Introduction. Most introductions, as Vitrano suggests, start with moral theory and then move on to a variety of topics, attempting to cover a very large range of issues. Hope, instead, devotes eight of the nine chapters in the book to specific topics, engaging in argument about these topics, attempting to demonstrate the claim in his first chapter, that medical ethics is “exciting.” Vitrano explains why she is enthusiastic about this book.

Please continue to send us your work. Also, the Newsletter is a place for your announcements, letters, works in progress, case analyses, poetry, and stories. We welcome book reviews. Your contributions and queries should be sent to Mark or Rosamond at the addresses below. Please include your phone and fax numbers and email address.

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FROM THE CHAIR

An Update and a Goodbye

As so often in the past, this year enough members of the APA Committee on Philosophy and Medicine attended the Eastern Division meeting for us to schedule a breakfast gathering. Unusually for this committee, a handful of us will also attend the Pacific meeting, leaving open the possibility of a second committee get-together this academic year. Those of us who were able to attend the Eastern meeting in Washington, D.C.—Bob Baker, Rosamond Rhodes, Gary Seay, Lee Brown, Ken Richman, and I—enjoyed an opportunity to break bread and share ideas in person. Topics discussed included the APA’s process for selecting new committee members, how to make optimal use of our modest annual budget, the increasing importance of AV equipment for our panels, candidate topics for future panels, and the possibility of the committee’s sponsoring one or two awards for outstanding contributions to our field.

Immediately following the breakfast meeting, several of us attended the panel that our committee sponsored, “Ethics During Epidemics: Bioterrorism and Natural Disasters,” which
was organized and chaired by Bob Baker. The speakers were Zeke Emanuel of the National Institutes of Health, Dan Brock of Harvard University, and David Perlman of the New Jersey Department of Health and Senior Services. With a bit of creativity and cooperation, the panel was able to collect the equipment necessary for the increasingly favored medium known as Powerpoint—without cutting into the committee’s budget. (In a welcome development, the APA has made arrangements that, starting in ’07-’08, will make it easier for committees to rent such equipment.) As one of the attendees of this panel, I can say that the session was very informative and provocative; it certainly deserved a larger audience than it got.

For the first half of ’07, we have two further panels lined up. At the Pacific Division meeting in San Francisco, Gary Seay of our committee will chair a panel entitled “Genetic Testing of Minors for Adult-Onset Disorders.” The speakers will be Ray Frey of Bowling Green University, Loretta Kopelman of East Carolina University, Karen Kovach of Mercer University, and Bonnie Steinbock of SUNY at Albany. The Central Division meeting will take place, as always, in Chicago, where Mark Sheldon, one of our newsletter editors and an ex officio committee member, will chair a panel entitled “Medicine and the Pharmaceutical Industry: Ethics and Conflicts of Interest.” The speakers will be Howard Brody of the University of Texas Medical Branch, Leonard Weber of the University of Detroit Mercy, and Lance Stell of Davidson College.

Our committee has, in addition to these panels, another plan in the works. Traditionally, our main activities have been arranging panels and producing the biannual Newsletter on Medicine and Philosophy. A new role for us will be sponsoring one or two annual awards for outstanding contributions to the field. For the upcoming year we are considering presenting an award for an especially outstanding contribution to bioethics or the philosophy of medicine by a philosopher who is thirty-five years old or younger and/or whose work has received little recognition relative to its merit. See the call for nominations elsewhere in this Newsletter.

Whatever we decide, implementation will come under the leadership of a new committee chair, John Lizza of Kutztown University, who will begin his three-year term on July 1. I would like to take this opportunity to welcome John (in advance) to the committee. As for the membership as a whole, this year, ’06-’07, we added Ken Richman and lost no one; Lee Brown admirably asked to serve a fourth year and his request was granted. Come July 1, the committee will change a lot: Ben Rich, Gary Seay, Mary Rorty, Lee Brown, and I will all have completed our terms. Inasmuch as the next Newsletter will be completed after July 1, I would like to close my final “From the Chair” column by saying it has been a pleasure and honor to serve.

David DeGrazia

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**ARTICLES AND POEM**

**Public Health Practice vs. Research: Implications for Preparedness and Disaster Research**

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**Author’s Note:**
The opinions expressed in this article do not necessarily represent the views or policies of the NJ Department of Health & Senior Services or the State of New Jersey. All views expressed are the author’s own, although they are based on the author’s experiences at these organizations.

“Those who do not learn from history are doomed to repeat it.”

— George Santayana, philosopher

**Introduction – A Short History of Research Ethics**

In research ethics, there is general consensus that the system for protection of human subjects consists of four “pillars”: (1) informed consent; (2) independent review and approval of human research projects by an Institutional Review Board (IRB); (3) the professional integrity of researchers; and (4) minimization of conflicts of interests.

Unfortunately, several notable scandals in the history of research involving human subjects forced the construction of each of these pillars. The first pillar, informed consent, was erected in the canons of research ethics after the Trials at Nuremberg, where it became clear that prisoners and concentration camp victims were used as human subjects in a multitude of research projects without their permission. The heinous nature of the crimes committed against humanity by the handful of Nazi physicians tried at Nuremberg compelled the judges to issue a code of ethics governing research involving humans. The so-called Nuremberg Code, which consists of ten principles, proclaims that it is unethical to involve human subjects in research without their legally effective informed consent. Later international codes of ethics, such as the Declaration of Helsinki and the International Conference on Harmonisation Good Clinical Practices, which govern the conduct of clinical trials by pharmaceutical companies, each have informed consent as a central protection.

The second pillar, independent review, was formally added in the United States when the Department of Health, Education, and Welfare (the precursor to the current Department of Health and Human Services) issued regulations in 1981 for the protection of human subjects in biomedical and behavioral research. These regulations were issued to implement the National Research Act of 1974, which followed a Congressional inquiry into a shameful part of American history. From 1932 until 1972, the U.S. Public Health Service conducted what was called a “natural study” of syphilis in poor, uneducated African-American men in rural Tuskegee, Alabama. The men thought they were being treated for “bad blood,” a vernacular term for syphilis at the time, but were manipulated and deceived regarding their participation in this research. In addition to formally establishing informed consent standards, the regulations also mandated independent IRB review, approval,
and continuous review of all research involving human subjects supported with federal funds.

Harvard anesthesiologist Henry Beecher first suggested the third pillar, the professional integrity of the investigator, in his expose of ethically questionable experiments published in the peer-reviewed medical literature. His 1966 article, which appeared in the *New England Journal of Medicine*, described twenty-two such experiments. Beecher (1966) concludes his article by suggesting that the most reliable protection can be "provided by the presence of an intelligent, informed, conscientious, compassionate, and responsible investigator" (p. 1360).

The fourth pillar, minimization of conflicts of interest, also arrived on the research ethics scene as the direct result of several tragedies—namely, at the University of Pennsylvania and the Fred Hutchinson Cancer Center in Seattle. These tragedies involved investigators and institutions with significant financial interests in FDA-regulated products. Disclosure of these potential conflicts of interests had several ill effects: they undermined public trust in the research enterprise at these and other institutions, and they imperiled the integrity of the science of each project as well as the safety and welfare of the research subjects involved. As a result, conferences were organized, guidelines were released by the federal government, and several professional societies produced reports on how best to manage individual investigator and institutional conflicts of interests (Perlman 2007).

Taken together, these historical events have produced the current regulations and practices governing research involving human subjects. Generally, when an activity is deemed to be research informed consent will be required; review and approval of the project by an independent body such as an IRB will be required; conflicts of interests must be minimized; and investigators must promise to safeguard the integrity of the research, the data generated, and the safety and welfare of those who volunteer or whose information is used as part of the research.

**What is Research and How is It Different from Public Health Practice?**

Under the current regulatory and ethical system for research involving human subjects, research is defined in terms of several key terms—intent, systematic investigation, and generalizability. If an investigator engages in a systematic investigation designed or intended to contribute to generalizable knowledge, then he or she is engaged in research. If that research involves living individuals and the investigator will either interact or intervene in some way with people or obtain their identifiable personal information, then the research must be prospectively reviewed by an IRB.

It can be difficult to determine whether a particular public health activity falls under this definition of research, and, hence, whether it must be reviewed by an IRB. In fact, the problem, which could potentially stymie or impede important public health projects, was so vexing that the U.S. Center for Disease Control (CDC 1999) and the Council of State and Territorial Epidemiologists (CSTE 2004) each have issued guidance documents to clarify the scope of activities requiring review. These separate documents are designed to assist public health officials in determining whether an activity constitutes research and therefore requires IRB review, or if it should be counted as a public health activity for which no IRB review is necessary. The particular differences between these two guidance documents are not important for this paper and are beyond its scope.

The definition of research has proven to be problematic because public health authorities obtain identifiable private information about persons and engage in a host of activities that are systematic in nature. Some of these activities clearly meet the definition of research, as the knowledge to be gained is intended to be generalizable; some, however, do not. In most instances, a public health authority collects identifiable private information under statutory or regulatory authority, such as births, deaths, and information regarding certain reportable diseases. Public health officials use this data for a variety of activities: surveillance, prevention, outbreak control, or to design interventions to benefit the health of the public and improve general welfare. The question of whether these activities constitute research and therefore should be subject to IRB review, approval, and oversight turns on whether the primary intent of the activity is to generalize conclusions or interventions beyond the population that were the subjects of the activity. The fact that public health officials use systematic, proven scientific methods to collect, manipulate, and use such data frequently blurs the line between public health practice and research that needs to be approved by an IRB.

A great deal is at stake in determining whether an activity is research or public health practice—time, money, and other important and scarce resources. If an activity is deemed to be research, IRB review is required. IRB review involves time, money, and other resources. The CSTE Report eloquently articulates both horns of this particular dilemma. The first horn concerns instances when public health activities are misclassified as research. When this occurs, public health authorities [must] engage in time-consuming reviews through governmental or private sector IRBs. In some cases, the mere assessment by an IRB, even when expedited, may thwart an activity to the detriment of the public’s health. In other cases, the IRB may require additional protections for persons viewed as human research subjects that defeat public health objectives in principle or design, or for lack of funding. (CSTE 2004, p. 21)

The second horn of the dilemma is the converse of the first:

[P]ublic health research that is misclassified as practice may allow governmental health authorities to collect and analyze sensitive health data in possible violation of health information privacy interests, or interact with human subjects without complete adherence to research protections to the detriment of the individual participants.” (CSTE 2004, p. 21)

**Public Health Emergencies and Disasters: Research or Practice?**

In itself, the distinction between public health practice and research requiring IRB approval is problematic. One job of public health is to design scientific interventions and activities during times of public health emergencies or disasters. Evidence from several recent public health emergencies indicates a need to accelerate public health interventions and make the decision-making timeframe very limited. For instance, after the Severe Acute Respiratory Syndrome (SARS) epidemic, several articles were published in the *New England Journal of Medicine* describing the interventions public health scientists engaged in to collect, analyze, and research samples taken from infected individuals. The articles, unlike most other articles in the peer-reviewed scientific literature, neglect to mention two of the important pillars of research protection—both IRB review, approval, or oversight procedures and informed consent procedures are strikingly missing from the reports (Drosten et al. 2003; Poutanen et al. 2003; Tsang et al. 2003). As the consensus
statement of the major medical journals indicates (ICJME 2006), data from research projects involving human subjects that did not receive appropriate review, approval, and oversight should not be published or, at least, if published, should note the fact that the investigators did not conduct the activity under IRB review or a waiver of informed consent.

Research on individuals with SARS is one anecdotal example that has come to light. My own hypothesis is that there are or will be other examples as awareness of this particular issue grows in the bioethics, public health, and medical communities. In fact, my preliminary literature review thus far has revealed a paucity of scholarly writings on the topic of distinguishing public health practice from research during times of disaster or emergency. Perhaps because the issue is politically sensitive, in my preliminary literature review I could locate only one article on the point by an infectious disease physician, Richard Whitley (2003).

Moreover, the stakes are even higher during times of emergency or disaster than for other types of public health activities. Time is of the essence, and the utilitarian ethics that is at the heart of public health might serve to unwittingly steamroll attempts to provide standard ethical oversight of such activities. Current regulations and guidance documents issued by federal agencies do not articulate a mechanism to address the dilemma inherent in public health research during emergencies or disasters: if it is research, then it must be prospectively reviewed by an IRB. Time and a host of other public health considerations (including lack of attention to this particular issue in the public health, bioethics, and medical literature) may limit the ability of public health officials to seek approval of research during emergencies or after disasters. The public must be assured that public health officials will safeguard their individual rights of protection under the federal regulations governing research involving human subjects but at the same time balance this need against the greater public good—ensuring quick, efficient, and scientific intervention during public health emergencies or disasters. The current system is too bureaucratic to be effective for making a quick, but correct, decision on research during emergencies or disasters.

In summary, public health officials require a mechanism to balance the two horns of the dilemma presented in the CSTEReport—the need for quick, scientific intervention to prevent or control public health disasters or emergencies versus the need for ethical and regulatory oversight over activities that are truly research driven. The current system of protection of human subjects is not equipped to tackle this particular problem at this point. Moreover, only a very few officials in the public health system are aware of the problem and its potential consequences. This situation must change.

Some Possible Solutions

Although I have suggested that the current system is not equipped to handle the distinction between public health practice and research during emergencies or disasters, there are some extant regulatory precedents that point to some potential solutions to the problem. The first are the provisions in Food and Drug Administration (FDA) regulations at Title 21, Code of Federal Regulations, Part 50.24 (and echoed in a Department of Health and Human Services guidance in the Federal Register, Volume 61, pp. 51531-51533) pertaining to exceptions to the requirement to obtain informed consent for certain types of emergency research. These regulations only pertain to research procedures conducted without the voluntary, prospective informed consent of subjects in life-threatening emergencies. Such projects, which number only about twenty-five since the regulations were enacted (FDA, personal communication), require prospective IRB approval and consultation with the community from which subjects will be drawn. Certainly this mechanism will not suffice for public health disasters and emergencies, but it is reassuring to know that our federal research oversight bodies have recognized the need for deviating from standard practice and have provided a mechanism for regulating this type of controversial research. A similar appreciation, I argue, is needed for the regulation of public health activities during times of emergency or disaster.

Other commentators, most notably NIH physician, philosopher, and bioethicist Ezekiel Emanuel and colleagues (2004), have suggested re-configuring the IRB system into regional networks to avoid redundancy of review and to facilitate national standards of ethical decision-making. This type of reconfiguration might work for approval and oversight of public health research during times of emergency or disaster, but it is far from the stage of implementation.

My own, more modest recommendations that would work within the current system of research oversight would be to ensure that each public health agency has its own IRB and that the IRB has policies and procedures to ensure an expedited review mechanism to approve public health projects in times of disaster or emergency. Most public health agencies have preparedness initiatives in place. All that would be required is to ensure that such initiatives take into account the need to have activities quickly triaged to determine if any component has a research component. Those that do require IRB approval can be quickly reviewed and approved by an IRB member on the emergency preparedness team. (It is a separate question, and a matter for further investigation and debate, whether the same regulatory and ethical standards can and should prevail for IRB reviews conducted during times of emergencies or disasters.) A well-trained IRB member, who is part of the preparedness plan, can conduct such a review in a relatively short time-frame (an hour or two rather than the usual time it takes to approve a project through traditional IRB submission procedures).

The second part of my recommendations concerns greater awareness of the problem discussed in this paper. Public health officials require education on this topic as well, for the scientific intervention(s) designed for emergencies or disasters will need to be proposed in some form of protocol and made available for expedited IRB review. It is my hope that this initial article will prompt more discussion, investigation, and education on the topic by the bioethics, public health, and medical communities.

References


Perlman, D.J. “Financial Conflicts of Interest in Biomedical Research: An Examination of Current Regulations, Comparison of Recent Guidance,


**Nettie Denison Speaks with Her Doctor**

Felicia Nimue Ackerman

Brown University

“You’ll live to be 100.
Now, isn’t that just fine?”

“It’s not enough,” said Nettie,

“Since now I’m 99.”

This poem first appeared in Ragged Edge Online and is reprinted with permission.

**Ethical Issues in Using and Not Using Embryonic Stem Cells**

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It is an aim of some to find ways to acquire stem cells that no one will object to on ethical grounds. This is probably an impossible task, as there might be people whose ethical views forbid any scientific research at all. The aim might be rephrased as finding ways to acquire stem cells against which no one will have a reasonable ethical complaint. One problem then is to consider what are reasonable complaints (or what complaints are not unreasonable). But not all reasonable complaints are correct. For example, it might not be unreasonable given your information at a certain time to think you are being cheated. Nevertheless you could be wrong. So another problem is to consider the correctness of even views that are not unreasonable. Of course, if a view that is initially not unreasonable is conclusively shown to be wrong, and one should know this, it might become unreasonable to hold the view.

In the first part of this article, I consider a set of objections for using human embryonic stem cells (hESC) that are often considered reasonable. I shall argue that although they might not be unreasonable, they are nevertheless not correct. In the second part of this article, I shall consider alternatives to current methods for acquiring stem cells that are being pursued because they are thought to obviate the objections I considered in the first part of the article. I will consider whether they could raise ethical objections, and whether and when it is important to seek such alternatives.¹

**Part I**

The following objection has been raised to using live embryos to acquire stem cells. To acquire stem cells, the embryo must be destroyed. But the embryo is an (innocent) human organism and, therefore, it is wrong to destroy it.

By “human organism” is meant at least something with human DNA that is an integrated system organized around an axis. A one-cell human conceptus is said to have these properties as it has parts that form an integrated single cell system. Further, a defective human organism is still a human organism, at least so long as some underlying integration typical of the species remains. Some add to these conditions on being a human organism the requirement that the system intrinsically be headed in the direction of development typical of human beings. The reference to “intrinsic” means that even though a conceptus will not, in fact, develop in virtue of some extrinsic property (e.g., it will not be in an environment conducive to development), this does not affect its status as a human organism on an account which emphasizes intrinsic trajectory. Further, trajectory to be a defective human being also meets the trajectory requirement.²

It has been argued that it is wrong to destroy an organism that meets these minimal conditions (e.g., a one-cell human conceptus) because this is the only organism that will develop into an entity that is fit to receive a soul.³ This is a religious view, but it can be put in secular terms, if we think of having a soul as equivalent as being a person. When is a person (soul) present in the organism? The point about the argument I am discussing is that it takes no position on this. That is, it is not an argument that depends on the view that a person (soul) is present at conception; it is consistent with the argument I am discussing to claim that the person (soul) only comes to be present when complex neural structures develop that support brain activity. This argument merely claims that because the organism is intrinsically able to develop so that it becomes a person, it is wrong to destroy it at any time, even before a soul/person is present. Call this the Organism Argument.

One question to ask about this argument is why something that is not yet a person (ensouled) should be treated in significant ways (e.g., not be killed) as we treat a person? The general principle that is being appealed to by the Organism Argument seems to be: if an organism, in virtue of its intrinsic properties, can come to have property X, it should be treated with as much respect as we treat an entity that has property X. (Call this “The Principle.”) But this does not seem to be true. Consider an analogy involving a cat conceptus. Cats are entitled to some degree of consideration and are not to be destroyed for any unimportant reason (though they need not be treated as we should treat persons). Does this mean that a cat conceptus which has an intrinsic trait of development into a cat should be treated with as much consideration as a cat? For example, is there no moral difference between destroying a cat and destroying a cat embryo in an experiment? I suggest there is a moral difference, because the properties that develop over time as the cat comes into being (e.g., sentence and consciousness) are relevant to how we should treat it and whether and when we may destroy it. Hence, the Principle is incorrect.

It is often said that an acorn is not an oak. We can add that even though an acorn is an organism of the oak species that has an internal program leading it to be an oak, and even if oaks are not to be treated in certain ways, this does not imply that acorns may not be treated in those ways. We should conclude, I believe, that proving scientifically that something is an organism of a certain species type with an inner program leading it to develop in a certain way; does nothing to show that it is entitled to be treated with the concern owed to the entity it can become.

A second point raised by the Organism Argument concerns the reasons for not destroying things. Some things have value
in their own right, independent of their use or relation to other things and should not be destroyed because of this. But not all entities of this sort are entities “for whose sake” we should not destroy them. One reason we should not destroy a person is that he would get something good out of the life that he could lead, so we benefit him when we do not kill him. By contrast, a great painting is something we should not destroy because of what it is in its own right, but we do not destroy it for it’s own sake, for it gets nothing out of its continuing existence. An organism like a conceptus might have value in its own right, even if not the same degree or type of value as a person, but it, unlike a person, is not the sort of entity for whose sake we should prevent its destruction. I think that this is so because it is not and has never been sentient or conscious, and because of this it cannot be benefited, even by continuing to exist, and it cannot be harmed by not turning into a person.

The point is, whether we harm something in destroying it and whether harm to it is morally important, is not only a function of what is lost. It is also a function of whether the entity is the sort that can be harmed by that loss or whether it is the sort of entity, harm to whom matters morally. An analogy may help to make this clearer. Suppose a table is magically given the capacity to develop into a person, but we then destroy the table before it develops. No matter how good it is to be a person, is a table the sort of thing that could suffer a harm by not being allowed to develop into a person? I do not think so. Knowing that this particular table is a remarkable entity with a unique capacity, and that it will develop into a person for whose sake we could act, still does not make it the sort of entity for whose sake we must protect its development. The potential it has to be a person tells us what is lost if an entity does not transform, but it does not alter the moral status of the entity. That depends on the properties it has now or has had in the past. The same is true of the embryo, I believe, even if it is a human organism. 4

Let us now put to one side my arguments against the correctness of the Organism Argument and The Principle. Suppose, for the sake of argument, that an embryo that intrinsically had the capacity to develop into a person, in virtue of this capacity, ought not to be destroyed if it would instead develop into a person. Does this not leave open the possibility that we might destroy embryos to acquire stem cells if the embryos, as a result of extrinsic factors, will not develop into persons. (For example, suppose that embryos will not be placed in a womb, and then will either shortly die or be frozen.) And may we not destroy, to acquire stem cells, embryos that are “nonviable” because something is wrong with them intrinsically that interferes with their developing into (even defective) persons? (To eliminate other possible sources of objection to using such embryos, we might further suppose that they were not created just in order to acquire stem cells and that it is also granted to be morally permissible not to require anyone to put them into a womb. This way we would not be the beneficiaries of what some might consider improper creation and abandonment. 5)

That is, the Organism Argument focuses on the nature of the embryo to determine how to treat it. But does it not also matter to how we should treat something what will happen to it if it is not killed? When embryos will shortly die in any case, destroying them deliberately will not put them in any worse situation than they would otherwise be. This, it might not unreasonably be thought, makes it permissible to destroy such embryos in acquiring stem cells from them. When embryos will be frozen but not die soon, do they lose anything worth having if they are not frozen but killed instead? Here then is a not unreasonable argument, but could someone reasonably raise a moral complaint against acting on it?

Roman Catholic theorists believe there is a reasonable complaint against killing embryos that will soon die anyway. (This also applies to ones that will be frozen.) To see why, recall that the Catholic Church opposes abortion even in the following case: A pregnant woman will die because of the position of the fetus in her womb, unless she has an abortion. If she dies, the fetus will also die. If an abortion is performed the woman will live and the fetus will be killed. The Roman Catholic position on this case is that it is morally preferable to not interfere, as we will then let both woman and fetus die merely foreseeing their deaths, rather than intentionally killing anyone.

The rationale for this conclusion comes from the Doctrine of Double Effect, which says that we may not intend lesser evils to achieve greater goods. (Either omitting or acting with this intention is wrong.) However, it may be permissible do what causes lesser evils as unintended side effects if this is necessary to achieve greater goods. Apparently the Catholic view is that the death of the fetus is an intrinsic evil even if it will lose very little time alive.

Hence, the fact that an embryo will die soon in any case, and not even as a result of a wrongful omission in not putting it in someone’s womb, does not license deliberately killing it according to Roman Catholic doctrine. By contrast, a policy on stem cells such as recommended by Senate majority leader Bill Frist allows federal funding for killing some embryos that will soon die anyway. 6

It might be argued that a fine point is being ignored in the Catholic position, namely, intentionally removing stem cells kills the embryo as a foreseen side effect, but the death of the embryo is not intended. If this distinction between intending and foreseeing the death were sufficient to remove objections to doing what destroys the embryo, Roman Catholics should not object to removing stem cells even from an embryo that would not soon die anyway (e.g., a viable embryo that was about to be implanted in someone’s womb), when a greater good such as a disease cure can thereby be achieved. But, of course, they would object to removal of stem cells in such a case. Hence (correctly or incorrectly), they must think that the Doctrine of Double Effect does not license taking advantage of the “fine point.”

Given that some are opposed on these grounds to killing soon-to-be-dead embryos, one question is, why we as a community should seek for a way to acquire stem cells that could not raise the complaint that we are killing soon-to-die embryos? After all, we as a community seek a policy on abortion that rules out aborting a fetus that will soon die in any case no matter what we do, if this is necessary to save the life of the pregnant woman. While I do not think there is a complete answer to this question, it is worth noting that in the abortion case, the fetus is itself a threat to the woman. By contrast the embryo we would kill to acquire stem cells is not itself a threat to anyone. That is, we are not killing it to stop a threat that it presents to anyone, only to allow us to help people who are threatened by other diseases. And we do not kill grown persons who will die or be frozen shortly anyway in order to acquire their organs to save other people from diseases. If we take seriously the view that the embryo is morally equivalent to a person, then one can see that there are at least precedents that underpin a wish to find ways to acquire stem cells that do not destroy even soon-to-be-dead embryos. Those who do not think these precedents are relevant probably do not really think the embryo is the moral equivalent of a person.

Part II

Several alternative ways to acquire stem cells have been suggested in the belief that they will obviate objections raised
to the current method of acquiring stem cells from embryos soon to die. A crucial general factor in morally evaluating alternatives is whether hESC acquired through the destruction of embryos must be used in order to develop and test the alternative methods. There are two subdivisions of this question. First, will new embryos have to be destroyed to acquire stem cells beyond those already available through lines approved for Federal funding? Second, will only embryos from lines approved for Federal funding, or other embryos that have already been killed, be used?

Let us begin by considering the first subquestion. Suppose that the development of an alternative method will require killing of new embryos, and one takes seriously the claim that the embryo has the moral status of a person. Then one should only use hESC to develop these alternatives, (a) if one would be willing to kill a few people in order to develop a new method for fighting diseases that does not require killing people, or (b) in a (imaginary) context where scientists are otherwise going to kill many other people in order to find cures for diseases. Would it be permissible to do this? Ordinarily, one should not kill some people even in order to save many others from being killed or dying of natural causes. Furthermore, given that an objection is being raised to using embryos that will die anyway, it should not reduce objections to developing an alternative that uses the very same embryo that would otherwise have been killed using current methods of acquiring hESC.

There are cases (much discussed in moral philosophy) in which we do not kill some people as a means to saving others, but rather permissibly kill some people as a consequence of redirecting a lethal threat away from a greater number of other people. Suppose scientists were conceived as threats to many embryos. Suppose also that the only way to stop this threat was to redirect them toward carrying out investigations that kill fewer embryos (as a means to finding methods that will kill no embryos). Such killing might be permissible, even if embryos were morally equivalent to persons. This model, however, would seem to require that scientists give up (i.e., be redirected from) killing many embryos in ordinary methods of acquiring stem cells in order to find the new alternatives.

Now consider the second subquestion. Some groups (e.g., the Roman Catholic Church) did not approve of President Bush’s decision to allow federal funding for use of cell lines established before 2001. In addition, new stem cells not meeting the criteria for federal funding have been started, for example, at Harvard University. What problems arise for those who opposed the destruction of embryos that has already occurred, if these embryos are needed in order to develop and test alternative methods that will someday eliminate the need for killing embryos for stem cells? The most prominent issue is whether it is morally permissible to make use of and, more generally, benefit from immoral conduct of others. For example, should one be allowed to make good use of the results of Nazi’s experimentation on concentration camp inmates? Is there anything morally wrong with using for transplantation the organs of someone who was criminally murdered? Should labels be put on any pharmaceutical developed by use of hESC so that some members of the public can exercise their right not to use such drugs?

This discussion suggests that those who are opposed to destroying embryos because they think embryos should be treated as persons might face the problem of whether they should complain against the development of alternatives as well as complain against current methods. And, of course, if they could change the context, so that other scientists are simply unable to kill or use improperly killed embryos, this should be preferred by them to using some embryos to develop alternative procedures or to redirecting scientists to somewhat fewer killings. Indeed, if opponents were successful in stopping current methods involving embryo destruction, the mere fact that alternative methods could provide disease cures would not justify deliberately destroying fewer embryos to develop these alternatives, if the killed embryos were the moral equivalent of a person. Those who do not complain against the destruction of embryos to develop the alternative procedures as much as they would complain about killing people in the same circumstance, and those who do not complain as much about benefitting from the use of already killed embryos as they would against benefitting from the use of immorally killed people, thereby indicate that they do not really think the embryo is morally equivalent to a person. This, in turn, would reduce the need to find alternative methods.

Now let us consider some alternatives in more detail and see whether they raise other moral problems:

1. Instead of destroying an embryo in getting stem cells, we could remove one cell from an early blastocyst. This should not destroy the embryo and from the cell that is removed we acquire stem cells. Several problems might arise for this procedure. First, perhaps removing one cell could harm the embryo. Many might be concerned about this only if it produced lasting damage that would reduce the chance of a normal child developing from the embryo. But if the embryo is thought of as morally equivalent to a person, then perhaps damage to it, even if it had no effect on the future child, would be a problem. (This would be analogous to the problem of harming a child in research even though the damage would eventually reverse itself and not affect the adult.) Second, if the cell that is removed was totipotent, it could develop into a complete embryo and it would be equivalent to a one-cell conceptus. Removing stem cells from it would destroy a one-cell conceptus thus raising the same problem with which we began. This problem could be obviated if the cell were taken from an embryo far enough along in development so that the cell removed from it would be pluripotent but not totipotent. Pluripotent cells can form any type of tissue but they cannot form an entire embryonic organism with capacity to develop further.8

2. Another suggestion is that hESC could be acquired from embryos that have died natural deaths.9 The model here is said to be the acquisition of organs for organ transplantation from those who are dead. For even when an embryo dies, some cells remain alive—just as when an adult dies some cells remain alive—and from these live cells, hESC could be acquired. This procedure should meet the objections of those opposed to using mere dying embryos. Complaints might be raised; however, if the cells removed from the dead embryo were totipotent, for then if we removed its stem cells, we would be killing what was morally equivalent to a one-cell conceptus. To avoid destroying such a new conceptus in acquiring its stem cells, one would have to remove cells only from later-stage dead embryos, when the cell would be pluripotent but not totipotent. However, waiting for the cells to move beyond totipotency raises another ethical issue for those who think the embryo should be treated as we treat persons. For if a totipotent cell were removed from the dead embryo and it developed, it would actually seem to ensure the survival of the...
individual who would have died with the original embryo, at least, on some views of identity. Here we see a disanalogy with the organ transplant model. For live cells or whole organs from individual A put into individual B do not literally make A survive. Hence, refusing to take a totipotent cell and waiting until cells are only pluripotent, implies that we will not try to rescue an individual by salvaging a totipotent cell from its dead embryo.

A final concern with using dead embryos is being sure they are dead and that we employ the appropriate standard for death. For example, it might be suggested that an embryo that seems to be dead in an extraterine environment is only dying, and could revive if placed in a uterine environment. To make sure that the problem does not infect the tests used to determine embryo death, we would have to actually place many embryos in someone’s womb to check for revival. As it is unlikely that these experiments could deliberately be done, the concern is that we may remain uncertain that an extraterine embryo really is dead. A more acute problem for the determination of embryo death, I think, is raised by another possible disanalogy with organ transplantation. It is true that people are declared dead even when individual cells and organs are still alive, due to lack of integrative functioning of the whole organism, supposedly evinced by brain death. But should we declare an entity dead if, let us say, twenty percent of its body cells are still alive (even when this amounts to one cell out of a total of five in an embryo) and none of these cells play a superior regulative role to any other cell? Even if the live cell is pluripotent rather than totipotent, it may be a mistake in a determination of death to think of one living cell out of very few in the same way we think of one living cell in an adult body the rest of whose cells are dead.

3. Another way to acquire stem cells is to grow human material that is not an organism at all but that has pluripotent, nonembryonic stem cells. An example are teratoma—disorganized tumor-like masses of cells that are often characterized as monstrosities because they have teeth and eyes as parts in them. If some nonorganisms can be grown that have stem cells, it is claimed, there can be no objection to acquiring the stem cells, even if it destroys the nonorganism. One objection that might be raised to this procedure is that it is wrong to deliberately create nonorganisms that are monstrous aberrations. But while this is aesthetically unappealing, it does not seem to be morally wrong if there will be no harm to any entity that could benefit from life. The bigger problem is that the fact that an entity is a disorganized mass of cells does not, at least logically, ensure that it also lacks properties that might make it wrong to destroy it. For example, imagine that instead of eyes or teeth a teratoma gave rise to brain tissue that supported consciousness. Consciousness could be sufficient to count against destruction of an entity. Having bodily axes rather than being disorganized may be a necessary condition to be an organism but, at least as a conceptual matter, it is not a necessary condition for an entity being worthy of moral consideration. For if some nonorganism had consciousness, it would be no argument against moral consideration for it that it had no bodily axes! It is only if we could ensure that, as a matter of physical fact, something’s being a disorganized nonorganism ensured that it had no other properties that made it worthy of moral consideration, that no complaint could be raised to the destruction of the nonorganism. Those who support the Organism Argument claim that being a human organism is sufficient for respect and concern. But this is different from claiming that being an organism is a necessary condition for respect and concern. Those who support the development of nonorganismal entities to acquire stem cells must not only show that what some consider a sufficient condition for respect and concern—being an organism—is absent. They must also show that this condition is, as a matter of physical fact, a necessary condition for the presence of any other sufficient conditions for respect and concern. That is, if it is absent, all other sufficient conditions are also absent.

Finally, it is important to distinguish the deliberate development of nonorganisms from the deliberate development of organisms programmed to self destruct or to otherwise lack potential to become a person. If we took seriously the moral equivalence of an embryo and a person, developing an embryo that will self-destruct or not develop properly is comparable to creating a person that will grow to adulthood but to whom has been deliberately added a gene for self-destruction or degeneration in youth. It is obviously worse for a person to be created with such limits in him than for him to be created so that he continues on to a normal life. The fact that nothing is done to an organism after its origins to kill or stunt it, but rather the characteristics for delayed destruction are built into it, seems morally irrelevant if this entity has the same moral status as a person. Would it be an advance to create nonhuman organisms whose stem cells are compatible with use in humans rather than to create human nonorganisms? Aside from concerns about chimeras resulting from human and nonhuman mixtures, this alternative organism might be a conceptus that has an intrinsic trajectory to be a (nonhuman) person. If destroying a human conceptus raises moral problems, why should not the same moral problem arise in destroying this conceptus?

4. A fourth proposal is that we use adult cells and reverse development of nonorganisms from the deliberate destruction of human conceptuses. This proposal is particularly attractive if it can be shown that a conceptus has the same moral status as a person. If we took seriously the moral equivalence of an organism and a person, the destruction of a conceptus that is not yet a person would be morally incumbent on us to pursue such alternatives as I have described.  

Part III
In part I, I presented objections to some arguments against destroying embryos to acquire hESC. In part II, I put to one side the objections to these arguments, and considered alternatives to current methods of acquiring stem cells and possible objections that might be raised to these methods by those who are concerned that embryos be treated as persons. Now let us briefly consider some factors that bear on whether and when it would be morally incumbent on us to pursue such alternatives as I have described.

1. The more that moral objections like those raised to destroying soon-to-be-dead embryos can be raised
to the alternatives as well, the less we would gain by switching to an alternative. The less people raise moral objections to the alternatives when they involve destruction of embryos, the less reason there is to seek alternatives to current methods that also destroy embryos.

2. Suppose that opponents of current methods could reasonably find some alternatives to be improvements. Suppose those opponents are now successfully interfering with needed federal funding for research using hESCs because embryos are destroyed. This would provide a (i.e., some) reason for our community as a whole to pursue development of alternatives, given the need for cures for diseases that might come from stem cells and the need for federal funds to find cures.

3. But a reason to pursue alternatives does not necessarily mean sufficient reason. To decide if there is sufficient reason one would have to consider the costs of pursuing the alternatives. This includes the opportunity costs, if there is a redirection of money and research that would otherwise prevent use hESCs available by current methods. One should also consider the likelihood of success in developing the alternatives to a degree that satisfies the need for stem cells, and how long it will take to develop these alternatives. (One should be aware that the belief that the alternatives would very soon be available could be suggested by some as a reason to shut down current efforts, as much would not be lost if the alternatives were truly around the corner. So it is important to be clear about how soon alternatives will be available.)

4. Finally, it is important to distinguish (1) the claim that successful curtailment of federal funding by opponents of the destruction of embryos gives a reason to consider developing alternatives from (2) the claim that mere existence of the required alternatives gives such a reason. The latter claim would require much more detailed discussion of the principles of compromise required of citizens in a liberal democracy that have nothing to do with the actual political power of opponents. It would also require more detailed discussion of the relevance of the nature, reasonableness and correctness of the opponents’ views to the requirements of compromise. This is a complex topic in political philosophy that goes beyond anything discussed in this article. (It is not enough to point to the benefit of unanimity. For example, suppose it would be easy to accommodate a purely religious request related to scientific experiments (e.g., an insistence that all experiments be blessed). It would still be improper to concede on a principle that government-funded research does not cater to religious views.)

**Endnotes**

1. This article stems from participation in discussion of these issues at the conference sponsored by the Center for Ethics and Technology on June 6-7, 2005 at the University of San Diego. (Henceforth this will be referred as “the conference.”) The aim of the article is only to report my thoughts that arose in connection with that meeting. For an earlier discussion of mine, see “Embryonic Stem Cell Research: A Defense,” The Boston Review, Vol. 27, Chapter 5.

2. These views are drawn from Condic M. and Condic S. Defining organisms by organization. The National Catholic Bioethics Quarterly, Summer 2005; pp. 73–95.

3. This view was expressed by Father Tadeusz Pacholczyk at the conference. Father Tadeusz Pacholczyk emphasized that this was the position of the Catholic Church and that the Church remained open as to when the ensoulment took place. Does the organism argument imply that any skin cell that could, with scientific manipulation, be made intrinsically capable of turning into a person, should also not be destroyed because it is capable of developing into a person? This would surely be an unreasonable conclusion. The argument need not yield this conclusion for it can distinguish between entities that already, intrinsically, have properties that lead them onto a trajectory of developing into a person and other entities, like the skin cell, that require scientific manipulation to have this trajectory. Before having been manipulated the skin cell might not deserve to be treated like a person simply because it could be manipulated so as to have a trajectory. As stated, however, the Organism Argument does claim that the human conceptus is the only organism that will become a person (or can come to have a soul). But suppose there were rational beings of other species. Why would not their conceptuses also then be organisms that can become persons? To say that they would be human organisms alters the meaning of “human” from “having DNA of a certain specific sort,” for beings of another species would not have that sort of DNA. It also makes it impossible, by definition, for there to be any nonhuman persons. Now, as a matter of fact, there may not be any nonhuman persons. But if so, this is a matter of empirical fact, not a definitional truth.

4. At the conference, after being presented with the Organism Argument we were asked whether we had gained new respect for the embryo. Respect is an attitude thought to be an appropriate response to a being that is self governing and to whom we personally can owe things. Not even all entities for whose sake we can act, such as a cat, are thought to be self governing or to be personally owned things. The embryo can be valuable in virtue of its complex organization and the trajectory it is programmed to follow but this does not make it an entity that is either owed respect or for whose sake we can act.

5. The fact that someone need not be required to put in her womb even an embryo that she deliberately created for IVF, but may let it die or freeze it, may strike some as reasonable only if the embryo is not a person. But some have argued (e.g., F. Kamm in Creation and Abortion, OUP 1992) that it is consistent with assuming that the embryo is a person not to require someone to refrain from creating it unless she will carry it in her body when it needs this to survive. This is, in part, because the fact that something is a person does not imply that it is wrong to refuse it very costly assistance. If this argument is correct, letting the embryo die or freezing it when the alternative is very costly assistance does not indicate that it is not a person.

6. Consistent with this it can be concerned with not doing what might encourage behavior that will lead to there being more embryos that will be in the position of soon dying. (It can also be concerned with encouraging the adoption of embryos.)

7. A famous example is known as the Trolley Problem.

8. However, it has been argued that if the only part of the embryo that could not be formed by the removed cell is the trophoectoderm (the part forming the placenta), this would not be sufficient to obviate the problem of creating a new embryo. For, arguably, this element is extrinsic to the embryo as an individual organism intrinsically capable of developing and only serves to connect it to a source of life support. (See Condic and Condic.)

9. This was suggested by Howard Zucker.

10. I believe that this was suggested by Maureen Condic.

11. However, it has been pointed out (by Condic) that in Germany all IVF embryos must be placed in the womb. Perhaps data might be collected on revival of seemingly dead embryos in this context.
If he’d already lied, why wouldn’t he lie again? I thought.

"I didn’t want to ask him," I continued, staring down at the book I was reading. "At least this wasn’t a job interview. I wasn’t here to be judged."

The public library had closed down the St. Louis airport for the day. (Mistaken identity, he’d replied, and I’d nearly fallen over.)


Thank God the office wasn’t sleazy. The walls were off-white with framed Audubon prints, and Karen Brogan, P.I., looked equally serious and stylish in her wheat-colored linen suit. I wondered whether there were image consultants who specialized in the confidante image, the look that said, I’m sophisticated enough to understand your secrets, discreet enough to keep them, sensible enough to be able to help, and warm enough to sympathize. The therapist image. But I hadn’t seriously considered taking my problem to a therapist. If I was going to betray the love of my life and bare my suspicions to a stranger, I hardly wanted metered attention to my feelings. I wanted information.

"What can I do for you?" Karen Brogan was saying.

I glanced at the window in the Boston Common. I was just doing this, actually setting a private investigator on the man who read Malory to me in the evening, obligingly skipping the goriest parts, and who for my twenty-eighth birthday had taken me on the perfect couch-potato tour of the Green Mountains: no hiking, just driving, and he did all the driving himself. "I think my fiancé may have a secret life," I said.

"Why do you think that?"

I forced myself to describe the suspicious incidents. First was the time Roger had told me he was on an overnight hike in the Berkshires, but someone at a party mentioned seeing him at the St. Louis airport. (Mistaken identity, he’d replied, and I’d taken it for granted he was telling the truth.) Then there was the worst of his hero. Suppose Roger had been going to try to use a fishnet for an umbrella."

I didn’t have a photograph of Sara. Maybe I could get one on the pretext of getting a picture of her bonsai collection. I had

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Entertain the Thought

Felicia Nimue Ackerman
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"Why do you think that?"

I forced myself to describe the suspicious incidents. First was the time Roger had told me he was on an overnight hike in the Berkshires, but someone at a party mentioned seeing him at the St. Louis airport. (Mistaken identity, he’d replied, and I’d taken it for granted he was telling the truth.) Then there was the time he had called to say he’d be returning a day late from the White Mountains, and I still hadn’t worried that backpacking could be the perfect excuse for trips away from someone who would as soon sleep standing up as outdoors. “But then that evening on the Weather Channel, I heard about the storm in the Midwest that had closed down the St. Louis airport for the day.”

My voice was getting high and thin, as if I’d been transported back two years and had to convince the head of the Boston Public Library that I should be its new reference librarian. At least this wasn’t a job interview. I wasn’t here to be judged. I didn’t want to try any of the amateur spying schemes that were popping into my head, either. I wanted to tell myself it was just coincidence and keep the suspicions out of my mind. But it was like trying to use a fishnet for an umbrella.” I looked up. The detective was making notes, making a record of my lack of faith. “I read somewhere that eighty percent of women who think they’re being cheated on are right,” I said.

“Is there a particular woman you suspect he’s involved with?”

Now I was going to betray my best friend too, and on even flimsier grounds. Roger loved Sara’s sense of humor. He liked her singing voice; they were both in a local chorus. I saw them having lunch together downtown last month, although they said they’d just run into each other. How petty I felt saying these things, especially since I had to admit that Sara lived right in Boston, so why would Roger have to meet her in St. Louis? “Neither of them has any connection with St. Louis, so far as I know,” I finished.

At least there was no need to mention that Sara weighed about 200 pounds and I used to think one of the terrific things about Roger was that he was surprised she didn’t have a boyfriend.

“Do you have any other reason for suspecting her?”

“No! She’s always been the most trustworthy—so hasn’t he. I can barely believe I’m here.” My eyes were stinging. “All the betrayed women who walk into your office probably say that.”

“As a matter of fact, they don’t.” Karen Brogan opened her mouth, then closed it, making me wonder what she had decided not to say. “What’s your fiancé’s job?”

“Nothing that could require secret trips. He teaches English at Bunker Hill Community College.” I did not add that Roger, who’d been denied tenure at the University of Vermont, had assured me that ending up teaching remedial composition at a community college was not a blessing in disguise. He figured that misfortune was bad enough without his having to pretend it had a silver lining—a generous sentiment, I always thought, since he applied it to others as well as to himself. I glanced at a print of three woodpeckers stripping bark from a tree. “Suppose you found out he was involved in something illegal. I’m sure you won’t. But would you have to report it?”

“Only if I got subpoenaed. Is that a problem?”

“Well…” I could hardly tell this businesslike person that Roger’s literary hero, Sir Thomas Malory, wrote his great work of Arthurian literature while in prison 500 years ago on charges including robbery, rape, and attempted murder. Trumped-up charges, Roger liked to insist, but he admitted there was no evidence to settle the matter. Suppose Roger secretly suspected the worst of his hero. Suppose Roger had been going to Missouri, where no one could recognize him, to try his hand at leading Malory’s life, lying in ambush, and…. My urge to giggle dissipated as I realized why the idea of his having another woman didn’t produce the same reaction.

The detective was waiting.

“No,” I said, “it isn’t a problem.”

“I will need the dates you suspect him of being in St. Louis.”

I supplied them, the later date two months ago, the earlier date ten months before that.

“You waited a long time.”

“Yes.”

“Do you have recent photographs of your fiancé and of your friend?”

I didn’t have a photograph of Sara. Maybe I could get one on the pretext of getting a picture of her bonsai collection. I had
a photograph of Roger from the Green Mountain trip. He was standing in a field of goldenrod. And now a private eye would be showing this picture along with Sara’s at hotels and motels, at restaurants and bars, asking, “Have you seen this man? Have you seen this woman? Have you seen them together?” Or maybe that wasn’t how they did it nowadays, but it scarcely mattered.

I stood up. “I’m sorry. I can’t go through with this. Please destroy your notes. What do I owe you for today?”

Two weeks later, I was standing at a tableware display in Neiman Marcus at the Copley Place Mall. The display consisted of gold-rimmed china and elegant silverware. Above it a sign urged, “ENTER THE THOUGHT.” I could see beyond the display to where a short, broad, black-haired woman was standing at the candy counter. From the back, the woman looked like Sara. It was bound to be Sara. In a moment Roger would appear, fresh from the Marriott, where he and Sara must have been having an assignation. Sara would give him one of the truffles she was buying, milk chocolate, his favorite. He would eat it on his way to meet me for dinner. I would not challenge him. Instead, I would ask him innocuous-sounding questions. The urge to do this had been besetting me lately. I had always liked to think that a woman who was not attracted to glitter, who found constancy and devotion exciting and considered glamorous rogues about as alluring as warthogs, would be safe from falling for the sort of man who would betray her. But now I thought, How stupid. Anything could be faked, even constancy and devotion. Even trust. It struck me that, regardless of whether Roger actually had a secret life, I was obviously developing one myself. How dreadful.

The black-haired woman turned, and I could see that it was definitely not Sara. This woman had no bangs. She was not wearing glasses. And—God must have really wanted to drive the point home—she was Chinese.

An hour after leaving the mall, I was in an Italian restaurant, eating veal marsala and listening to Roger tell how Sir Gawain saved King Arthur’s life by marrying Dame Ragnell, who had a barrel-shaped body, tusk-like teeth, bulging bleary eyes, and a huge face as red as a wound. Filled with revulsion, Gawain forced himself to approach his monstrous bride in their bedchamber, whereupon she turned into a beautiful lady. Then Gawain fell in love on the spot.

“Superficial twit,” I said happily, watching Roger twirl spaghetti on a fork. Some strands were in danger of escaping, but he seemed too caught up in the story to notice. The setting sun cast a glow on his face, a face that was clean-shaven because he associated beards and mustaches, beards especially, with the academic world that had betrayed him. I had seen pictures from his University of Vermont days; what surprised me was how little difference a beard had made in his appearance.

“Wait.” Roger ate the forkful of spaghetti, then said Ragnell told Gawain she was still halfway under a spell. If she were beautiful by day and hideous by night, everyone would just see her hideousness by day. So they’d all pity him and look down on him.

“You choose.”

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“I just love these high-minded romantic considerations.”

“So what would you choose?” Roger repeated, his face so full of eagerness and curiosity that I longed to get up and embrace him right there in the restaurant.

I settled for touching his hand. “I’d choose to have you look good during the day, not to reflect well on me but to make your own life easier. I wouldn’t hold it against you if you were hideous, but other people would.” Pleased with my solution, I cut myself more veal. Then another thought struck me. “But maybe that choice wouldn’t make your life easier. If I were in Ragnell’s place, I couldn’t bear to be hideous with you at night. I’d much rather be hideous by day.” I took a drink of water.

“What did Gawain say?”

“He gave the right answer.”

“The right answer?” Our waitress was approaching, a small woman with a graceful body but frizzy peanut-colored hair, as if her husband had solved the problem by choosing to have her half-prettty, half-ugly, all the time.

“He told Dame Ragnell, ‘You choose.’”

“And then she said, ‘No, you choose,’ and they’re still at it.”

“No,” Roger said as the waitress refilled our water glasses and left, “his generosity broke the spell and made her beautiful all the time. He wanted her to have what she wanted, not what he wanted for himself.”

“What if she wanted to have an affair? Would he say, once she was beautiful enough for him to give a damn, ‘Oh, great, go ahead, whatever you want’?”

“That is completely different!” said Roger, with a sweeping gesture that nearly knocked over the breadbasket. “How can you compare the ultimate betrayal with anything else?”

All at once, I felt as if I were in a glass paperweight, repeatedly shaken, where the snow had finally settled. At that moment I was certain Roger had never deceived me. “Of course, nowadays Dame Ragnell would join a support group where they’d tell her beauty standards are sexist,” I said. “Have some veal.”

He put spaghetti on my plate in return and said they’d also call a suicide hotline before Elaine could die for love of Lancelot. “Remember Nancy Blair,” he added.

Of course I remembered Nancy Blair, the Vermont sophomore who had complained in the school newspaper when her roommate called the student health service on her after hearing at a dormitory meeting that social withdrawal and changes in eating habits were suicide warning signs. “The poor kid’s father had died, for God’s sake, and you know what? She didn’t want grief counseling. She wanted to console herself by pigging out on junk food, but you’re not allowed to think adversity justifies self-indulgence nowadays,” Roger had said when he told me the story on our third date. His voice had been suffused with the anger and bitterness I would soon learn he always showed when talking about the university. I also recalled my reaction, the exhilaration of realizing I had found a man who didn’t worry about being well adjusted, whose emotions hadn’t been standardized into wholesome, bite-sized pieces. “But nobody dies in the Gawain-Ragnell story,” I said now, “Malory must be turning over in his grave. What’s it from, anyway?”
“It’s an anonymous medieval poem. Maybe actually by Malory; nobody knows. And there are some gory threats I’m sparing you.” He grinned, stabbing an olive as if it were the Vermont dean who had told him his work was not cutting-edge.

I giggled, then felt my smile stiffen as Roger said he was planning to go to the Berkshires on Friday.

“It’s supposed to rain. All over New England.” I kept my tone matter-of-fact.

“I like hiking in the rain.” He was buttering a breadstick, not looking at me.

I watched him eat the breadstick. Once I had read that people were more likely to feel guilty when they ate fattening food than when they told lies. “What do you think Sara would choose?” I asked. “Would she want to be beautiful by day or by night—if she had a lover, I mean?”

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The report would be ready in about a week, Karen Brogan told me the following day, displaying no surprise that I had changed my mind again. She also refrained from advice about staying calm and finding a diversion until the results were in, and for that I was grateful.

But I did turn out to be amazingly calm during the waiting period, as serene as the terminal cancer patients in magazines, who claimed to find each fleeting moment so filled with poignant beauty that believing them would practically tempt you to rush out and try to get a fatal disease yourself. I did not expect to be calm about terminal illness. I figured I was more the type to go around screaming and frantically seeking a miracle cure. Serenity in my present circumstances was easier. I could still anticipate a negative diagnosis.

On the morning of the day when I was to see Karen Brogan for the last time, a trim woman whose face was almost hidden by a large-brimmed gray hat crept up to the reference desk at the library.

“I would like to know which states don’t have daylight saving time.” The woman ended this sentence nearly in a whisper, as if uttering something scatological. She adjusted her hat, her wedding ring glinting. Maybe her marriage hung in the balance. Maybe one evening her husband had said where he was calling from and what time it was there. How I hoped I could make her happy.

Five minutes later, it was clear I had succeeded. “Oh, thank you!” the woman was saying. Pinpoints of light flickered in her eyes; that was what ‘twinkling eyes’ meant, I realized.

“You’re welcome.” This was what I loved about being a reference librarian. You picked up interesting bits of information, gave people practical help, sent them on their way satisfied, and never had to take their problems home where they could ooze into your personal life. And you got to spend all day around books. Much nicer than being a private eye, particularly if the private eye had bad news to impart, but surely Karen Brogan wouldn’t, would she?

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“Yes,” Karen Brogan said, “he’s been going to Missouri.”

A thrill of alarm shot down my neck. “Is it another woman?”

“No.”

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“Well. “ Sara was saying an hour later, “at least you found out he hasn’t got anyone else.”

“And while we’re looking on the bright side, he’s not a serial killer,” I said. “He just goes to watch...”

“The aftermath?”

I was sitting on Sara’s sofa, opposite a thicket of maple bonsai on the mantelpiece. Now I turned my head and found myself facing the soft little blossoms of an azalea bonsai on the end table. Bonsai were on every table, atop every bookcase, and on the floor. No tree was over two feet tall. Groves for Lilliputians. “I can’t believe I’m engaged to an execution-watcher,” I said. “This is terrible.”

Sara nodded, her brown-rimmed glasses sliding down her nose.

“I never would have guessed anything like this. I didn’t even know that ordinary people could go to executions. I thought it was just relatives and the press. But the detective said it goes state by state and Missouri lets outsiders in.” Now my voice was taking on, then losing, its reference-librarian tone, the tone that said the world was an assortment of fascinating facts. It was something I fervently believed, but not right at this moment. “Would you believe I even thought his secret life might be you? I...even had the detective check it out. I’m sorry.”

“What?”

“Please forgive me. It’s just—when you start doubting the love of your life, all bets are off. You can doubt anyone.” My fingers were making tiny pleats in my flowered skirt. Roger liked this skirt; so I’d worn it today as a kind of talisman. “Please.”

Sara picked up a cutter.

“Sara?”

“Okay.” Sara’s tone made me certain she would have more to say about this later. She began pruning a miniature evergreen.

“Executions were public in the Middle Ages. He likes the gory stuff in Malory. Maybe—”

“This is not gory stuff in Malory. He goes to see real people die.” I watched shiny needles fall into Sara’s bowl. Did Missouri execute by needle? I shivered; I was glad I hadn’t asked Karen Brogan about the method.

“You always said you didn’t want someone who worried about being well adjusted.”

“That doesn’t mean I want someone sadistic.”

“Are you against capital punishment?”

“I don’t know! That’s not the point. I’m not against jails, but I don’t go to jails and gawk at the prisoners.”

“Maybe someone close to him was murdered and he wanted to see the murderer die,” Sara said.

“He’s seen several murderers die. And he tells me he’s going backpacking.” My voice rose again. “What else has he been lying about?”

Sara sat down in her overstuffed armchair and swung her feet up onto the hassock. “Do you really think there are other things?”

“How should I know? Before all this happened, I wouldn’t have dreamt there was anything at all. I thought I knew him. But what kind of creature wants to watch executions? And is such a practiced liar, with so much planning?” I sipped some iced tea, but my throat still felt scraped. “I guess in a way it’s a point in his favor that he’s ashamed enough to lie about it. At least he doesn’t say”—I had a wild urge to laugh—“‘Have a great couple of days, Amy, and think of me every time you flip a switch.’ But how am I supposed to trust him again?”

“He could send postcards.” Sara tapped the arm of her chair. “Dear Amy, What a great vacation I’m having here in the Show Me State. Went on a jaunt on the Mississippi, heard some St. Louis blues, and took in a really swell execution.”

“That’s not—”

“Having wonderful time. Wish you were here.”
“That’s not funny!”

“So why are you laughing?”

I looked at Sara, and soon we were both gasping, doubled over with laughter. Really doubled over—my face was barely a finger’s distance from my knees.

“Making marriage work?” Sara gasped. “Rule One: You don’t have to do everything together. So take separate vacations! Or vacation together, but pursue your separate interests. You go to a museum; he goes to an—”

“Making marriage work; that’s a good one. It’s probably just what those self-help books do, turn your marriage into a chore. They’ve got rules about how often to hug, and… we always had a great time making fun of them.” Suddenly I was almost in tears. “This is awful,” I said. “What would you do? Pretend you don’t know us. Be an objective outsider.”

Sara got up and snipped a twig off a Chinese elm.

“Is that supposed to be symbolic?”

“No. It was sticking out.” Cutter dangling from her hand, Sara turned to face me. “I’d ask him about it and see if he had a good explanation.”

“A what?”

“Oh. Here’s another way of looking at it. An objective outsider. You know what one of the lawyers on the case said about Jeffrey Dahmer?”

“Sara!”

“You asked. And it’s just an analogy. I’m not saying Roger’s like Dahmer. Anyway, the lawyer said, ‘Here’s this guy. He lures strangers up to his apartment. He tortures and kills them. Then he has sex with their dead bodies, eats them, and stores their remains in the freezer. Think he sounds nuts?’”

“I really—”

“I said it’s just an analogy. But here’s this guy. He goes on mysterious trips. He lies to his fiancée. And what does his secret turn out to be? He goes to watch people fry!” Sara flung out the arm that was not holding the cutter. “Think he sounds like a good marriage prospect?”

“So now you know,” Roger said.

“So now I know.” We were sitting in my brown velvet armchairs. I was trying not to look at him, as though the sight of the face I had loved for over a year might be undue influence. But I could not block out the voice I loved, the voice that was begging my forgiveness for lying, promising me that Roger had never deceived me about anything else and never would again.

And I’m supposed to believe a liar who promises he’ll never lie again, I thought. “Why do you do it?” I said.

“I was afraid you’d be horrified and leave me. You can’t even stand the bloody scenes in Malory, for God’s sake!”

“No,” I said, “I mean why do you go to them?”

Roger sighed. He was silent so long I began to wonder whether he would answer at all. Then he started talking about the sociology course he took in college, where one assignment had been to spend a day observing the criminal justice system: jury selection, or a trial, or, the professor had added half-jokingly, maybe an execution. Of course this had spawned more jokes, and Roger planned to attend night court with another student. But then he read a magazine article by someone who had witnessed an execution in Missouri.

“So you went to one and it was the most meaningful experience of your life.” How horrid I sounded, snippy and sarcastic, especially in contrast to Roger, whose voice was slow and uneven. I swallowed hard. “Did you like it?”

Another long pause. I closed my eyes. “I wasn’t expecting to,” Roger said, his voice eeriely disembodied in the dark. “I figured it would be pretty gruesome, but that Malory probably saw executions, and it would help me enter into the spirit of the Middle Ages. And it would make a nice weird term paper. But then…”

I swallowed again, with difficulty; my throat felt constricted, as if I were being strangled. Or hanged. Or—

“I was in a beige room behind a glass pane. I could see into the execution chamber,” Roger was saying. I opened my eyes. I was in a beige room and I was careful not to see Roger or the framed Malory passage he had given me for Valentine’s Day. “At first my mind kept filling up with things like the smallness of the chamber and the whiteness of the sheet—the man was stretched out on a gurney with a sheet over everything but his head. But… but then I started thinking, I can get up and walk away but he can’t; and ten minutes from now, he’ll be dead and I won’t; and he deserves to die and I don’t; and I felt safe and innocent and alive and free; and oh, God, yes, Amy, I liked it, I liked it, it gave me a thrill. “

“Watching someone die gave you a thrill.” My throat was opening and my mind was practically on cruise control, responding as if I had done this hundreds of times and would handle the emotional part later. It was as if my soul had taken Novocaine. My body didn’t seem to know that, though; it was shaking. Shaking with fury, I realized, because there was no longer a chance Roger was going to have a good explanation. No one close to him was murdered. He went to executions because he liked them. And… “You’ve been lying to me for a year, and I felt guilty about going to a detective,” I said.

“I’m sorry. I told you. I was afraid—”

“What if they had tortured him to death? Would that have given you an even bigger thrill?”

“I don’t want anyone tortured to death! But I liked watching the execution. For God’s sake, Amy, he had raped and strangled a nine-year-old-girl!” I steeled myself against his rising, tightening, desperate tone. “I only go a couple of times a year. It’s not as if I do it all the time. After the first time, I wasn’t planning to go ever again.”

“So why did you?” Now what was coming out of my mouth was my father’s bankruptcy-lawyer voice, the voice he’d seldom used at home except in jest.

Out of the corner of my eye, I saw Roger rise, walk over to the framed Malory passage, and stand facing it for a moment. Then he walked over to the window and stood facing outside. Even across the room, I could hear his breathing, and before he spoke again, I knew the answer. Didn’t he like to say adversity justified self-indulgence? Wasn’t that part of what I’d always loved about him? And now he was saying that when he’d had to leave university teaching and everything he had worked for, he had wanted to do something defiant, indulge a secret vice, the most unprofessorial vice imaginable, and he knew it was a vice—most people who believed in capital punishment didn’t want to watch it for a thrill—but on the other hand, was it really so terrible to enjoy seeing murderers, murderers, die? “Remember the feminist fantasy group at Smith,” he finished. I remembered. I even remembered the pizzeria where I told him about my classmates who had resolved to reeducate themselves to have proper feminist fantasies instead of reactionary daydreams about being dominated by men. “A Girl Scout is pure in thought, word, and deed,” I had added, and he’d laughed so heartily that two teenagers at the next table stared, as if surprised to see adults having so much fun. A few days later, he’d gone off to what I now knew was an execution. I closed my eyes again so I could not see his back,
BOOK REVIEW

Medical Ethics: A Very Short Introduction

Reviewed by Christine Vitrano
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The advancement of modern medicine introduces new ethical challenges for both physician and patient. Traditional concerns about the moral permissibility of euthanasia and how we should allocate our limited health care resources are now joined by new concerns about how fertility treatments affect the unborn, and the challenge modern genetics testing poses for confidentiality. In *Medical Ethics: A Very Short Introduction*, Tony Hope provides valuable insight into these and other issues currently being debated within medical ethics. Rather than adopt a top-down approach, which starts with a moral theory, Hope devotes eight of the book’s nine chapters to the issues themselves. Each chapter is centered on one controversial topic and features Hope defending a particular position using a variety of methods of argumentation. Throughout the book, Hope’s arguments are accessible and compelling, and clearly demonstrate the central importance of being able to provide reasons for your moral judgments.

After a brief introductory chapter (“On why medical ethics is exciting”), Hope begins the second chapter with a discussion of euthanasia that includes a useful chart defining many of the terms featured in this debate. In order to sharpen our intuitions about euthanasia, Hope appeals to a thought experiment involving a case of mercy killing that is not in a medical context. He isolates seven arguments one could present against mercy killing, and then argues that most fail to be persuasive. The most compelling argument against mercy killing (and active euthanasia) rests on the principle that killing is morally wrong. Hope acknowledges that “it is right that we have a strong intuition that killing is wrong” (24), yet he points out that the wrongness of killing is often linked with the badness of dying. In other words, we view killing as morally wrong because we view dying as a great harm. But in cases where it is in the patient’s best interest to die now, rather than continue to suffer, death is actually a benefit. Hope concludes with a rejection of the view that voluntary active euthanasia is wrong in principle.

The third chapter addresses the issue of how to distribute our limited health care resources. Hope discusses “the distribution problem,” which arises when a healthcare system is faced with the choice of funding only one of three potential interventions. Which principle should determine how we allocate funding? Should we look to maximize the number of people helped by the treatment? Should we favor the intervention that leads to the most significant gain, even if that means we help fewer people? Hope argues for a third possibility (called the maximization view), which says we should “spend the money so that we can ‘buy’ as many life years as possible” (30). Although this view deviates from many people’s intuitions, and “no health care system in the world behaves remotely in this way” (31), Hope presents convincing arguments for why we should prefer to maximize benefit.

The fourth chapter deals with the difficult issue of how to evaluate actions that will affect people who are not yet born. Hope considers the case of a fifty-nine-year-old post-menopausal woman who used IVF to give birth to twins. When her story was first publicized, many people expressed outrage, believing it was wrong to help this woman conceive. Their outrage presupposes that it is not in the best interest of the children to have a mother who is so old. Hope points out the flaw in their reasoning; **for these children would not exist if this woman did not receive help to conceive; they could not have been born to a younger woman. Therefore, these children were only harmed if they would have beenbetter off not existing at all. If the twins’ ‘lives are worthwhile, then they are better off for having been born, and the public outcry is unwarranted.**

Hope concludes that in societies that give considerable weight to both patient autonomy and reproductive choice, doctors should not normally override a woman’s choice in situations where no person is harmed. ...Such a conclusion goes against normal intuitions. In this case, it seems to me, normal intuition is wrong: it is based on a false metaphysics. (57)

The fifth chapter takes a step back from the issues and focuses on “the tools of reasoning.” Hope explains, “the role of philosophy is to demand reasons and to subject these reasons to careful critical analysis. ...Medical practice should be continually improving through subjecting itself to the scrutiny of those twin disciplines, science and philosophy” (58). This chapter is extremely useful for the reader who is not acquainted with the different methods used by philosophers to evaluate arguments. The tools discussed by Hope in this chapter should already be familiar to the reader, for they have been used in his arguments in the previous four chapters. This chapter concludes with a discussion of fallacies and slippery slope arguments.

The sixth chapter takes up the issue of enforced treatment of the mentally ill, which Hope believes subjects them to a
"double injustice." Ordinary people who have committed crimes and served their sentences are allowed back into the community. The mentally ill are treated unjustly, according to Hope, because they may continue to be detained after they have served their sentence, and in some cases they may be detained even if they have not yet committed a crime. Hope refers to this practice as "preventative detention" and he argues that it is a form of discrimination. He explains,

if we think it right for society to lock away mentally ill people who present a certain level of risk of harm to others then we should do the same for those people who are not mentally ill. Conversely, if we think preventative detention is an unacceptable infringement of human rights in the case of people without mental illness, it is an unacceptable infringement of human rights for those with mental illness. (83)

The second injustice against the mentally ill occurs because they are denied the right to refuse medical treatment on the grounds of their protection. Hope argues, "what seems unacceptable to me is to...treat all those with mental disorder paternalistically, while allowing those without mental disorder the freedom to refuse treatment. To do so is to discriminate, once again, against those suffering from a mental illness" (85).

The principle of confidentiality and how it is affected by modern genetics testing is discussed in the seventh chapter. Modern genetics testing can provide information about sensitive issues such as paternity and whether one is a carrier for a genetically transmitted disease. The physician, who is now in possession of this information, must decide how to disclose it and to whom. Hope presents several cases illustrating how genetics testing complicates the physician's obligations.

The eighth chapter raises the question of how we should allocate resources to research. Hope explains that most ethical discussion focuses on regulating research by imposing "innumerable guidelines" which seem to imply "medical research, like smoking, must be bad for your health," and "strict regulation is needed to minimize the harm it can do" (99). Hope argues that the strict regulations imposed on research are out of line with the standards we use in other areas of life, and he questions whether this difference is justified. If it is, then the standards are simply different, but if it is not, then we are guilty of inconsistency, and "at least one of the standards needs to be changed" (104). The chapter concludes with a lengthy discussion of how we should conduct medical research in the Third world.

The final chapter addresses the more common issues physicians face in their day-to-day clinical practice. Hope considers two cases where complications arise because of the patient's family dynamic. The cases highlight the additional burden families place on the physician, who must balance what is best for the patient against the family's demands, and this is especially difficult in cases involving minors. The chapter concludes with a discussion of an actual case heard in England's highest court, the House of Lords. The brief synopsis of each judge's decision provides an excellent example of moral reasoning, which further illustrates the main theme of this book. The book culminates with a useful list of suggestions for further readings that is organized by chapter.

Hope's book is a clearly written, extremely engaging introduction to medical ethics that doesn't bog down the reader with moral theory, but instead encourages critical reflection and the development of one's reasoning abilities. Hope covers a considerable breadth of material given the short length of the book, and, overall, this book provides a great introduction to medical ethics.