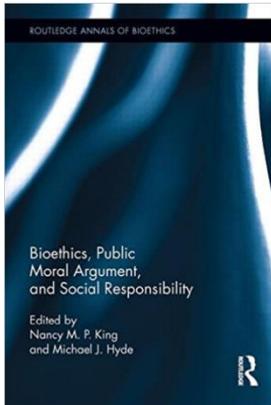




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Review:

Bioethics, Public Moral
Argument, and Social
Responsibility

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Reviewed by
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“The need to consider carefully the meaning of responsible public moral argument and the responsibility to achieve it, could hardly be more pressing than it is today” (p. xiv). This passage is from the editors introduction. Truer words have never been written. As I begin this review, newspapers are filled with stories and opinion pieces about the question of whether contracep-



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tion ought to be among the essential benefits guaranteed to all Americans under the Patient Protection and Affordable Care Act. The Catholic Church and some other religiously conservative groups have opposed such inclusion, at least in the case of health plans provided by institutions they control. The problem, of course, is that many employees of these institutions are either non-Catholics or Catholics who wish to use birth control. How should we "thoughtful bioethicists" conceptualize this issue? Defenders of the Catholic position see it as a matter of religious liberty, but their critics can just as readily characterize it as a matter of religious tyranny. This is hardly an auspicious beginning for respectful and responsible public moral argument.

The issue of contraception affects millions, but we could, for the sake of argument, put it aside. We might be tempted to regard this as an oddball issue that only garnered media attention because this is an election year. However, that would be a mistake. This sort of issue is rapidly becoming ubiquitous. To give some quick examples, should there be public funding for "pre-implantation genetic diagnosis", when a couple knows they are at risk for having a child with a serious genetic disorder that would very adversely affect both length of life and quality of life, such as cystic fibrosis or Duchenne's muscular dystrophy? The cost of that reproductive option is about 40,000 \$, considerably more than what is at stake with contraception. And then there are the social costs associated with providing appropriate care for such unfortunate children.

If the field of regenerative medicine develops as many expect it will, there could be many future medical therapies for diabetes, damaged hearts, or spinal cord injuries that will require the use of embryonic stem cells. These will be very expensive and very effective interventions that are likely to elicit strong objections from various religious groups. May these interventions also be excluded justifiably from a national "essential benefits" package in order to avoid offending the consciences of those who would reject these interventions? Finally, recent news accounts

indicate we have already achieved the capacity to do a 1,000 \$ genome test, a complete readout of the genome of any individual.

This will have enormous utility in the everyday practice of medicine by permitting much more individualized use of pharmaceuticals with fewer side effects. No one expects that to trigger any religious moral objections. However, that same technology will yield at the very same time information that will be reproductively relevant for some couples and motivate them to use some alternative reproductive technology to protect the best genetic interests of their future possible children. Should the 1,000 \$ genome test also be excluded from the national "essential benefits" package because some potential uses of that genetic information would be offensive to some religious groups? Philosophers might be a bit disappointed by this collection of essays. Most of the contributors are from Communication departments looking at the issue of public moral argument from a rhetorical perspective as opposed to a philosophic perspective.

In the opening essay, David Zarefsky sets up the basic problem quite nicely. Public moral argument occurs within a democratic society. Policy decisions need to be made. They have to be made in a context where there are conflicting perspectives regarding what values ought to shape those policy decisions. In addition, the relevant factual information social, economic, scientific, may have various degrees of uncertainty attached to it. In particular, there might be a lot of disagreement about the likely future consequences associated with choosing one policy rather than another. But a policy needs to be adopted within a relatively limited time frame, and this will require advocates for any of the policy options persuading a majority of citizens or a majority of legislators to choose one policy rather than another. Philosophers see the situation described above as requiring the offering of the best reasons, arguments, and evidence for one policy option rather than the other. A commitment to honesty and truthfulness is absolutely essential to the enterprise of

responsible public argument. By way of contrast, the goal of the rhetorician is to find the words that will be most effective in presenting the most persuasive case for whatever option they might favor. This is not about being dishonest, saying things one knows to be false. Rather, it is about skillfully taking advantage of the rhetorical space made available by fuzzy facts and uncertainties regarding predicted future consequences, choosing words that will positively resonate with an audience you hope to persuade, and constructing a problem narrative that will emphasize those elements of a problem most supportive of your proposed policy resolution of that problem. These are the skills of an effective and honest courtroom lawyer before a jury.

Should philosophers eschew such rhetorical practices, whether in the classroom, the public square, or at a philosophy conference? Zarefsky mentions the civil rights struggles and the efforts to put in place policies that would protect especially the civil rights of those who had been victims of discrimination. It is difficult to imagine a philosopher presenting a Kantian argument for equal concern and respect in the public square that would have won the day for civil rights as effectively as Martin Luther King, Jr. Appeals to the Categorical Imperative elicit neither inspiration nor perspiration for any noble cause.

Much of my own work is focused on problems of health care justice related to health care cost containment, what I comfortably refer to as the problem of health care rationing. In the political world, however, the "R" word is a deadly liability. Politicians who intend to retain their offices will never use that word, though they will forcefully argue for the need to control health care costs, especially for taxpayer-funded programs such as Medicare and Medicaid. What they will speak of is the need to get rid of wasteful and inefficient health care. Who would want to run for office as an advocate of wasteful and inefficient health services funded by taxpayers? In the real world of medicine, however, as opposed to a rhetorically-reconstructed

political world, one person's medical waste and inefficiency is another person's life-sustaining medical care.

In the past Paul Menzel, a philosopher at Pacific Lutheran University, has been an explicit advocate of the inescapability of the need for health care rationing, minimizing the use of marginally beneficial non-costworthy health care services, if we are going to have more just access for all to needed health care. However, of late he has explicitly given up the language of rationing in favor of the language of priority-setting. He is entirely honest about this. Audiences would tune him out as soon as he spoke of rationing. The word has too many negative associations for the broad public, made worse by Sarah Palin's linking it to federally-sponsored "death panels". What is an honest philosopher to do, either in the classroom or the public square?

Christine Nero Coughlin, Tracey Banks Coan, and Barbara Lentz contribute an essay titled "Bioethics and the Law: Using Moot Court as a Tool to Teach Effective Argumentation Skills". The authors point out that the primary goal of this exercise is for students to fully develop the strongest substantive arguments for the position they are defending. They wish to discourage students from coming up with merely "clever" arguments. This is more like a philosophy seminar in that the students are arguing before a panel of judges as opposed to a panel of jurors. But in the public square arguing about bioethics issues is more like arguing to persuade a jury; intricate substantive arguments are unlikely to be persuasive.

In the public square the goal is to generate support for good public policies, as opposed to the best conceivable policies. It is far from clear that "best conceivable policies", has any practical meaning at all, given the need to typically balance multiple respectable social values for any reasonable social policy. In reality, there will often be multiple policy options for any social problem that will be "just enough" or "good enough", which is why we then invoke democratic processes to legitimate some choice. Of course we do not want a mere aggregation of

thoughtless democratic preferences to prevail. We want thoughtful democratic deliberation to determine outcomes. Will this be more likely to be achieved by the philosopher's philosopher or the skillful philosopher rhetorician? Which is the more "responsible" role to assume?

In her essay, Rebecca Dresser defends "the role of dignity", as a useful concept in bioethics, though she readily admits that "the concept is used to support opposing positions on abortion and physician-assisted suicide" (p. 49). So how do we go about distinguishing legitimate from illegitimate uses of the concept of dignity in public bioethical argument?

Eric Juengst's essay discusses the role of appeals to human nature in biomedical ethics. Again, it does not take much effort to show how an appeal to human nature to justify or condemn any number of novel medical practices leads to opposing positions. How do we go about distinguishing legitimate from illegitimate appeals to congruence with human nature in public bioethical argument? If we easily accept computers as a perfectly legitimate enhancement of human intellectual functionings, why should we not just as readily accept various drugs for enhancing athletic functionings?

Several of the remaining essays address issues related to genetics, personal responsibility, public misconceptions about genetics, and the responsibility of the media and bioethicists to address those misconceptions. The problem, however, is that these misconceptions are not simply rooted in scientific illiteracy, "correctable by better science education", but instead may be rooted in deeper worldviews, either religious "divine determinism" or broadly ideological "strong attributions of personal responsibility for one's own health". What are bioethicists supposed to do by way of "correcting" those deeper worldviews? In another essay, "Media Misinformation and the Obesity Epidemic", Stephen Giles and Marina Krmar contend that television food advertizing is at least partially responsible for the obesity epidemic. They contend that bioethicists need to be social activists, condemn media irresponsibility in this

matter, and critically respond to those who see obesity entirely as a matter of personal responsibility.

Carl Elliott's essay is easily the most provocative in the book. It is titled "An Investigative Bioethics Manifesto". The title says it all. He believes that at least some bioethicists ought to commit themselves to exposing evil behavior within the health care system, much as Henry Beecher did almost fifty years ago in calling attention to abuses in medical research. He observes that in the early days of bioethics this was a real possibility because bioethicists were outsiders to the health care system. But now they are very often insiders, dependent for status and paychecks upon the health care system, and consequently poorly motivated to be strong critics of even the most egregious misbehavior within health care. Near the conclusion of his essay Elliott quotes, perhaps with sadness, the sociologist Jonathan Imber who described bioethics as "the public relations division of modern medicine"(p. 151). This is not a characterization that Socrates could be proud of.

The concluding essay by Christian Lundberg and Ross Smith brings us back to the central themes of public moral argument and social responsibility. They recall the work of John Dewey and call upon bioethicists to take up the work of "cultivating public capacities for deliberation and response"(p. 158). I certainly endorse that conclusion as a worthy task for bioethicists specifically and academics generally. But this is a much more complicated task than the quoted passage would convey. Again, Lundberg and Smith write, "The question is whether or not bioethicists and communication scholars can work effectively to build the capacities for deliberation and advocacy that serve as preconditions for the success of any deliberative process"(p. 159).

As I noted earlier, philosophers will likely find themselves dissatisfied with this collection because the most fundamental challenge associated with public moral argument, what I would characterize as the analytic and rhetorical divide, is not addressed directly enough or adequately enough. To what

extent may bioethicist philosophers alter in good conscience what they say and how they say it in order to be more effective public advocates for reasonable policies that address controversial bioethical issues? This is a very complex challenge for all.

the book really only treats Aquinas's position on the beginning of human life. Aquinas's stance on the end of human life receives less than ten of the two hundred and forty total pages, and those ten pages contain some of the most convoluted and philosophically problematic material of the book. Second, Amerini avoids the easy answers in this polarized debate; his discussion is highly nuanced, exhaustively researched, and provides a sympathetic reading of both Aquinas's texts and contemporary Catholic teachings. Although I suspect the book will prove inaccessible to the non-specialist and fail to satisfy the specialist, Amerini should be commended for raising the bar in the debate. Any future discussion of Aquinas on this topic will need to address Amerini's treatment of the issue, and to take it seriously.

Aquinas's stance on the beginning of human life is a controversial topic especially in light of the modern abortion controversy and the corresponding importance many people attach to the question of when human life begins. Aquinas is a Doctor of the Catholic Church, but his position on this issue does not line up with the position of the contemporary church.

Aquinas holds that human life starts only with the infusion of the rational soul into the fetal body around forty days after conception, a position called "delayed hominization", while the Catholic Church teaches that human life begins at conception a position referred to as "immediate hominization". Scholarly discussions of this issue have tended to split into two camps. The first works to reconcile Aquinas's view with the official Catholic position, claiming that Aquinas's metaphysics should be read as compatible with immediate hominization, and or that Aquinas himself would accept immediate hominization if

he had access to current scientific information regarding fetal development.

The second camp argues that Aquinas's metaphysics requires delayed hominization, and that attempts to bring his view in line with current Catholic teaching can be motivated neither by a careful examination of the relevant texts nor by appeal to Aquinas's own metaphysical or theological principles. To say that these two camps have at times come into conflict would be to put things mildly.

Amerini's treatment of this topic is intentionally a bit non-standard. He describes his methodology as "aporematic", a conscious attempt to „bring out the complexity of Thomas's thought in a dialectical way, highlighting one aspect of his complex teaching before highlighting another that may or may not cohere with the former" (p. xxii). What this means in practical terms is that, instead of presenting and discussing relevant passages in the context of an explicit overall argument, the book moves back and forth within the topic, often drawing another set of distinctions or unearthing another guiding principle just as the reader expects a settlement of the question. Fabrizio Amerini expresses hope that his readers "will not be perplexed by this stylistic feature", but will be able to "follow patiently the thread through the argumentative labyrinth" (p. xii). He also stresses the modest scope of his study: it is not meant to offer answers to the pressing ethical questions in the debates surrounding abortion, but simply to offer "a philosophical reconstruction of Thomas Aquinas's teaching on embryology and an assessment of its possible bioethical implications" (p. xi).

The „argumentative labyrinth" in question which comes in at a relatively short 240 pages of text, is divided into eight chapters. The first four chapters establish the book's general tone and pattern of discussion, and are meant to set the reader up for the extensive treatment of the identity of the embryo that occurs in the fifth chapter. *The first chapter* presents and discusses central principles guiding Aquinas's embryology, including his

general views on the process of generation; *the second chapter* focuses on the rational soul's nature as the substantial form of the human being. *The third chapter* addresses Aquinas's accounts of the origin of the human soul and the 'ensoulment' of the embryo, and *the fourth chapter* focuses on three particular difficulties facing the account as laid out to that point. The topics addressed in these first four chapters are precisely the ones that need addressing: everyone who works on this topic acknowledges that Aquinas's embryology, which involves first the existence of a being with only "vegetative" powers, then the existence of a being with sensory as well as vegetative powers, and finally the generation of a human being via the infusion by God of a specially created rational soul, is complicated by his commitment to the unity of substantial form, "the theory that each substance has one and only one substantial form, and that this form makes the substance what it is".

The doctrine of the unity of substantial form entails that in the process of generation the vegetative being is a numerically distinct substance from the sensory being, which is in turn a numerically distinct substance from the human being. The questions this progression of substances raises for the diachronic identity of the embryo are vexed, to say the least, and Amerini does a good job laying out the difficulties involved. The real heart of the book is *chapter five*, in which "The Identity of the Embryo" receives over sixty of the book's two hundred and forty pages. The linchpin of this chapter is Amerini's conclusion that, while the embryo cannot be numerically identical to the human being, because of changes on the level of both matter and form, there is nonetheless continuity of subject between embryo and human being. The key here is a thesis of generation Amerini identified early in the first chapter namely, that "natural generation is a process and as such takes place over time and is brought to perfection only at the end of the process; hence, what is generated only exists at the end of the process of generation" (p. 18). *A human being only comes to*

existence, on this view, at the end of the process of generation. What exists prior to this point is, at most, something that is *potentially* a human being. This is a familiar claim that has been used to various ends in previous discussions.

Amerini, however, imbues this claim with new significance. The fact that the embryo and the human being are the same subject, despite their lack of numerical identity, he believes, "can be derived from the fact that, metaphysically, the embryo is in potency to a human being so that a human being is what an embryo is in act(uality)" (p. 163). This non-numerical identity of subject "presupposed by the unity between potency and act" (p. 127), is what Amerini presents as the solution to the problem of the identity of the embryo.

It's clear that Amerini considers his discussion of identity to have done most of the heavy philosophical lifting for the book, for the final three chapters of the book together comprise only fifty pages, although they address "Bioethical Implications", "The Beginning and End of Human Life," and "The Contemporary Debate over the Hominization of the Embryo" respectively.

Amerini's conclusion regarding the bioethical consequences of Aquinas's position, ultimately, is that although "in the abstract" Aquinas's account is fully compatible "both with a position in favor of and against abortion", when it is looked at concretely, "Thomas's account provides certain philosophical reasons for taking up a position that is generally against abortion, even setting aside the question of when the hominization of the embryo takes place" (p. 167-168). These reasons are, according to Amerini, precisely the special status that the *pre-human embryo* has in virtue of existing in potency to an actual human being. As a result, he dismisses the effort of some scholars to reconcile Aquinas's account of embryology with the present position of the Catholic Church on abortion as not just "philosophically and philologically unsatisfying" but also "largely pointless" (p. 237). After tentatively suggesting a "gradual protection of human life" approach as the best reading

of Aquinas's own view, Amerini discourages coming to any hard conclusion about the matter on the grounds that "as we have seen in this study no clear treatment of bioethical cases can be found within Thomas's metaphysical investigation of embryogenesis" (p. 237-38).

I lack the space to address the specific issues I have with Amerini's exegesis of Aquinas and the philosophical conclusions drawn from that exegesis. On the general level it is worth noting, however, that one unfortunate result of the book's commitment to drawing out Aquinas's view from the texts without imposing any sort of external structure is that it involves rather more discussion of the role of menstrual blood and semen in the process of generation than one might expect, and rather less discussion of what a substance is, or even what it might mean for the rational soul to be the substantial form of a human being. It is also left quite unclear what it might mean for the embryo and the human being to be one and the same subject without being numerically the same subject, or even exactly what it means for the embryo to be in potency to the human being. I believe this is intentional on Amerini's part, since he explicitly wants to avoid "reading views into" Aquinas. Still, his restraint is rather unhelpful. Medieval texts and terminology are notoriously inscrutable to the contemporary eye, and Amerini never steps far enough away from his subject matter to draw the modern reader in. In this connection, many readers will find it especially frustrating that Amerini's close and extensive paraphrases of Aquinas's texts are footnoted with the relevant passages in the original Latin all of which are left untranslated.

Amerini is, nevertheless, meticulously even-handed in working his way through the relevant passages, and his command of the material is impressive. Mark Henninger also does an admirable job with the difficult task of translating Amerini's Italian into English while preserving his style and thought processes. The only real exception to this is chapter seven, which, unfortunately, also includes the only and extremely attenuated

discussion of the end of human life. Scholars interested in Aquinas's account of embryology will find the book a valuable resource for both the primary and secondary literature on this topic.

The amount of effort necessary to work through the book's dialectical twists and turns, however, makes it unlikely to gain a broad readership and that, in the end, is perhaps not as tragic as it might be. Central discussions are frequently so convoluted that it is difficult to determine what, exactly, is being claimed and it is sometimes unclear that the point made was significant enough to merit the effort. Take, for example, the following conclusion in the chapter on the bioethical implications of Aquinas's position:

„This can be admitted: an embryo and a human being are not exactly the same entity, for they are not numerically the same entity. But that does not change the fact that for Thomas there is continuity between that embryo and that human being, and that this continuity could be taken as a sufficient metaphysical basis for developing a bioethical theory that is not ready to accept in a generalized way, or at least in an unregulated way, human intervention on embryos that relies on the distinction between a prehuman phase and a properly human phase of the embryos”(p. 191).

within a basically aristotelian framework? Have they too casually accepted the view that when it comes to successful deliberation about what we should do in specific situations, Aristotelian virtue ethics entails that rules or principles do not have a particularly important role to play; that what is required is rather a well developed sensitivity, of a kind that is characteristic of the virtuous, which enables its possessors to appreciate reliably the morally salient features on a case by case basis? In *„Rethinking Virtue Ethics”*, Michael Winter, Professor of Philosophy at the University „St. Thomas”, Minnesota, USA, argues that these questions should be answered in the affirmative. The book has an introduction and five chapters concluding with an appendix and bibliography.

In the chapter entitled „*Moral Realism and Virtue Ethics*”, the author takes into account several types of objections against aristotelian deductive paradigm, in terms of virtue ethics. Michael Winter objects against deductive interpretation that Aristotle states using the *Nicomachean Ethics* passages. It is noted that the features of Aristotle’s ethics support the deductive model type in the understanding of ethical virtue. The author wants the reader to approach this book from the point of view of a non-deductive interpretation, which can provide a more comprehensive understanding of the following topics addressed in this paper.

Section 2.4 is more radical because it targets an important idea that relates to *quality theory* considered a plausible basis for moral theory and if someone might be skeptical about this theory, here is a reason for reading hereinafter the present work. Section 2.5 is a defense of virtue theory in a contemporary challenge against traditional understanding that assigns virtue from knowledge. For example, modesty which is based on the traditional understanding of the relationship between virtue and knowledge must be classified as moral virtue. In the end of the chapter it is mention that between the point of the theory of virtue in an ethically and teleology approach, there is a commitment that cannot be underestimated.

Next chapter entitled “*A Sketch of an Aristotelian Science of Ethics*”, presents the basic forms which are deductive paradigm of Aristotelian ethics. In order to discuss ethics in the context of Aristotle's conception there are two types of approaches. First called TSP "The Two Science Proposal" which shows that there are two types of Aristotelian science, the first in a pure form and the second simple, reason that ethics must be considered in a simplified manner, and the second TDP called "The Two types of demonstration", which refers to a single type of thinking approach to Aristotle but two forms of demonstration. At the end of this chapter, PhD Michael Winter shows that deductive paradigm of Aristotelian theory must take consideration of

ethics. Deductions from moral principles of moral rules must generate in terms of provisions and human actions and their applicability must be accompanied by a correct moral judgment. Rethinking virtue ethics signify to think in a comprehensive way.

The chapter "*How are Ethical Principles Known?*" based on the general question "what are the prospects for armchair ethics?", in order to determine whether "ethics armchair" or ethics investigation carried out on the basis of conceptual analysis is possible. The author states that indeed the investigation on ethic has an empirical importance. If we as human beings say that moral principles can be gained from personal experience, however, we have no basis to say what standards are preferable to have. It is need a determinant of moral theory that provides a standard regarding the self-assessment. Aristotle emphasizes two aspects in this regard: that man possesses natural virtues and that it is naturally capable of recognizing virtue actions. Further the author analyzes Aristotle's doctrine of "νοῦς" in the sense of mind or intelligence. In the theoretical practice, inductive intelligence represents the last stage of the process that enables one to understand essentially the connections between topics and predicates of fundamental principles.

Last chapter entitled "*Some Challenges to the deductive Model*" follows as far as Aristotle's virtue ethics goes to demonstrate the idea that there are absolute human rights as for example in the case of suicide. Admitting that suicide may be rational in certain circumstances, Michael Winter wonders whether one can speak of absolute rights. Analyzing the concept of autonomy in Kant, he shows that it is not clear whether suicide can be justified ethically and morally, according to Aristotle's thought but his brilliant idea is quite suited to address human problems nowadays.

The whole chapter was written to emphasize some of the challenges it might face the deductive model of Aristotelian ethics. In this context the authors analyzes and present the idea of philosopher John McDowell according to Aristotle deductive

model cannot be support, because of the role the virtue plays in ethics theory. In the final chapter, the author states that Aristotle's virtue theory is an attractive model to justify an action in a detached manner of altruism issue, for example. On the other hand this is another reason to consider virtue as a sound basis for understanding moral theory. Nevertheless, to the Aristotelian deductive model the consideration of limitations is required to him, as there is a limit to demonstrate absolute justification of human rights.

Therefore, here are only a few important reasons for reading this very interesting philosophical work, of approaching the virtue in terms of ethics.