

Short literature notices

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Freeman, M. (ed.): 2010, *The Ethics of Public Health*. Volume 1 and 2 (The international library of medicine, ethics and law). Farnham: Ashgate. 1166 pages. ISBN: 978-0754626053. Price: £325.00

The study of public health ethics focuses on the systematic analysis of moral dilemmas in public health and disease prevention. Special interest in this domain arose in the 1980s with the discussions about the better strategies to fight against HIV/AIDS. Since then, this field of enquiry has been rapidly growing.

The two volumes of “Ethics of Public Health” edited by Michael Freeman draw together a collection of 69 significant articles covering a wide range of issues in public health ethics. The papers span 20 years with the first published in 1988. The broad spectrum of publication sources includes a variety of journals (such as medical, legal and bioethics journals).

In the beginning of the first volume, the editor provides a detailed introduction to the topic accompanied by a very complete bibliography. Each volume is divided into 10 chapters, each of one includes two to six peer-reviewed articles in their original publishing format. The editor presents a short summary of each chapter in the introduction.

Following the introduction, the first volume starts with a definition of public health and then addresses the origins of public health ethics. Next, the papers examine tensions and contradictions, as well as achievements and challenges in public health. The subsequent articles concern public health questions on bioethics, a historical study, the contribution of public health to the decline of mortality, and a

critical view on the impact of medicalization on health. Volume I lists research issues, public health and autonomy, questions of governance, public health and human rights, surveillance and privacy, limits of prevention and confinement and liberty as further topics of interest.

Volume II introduces six case studies on various topics including the SARS crisis, HIV/AIDS, bioterrorism, avian flu, climate change, tobacco control and vaccination and concludes with articles focusing on public health and genetic health, public health and equity, and public health and the developing world.

The two volumes provide a helpful collection of material for those involved in research, teaching and the study of public health, medicine, ethics and law, and who seek insight into ethical considerations. Freeman’s work also gives non-public health professionals a useful introduction into the field of public health and its complex challenges.

However there is a tendency in these volumes to focus on contributions concerning infectious diseases. This could be related to the fact that medical topics are more easily published in peer-reviewed journals than issues related to social determinants on health, lifestyle or health promotion. A detailed comment on selection criteria, e.g. in the introduction, would have been helpful to clarify that point.

Karin Faisst
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Schumacher, B. N., 2011, *Death and Mortality in Contemporary Philosophy*. Cambridge: Cambridge University Press. 258 pages. ISBN 978-0521171199. Price: € 23.49

Bernard Schumacher’s book appears now in English, after having been initially published in French and German languages. Compared with the German edition, two major differences have to be noticed: The first chapter has been

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entirely rewritten so that it fits to the debates taking place in the English-speaking world; the first part of the second chapter, which was still included in the German edition, has been removed.

Organized into three parts, Schumacher's volume addresses three important philosophical questions concerning death. In the first part it discusses the criteria of death, which has been so important in the last decade of the twentieth century in the context of organ transplantation. Here Schumacher defends a person-centred conception of death which is based on philosophical anthropology. Doing this, according to Schumacher, will guarantee not to lose the corporeal features of human beings out of sight—a problem some other conceptions of death which start from personal identity are burdened with.

In the second part Schumacher presents philosophical theories analysing the knowledge human persons can have of death in general, and of their own death in particular. Here the reader is made familiar with authors normally absent in analytical debates: Max Scheler's conception of intuitive knowledge of mortality, Heidegger's notion of "Being-Towards-Death" and Sartre's theory of our inductive knowledge of death.

In the third part Schumacher addresses the classical question whether death means nothing to us, or is important for us. Starting from Epicurus and his followers, Schumacher presents the answers Montaigne, Feuerbach, Schopenhauer and other thinkers of modern times have given to this crucial question. He also takes into account the main positions regarding this question which have been developed in recent analytical philosophy (e.g. by Thomas Nagel, Derek Parfit, Fred Feldman and John Martin Fischer).

Schumacher has got the chance to improve his book for the second time and has made a good use of it. Written in a clear style, the arguments are well ordered and the reader will not get lost although many authors (of different times and philosophical traditions) are discussed. One of the most attractive aspects of Schumacher's book is that it brings together these different philosophical traditions. This book offers a wide ranging study of one of the deepest puzzles and maybe the hardest existential problem we humans have to face and come along with. Needless to say that Schumacher's book is a most welcome contribution to our debates in biomedical ethics although (or maybe because) it does not directly deal with the problems of death and dying that are normally discussed in bioethical debates. This book is thought-provoking, and its complexity is fitting very well the many faces the problem of death has for human persons. Everyone who is willing to leave the more narrow-framed structures of bioethical debates can use Schumacher's *Death and Mortality in Contemporary Philosophy* to widen his perspective. I am sure that it will help us to improve debates in medical ethics, too.

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Sándor J., ed.: 2009. *Perfect Copy? Law and Ethics of Reproductive Medicine*. Budapest: Center for Ethics and Law in Biomedicine. 174 pages. ISBN: 978-963-9776-75-3. Price: free of charge

Perfect Copy? Law and Ethics of Reproductive Medicine is a collection of essays bringing together nine authors from different countries and from a variety of disciplines such as law, theology, bioethics and science to present different views on human cloning and stem cell research. The aim of the book is "to discuss various normative answers to cloning in a comparative context" (15). The volume was edited by Hungarian Professor Judit Sándor and published by the Center for Ethics and Law in Biomedicine in Budapest after a 2007 workshop on this topic, and represents an important inter-disciplinary and international dialogue.

Sándor, an expert of biomedical law in Budapest, describes how the debate on human cloning has shifted from questions and fears concerning reproductive cloning to the issues surrounding stem cell research, previously called therapeutic cloning. András Dinnyés, the scientist who cloned the first mouse in Hungary, explains nuclear transfer cloning, the method used to clone animals (and potentially humans), and outlines the primary ethical concern involved: the destruction of human embryos for research. Péter Kakuk, a Hungarian bioethicist, looks at the Woo-Suk Hwang misconduct case in South Korea, and suggests international guidelines and better social control of science to prevent ethical violations. Knut W. Ruyter, a Norwegian theologian, analyses the rhetorical discourse of the biotechnological public debate in Norway by looking at two metaphors: the inclusive and the exclusive society. The former promises that biotechnology will benefit all, while the latter fears that biotechnology might endanger some. In the next two articles, Orio Ikebe, an anthropologist and bioethicist in Cairo, and Tade Matthias Spranger, a German lawyer and researcher, look at the legal and ethical aspect of human embryo research in Japan and Germany, respectively. Violeta Beširević, a law professor in Serbia, analyses the controversy around cloning from a constitutional perspective. Hanne-Maaria Rentola, a theologian in Finland, analyzes the European Union and the United States President's Council on Bioethics' reports about stem cells to compare the European and American uses of the concepts of human dignity and humanity. Finally, Maurizio Salvi, Head of the EGE (European Group on Ethics in Science and new Technologies) Secretariat, describes the ethical conversation surrounding stem cells in the EU member states.

The title of the volume is misleading, as the book does not focus on reproductive cloning. Indeed, several reasons are given for why reproductive cloning is no longer at the

centre of the cloning debate, including the scientific insights that a clone would differ from his or her donor because of environmental factors (12); they would not even be exact genetic copies as cytoplasmic contributions may influence the genes (20, 99); and the technique is not yet safe (31, 15, 99). On this basis, the ethical problem seems almost solved. But is it sufficient to ban reproductive cloning on the grounds of safety alone? What will happen when the procedure becomes safe? Or when couples start raising clones? It would have been interesting to discuss in detail the ethical and psychological implications of human asexual reproduction implied by the title. The essays give a few hints; for example, *Beširević* writes that “protection of family, marriage and public safety may be a sufficient reason to uphold a constitutional ban on human cloning” (97) and human cloning “could radically alter the very definition of a human being and lead to the loss of the uniqueness of every human, individuality and freedom (...) cloning can undermine the concepts of parenthood, parental responsibility, fertility, and the status and value of children” (99–100). Unfortunately, there is no further ethical analysis on reproductive cloning or its possible benefits; for that, one will need to look elsewhere.

In addition, despite claiming to cover all forms of cloning (16), the volume does not mention a third type: ‘replacement cloning’, or replacing someone’s failing body with a new one by transplanting their brain. While this type of cloning is still only theoretical, it is worth mentioning to avoid another surprise like the birth of Dolly, the first cloned sheep in 1997.

Therefore, this book should not be regarded as a resource for those interested in reproductive and replacement cloning. But on the law and ethics of therapeutic cloning and stem cell research—the real focus of the work—this volume is a great addition to the literature. Because of its interdisciplinary approach, this book will be accessible to readers coming from many different disciplines—both advanced scholars and those just picking up on the debate. The additional glossary will be of great help to anyone not familiar with scientific terminology, and readers will learn state of the art techniques of therapeutic cloning and legal and ethical views in different countries. On that basis, I unquestionably recommend *Perfect Copy?* to anyone interested in therapeutic cloning.

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Potthast, T., Herrmann, B., Müller, U. (eds.): 2010, *Wem gehört der menschliche Körper? Ethische, rechtliche und soziale Aspekte der Kommerzialisierung des menschlichen*

Körpers und seiner Teile. Paderborn: Mentis. 397 pages. ISBN: 978-3897856714. Price: € 39.80

This volume presents a comprehensive view of the various aspects involved in the current discussions about the body and its commercial use in medicine and biotechnology (e.g. transplantation, pharmaceutical use of waste products such as urine, storage and use of biodata). New technologies in transplantation medicine or the digitalisation of biodata have made this discussion more urgent than ever, requiring not only a deeper understanding of the various factors and principles involved, but eventually also new legislation.

Consequently, the articles collected in the volume deal in a first section with the philosophical and theological-anthropological fundamentals of the problem: the relation between the body and the self (G. Böhme, R. Lutz), the basic ethical principles guiding the discussion, i.e. the autonomy of the individual and the non-availability of the body to use it as a means, not an end in itself (U. Müller), and Margaret Radin’s innovative understanding of property as a functional category (B. Herrmann). The articles (as well as those in the other parts of the volume) show the necessity to move beyond binary argumentations (commercialisation vs. donation; body as subject vs. body as object etc.) in order for the discussion to be constructive.

The second section focuses on the commercialisation of the female body, both with a view to the history of medicine (K. Sabisch) and to two problematic fields, namely stem cell research and the technologies it uses (D. Dickenson) and reproductive medicine (Ch. Ullrich). In these articles, it becomes particularly clear that it is impossible to talk about the body as if it were a neutral entity. Instead, sex, race, class, culture etc. are factors that can shift substantially the focus of the discussion, and thus empirical studies of all the agents included appears as a desideratum for further research on the topic in order not to lose sight of the concreteness of the bodies discussed.

The third part prepares the ground for normative discussions: which aspects have to be considered to develop judicial norms applicable in the increasing internationalisation of the use of the bodily parts and substances (I. Schneider)? What fundamental attitudes can be derived from how the body is talked about in science and research and how do they influence public and political debates (R. Beck)? Which are the different modalities of ‘trading’ the body and its parts, such as donation, gift, reciprocity, and how do they reflect on legal deliberations (S. Wöhlke)? These are questions important to keep in mind for concrete legislative developments.

The fourth and fifth parts provide two case studies of particular problems: organ donation and biodatabases, with articles discussing respectively the legal issues involved (H.E. Schnorrenberger; B.S. Dörr) and arguments pro and contra a possible liberalisation of the commercial use of organs and biodata and its consequences (M. Braig, K.T. Kanz, U. Winkler, S. Romagnoli with regard to organ donation; J.Simon/J. Robiński, D. Busch, M. Saborowski on biodatabases).

The diversity of topics, approaches and aspects discussed in the articles shows clearly the complexity of the problem and the necessity for an interdisciplinary discussion of it. Consequently, the volume does not provide a concluding answer to the question posed in the title. Its value lies exactly in the opening up of a broad perspective of relevant issues and their accurate reflection, thus making an important contribution to the discussion of the question among specialists and in the wider public.

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Crignon De Oliveira, C., Gaille, M. (eds.): 2010, *Qu'est-ce qu'un bon patient? Qu'est-ce qu'un bon médecin? Réflexions critiques, analyses en contexte et perspectives historiques*. Paris: Seli Arslan. 302 pages. ISBN: 978-2-84276-167-7. Price: € 27.50

The volume edited by Claire Crignon de Oliveira and Marie Gaille brings together the presentations given at a Colloquium simultaneously organized in March 2010 at the University Paris Descartes and at the University of Burgundy. The contributions are made by scholars with very different professional backgrounds such as a hospital practitioner, a country doctor, a philosopher, a lawyer, a sociologist, a historian, among many others. They attempt, from their respective perspectives, to identify the specific characteristics of the doctor-patient interaction, and what contributes to the proper functioning of this relationship.

Sick patients, patients who have already been healed, customers: the contributors to this volume meet repeatedly this multiplicity of faces of the same persons (8; 82–86; 185–186; 250, n. 1) who are not inevitably individuals (predictive medicine and “family disease”, 124). But multiplicity does not mean break-up, and some common elements among these different categories can be found. It is truly necessary to examine the evolution of medical knowledge, the transformation of customs and of legal rules, the modification of the social perception of

pathologies to report the appreciation of the quality of the unique act of care which associates the persons of the health care provider and that of the patient.

The first part of the book presents an effort of critical reflection on basic concepts (normality, autonomy, good/bad), practices (dialogue), and expectations (for what patients expect from their doctors nowadays). This serves as a basis for the second part, which examines different medical contexts such as children medicine, palliative care medicine, the relationship with chronically hospitalized patients (“bed blockers”), with diabetes patients, etc. The third part adopts a historical approach (the good doctor and real medicine according to Hoffmann and Stahl, the epistolary consultations in the 18th Century). It is interesting to see Canguilhem’s theses presented at the beginning of the volume to be put at the service of the analysis of the famous episode of the Montaigne’s fainting in the last but one contribution. The book fulfils the wishes of its editors: the echoes from one questioning to the other result in a penetrating reflection on the subject.

The good doctor is not only a duly trained and awarded professional, whose presence is needed (244). According to Plato, it is “the knowledge of the art of healing the sick” what makes a good physician (Protagoras). This relationship requires also the presence, in the full sense of the word, of the patient: the act of care is a relation, a relation of knowledge (what must doctors know? What can patients know of their diseases?) and a relation between individuals. The point is not to know who looks after and who is looked after. The question is to determine how to evaluate the quality of the act of care, that is to say, in the editors’ view, the quality of the inseparable relation between the health care provider and the person being taken care of. “Human relationships are at the heart of health care” (204) and these relations are not human any longer when the health care staff does not show anything personal any more, as can be read in the very last quoted testimony: “The doctor does not speak, gets out of the room silently” (299). There is therefore a need of words to preserve the link between the “good doctor” and the “good patient” (48, 103).

The two questions contained in the title will be asked again in the context of medical practices in which remote-controlled robots surge, in a society in which people consults medical social forums, for a predictive and proactive form of medicine dealing with diseases to be.

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