

PHILOSOPHY AND THEOLOGY ABSTRACTS

Bioethics

E. Krag, Health as Normal Function: A Weak Link in Daniels's Theory of Just Health Distribution, Bioethics 28.8 (October 2014): 427–435 • Drawing on Christopher Boorse's Biostatistical Theory (BST), Norman Daniels contends that a genuine health need is one which is necessary to restore normal functioning – a supposedly objective notion which he believes can be read from the natural world without reference to potentially controversial normative categories. But despite his claims to the contrary, this conception of health harbors arbitrary evaluative judgments which make room for intractable disagreement as to which conditions should count as genuine health needs and therefore which needs should be met. I begin by offering a brief summary of Boorse's BST, the theory to which Daniels appeals for providing the conception of health as normal functioning upon which his overall distributive scheme rests. Next, I consider what I call practical objections to Daniels's use of Boorse's theory. Finally I recount Elseljin Kingma's theoretical objection to Boorse's BST and discuss its impact on Daniels's overall theory. Though I conclude that Boorse's view, so weakened, will no longer be able to sustain the judgments which Daniels's theory uses it to reach, in the end, I offer Daniels an olive branch by briefly sketching an alternative strategy for reaching suitably objective conclusions regarding the health and/or disease status of various conditions.

J. Pugh, Embryos: The Principle of Proportionality, and the Shaky Ground of Moral Respect, Bioethics 28.8 (October 2014): 420–426 • The debate concerning the moral permissibility of using human embryos in human embryonic stem cell (hESC) research has long centered on the question of the embryo's supposed right to life. However, in focussing only on this

question, many opponents to hESC research have escaped rigorous scrutiny by making vague and unfounded appeals to the concept of moral respect in order to justify their opposition to certain hESC practices. In this paper, I offer a critical analysis of the concept of moral respect, and its use to support the intuitively appealing principle of proportionality in hESC research. I argue that if proponents of this principle are to justify its adoption by appealing to the concept of moral respect, they must explain two things concerning the nature of the moral respect owed to embryos. First, they must explain which particular aspect of the embryo is morally relevant, and why. Second, they must explain why some uses of embryos in research fail to acknowledge what is morally relevant about the embryo, and thereby involve a violation of the moral respect that they are due. I shall show that providing such explanations may be more difficult than it first appears.

Health Care Analysis

A. Smajdor and D. Cutas, Will Artificial Gametes End Infertility?, Health Care Anal, e-pub November 29, 2013 • In this paper we will look at the various ways in which infertility can be understood and at how need for reproductive therapies can be construed. We will do this against the background of research with artificial gametes (AGs). Having explored these questions we will attempt to establish the degree to which technologies such as AGs could expand the array of choices that people have to reproduce and/or become parents. Finally, we will examine whether and in what ways the most promising developments of such technologies are likely to bring about the “end of infertility.”

Journal of Applied Philosophy

E. McTernan, Should Fertility Treatment Be State Funded?, J Appl Philos, e-pub November 13, 2014 • Many states offer

generous provision of fertility treatment, but this article asks whether and how such state funding can be justified. I argue that, at most, there is limited justification for state funding of fertility treatment as one good among many that could enable citizens to pursue valuable life projects, but not one that should have the privileged access to funding it is currently given. I then consider and reject reasons one might think that fertility treatment has a special claim to funding, over the other goods that might enable life projects. First, I deny that fertility treatment has a special claim to funding on the grounds that infertility is a disease or disability. Second, I argue that individuals do not have a right to assistance with the project of having a child of their own. Third, I deny that providing fertility treatment is a special case on the grounds that having children is good for society. However, there may be one exception: states have a reason to fund fertility treatment for same sex couples that does not apply to heterosexual couples.

Journal of Medical Ethics

J. McMillan, The Kindest Cut? Surgical Castration, Sex Offenders and Coercive Offers, J Med Ethics 40.9 (September 2014): 583–590 • The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) have conducted visits and written reports criticising the surgical castration of sex offenders in the Czech Republic and Germany. They claim that surgical castration is degrading treatment and have called for an immediate end to this practice. The Czech and German governments have published rebuttals of these criticisms. The rebuttals cite evidence about clinical effectiveness and point out this is an intervention that must be requested by the sex offender and cannot occur without informed consent. This article considers a number of relevant arguments that are not discussed in these reports but which are central to how we might assess this practice. First, the article discusses the possible ways in which sex offenders could be coerced into castration and whether this is a decisive moral problem. Then, it considers a number of issues relevant to determining whether sex offenders are

harmful by physical castration. The article concludes by arguing that sex offenders should not be coerced into castration, be that via threats or offers, but that there is no reason to think that this is occurring in the Czech Republic or Germany. In some cases, castration might be useful for reconfiguring a life that has gone badly awry and where there is no coercion, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment are mistaken about this being degrading treatment.

C. Palacios-González, J. Harris, and G. Testa, Multiplex Parenting: IVG and the Generations to Come, J Med Ethics 40.11 (November 2014): 752–758 • Recent breakthroughs in stem cell differentiation and reprogramming suggest that functional human gametes could soon be created in vitro. While the ethical debate on the uses of in vitro generated gametes (IVG) was originally constrained by the fact that they could be derived only from embryonic stem cell lines, the advent of somatic cell reprogramming, with the possibility to easily derive human induced pluripotent stem cells from any individual, affords now a major leap in the feasibility of IVG derivation and in the scope of their potential applications. In this paper we develop an ethical framework, rooted in recent scientific evidence, to support a robust experimental pipeline that could enable the first-in-human use of IVG. We then apply this framework to the following objectives: (1) a clarification of the genetic parenting options afforded by IVG, along with their ethical underpinnings; (2) a defence of the use of IVG to remedy infertility, broadening their scope to same-sex couples; (3) an assessment of the most far-reaching implications of IVG for multiplex parenting. These include, first, the liberation of parenting roles from the constraints of biological generations in vivo, allowing multiple individuals to engage in genetic parenting together, thus blurring the distinction between biological and social generations. Second, we discuss the conflation of IVG with sequencing technology and its implications for the possibility that prospective parents may choose among a hitherto unprecedented number of potential

children. In view of these perspectives, we argue that, contrary to the exhausted paradigm according to which society lags behind science, IVG may represent instead a salient and most visible instance where biotechnological ingenuity could be used in pursuit of social experimentation.

A. Smajdor and D. Cutas, Artificial Gametes and the Ethics of Unwitting Parenthood, J Med Ethics 40.11 (2014): 748–751 • In this paper, we explore the ethical and legal implications of a hypothetical use of artificial gametes (AGs): that of taking a person's cells, converting them to AGs and using them in reproduction—without that person's knowledge or consent. We note the common reliance on genetic understandings of parenthood in the law and suggest that injustices may arise if unwitting genetic parents are sued for child support. We draw parallels between the hypothetical use of AGs to facilitate unwitting parenthood and real examples of unwitting parenthood following cases of sperm theft. We also look at the harm that might be caused by becoming a genetic parent, independently of financial obligations, and ask whether such harm should be understood in terms of theft of property. These examples help to highlight some of the current and prospective difficulties for the regulation of genetic and legal parenthood, and show how existing regulatory assumptions are likely to be further challenged by the development of AGs. We conclude by suggesting that the reliance on genetic connections to generate parental responsibility (financial or otherwise) for offspring is flawed and that alternative ways of establishing parental responsibility should be considered.

Journal of Medicine and Philosophy

A. Kadlac, Flouting the Demands of Justice? Physician Participation in Executions, J Med Philos 39.5 (October 2014): 505–522 • Those who argue against physician participation in state mandated executions tend to bracket the question of whether the death penalty should be abolished. I argue that these issues cannot be neatly separated. On the one hand, if justice demands that some

criminals be executed for their crimes, then there can be no ethical or moral barrier to the participation of physicians in the execution process. On the other hand, I contend that the testimony and expertise of the medical community is a necessary component of any fruitful reflection on whether capital punishment is, in fact, just. Thus, although the justice of capital punishment may render it permissible for physicians to participate in the execution process, the experience of physicians also sheds important light on whether the death penalty is morally justified.

P. Lee, C. Tollefsen, and R. P. George, The Ontological Status of Embryos: A Reply to Jason Morris, J Med Philos 39.5 (October 2014): 483–504 • In various places we have defended the position that a new human organism, that is, an individual member of the human species, comes to be at fertilization, the union of the spermatozoon and the oocyte. This individual organism, during the ordinary course of embryological development, remains the same individual and does not undergo any further substantial change, unless monozygotic twinning, or some form of chimerism occurs. Recently, in this *Journal* Jason Morris has challenged our position, claiming that recent findings in reproductive and stem cell biology have falsified our view. He objects to our claim that a discernible substantial change occurs at conception, giving rise to the existence of a new individual of the human species. In addition, he objects to our claim that the embryo is an individual, a unified whole that persists through various changes, and thus something other than a mere aggregate of cells. Morris raises a number of objections to these claims. However, we will show that his arguments overlook key data and confuse biological, metaphysical, and ethical questions. As a result, his attempts to rebut our arguments fail.

D. Meacham, Empathy and Alteration: The Ethical Relevance of a Phenomenological Species Concept, J Med Philos 39.5 (October 2014): 543–564 • The debate over the ethics of radically, technologically altering the capacities and traditional form of

the human body is rife with appeals to and dismissals of the importance of the integrity of the human species. Species-integrity arguments can be found in authors as varied as Annas, Fukuyama, Habermas, and Agar. However, the ethical salience of species integrity is widely contested by authors such as Buchanan, Daniels, Fenton, and Juengst. This article proposes a Phenomenological approach to the question of species-integrity, arguing in favor of a phenomenon of species-recognition that carries an ethical pull. Building on Husserl's Phenomenological account of empathy and the lived-body, as well as Schopenhauer's concept of compassion as an ethical urphenomenon, I develop a "Phenomenological species concept" (PSC), which I argue has the ethical significance that biological species concepts do not. The PSC reorients the debate over human alteration and species integrity.

*G. S. Poore, Why Care for the Severely Disabled? A Critique of MacIntyre's Account, J Med Philos 39.4 (2014): 459–473 • In Dependent Rational Animals, Alasdair MacIntyre attempts to ground the virtues in a biological account of humans. Drawing from this attempt, he also tries to answer the question of why we should care for the severely disabled. MacIntyre's difficulty in answering this question begins with the fact that his communities of practices do not naturally include the severely disabled within their membership and care. In response to this difficulty, he provides four reasons for why we should care for the severely disabled. I argue that three of these reasons are inadequate, and that the fourth is incomplete although it does point in a promising direction. I conclude that a more satisfactory answer requires a further extension of the central development from *After Virtue* to *Dependent Rational Animals*, and I draw from Wendell Berry, whose work MacIntyre admires, to provide an illuminating illustration of what such an answer might look like.*

Journal of Moral Philosophy

T. Rulli, Preferring a Genetically-Related Child, J Moral Philos, e-pub November 2014 • Millions of children worldwide could

benefit from adoption. One could argue that prospective parents have a pro tanto duty to adopt rather than create children. For the sake of argument, I assume there is such a duty and focus on a pressing objection to it. Prospective parents may prefer that their children are genetically related to them. I examine eight reasons prospective parents have for preferring genetic children: for parent-child physical resemblance, for family resemblance, for psychological similarity, for the sake of love, to achieve a kind of immortality, for the genetic connection itself, to be a procreator, and to experience pregnancy. I argue that, with the possible exception of the pregnancy desire, these reasons fail to defeat a duty to adopt a child rather than create one, even assuming that we do have some leeway to favor our own interests.

Medical Law Review

*A. K. Burin, Beyond Pragmatism: Defending the "Bright Line" of Birth, Med Law Rev 22.4 (Autumn 2014): 494–525 • It is usually accepted by ethicists that birth does not alter moral status. Rather, it is thought that the rule according full legal rights at birth is pragmatic. Pragmatic reasoning is vulnerable to competing practical concerns and stronger moral principles. This 'bright line' has therefore been criticised both by those who believe personhood begins before birth and those who believe it begins afterward. In particular, a recent article by Giubilini and Minerva puts forward both pragmatic and moral arguments in favour of permitting infanticide, and the New South Wales Court of Criminal Appeal has suggested there is a strong case for abandoning the bright line (*R v Iby* (2005) 63 NSWLR 278). If we desire to defend current legal doctrine against such criticism, a medical and philosophical basis for the law should be articulated. This article suggests such a medical and philosophical basis. It argues that both the multiplicity of biological changes occurring in the neonate at birth and the extrauterine context (the world) provide a justification for the distinction drawn at law between abortion and infanticide. With reference to Robert Nozick's 'experience machine' thought-experiment*

and elements of phenomenological philosophy, it advances two propositions to explain the status-changing nature of the neonate's emergence out of the womb. First, that expressing sentience in the world is essential for the attainment of personhood. Second, that having become a person, the harm in killing is disruption of this engagement with the world and the reduction from personhood to non-existence. This is the distinction between a neonate's death and the termination of a foetus, underscoring the qualitative difference between the two sides of the bright line drawn in law.

*Medicine, Health Care
and Philosophy*

D. Cutas et al., Artificial Gametes: Perspectives of Geneticists, Ethicists and Representatives of Potential Users, Med Health Care and Philos 17.3 (August 2014): 339–345 • Several threads of research towards developing artificial gametes are ongoing in a number of research labs

worldwide. The development of a technology that could generate gametes in vitro has significant potential for human reproduction, and raises a lot of interest, as evidenced by the frequent and extensive media coverage of research in this area. We have asked researchers involved in work with artificial gametes, ethicists, and representatives of potential user groups, how they envisioned the use of artificial gametes in human reproduction. In the course of three focus groups, the participants commented on the various aspects involved. The two recurring themes were the strength of the claim of becoming a parent genetically, and the importance of responsible communication of science. The participants concurred that (a) the desire or need to have genetic offspring of one's own does not warrant the investment of research resources into these technologies, and that (b) given the minefield in terms of moral controversy and sensitivity that characterises the issues involved, how information is communicated and handled is of great importance.