

And this fact raises major questions. What exactly have the legal changes, together with the evolving social attitudes, done to Dutch law, order, and morality? Have the dire warnings embodied in the appeals to fear and slippery-lope arguments been realized? Sadly, this book does not answer these questions.

Clearly, the skies over Belgium and Holland might have darkened (in the eyes of critics), but they have not fallen since end-of-life laws were approved in those countries. And this is something that concerned, thoughtful health care professionals, physicians, nurses, and patient advocates working in U.S. hospices, in particular, will need to think about as more states face concerted, well-funded efforts to legalize assisted suicide.

First, supporters of so-called death with dignity believe that helping a terminally ill patient to die is an act of compassion—love. Second, they see the request as one that falls within a person's individual rights. Third, the law in Oregon and Washington seems reasonable, since it lets physicians and health systems opt out if they have personal or philosophical problems with a patient's request.

What counter-arguments will pro-life advocates present—without sounding uncaring, insensitive, or indifferent to the suffering of the terminally ill? How will opponents of

euthanasia show that they do respect a dying patient? Will they have the skills to convince voters and legislators that dignity is an “ontological quality” not a “question of quality of life,” as Etienne Montero affirms (180)? In a nation whose Bill of Rights maximizes individual liberties, and whose Supreme Court has ruled that individuals have the right to refuse every and all medical treatments—including nutrition and hydration—how will Catholic ethicists avoid sounding not simply unloving but un-American?

The essays in this book do not answer these questions, but they wrestle with these issues; they provide thoughtful, useful analysis and information, patterns of reasoned reflection—medical, religious, legal, and philosophical. They remind us that to die—to face imminent death—is the “ultimate loss in real life” and that “death gives the human ego a terrible beating, by its having to relinquish the idea of immortality and omnipotence” (45). The book's recommendations are cautious, tentative—the fruits of face-to-face experiences with death, realistic efforts to provide guidance about truly grave matters.

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### ***Body-Self Dualism in Contemporary Ethics and Politics***

**by Patrick Lee and Robert P. George**

240 pages, bibliographic notes and index, hardback, \$83.99  
Cambridge University Press, 2008, ISBN 978-0-52188-248-4

This book is a robust, philosophically sophisticated defense of the traditional Thomistic view of the human person and of its implications for controversial issues in contemporary ethics and politics, especially abortion, euthanasia, and sexual morality. The authors defend the view that human beings “are living, bodily entities, that is, organisms, and indeed animals” that are rational and free (4). Their argument is as follows: Sensing is a living, bodily act; therefore,

human beings are bodily animals. But it is the same agent that performs the act of sensing and the act of understanding, including conceptual self-awareness. Therefore, the human being is primarily a bodily entity, not a spiritual entity who only makes use of the body as an extrinsic instrument.

This view rejects materialist accounts of the mind/body relation, because, as the authors point out, it is not reasonable to think of reality simply as events or particles in

random motion, since “agents or natures are required to explain the recurrence of definite actions and reactions” (7). But they also reject substance dualism, the view that the mind and the brain are separate substances, and that sensations are not really bodily, but involve an act performed by one’s consciousness on the occasion of certain bodily stimuli—a view held in different forms by many, including Plato, St. Augustine, and Descartes. Lee and George reject this position because it would not explain sensations in nonhuman animals (unless one is willing to say that they too have a spiritual substance), and also because empirical evidence does seem to point to an organic, bodily process that is essential to sensation. However, they may be too much under the sway of a materialist mind-set here, despite the fact that they officially reject such an approach. Their criticism is a version of the problem of interactionism that is often aimed at dualism: how can a physical entity interact with a mental entity? The answer is that there is no conceptual difficulty once one is guided by the evidence for mind/body dualism, which is considerable, and not by a prior influence that gives priority to materialist accounts of how causation must occur.

The authors argue further that “there is an abundance of evidence to show that human conceptual thought naturally requires sense experience or imagination, and thus operations of the brain” (17). However, this claim would only show that the brain is a necessary, but not a sufficient, condition for the existence and operation of mental capacities in this life, not that the operations of consciousness could not take place without the brain. Indeed, St. Thomas Aquinas held that the mind could exist apart from the brain, even though it would not be its natural state, a point the authors acknowledge, and indeed accept. But if this is possible, it would undermine their argument that the brain is necessary for conceptual thought, a problem to which they do not give adequate attention.

The authors develop their view of the human person to argue that there is a radical difference in kind between human beings and other animals (chapter 2). They offer

detailed, nuanced, and convincing arguments to support this conclusion based on an analysis of features of consciousness, especially conceptual thought and human understanding. They emphasize the capacity of the human mind to understand universals and classes (abstract general terms), an issue that is a huge problem for contemporary materialist accounts of the mind (e.g., W. V. Quine’s). Using Mortimer Adler’s distinction that a thing differs in kind from another thing if one has a distinct property that the other lacks, Lee and George point out that animals lack altogether the capacities for conceptual thought, rationality, free will, and moral agency. In addition, conceptual thought is the basis in humans for language, art, tool making, religion, philosophy, science, free choice, morality, and many other activities. To the objection that lower animals may also be intelligent, they respond that “it is unreasonable to think that an intelligence of the same type as human intelligence, no matter how diminished, would not manifest itself in at least some of its characteristic effects” (57). They hold that this nonphysical, spiritual side of human beings could survive death, and defend this view against a number of objections.

It is this *rational nature*, according to the Lee and George, that is the basis of human dignity and personhood. To have a rational nature is not the same thing as being conscious or being rational; it means having the natural capacity to reason and make free choices, a capacity which it takes a long time to actualize, and which in some people might not be actualized at all. It follows from this that “every human being has full moral worth or dignity, for every human being possesses such a rational nature” (82). So human beings are substances with a rational nature, to use the language of Aristotelian and Thomistic metaphysics, and this is what gives us moral worth, according to these authors, rather than the possession of a certain set of accidental or variable properties (such as the capacity to experience pleasure, or to be actually conscious, or to have a certain degree of rationality). They critique other attempts that identify the essential feature of

personhood with sentience, consciousness, self-awareness, or rationality. Therefore, the authors argue that on their view *no* human being can be regarded as not having an intrinsic value just because he or she does not measure up to some arbitrary standard (including the unborn, the mentally challenged, and the comatose, among others). The authors develop this view along the lines of Aristotle's notion of the function (or *ergon*) of human beings, that human desires and preferences are rational only if they are in line with what is genuinely good, and this is decided by what leads to the genuine fulfillment of human nature (89). As they put it, "fundamental human goods are the actualizations of our basic potentialities, the conditions to which we are naturally oriented and which objectively fulfill us" (91).

Lee and George apply this account of the person to offer a critique of various forms of hedonism (chapter 3), to argue against abortion (chapter 4) and euthanasia (chapter 5), and to defend the traditional view of sexual morality (chapter 6). They offer an insightful analysis and critique of the view that pleasure is the main ingredient of happiness, and show convincingly that pleasure accompanies some activities, but is not the reason for the activities themselves, each of which has its own proper end. After a survey of the current state of science on the abortion question, in which they remind us that the human embryo is a distinct, new individual after fertilization, and that after eight to ten weeks' gestation all the parts of the human body are in place, they argue that the new organism has a developmental trajectory toward the mature state of a human organism. (They point out also that if we apply Aquinas's philosophical principles to the embryological data known today, the data lead to the conclusion that a human being comes to be at fertilization.)

It is sometimes objected that monozygotic twinning shows that the embryo in the first several days is not a human individual, but Lee and George point out that from the fact that A can split into B and C, it does not follow logically that A was not an individual before the division (123). It could be that A was an amalgam of B and C, or that A ceased

to exist and B and C came to exist from A's constituents, or, what they regard as the more likely scenario, that a new individual B is generated by splitting off from the whole A of which it was once a part, a process that occurs all the time in nature. Another objection is that the embryo may be a human being, but is not a person, and so has no rights. But because we are embodied beings with rational natures, according to these authors, these distinctions represent differences along a continuum, but not a difference in kind. So the basic pro-life argument is that human beings are intrinsically valuable in virtue of what we are (and not in virtue of accidental characteristics), and since we come to be at conception, so we are intrinsically valuable from conception.

The authors argue that euthanasia is wrong because it is contrary to the intrinsic good of the person, but they do not respond adequately to the objection that the worth of human life could be outweighed by the prospects of relief from excruciating pain. They are right to point out that it is hard to objectively measure that the worth of a human life is less than the relief from pain, but they do not reply to the liberal argument that this is a decision that should be left up to the individual. Also, their argument that the end of life, even if it includes pain, is still part of human fulfillment (162) is one of the more strained arguments in the book.

In the last chapter, the authors (following Germain Grisez and John Finnis) offer a serious and thoughtful natural law defense of the view that only sex within marriage is justified (178). They hold that it is only within marriage that there is a real union of persons, physically, emotionally and spiritually: "In the case of the sexual act of a married couple, their act of physically or organically becoming one (organic unity) is the common good, the shared pursuit of which ... also ... enhances their interpersonal unity. ... But if the participants ... do not become ... physically one, then ... there is no real unity of action to effect or enhance their interpersonal unity" (196). Other types of sexual arrangement are immoral because they do not achieve this union, and because many

of them implicitly use the other person as a sexual object for extrinsic pleasure, which is beneath human dignity, even if the other gives consent. They also argue convincingly that one of the main problems with the defense of other types of sexual arrangement is that it is very difficult to place a limit on what is morally acceptable and not acceptable. This is because once one makes affection, pleasure, and consent the main features of sexuality, one will have to condone bigamy, polygamy, and many other possible arrangements. The authors hold that their view provides an intelligible answer to the question of what feature of sexuality makes certain relations wrong: "Sexual acts are such that either they embody a marital communion—a communion that is sexually embodied only in reproductive-type acts between a man and a woman, in a marital relationship—or they involve instrumentalizing one's sexuality (and perhaps that of others) for pleasure, or for one's illusory experience or fantasy of

marital union" (210). They go on to respond to a wide range of modern objections to the traditional view in a discussion that brings out the differences between both sides in a fair, clear, and very insightful manner.

This book is one of the best defenses of the traditional view of the human person, based on the thought of Aristotle and Aquinas, and of the application of this view to moral issues, that I have read in recent years. The authors develop all their arguments with logical clarity and intelligence, and take full account of contemporary objections. The book is an outstanding introduction to a set of difficult topics. It would be especially useful to anyone coming to this material for the first time, and as a textbook in college ethics courses.

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### ***Rethinking Informed Consent in Bioethics***

**by Neil C. Manson and Onora O'Neill**

226 pages, bibliography and index, hardback, \$95.00  
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Sarah is a sixty-nine-year-old woman who was recently diagnosed with cancer. Her primary care physician alerts her to a research study for newly diagnosed cancer patients and gives her the contact information of the research coordinator. The research coordinator meets with Sarah, explains the study in broad details, and gives her a forty-page informed consent document. Sarah is asked to contact the coordinator anytime if she has questions, and they arrange a meeting a week later.

The study involves a very high risk laser treatment to resect the cancer, along with a new radioactive isotope believed to be more effective in targeting cancer cells. The hope is that if the cancer is attacked early, outcomes will be better, even though the treatment risk is high. The study is a randomized trial with

a control group that gets standard care, which at that point in the development of the disease is "wait and see."

Sarah comes to expect that she will benefit from the study, and a week later consents to participate. Does Sarah really consent to the study? Are her expectations warranted? Is a forty-page informed consent document morally required? If she and others do consent and follow-up interviews make it clear that they do not understand the study, should the research be stopped? Should all research where informed consent is a misnomer be stopped? Manson and O'Neill attempt to give an answer to these questions by looking into the basic concept of informed consent.

The authors begin by laying out the problem which the rest of their book aims to solve. The problem is basically this: patients