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This informative little booklet is part of the Benjamin Cummings Press “Special Topics in Biology” series. Its author, Dr. David A. Prentice, is professor of life sciences at Indiana State University. He does research on cell growth and differentiation, including how adult stem cells transform themselves into different cell and tissue types. He also teaches elementary and advanced courses in biological sciences, including cellular development, cell and molecular biology, and embryology.

The booklet is divided into four main sections. The first two sections describe the science of stem cells and of cloning. The third and fourth sections discuss the bioethical and political questions raised by the use of these procedures. A short fifth section, titled “The Future,” lists some of the directions in which research on stem cells and cloning may lead us, and the ethical problems that these new directions will raise. A final section, called “Resources,” lists various websites and some books and articles on stem cells and cloning, as well as on biotechnology in general.

The first section explains in detail what a stem cell is, and how the various kinds of human stem cells—embryonic, fetal, and adult—are obtained. It also describes the characteristics of the various kinds of stem cells, their ability to form different kinds of differentiated (mature) cells, their potential for treating disease, and the problems with the use of the different kinds of stem cells.

The second section describes the procedures involved in human cloning, both reproductive and therapeutic. Here again, the medical benefits and risks of both kinds of cloning are clearly explained, including risks to the clone, and to the recipient of the cloned cells, as well as to the donor of the egg cell needed to produce the clone.

The third section describes the critical ethical points which need to be considered about the use of embryonic stem cells, made from either leftover embryos from fertility clin-
ics or from cloned embryos. Topics discussed include what it means to be human, the value of “extra” embryos, the ethics of making cloned embryos, scientific freedom, and some of the economic implications of these techniques. The fourth section, “Politics,” briefly summarizes what the United States and other countries are doing to address the stem cell/cloning question.

Dr. Prentice has written a fine little booklet which clearly and concisely explains the scientific facts about how the various kinds of stem cells are obtained, and the process of human reproductive and therapeutic cloning. He gives a balanced presentation of the bioethical questions raised by the use of stem cells and cloning, mentioning all sides in the debate, but making it very clear that “Scientifically, the embryo is a human being, just starting out on its developmental journey” [27]). The book is written very clearly and in a pleasant writing style (including an irresistible pun [12]). My only criticism is that it would have been useful for his scientist readers if Dr. Prentice had included the references to the scientific literature for the research findings he mentioned in the first two sections. He lists his e-mail address in the booklet. Perhaps he might consider compiling a reference list and providing it to interested people.

In summary, this booklet should be extremely useful to laypeople, as well as to science students and to working scientists who want to get a solid introduction to the subject of stem cells and cloning.

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After practicing as an attorney for nearly twenty years in health law, Rich received his Ph.D. in philosophy from the University of
Colorado at Boulder in 1995 and currently teaches at the University of California-Davis law and medical schools. Given his legal background and training in philosophy, it comes as no surprise that he chose to focus his attention on the impact of jurisprudential thinking on bioethics and medical practice. As Rich states it, the general thesis of his work is “that the law has generally played a positive role in the development of our bioethical thinking about certain critical issues in patient care, and that it is a role which the very nature of the American legal system supports if not requires” (5).

Rich first surveys important philosophical-jurisprudential concepts at play in contemporary bioethics. In addition to other operative concepts, Rich discusses “autonomy,” “utilitarianism,” “deontology,” “virtue theory,” and “feminine and care ethics.” He next considers the relationship between morality and law. Although he had not mentioned the concept of “natural law” in his initial discussion, Rich focuses the debate almost exclusively in terms of “natural law theories” versus “legal positivism.” While he provides in this first section no resolution to the question of the proper relationship between morality and law, he offers an interesting summary of the historical debate of Patrick Devlin, Oliver Wendell Holmes, H.L.A. Hart, John Austin, Ronald Dworkin, and Richard Posner.

Following these introductory sections, Rich devotes the body of the work to consideration of important medical issues: informed consent, advanced directives, contraception, abortion, and physician-assisted suicide. In each chapter, Rich analyzes social, legal, and jurisprudential-philosophical forces that affected judicial decision-making in that area of the law. With respect to each issue, Rich attempts to validate his thesis that the law—with the exception of its disallowance of physician-assisted suicide—has had a salutary effect on medical practice.

In the final chapters, Rich again returns to the question raised in the introductory sections about the role of moral thinking in the law. Rich concludes that the attempt of jurisprudential thinkers like Oliver Wendell Holmes and Richard Posner to sever morality completely from law is incorrect. Rather, as illustrated in his prior analysis, Rich believes that the substantive due process judicial decisions belie any attempt to deny a place for morals in the law. In Rich’s view, the substantive due process rights of liberty and privacy can only have their source in a moral point of view that considers the “person” as autonomous and thus in important respects independent of the power of the state.

While Rich’s book is provocative and perhaps useful as an introductory work to important bioethical concepts and legal issues of the twentieth century, it has serious weaknesses difficult to ignore.

First, the work’s treatment of so many jurisprudential and philosophical concepts makes it cluttered. Rich’s fundamental thesis is that the only moral principle clearly supported by the text and history of the constitution is a notion of personal autonomy. Hence other moral arguments offered in favor of a law—be they cast in terms of feminist theory, care theory, deontological theory, or any other moral or jurisprudential point of view—are rendered tangential, if not simply irrelevant, to his thesis concerning the application of American law to medical ethics. Given this perspective, Rich’s repeated discussion of those extraneous theories leaves the reader wondering what the point of such discussions is.

Second, Rich’s arguments often appear strained and overstated. This is particularly disturbing from an author who clearly views his philosophical training as a token of objectivity. Two examples of this deficiency must suffice.

In Rich’s treatment of abortion, he argues on very questionable grounds that it was not until the modern era (1870s and afterward) that any serious proscription against abortion existed in Western civilization: “a
clear consensus prevailed in the Western world, including the Catholic Church, by the early modern period, that prior to quickening abortion did not constitute the wrongful taking of a human life” (104). He believes that the criminalization of abortion did not arise out of any dispute concerning the “ontological status of the fetus,” but rather because the “male-dominated” “anti-feminist” medical profession desired to marginalize midwives and other nonprofessionals by preventing them from profiting from the procurement of abortion.

The premises and conclusion of Rich’s argument on this issue are fraught with logical and historical gaps. If the facts were as Rich described them, one wonders why such a fuss has been made about abortion at all. In fact, his “exegesis” on this point is highly suspect. There is, for example, no mention of the undisputed Christian opposition to abortion based on one of the earliest of Christian documents. The Didache, dated A.D. 80–110, expressly prohibited abortion as an unlawful killing: “Thou shalt not kill a child by abortion.”

A similar deficiency is found in Rich’s disparaging dismissal of the distinction that has been made in medical practice between palliative-drug pain relief that might have the unintended effect of hastening a patient’s death and the practice of intentional euthanasia. In this context, Rich notes that the Supreme Court used this distinction as a basis for denying a constitutional right to assisted suicide relying on the “doctrine of double effect” or “DDE.” In response, Rich declares without citation of any source that “DDE is an obscure, ambiguous, and controversial artifact of medieval Catholic theology. It has no previously recognized status in the law, and has been either ignored or severely criticized in the philosophical literature” (142).

While a detailed argument could be marshaled showing that Rich is in error about this principle and that he in fact employs it at times in his own argument, it is precisely the dogmatic, unreasoned character of Rich’s dismissal that illustrates the sort of one-sided disputation that at times weakens the effectiveness of his argument.

Strange Bedfellows is a suggestive if imperfect attempt to synthesize important moral and jurisprudential concepts with American legal history. Clearly one can dispute many of its premises and conclusions. In fact, it is possible to question Rich’s most basic thesis that autonomy is a sufficient moral talisman for deriving all relevant constitutional rights in the area of medical ethics. As exemplified by the Supreme Court’s denial of a constitutional right to physician-assisted suicide, it appears that this is not the case. In any event, regardless of whether one agrees with Rich’s view, his work is important, if for no other reason than its illustration of the content of medical jurisprudential analysis being imparted to current students of medicine and the law.

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Abortion remains the modern controversy that will not go away, much to the chagrin of those who advocate the procedure. One of the ongoing primary arguments in favor of legalized abortion has been that it is safe and relatively risk free for the mother. The data presented in Women’s Health after Abortion: The Medical and Psychological Evidence call into question these assertions via an extensive review of the world’s scientific literature. The authors’ stated goals for this project are “to inform women who may be contemplating an abortion and the medical professionals who care for them [and] to encourage the North-American medical research establishments to re-examine their existing assumptions about the effects of abor-