Abstracts of Papers

"Does the Body Matter? Reflections on the Trade in Human Tissue and on 'Aesthetic' Medicine"

Professor Alastair Campbell, Chen Su Lan Centennial Professor in Medical Ethics, National University of Singapore

Does the body matter? Modern Western philosophy, following Descartes, has tended to see a radical distinction between the body (and its associated emotions) and the mind-the "ghost in a machine" view of human nature. But this ignores our experience as embodied selves, for whom personal identity is uniquely associated with our bodily experiences. By treating the body as a mere container for the mind, we lose our moral perspective, treating our body and its parts as though they were material possessions, which we can use or dispose of at will. Eventually this can lead to seeing ourselves as no more than tradable commodities in a competitive market, in which everything has a price and nothing holds ultimate value.

In this lecture I relate these moral concerns to two contentious areas in modern medical practice: trade in human tissue and (so called) "aesthetic" medicine. I conclude that the risks of exploitation and loss of human value are so great that both the medical profession and national legislators need to confront these issues and devise effective means of preventing such commodification of the human body.

"Opting for Twins in IVF: What Does Procreative Responsibility Require?"

Professor Bonnie Steinbock, Vincent O'Leary Professor, State University of New York at Albany

Many pregnancies achieved through assisted reproduction result in multiple births, which increase the risks of morbidity and mortality for both mother and babies. There is virtually unanimous consensus among infertility experts that higher-order multiples (triplets and above) should be avoided by reducing the numbers of embryos to be transplanted to no more than two. There is less consensus among fertility doctors about how to regard twins. Some argue in favor of single-embryo transfer (SET) for good prognosis patients. However, many couples want to have twins because they want two children, and wish to avoid the physical, financial, and emotional burdens of multiple cycles of infertility treatment. Is this a choice that infertility patients should be able to make, so long as they are informed of the risks? Or should twins be regarded as a bad outcome? The issue is complicated by the fact that, despite the increased risks, most twins turn out fine.

In this paper, I focus on the moral responsibility of procreators, asking whether the desire to complete one's family in a single pregnancy is a good enough reason to impose extra health risks on offspring. This raises a difficult philosophical issue: the non-identity problem. Can we protect children from disabling conditions by preventing their births? Is life with disability worse for the child than no life at all? I argue that morally responsible procreators should try to reduce the risk of disability in offspring, but that society needs to help them make good choices by covering IVF cycles that use SET and funding research to improve infertility treatment.

"Why Brain Death Is Death"

Professor John Lizza, Professor of Philosophy, Kutztown University of Pennsylvania

There has been a rising chorus of discontent with the neurological criterion for determining death. Critics point to cases of artificially sustained whole-brain-dead pregnant women and the extraordinary case reported by D. Alan Shewmon in which a whole-brain-dead human body was artificially sustained for over twenty years as evidence that brain function is not necessary for human organisms to be alive. If death is defined as the irreversible loss of the integration of the organism as a whole, the critics maintain that these individuals are still integrated organisms and therefore alive. They accept only the irreversible loss of circulation and respiration as a criterion for death. This chorus has been so loud that the U. S. President's Council on Bioethics decided to reexamine the matter and in 2008 issued a White Paper in which it defended the neurological criterion by essentially redefining death in terms of the organism's loss of its innate "drive" and "felt need" to interact with its environment in a life-sustaining way.

In this paper, I argue that the Council's redefinition of death fares no better in justifying on biological grounds alone acceptance of the neurological criterion. In fact, I argue that the concepts of a "drive" and "felt need" are not biological concepts at all and therefore cannot explain in modern biological terms what it means for an organism to be integrated internally or externally with its environment. Instead, "drive" is a stand-in or "functional shorthand" for the metaphysical concept of the soul (anima). Under the guise of biological talk about an organism's integration with its environment, the Council is in effect defining death as the departure of an animating or vital principle from the body.

However, I defend the idea that philosophical considerations beyond biology are necessary and appropriate in formulating a legal definition and criteria for determining death. I defend a third view that the Council considered but dismissed. This third view distinguishes the death of a person from the death

of an organism and supports a neurological criterion on grounds that the permanent loss of all brain functions or just those functions necessary for consciousness and any other mental function is sufficient for the death of a person, even though it might not be sufficient for the death of an organism. I argue that we should be interested in the death of persons as distinguished from the death of organisms in formulating a legal definition and criteria for determining death. Failure to do so distorts the reasons for why we are interested in defining death and commits the old error in bioethics of thinking that what is fundamentally a philosophical and axiological matter can be resolved by medicine or biology.

"Interests, Consent, and the Provision of Food in Dementia"

Professor Paul Menzel, Professor of Philosophy Emeritus, Pacific Lutheran University

Advance directives to withhold food and water by mouth are one of the few realistic ways a people can control how long they live in dementia. Such directives will need to confront the basic moral challenge to all advance directives, the then-self/now-self problem that occurs when the concerns expressed in a directive conflict with the person's current interests.

Dworkin attempts to resolve this conflict by interpreting current best interest to require following the directive: the "critical" interests expressed in the directive are still among the person's interests, and they always outweigh mere "experiential" interests. His argument is not persuasive, but his distinction among interests can be employed to preserve a more limited authority for directives. Changes of mind can still alter them, and current experiential interests sometimes outweigh critical interests.

Changes of mind and experiential interest can be especially difficult to discern in a person with dementia, particularly in respect to eating behavior. Does an apparent desire to eat constitute a sufficient change of mind to remove the moral power of consent behind a directive when the change of mind is not about the directive itself? If not a relevant change of mind, when does such desire indicate sufficient interest in survival to outweigh the critical interest in not living further into dementia? Philosophical refinements of critical interest and consent provide some clarification; at least as important is careful attention to the total context of a person's dementia and to what is said in the directive. The then-self/now-self problem is not an insurmountable barrier to implementing directives to withhold food and water by mouth in dementia.

Biographies

(in alphabetical order of first names)

Professor Alastair Campbell

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Professor Alastair V. Campbell is the Director of the Centre for Biomedical Ethics in the Yong Loo Lin School of Medicine of the National University of Singapore. He is a former President of the International Association of Bioethics. He is a recipient of the HK Beecher Award, a Fellow of the Hastings Centre, New York and of the Ethox Centre, University of Oxford, Honorary Vice President of the Institute of Medical Ethics, and elected Corresponding Fellow of the Royal Society of Edinburgh. His recent books include *Health as Liberation* (1996), *Medical Ethics* (with D.G. Jones and G. Gillet, 3rd Edition 2005), *The Body in Bioethics* (2009) and *Bioethics: the Basics* (May, 2013). He was formerly chair of the Ethics and Governance Council of UK Biobank and is currently a member of the Bioethics Advisory Committee to the Singapore Government and of the National Medical Ethics Committee of the Singapore Ministry of Health.

Professor Bonnie Steinbock

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Bonnie Steinbock is Professor of Philosophy at the University at Albany, and a founding faculty member of the Union-Mount Sinai Bioethics Program. She is the author of 65 articles and encyclopedia entries, and a book, *Life Before Birth: The Moral and Legal Status of Embryos and Fetuses*, a second edition of which was published Oxford University Press in July 2011. She is the editor of *Legal and Ethical Issues in Human Reproduction* (Ashgate 2002) and *The Oxford Handbook of Bioethics* (2007). Her co-edited anthologies include *Public Health Ethics: Theory, Policy, and Practice* (Oxford 2006) and *Ethical Issues in Modern Medicine* (McGraw-Hill 2012, 8th ed.). She is a Fellow of the Hastings Center, on the editorial board of the *Journal of Medical Ethics*, and a member of the ethics committee of the American Society of Reproductive Medicine. In Fall 2008, she had a scholarly residency at the Rockefeller Foundation Bellagio Center on Lake Como, Italy, and in April 2012, she was in residence at the Brocher Foundation on Lake Geneva, Switzerland.

Professor John Lizza

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John Lizza's main philosophical interests are in bioethics, metaphysics, and philosophy of mind. He is particularly interested in persons and personal identity, and how these concepts affect the analysis and evaluation of issues in bioethics, such as the moral status of the human embryo and the definition of death. He teaches a variety of courses, including Medical Ethics, Metaphysics, Philosophy of Mind, Philosophical Aspects of Death and Dying, Persons, Life and Death, Human Love and Sexual Morality, Ethical Issues in Medicine and Biology, Environmental Philosophy, and Critical Thinking.

His books, *Persons, Humanity, and the Definition of Death* (2006); *Defining the Beginning and End of Life: Readings on Personal Identity and Bioethics* (2009); and *Potentiality: Metaphysical and Bioethical Dimensions* (2014) were published by The Johns Hopkins University Press. Other publications include: "Where's Waldo? The 'Decapitation Gambit' and the Definition of Death," *Journal of Medical Ethics* (2011), "Potentiality and Human Embryos," *Bioethics* (2007); "Potentiality, Irreversibility, and Death," *The Journal of Medicine and Philosophy* (2005); "Defining Death for Persons and Human Organisms," *Theoretical Medicine and Bioethics* (1999); "Persons and Death: What's Metaphysically Wrong with Our Current Statutory Definition of Death?" *The Journal of Medicine and Philosophy* (1993); and "Multiple Personality and Personal Identity Revisited," *The British Journal for the Philosophy of Science* (1993).

He has been a member of the Ethics Committee at Lehigh Valley Hospital in Allentown, PA, since 1993. He was an Adjunct Associate of The Hastings Center from 1993-2008 and Chair of the Committee on Philosophy and Medicine of the American Philosophical Association from 2007-2010.

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Paul Menzel is Professor of Philosophy emeritus at Pacific Lutheran University, where until recently he taught philosophy and bioethics. He has written widely on moral questions in health economics and health policy, including the value of life at the end of life. He is co-author with Colette Chandler-Cramer of "Advance Directives, Dementia, and Withholding Food and Water by Mouth," *Hastings Center Report* 44: 3 (May-June, 2014): 23-37.