

Book reviews

Reproduction, Ethics and the Law: Feminist Perspectives

Edited by Joan C Callahan,
Bloomington, Indiana, Indiana
University Press, 1995, 427 pages,
£31.50 hc, £19.50 pc.

"Reproduction is the locus of some of the most pressing conceptual, moral and legal quandaries in contemporary society", Joan Callahan writes in her editor's introduction. In the wake of the Diane Blood case, in which a widow was denied access to her husband's sperm on a strict interpretation of the 1990 Human Fertilisation and Embryology Act, few would argue that this statement pertains only to America. Mary Warnock, who chaired the committee of inquiry which laid the groundwork for the act, has stated publicly that the panel never foresaw that this particular question would arise. Any reader of this book will emerge with a chastened but wider understanding of the improbable oddities that *can* arise in reproductive ethics, and with a balanced analytical understanding of how we can prepare for them.

The dramatic scenarios illustrated in this collection are complex, and a feminist analysis provides not so much straight answers as a more appropriately complex set of questions. For example, in the *Davis v Davis* case (1989) an appellate court in Tennessee ruled in favour of a man's refusal to allow his divorced wife to have cryogenically preserved embryos from their joint participation in *in vitro* fertilisation (IVF) procedures implanted, because it would force him to be a parent against his will, and because the woman could always try IVF again with donated sperm. Do feminists want to view the judge's reasoning as ignoring the burdens and expense of IVF for the wife, or as recognising that proper fatherhood requires

central values in feminist ethics, commitment and relationship? Christine Overall's contribution, "Frozen embryos and 'fathers' rights", views the pre-embryos neither as joint property shared between the couple nor as children whose "best interests" should dominate. Here, and in Joan Mahoney's article proposing a nurturing rather than a genetic standard for who counts as the parent in, for example, disputes between contract mothers and commissioning fathers, the authors demonstrate a wide conceptual grasp, a sound understanding of the law, and a dogged willingness to think through all the possible scenarios, no matter how improbable.

When the articles in this volume succeed, as they almost always do, they reconceptualise and reconstruct philosophical and legal ideas around property in the body, rights and contract, in positive and creative ways with wider implications, beyond the reproductive context, both for political theory and for medical ethics. They question the easy liberal assumption that gender equality necessarily and only requires treating men and women in procedurally similar ways. They introduce satisfying new distinctions, such as that between genetic, gestational and social motherhood, and help to counter the fundamentalist oversimplification which seems to dominate family policy and politics today. One or two articles – in fact, the least obviously feminist ones – are themselves guilty of some oversimplification, for example Laura Purdy's article on "Loving future people" and Patricia Smith's "The metamorphosis of motherhood". It might also have been useful if an edition sold in this country could have included a commentary on ways in which UK law and practice differ radically from those in the United States. For example, the issue in Joan Callahan's otherwise informative and well-reasoned article on "Ensuring a stillborn", the use of a lethal injection to prevent a live birth in late terminations, has

already been settled for practitioners here, by the interpretation of the law on abortion for fetal abnormality in the Royal College of Obstetricians and Gynaecologists' guidelines on *Termination of Pregnancy for Fetal Abnormality* (January 1996).

For the most part, however, this is a comprehensive, compelling and carefully researched volume. The depth and complexity of American case law in reproductive ethics, together with the volume's inclusion of many of the most important voices in feminist ethics, give *Reproduction, Ethics and the Law* a seriousness and realism which make for compelling reading. This is applied feminist ethics at its very impressive best.

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Improving Nature? The Science and Ethics of Genetic Engineering

Michael Reiss and Roger Straughan,
Cambridge, CUP, 1996, 288 pages,
£16.95.

Michael Reiss, a Cambridge University biologist, and Roger Straughan, a Reading University philosopher and educationalist, have combined their talents to produce this timely and comprehensive introduction to a debate which displays complexities of both the scientific and the ethical varieties.

After a brief and user-friendly introduction, the book divides into three main sections. The first of these begins – very commendably – at the beginning, with a summary of what genetic engineering *is*. It then moves on to consider two different sorts of "concern" about



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