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Review of *Health Care and the Ethics of Encounter: A Jewish Discussion of Social Justice*, by Laurie Zoloth

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such diverse reality that the last essay in this theoretical section, written by Debora Diniz and Ana Cristina Gonzalez Velez, strongly emphasizes the necessity of claiming the particularity of the local context (in this case, Brazil) and the urgency for bioethicists to be as attentive as possible to local particulars. The authors also argue against the transfer of bioethical theories developed in the United States to Brazil and other 'peripheral countries.' Interestingly, however, in their opposing foreign dominance, the authors call for a 'unique bioethics for Brazil' as if no diversity exists within the boundaries of a nation state.

In the second part of the book, the local-global dialogue is contextualized in a series of essays on particular reproductive, genetic and sexual health issues. Issues that emerge include the diversity of women's moral experience with regard to pregnancy, family planning and abortion, notwithstanding some transcultural similarities; the potentiality of reproductive technologies to undermine women's autonomy rather than strengthen it; men's responsibility in protecting women from unwanted pregnancy; the implication of genetic knowledge and related technological development for human and more particularly women's welfare; and the impact of moral state ideologies on marginalized groups.

One issue that reserves particular attention, in view of the emerging discourse on men's participation in reproductive health, is whether greater men's involvement is desirable from a feminist perspective since it may end up disempowering women even further. How does greater men's involvement affect women's autonomy and control of their body? And how are different, more equitable, gender roles to be attained: through legal sanctions, as proposed by Naoko Miyaji, or through an awareness raising process?

Finally, the essays in the third, and final, part of the book focus on medical research and treatment. I find this section particularly interesting for the strong emphasis on human rights as the key concept of feminist analysis. The central question can be summed-up as follows: do medical research, trials and treatment respect the rights and dignity of women? The authors seem to conclude negatively, and stress that medical science and technology is not value free, and that fragrant abuses can occur due to the dominance of patriarchal values held by health professionals and their connivance with authoritarian systems. As Jonathan Mann, quoted in the last essay, states, it is time for health professionals 'to consider their responsibility not only to respect human rights in developing policies, programs and practices, but to contribute actively from their position as health workers to improving societal realization of rights' (pp.327-328).

Similarly, this book shows that there is much work to be done by feminist bioethicists in conceptualizing and practicing a global feminist bioethics respectful of human rights and diversity. As Nancy M. Williams notes in her epilogue, the task of assimilating diverse, and oftentimes conflicting, cross-cultural perspectives is incredibly challenging (p.334).

Still, this anthology in itself proves that there is willingness from many sides to work on such a daunting task. Hopefully, future readers will feel called to make an effort to build cross-cultural understanding in an increasingly divided world.

Rosalia Sciortino, *Rocke Feller Foundation*



A review of **Health Care and the Ethics of Encounter: A Jewish Discussion of Social Justice**, by Laurie Zoloth. Chapel Hill: University of North Carolina, 1999. 323 pages, \$45.00 cloth, \$19.95 paper.

This is a beautiful book. One should read it for that reason alone, since we could all use more beauty in our lives.

It is beautiful because it is passionate. Zoloth's deep concern about the injustice wrought on millions of real people by the current system of health care allocation in the U.S. is evident from the first page. This passion provides the text with a feeling of urgency, of concreteness, of reality. The book likewise glows with Zoloth's deep love for the Jewish tradition and communal life. Immersed in that tradition, Zoloth convincingly constructs a compelling alternative discourse for considering questions of the medical common good from the texts, language, and history of Judaism.

It is beautiful because it is well-written. Not only is Zoloth's prose a delightfully refreshing change of pace from the arid, abstract, or puffed-up tone which plagues so many bioethicists; it is also clear. In Part One, she provides one of the most accessible accounts of the crisis of health care reform and the Oregon Health Care Decision Making Project that I have yet encountered. And if that were not enough, she then turns to an even more complex beast—the liberal account of justice from Locke through Veatch, complete with its critics from various communitarian camps (philosophical, sociological, feminist, and Christian). Again, her display of the various parties to the conversation is clear and understandable. This is no mean feat.

It is beautiful because it is substantive and carefully-crafted. Zoloth is clearly in command of the material on Oregon Health Decisions and the critiques of liberal political theory. As she turns to the Jewish tradition in Part Two, however, the substantive power of the work becomes even more impressive. Zoloth seeks to provide an alternative to the regnant anthropology of the moral agent, rooted, as it is in liberal theory, in an individualistic autonomy. She finds such an alternative in the Jewish tradition, elaborated within

the ethical theory of theologian Emmanuel Levinas as “an ethics of encounter.” Talmudic texts, Jewish theologians (e.g., Levinas, Buber), contemporary Jewish scholars, and Holocaust texts are woven together to create a richly construed, deeply communal world in which the reader is immersed.

It is beautiful because it is feminist. Zoloth’s reconstruction of the Jewish tradition in chapters six and seven is then crystallized through an amazing exegesis of the Book of Ruth in the penultimate but climactic chapter of the argument. It is in the story of these two women—Ruth and Naomi—that she finds “a new vocabulary for justice: personal, intimate, relational, and yet directly normative.” The book is worth picking up just to read this exegesis.

Clear writing distills complex ideas. Consequently, this book would be wonderful to use with undergraduates to explore health care reform, theories of justice, the vitality of religious traditions in bioethics, and creative feminist analysis. Equally, however, this book ought to be read by any serious bioethicist. A short review cannot do justice to the Zoloth’s careful analysis, the multiple resources brought to bear, and her brilliant display of the power of both religious traditions and feminism to provide compelling alternatives to stagnant and intractable debates. True to the model Zoloth puts forward, the book requires the reader to enter into conversation, to engage in a “face-to-face” encounter.

M. Therese Lysaught, *University of Dayton*



A review of **Sexual Harassment as an Ethical Issue in Academic Life**, by Leslie Pickering Francis. Lanham, Md: Rowman and Littlefield, 2000. 265 pages, \$73.50 cloth; \$21.95 paper.

Leslie Francis, professor of both law and philosophy at the University of Utah, is author of roughly half of this book, which appears in Stanley Cahn’s series, *Issues in Academic Ethics*. The other half of the volume is made up of reprints of some of the most varied and influential work on sexual harassment and a generous selection of sexual harassment policies from a variety of academic institutions.

Francis begins by working her way through the complicated conceptual terrain of sexual harassment, using five categories of behavior to launch the discussion. These are gender harassment, seductive behavior, sexual bribery, sexual coercion, and sexual assault. She then

articulates the central ongoing questions in conceptualizing sexual harassment: What is the role of pervasiveness in making an environment hostile because harassing? What are the links between power and harassment? Do the ideas of female-to-male and same-sex harassment make sense? From whose point of view should harassment be identified? All of these questions are addressed in the book, in Francis’s own chapters or the collected selections.

After laying some groundwork, Francis frames the discussion of sexual harassment as an ethical issue in academia within a consideration of freedom of expression and the purposes of higher education. Here, she nicely shows how the responsibility to ensure that all students in the academy have equal access to education can conflict with both freedom of expression and the obligation of the academy to transmit knowledge. For example, she asks: What if maintaining the university as an open forum for speech results in hate speech, harassment, or discussions that marginalize groups for whom access is particularly central? What if insistence on access deflects attention from the development and transmission of knowledge? (21)

Different answers to these kinds of questions flow from different points of view. Francis divides these points of view into liberal commitments to both knowledge and equality in the academy, conservative commitments to the preservation of traditional cultures and the traditional canon, and radical critics’ commitments to moving away from the myth of liberal neutrality and to undermining the reproduction of repressive culture. Because harassment has expressive components, Francis completes her account of the conceptual geography with a helpful discussion of the purported distinction between speech and action, including the embedded question of whether some speech constitutes wrongful harm.

Francis follows her articulation and clarification of the conceptual issues with a discussion of sexual harassment in the law -- an equally difficult and often confusing terrain. Here, she divides the discussion between sexual harassment in employment law and sexual harassment in education law, returning to several of the conceptual issues she isolated in the chapter on conceptualizing sexual harassment.

Next, Francis devotes two chapters to the question of moral wrong as it arises in assaults, threats, and offers. She offers an illuminating discussion of the very tricky business of distinguishing offers from threats and offenses from harms in the context of the special features of campus communities which create special obligations for certain members of these communities. This links to a discussion of consensual sexual relationships and the concerns they raise about educational quality and opportunity, and the quality of consent.

Having drawn some conclusions along the way, in