

# Book Notes: Beyond Complementary Medicine: Legal and Ethical Perspectives on Health Care and Human Evolution, by Michael H. Cohen

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**Book Note****BEYOND COMPLEMENTARY MEDICINE: LEGAL AND ETHICAL PERSPECTIVES ON HEALTH CARE AND HUMAN EVOLUTION, by Michael H. Cohen<sup>1</sup>**

SARAH BEDARD

ACCORDING TO MICHAEL COHEN, Americans are increasingly turning away from modern, Western scientific medicine and gravitating towards older or simply unconventional methods of holistic healing. Cohen discusses the obstacles and virtues associated with including non-conventional medicine into the American legal health care framework. Although many people in the West have strong feelings concerning the confrontation between alternative healing and dominant biomedical models of health and wellness, Cohen's book is important not only for his insights into this controversial topic but also for its broader implications for the tensions between individual choice and legal paternalism. Cohen portrays the debate about alternative medicine as fundamentally a conflict between individual autonomy and society's desire to protect patients from their own potentially poor judgment. The deeply personal and mysterious arena of individual health is a crucible in which tensions between state control and individual liberty come to a head.

*Beyond Complementary Medicine* is divided into three sections, each discussing a different impediment to the inclusion of complementary—that is, non-conventional—medicine into existing medico-legal schemes. The first section is “Liability Issues,”<sup>2</sup> in which Cohen explores various heads of liability facing health care providers. He discusses the way in which tort and malpractice law function to cement the dominance of scientific, biomedical health care. The current legal regime, as described by Cohen, severely limits an individual's viable options in pursuing alternative medicines and in determining how one can go about achieving both

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1. (Ann Arbor: The University of Michigan Press, 2000).

2. *Ibid* at 9.

mental and physical wellness. Cohen does not suggest that the system is configured with any sort of malice. However, he draws attention to the reality that consenting, fully-aware adults are effectively prevented from seeking alternative treatments or are kept unaware of what he describes as viable alternative treatment methods as a result of medical insurance systems, licensing regulations, and the risk of liability or even criminal repercussions for medical practitioners.

In the second section, "Ethical Issues,"<sup>3</sup> Cohen addresses the risks involved with loosening legal structures and allowing individuals more choice in treatment. Cohen acknowledges that certain people might seek to take advantage of unknowledgeable or vulnerable people looking for help or comfort in the face of illness and hardship; however, Cohen compares freedom in such situations with freedom of religion. Cohen describes in both legal and practical terms the often blurry line between religion and the practice of many alternative and especially traditional healing systems, including Chinese, Ayurvedic, Tibetan, and Native American methods that often combine health care with religious or cultural practices. In some instances, such traditional means are viewed as indivisible from religion and might be accorded freedom under the law on that basis. Cohen uses examples and general principles to draw out the ambiguities in distinctions made and enforced by the current medico-legal framework. He encourages the reader to consider seriously whether current limitations on individual choice in the sphere of personal health are justifiable.

Section three<sup>4</sup> moves to more abstract issues surrounding morality and medicine. Cohen describes his personal experiences with alternative healing methods. He treats alternative healing methods very seriously and thus allows the reader to grasp how important the issues Cohen addresses are to some people. While there is potential for inaccessibility in this more contemplative and philosophical portion of the book, readers may find it enlightening. It provides useful insight into the motivations of the proponents of alternative medicines, and into the benefits they believe such medicines offer. This final section reinforces how intimate matters of personal health are. Cohen highlights why freedom in this area may be viewed as crucial to some people; he believes debates concerning complementary medicine are intertwined with broader discourse on the right of self-determination. This wider application of principles could be valuable even for those readers who are unconvinced by Cohen's arguments for alternative medicine.

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3. *Ibid* at 71.

4. *Ibid* at 127.