
The Ethics of Killing: Problems at the Margins of Life. By Jeff McMahan. Oxford University Press, 2002. 540 pages. \$39.95.

Jeff McMahan's *The Ethics of Killing: Problems at the Margins of Life* is a dense though fresh and rigorously argued account of the circumstances under which it may be allowable, and in some cases even preferable, to terminate "marginal" lives (e.g., fetuses, severely handicapped babies, terminal patients). The book is full of fine distinctions, rich case studies, and helpful, innovative terminology. It dismantles many of the current arguments for and against the permissibility of killing human beings whose metaphysical and moral status is contentious. Two-fifths of the book offer novel accounts of the kinds of beings we are and of what makes death the loss we typically take it to be. The rest is devoted to a discussion of the morality of abortion, infanticide, physician-assisted suicide and euthanasia, the killing of animals (briefly), and what might constitute permissible killing in the cases of demented or extremely depressed patients. It represents one of the most comprehensive and meticulous books in the field of bioethics to date. Indeed, McMahan not only discusses nearly every imaginable exception to the maxim that killing is, as a rule, wrong; but he also provides reasons for why these exceptions are justified apart from the common-sense notions that seem to support them.

McMahan's analysis of these exceptions is premised on an elaborate explanation of what makes death something rightly to consider bad. Unlike suffering, death is comparatively bad, not intrinsically so; its badness is discernible in light of the alternatives it is replacing (98, 229). In light of this presumption, there is a temptation to measure the badness of death in terms of its impact on the overall value of life as a whole. On such a view, the "extent to which death is worse (or better) than continuing to exist is proportional to the difference between the total value the life as a whole would have if the death were to occur and the total value the life would have if the death were not to occur" (105). In this "life comparative account," the badness of death is evaluated in terms of the continuing identity of which one is deprived. Nevertheless, McMahan argues that the badness of death is not "bad *in direct proportion* to the net amount of good that the life it excludes would have contained" (98). It is also important to evaluate death in terms of the effect that it has on the victim's "time-relative interests" (105). These, in turn, depend on "prudential unity relations" (170–172), which ground an "egoistic concern" for our prospective futures in our memories, in anticipated projects, and in a continuous, stable psychological makeup (42–43, 78–82, 275). Here egoistic concern, and not identity, is what matters most in determining why life is worth living. Thus, according to the "time-relative interest" view, the strength of an individual's interest in continuing to live is "a function of both the net amount of good his life would contain if he were not to die, and the extent to which he would be bound to himself in the future, if he were not to die, by the prudential unity relations" (106).

Because the egoistic concern for our futures fluctuates from person to person, the time-relative interest account seems to have the disturbing implication

that killing some people will be less bad than killing others, all other things being equal. Should the killing of someone with a significantly diminished egoistic concern, for example, someone who is very old and despondent, give us less cause for worry than the killing of someone in the prime of life? A reply in the affirmative does not square with the idea that all people have equal moral status and are correspondingly due respect for their personhood, as such (235, 240ff). To accommodate this objection, McMahan introduces the idea of a “threshold of respect,” above which our worthiness as persons is independent of the value of the contents of our possible lives in the future but below which the time-relative account applies (243). What determines whether one falls above or below the threshold comes down to one’s psychological capacity for consciousness (and, in particular, self-consciousness), which, in essence, also determines whether one is in the first place sufficiently complex and sophisticated to be called a “person” (6, 190). (McMahan allows that sufficiently self-conscious beings are conceivably persons, irrespective of their species.) Below the threshold of respect, then, the permissibility of certain killings may be defended on the basis that they do not violate the worthiness of persons, for lacking such capacities as the ability to act with self-determination, human beings are not, arguably, persons at all but, rather, merely organisms (250ff). The basis of the worthiness of life, in other words, is not life itself but, rather, is “connected with our being *persons*—that is, with our possession of certain higher psychological capacities that distinguish us from most or all forms of animal life, and from some forms of human life as well. . . . [T]herefore, autonomy must be a significant element of the basis of the worth that demands respect” (260). Fetuses in their first trimester and maybe in their second trimester, infants who are born anencephalic (infants who are missing most of their brain and skull) or perhaps in some cases severely retarded, those in irretrievable comas or otherwise brain-dead, the vast majority of animals—all of these living beings fall below the threshold of respect, have indeterminate moral status at best, and are, therefore, presently lacking the capacity for personhood, not *necessarily* harmed or adversely affected by being killed. McMahan considers a fictional example of a “Superchimp,” which is above the threshold of respect because it has the requisite capacities to make it eligible for personhood where the aforementioned kinds of beings do not (215ff). His view is not anthropocentric.

In his analyses McMahan not only makes quality of life evaluations; he also considers and then dismisses any version of a sanctity of life doctrine on the basis that the notion that all human beings have souls “is incompatible with what we know about the dependence of the mind on the functioning of the brain, or else the conception of the soul as the seat of consciousness has to be abandoned, in which case our notion of the soul becomes too insubstantial or lacking in content to support the view that those who have souls are exalted well above those who lack them” (210). This conclusion is reached after roughly seventy pages of argumentation premised on the prior establishment that we are neither souls nor the same as our organisms but, rather, are “embodied minds” (66ff)—which we are not even yet until twenty weeks after conception (268).

McMahan's method is to employ what we know about science in order to undo uncritical theological suppositions. He does remain agnostic about and even open to nonfalsifiable metaphysical claims, but failing conclusive evidence in the present, he systematically disallows their employment for purposes of coming to normative conclusions about the permissibility of euthanasia or abortion. There is no attempt to invoke religion as a resource to help him through his analyses. McMahan has little patience even for primarily secular arguments, like Dworkin's, that uphold, for example, the sacredness of an embryo purely on the basis that it is a distinct individual organism belonging to the human species (211). According to McMahan, Dworkin's error rests in his assumption that life has sanctity or value apart from its value to the person whose life it is. Science and sound philosophy do not support such a claim, he insists. Not surprisingly, his discussion of euthanasia yields very little to the idea that in the final moment a miracle may occur to change an assured prediction about a patient's incurability.

McMahan battles with the most prominent and clever minds in the field—most notably those whose orientation is nontheological. A mere scattering of these includes Peter Singer, Derek Parfit, Don Marquis, Ronald Dworkin, Fred Feldman, Judith Thomson, John Finnis, and Frances Myrna Kamm, who precedes McMahan in contributing two splendid volumes in the now eight-volume-long Oxford Ethics Series edited by Parfit. Although at times McMahan devotes perhaps a few too many pages to arguments he intends ultimately to unveil as dead ends (his discussion of brain death, in the final chapter, is particularly cumbersome), and although, following his discussion of souls, he dismisses too easily the possibility of an afterlife (98), McMahan's analyses are consistently innovative and razor sharp. This is analytic philosophy par excellence, one that works the mind as an arduous mountain climb works the body. It is well worth the read, even though it will require at least a full week's time to get through—and then considerably more time to digest.

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Jewels of Authority: Women and Textual Tradition in Hindu India. Edited by Laurie L. Patton. Oxford University Press, 2002. 228 pages. \$49.95.

The essays in this book explore the relationship between women and traditional Brahmanical authority in the Hindu tradition in a number of textual, historical, and ethnographic contexts. In the introduction Laurie Patton explains the title of the book by noting that “the jewels of women are both a source of independence and a source of bondage” in Brahmanical Hinduism (4); in some contexts, women control the fate of their jewels, whereas in other contexts, jewels designate the nature of women—like jewels—as property. This ambivalent relationship between women and jewelry reflects a broader ambivalence in the relationship between women and authority in traditional Brahmanical