

Book Reviews

McMahan, Jeff: *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press 2002.

When, if ever, is it morally permissible to kill a human being? Absolutist defenders of the sanctity of human life say it never is. But most moral theorists acknowledge circumstances under which killing is permissible. First, some killings promote the greater good to an extent sufficient for permissibility. Second, some unwilling victims of killings have themselves done something to deserve being killed or something that otherwise justifies killing them. Such cases are often said to include proportionate self-defence and just capital punishment. Third, occasionally death or being killed is no harm to the “victim”. In cases of euthanasia, for instance, death is not bad relative to the alternative for the euthanasee. Fourth, there are human beings whose metaphysical or moral status is different from that of a person’s. Among such human beings are: human embryos and fetuses, neonates, anencephalic infants, human beings with severe, congenital, cognitive impairment, and severely demented or irreversible comatose human beings. These individuals are undeniably human beings, but arguably they are not (and, in some cases, could not even have been) persons. As the subtitle of Jeff McMahan’s long-awaited book suggests, it concerns the morality of killing of such individuals.

McMahan is one of America’s finest contemporary moral theorists. He has written extensively on several issues within applied ethics, but this is his first book-length study of the ethics of killing. The book combines a close attention to real-life moral issues with a solid insight into foundational matters of metaphysics and ethical theory. While it is not exactly easily and quickly read – it comprises 503 pages – it is always well-argued, sophisticated and very interesting. McMahan never rescinds from facing the tough challenge of trying to justify deep commonsense moral intuitions without ascribing moral significance to properties that on critical reflection can be seen to be irrelevant. Such attempts, he admits, are not always successful. One deep intuition which McMahan thinks has to go is the view that being *homo sapiens* in itself, i.e. independently of one’s capacity for joy, suffering, making plans for one’s life etc., is morally significant.

The book is divided into five long chapters. The first chapter concerns issues of personal identity. Did we – normal grown-up persons – exist as embryos or fetuses and might we in the future exist in an irreversible coma without consciousness? If we think that we essentially are human organisms, then the

answer to this question is “yes”. If instead we think that we essentially are psychological beings, then the answer is “no”. McMahan rejects the former view because of well-known counterexamples involving braintransplantation. He rejects the latter partly because he thinks the psychological account of what we are is unable to accommodate cases in which our brains are totally reprogrammed and we(?) then undergo torture. In such cases we are strongly inclined to think that it would be us who would undergo torture even if there would be no psychological, organizational continuity between us and those undergoing the torture. In the light of these objections, McMahan endorses the view that we are essentially embodied minds. On this view, a person came into existence when his brain acquired the capacity to generate consciousness and continues to exist as long as this brain is capable of so doing.

McMahan, however, does not take his view about personal identity to imply that the strength of our egoistic reason to care about what happened to us in the past or about what happens to us in the future has an invariable strength. Rather, its strength varies with the degree of physical, functional, and organizational continuity between oneself now and oneself then. Since these continuities are present in varying degrees between different phases in a typical life, it is, from an egoistic point of view, rational of me to care, not about how good my life will be as a whole, but to discount past and future goods to a degree that reflects how unified I am with myself at the time at which these goods accrue to me.

In Chapter Two McMahan uses this time-relative account of egoistic concern to elucidate the badness of death. Death is bad for most of us. But it is not equally bad. For instance, most of us believe that it is less tragic if someone dies at the age of 90 having lived a full life than if someone dies at the age of 25. On what basis do we draw such distinctions? Initially one might be attracted to a view which McMahan argues fails to do justice to the complexity of the issues involved: the twentyfive year old loses more than the ninety year old from dying when he dies. This need not be the case. Suppose the death of the twentyfive year old was overdetermined, while the ninety year old would have survived for another ten years. Still, many would say that the former death was more tragic than the latter. Perhaps this is because they compare the lives of the two persons to the life normal to members of their species. On reflection, however, the species norm seems irrelevant. Consider a genetically modified superchimpanzee who is able to live the life of gifted human being but suffers a stroke that reduces it to the level of the species norm. Surely, this is tragic even if the superchimpanzee ends up living a life no worse than the species norm.

Chapter Three concerns the wrongness of killing. Most moral theories imply that killings of persons are, in the absence of the defeaters mentioned above, morally wrong. But why are killings wrong when they are? One way of answering this question is to note that killings of non-human animals appear not to be morally wrong – or at least much less wrong – than the killings of persons and then identify the differences that underlie this moral asymmetry. One suggestion is provided by the Harm-Based Account of the wrongness of killings. According to this account, what makes killing wrong is that it harms the victim. Since persons are normally harmed to a much greater extent than animals in being killed, it follows that killing a person is normally much more wrong than killing an animal.

While the Harm-Based Account has many defenders McMahan rejects it, since it assumes that identity is what matters. In order to accommodate his own conclusions with regard to the nature of egoistic concern, McMahan substitutes the Time-Relative Account for the Harm-Based. According to this account killings are more wrong the greater the victim's time-relative interest in not being killed. Since the psychological unity between a three year old and himself in the future are much weaker than the psychological unity between a twenty year old and herself in the future, this account implies implausibly that it is more wrong to kill the twenty year old.

Our intuitions concerning the killing of human beings are to some extent egalitarian in the sense that we do not think that the wrongness of killing a human being varies with their interest in not being killed. To partially accommodate this egalitarian intuition, McMahan suggests a third view, the Two-Tiered Account. According to this view, there is a certain threshold of cognitive and emotional capacities – the threshold of equal worth – such that the wrongness of killing beings below this threshold, e.g. most non-human animals, fetuses, infants, patients suffering from Alzheimer's at a late stage, varies with their time-relative interest in not being killed. The killings of such beings falls under the morality of interest. The wrongness of killing beings at or above the threshold, e.g. three year olds, is invariable. Such killings are pro tanto wrong because they are failures to respect the worth of beings with the relevant capacities. Such killings are governed by the morality of respect, as McMahan puts it.

Like the Harm-based and the Time-Relative Account, the Two-Tiered Account implies a moral symmetry between the killing of animals and the killing of human beings that are not persons. McMahan concedes this to be very counterintuitive, but thinks that this is an area where commonsense is confused, speciest and up for critical revision.

Chapter Four concerns the killing of a class of human beings that falls below the threshold, namely embryos, fetuses and infants. Given McMahan's account of personal identity it follows that since the fetus only develops the capacity for (rudimentary forms of) consciousness in the twentieth week, abortion of embryos and fetuses prior to that moment will not be bad for anyone. In such cases, there never will exist a person for whom it was bad to be the victim of an abortion. The abortion prevented this person from ever coming into existence. While this may be impersonally bad it is not, McMahan suggests, bad for anyone. It is bad, if bad at all, in the same way that it is bad if through the use of contraception we do not create new people.

The morality of abortion of fetuses more than twenty weeks old is governed by the Time-Relative Interest account. However, since the prudential relations of a fetus to itself in the future are almost non-existent, e.g. it does not plan for the future, have memories, or character traits, it follows that although the life that the aborted fetus might have lived would have contained a very large amount of value its time-relative interest in not being killed is very slight. Accordingly, the fetus' interest in not being killed might easily be outweighed by the mother's interest in having an abortion (unless the mother is, say, severely demented).

While many readers will find McMahan's position on abortion intuitively attractive, like McMahan himself, they will be less comfortable about the fact that it implies that, in the absence of morally relevant indirect effects such as those that derive from the emotional bonding between the infant and its parents, it may under certain circumstances be permissible to kill babies. Like fetuses, babies do not have the cognitive and emotional capacities required for falling under the scope of the morality of respect and, thus, are not protected by a deontological constraint against killing. Moreover, their time-relative interest in continuing to exist is only slightly stronger than that of a fetus. In fact, if the child is born too early, say after 35 weeks of pregnancy, its time-relative interest in continuing to exist may even initially be weaker than that of a 42 weeks old fetus just about to be delivered.

In the last part of the chapter McMahan turns to Judith Jarvis Thomson's defence of abortion. Thomson famously argued that even if the fetus is a person it would still be permissible for the woman who carries it to have it removed (just like it would be permissible to unplug and thereby kill a violinist suffering from kidney failure whom someone has hooked up to one's body while one was asleep). While McMahan, as I said, shares Thomson's conclusion concerning the permissibility of abortion, he persuasively argues that Thomson's argument fails: if the fetus has a right not to be killed, then this right could not be

permissibly infringed in standard cases on grounds of the burdens of carrying it and giving birth. One reason is that in standard cases of pregnancy, unlike in Thomson's case of the violinist, the fetus needs the woman's aid because of what she has voluntarily done.

The final chapter (entitled "Endings") focuses on the permissibility of euthanasia and, in particular, on the concept of death. In accordance with his view that we are essentially embodied minds McMahan distinguishes between the death of the human organism and the death of the person. The death of the person occurs with the destruction of those parts of the person's brain in which consciousness is realized. This may happen prior to the death of the human organism (as is the case with human beings who lapse into a persistent vegetative state) or after (as in philosophical thought experiments where the consciousness supporting parts of the brain are moved from a malfunctioning human body to a well-functioning one). On this basis McMahan puts forward some interesting challenges to the brain death criterion for when we and, for that matter, our human organisms cease to exist.

"The Ethics of Killing" is a long book and at times hard to read because of the wide range of issues that it covers and because of its richness in details. Still, it is an excellent book and deserves close study. I recommend it to anyone who, for professional or existential reasons, is interested in the topics it tackles. And who is not for the latter reasons?

Kasper Lippert-Rasmussen

Department of Philosophy, Pedagogics, and Rhetoric, University of Copenhagen

lippert@hum.ku.dk

When Self-Consciousness Breaks: Alien Voices and Inserted Thoughts. By G. Lynn Stephens and George Graham. (Cambridge, Massachusetts: MIT Press 2000. Pp *xii* + 198)

G. Lynn Stephens and George Graham (LSG) are among the pioneers in philosophical psychopathology, and *When Self-Consciousness Breaks: Alien Voices and Inserted Thoughts* is an exciting landmark in this promising philosophical discipline.

The field of philosophical psychopathology is basically the philosophical study of mental disorders such as schizophrenia, bipolar disorder, depression, autism, as well as more specific symptoms and signs such as Capgras' delusion (the delusion that your spouse, for example, is an impostor), and anarchic hand sign (where your hand seems to act on its own intentions). This