

Permission to reprint a book review printed in this section may be obtained only from the author.

Book Reviews

McMahan, Jeff. *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press, 2002. Pp. 560. \$39.95 (cloth).

In a 1988 essay in this journal, Jeff McMahan reported that the issues he discussed were more extensively treated in his 1989 book *The Ethics of Killing*. Like the famous report of Mark Twain's death, this was greatly exaggerated.

Unlike Mark Twain's death, publication of this book is a welcome event. McMahan deals with most of the problems in bioethics concerning death. Abortion and infanticide receive a lengthy chapter. Another chapter contains extended and insightful discussions of the definition of death; euthanasia and assisted suicide; and issues regarding demented patients. The ethics of killing animals is discussed. All of this occurs within the context of a detailed discussion of the virtues of and difficulties with various theories concerning the harm of death and what makes killing wrong. This, in turn, is placed in the context of an extended defense of a novel account (especially for bioethics) of the kind of things we are. McMahan's discussions involve analyses of more alternative views than, I suspect, anyone other than McMahan has ever imagined. *The Ethics of Killing* is detailed, careful, comprehensive, and innovative.

McMahan argues that we are neither souls nor human organisms nor (all of our) brains. We are, instead, embodied minds. We are only those parts of brains that are responsible for enough "physical and functional continuity to preserve certain basic psychological capacities, particularly the capacity for consciousness" (p. 69).

Against the view that we are human organisms, McMahan offers a brain transplant argument and a dicephalus argument. If one's brain were transplanted into another organism, then one could be identical neither with the organism from which one's brain was extracted nor with the organism into which one's brain is inserted. Dicephalus concerns cases of conjoined twins where the conjunction is so extensive that two heads share one body. Such twins cannot be identical with a human organism for there are two of them and only one candidate organism.

This might suggest a psychological account of what we are. Such an account faces a brain division problem and a teletransportation problem. If one's brain were divided, enough psychological continuity were retained in each, and the appropriate transplants took place, a psychological account appears to imply what is false, that one could continue as two individuals (p. 40). Since the subject of surgery would be egoistically concerned with both individuals, McMahan accepts Parfit's view that identity is not the basis for egoistic concern. Nevertheless, he believes that our theory of identity should coincide with egoistic concern as much as possible.

Teletransportation is the other problem. If the information in my brain could be extracted by some machine, replicated, and then implanted in many other bodies, Parfit's solution seems to entail that I should be egoistically concerned with all of these other individuals. But "many of us doubt that the original person has reason to be egoistically concerned about his replicas" (p. 59). The difference in intuition between the brain division and teletransportation cases is accounted for by the fact that, in the former case, psychological connectedness and continuity are "grounded in the continued existence and functioning of the relevant areas of the same brain" and in the latter they are not (p. 59). Not even psychological continuity is required for the continued existence of the same individual, for McMahan wishes to account for the fact that individuals do have an egoistic concern about their future demented selves even if that future demented self has no memory of earlier times in his life.

This view has the nice implication that, because we did not exist before our embodied minds came into existence and because our embodied minds did not begin until twenty weeks after conception, abortion before twenty weeks of pregnancy is morally permissible. McMahan's view applies not only to humans but to other conscious animals as well, because no animal's embodied mind is identical with the animal organism with which it is most closely associated. He suggests that his radical dualism should be thought of as the relation between part and whole. This account of our identity also "seems to rule out hope of an afterlife" (p. 98), unless, of course, what would go to heaven (or elsewhere) is an embodied mind.

McMahan's account of the harm of death is insightful and extended. Presumably understanding the harm of death will involve comparing one's death with what would have happened had one not died. The life-comparative account involves comparing one's death with the value of one's life as a whole. The account McMahan prefers to the life-comparative account involves one's "time-relative interest in continuing to live" (p. 105). "The strength of an individual's time-relative interest in continuing to live is, in effect, the extent to which it matters, for his sake now or from his present point of view, that he should continue to live" (p. 105). Because the former account seems to presuppose that identity is what matters and because the brain division argument is a reason for supposing that identity is not what matters, the latter account is superior. Furthermore, the life-comparative account implies what is untrue, that killing a developed fetus or an infant is much more harmful than killing an older individual.

McMahan understands the strength of an individual's time-relative interest in continuing to live as "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" (p. 106). Prudential unity relations involve intentions, memories, and continuing psychological architecture (p. 275). When prudential unity relations are strong, the time-relative and life-comparative accounts will coincide. McMahan's analysis of the difficulties with such accounts is wonderful. "The problem is that there are indefinitely many ways in which the person might have avoided that particular death and the different ways in which he might not have died would have led to his having very different futures" (p. 107). McMahan explores these alternatives with sophistication and multiple examples. He concludes there is no particular

comparison that is rationally required (p. 112). This does not speak well for deprivation accounts of the badness of death. He concludes that we can do no better than to appeal to the comparisons that we usually make. In addition, McMahan elaborates on the nature of other factors relevant to determining the strength of an individual's time-relative interest in a continued life. Such factors are whether an individual's previous gains from life are beyond the norm, the narrative structure of the individual's life, an individual's investments in his own future, desert, and whether the good of which an individual was deprived was desired at the time of his death (pp. 183–84).

The strengths of different cognitively normal human beings' time-relative interests in continuing to live will vary. Therefore, McMahan argues that if the time-relative interest account were the correct account of the wrongness of killing persons, then it would be considerably less objectionable to kill some people than others. This offends our sense of the moral equality of persons. Therefore, the time-relative interest account of the wrongness of killing persons must be rejected. "Killing is wrong because it involves a failure of respect for the worth of the victim, where the worth of the victim is entirely independent of the value ... of the contents of his possible life in the future" (p. 243). The time-relative interest account of the wrongness of killing applies only to individuals below the threshold of respect. McMahan's account of the wrongness of killing is two-tiered.

What counts as respect for the worth of a person? McMahan explains this respect in terms of respect for a person's exercise of autonomy or self-determination (p. 256). He discusses some of the perplexing aspects of this account. One might wonder, for example, why the wrongness of killing persons should not vary with the strength of their autonomous desire to live (p. 257), or why failure to respect autonomy with respect to far more trivial matters than killing would not be as wrong as killing (p. 257), or how such an account can explain why it is wrong to kill the seriously depressed (p. 258), or how such an account will explain the wrongness of killing young children (pp. 262–64), or how the doctrine of the equality of the wrongness of killing can be made compatible with the not unreasonable view that some people (say Einstein) have greater worth than others (p. 263). For the most part McMahan pleads agnosticism with respect to these issues.

This long, detailed book contains many interesting analyses. I have chosen to sketch McMahan's most striking theses and arguments. Those accounts necessarily were abbreviated. McMahan's claim that we are not human organisms is hard to believe. His argument apparently assumes that if we are human organisms, then we are essentially human organisms. Most people do not believe that. Most people believe either that we are human organisms in this life and something else in a life after death or that it is possible (just not supported by any decent evidence whatsoever) that human organisms will exist in some other form after death. Without the essentialist assumption, however, McMahan's arguments require augmentation.

McMahan's argument that identity is not what matters is based on his brain division thought experiment. I simply do not share his intuition that even if I had egoistic concern for my "descendents" in a brain division case, I would not care about my replicas in the teletransportation cases. There is a genuine difficulty here, and I do not have a solution to it. McMahan's intuition is a crucial basis for some of his other important

views. Furthermore, it seems more plausible to suppose that identity, rather than egoistic concern, matters more in the case of five-year-olds than in the case of adults.

McMahan's account of the wrongness of killing persons seems to be subject to some problems. I can think of plausible doctrines of the moral equality of persons—such as that all persons have the right to a minimally flourishing life—that not only do not imply the "equal wrongness of killing" thesis, but suggest the opposite. The equal wrongness thesis entails (given plausible assumptions) that the wrongness of killing persons has nothing to do with the harm of death. This seems very odd. Furthermore, McMahan suggests that there are many unresolved issues confronting the equal respect thesis. I doubt that satisfactory resolutions of all of those issues can be found. The result is that McMahan is asking us to give up a theory of the wrongness of killing that faces a difficulty in a hypothetical world of divided brains for a theory that, as far as I can see, cannot account for the wrongness of killing in our actual world. Such a request seems unreasonable.

In spite of my misgivings, McMahan's book is an example of philosophy at the highest level. It is a genuine pleasure to have the opportunity to read such a probing, careful, analytical, honest, and utterly wonderful book. I recommend it highly. It would not be unreasonable to make it required reading for any graduate student (or anyone else) who needs to understand the nature of first-class philosophical thought.

Don Marquis

University of Kansas
