

Book Reviews

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Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life*, New York, Oxford University Press, 2002, pp. vii + 540.

Applied philosophy has a bad reputation. It is often seen as a 'less worthy' field of philosophical study, characterized by superficial, poorly structured, badly argued opinions. Anyone who holds this kind of view would do well to read Jeff McMahan's *The Ethics of Killing*. This book is a most impressive, rigorously argued analysis of questions regarding the morality of killing. A large part of its appeal must surely derive from the author's competence with questions of metaphysics and his ability to apply his theoretical conclusions on personal identity, the wrongness of killing, etc. to practical questions of ethics.

The first chapter sets the foundation for the discussions of practical problems to come. McMahan begins with an account of personal identity, since if we cannot decide what we are, we cannot decide what interests we might have, whether we are due respect and in general how we should be treated. This early discussion of personal identity will also have implications for how we understand disputed entities, i.e. entities whose status is unclear such as fetuses, PVS patients, those suffering from dementia, etc.

McMahan develops an embodied mind theory, according to which the criterion for personal identity is the continued existence and functioning of the capacity for consciousness. He examines in detail Parfit's claim that the criterion of identity is psychological continuity, but finds it lacking because it cannot account for problematic cases, e.g. cases of Alzheimer's disease in which the psychological continuity ceases, but consciousness continues. Instead identity is based on physical and functional continuity in the areas of the brain where consciousness is realized. This physical and functional continuity of consciousness is what explains our egoistic concern about our future. Egoistic concern is a special kind of concern each of us has for his future; '[w]e anticipate our own future experiences, fearing future pains and looking forward to future pleasures, in a way that is different from our attitude to the future experiences of others' (p. 41). Unlike personal identity, egoistic concern can be a matter of degree and is thus affected by the degree of psychological unity of the individual.

Having given an account of what we are, one which crucially differentiates between the person and the organism, and an account of what concerns us, the book goes on to consider why death is bad and whether some deaths are worse than others. McMahan focuses on two different accounts of the badness of death. According to the Life Comparative Account, to evaluate the badness of the death we need to compare the value of the life if the death occurred with the value of the life if the death were not to occur. According to the

Time-Relative Interest Account the death is evaluated in terms of the individual's time-relative interests (interests an individual has an egoistic concern for at that time) rather than the life as a whole. These two accounts give different answers to practical questions. The Life Comparative Account would claim that the death of an early foetus is the worst possible death since it occurs so close to the start of the individual's existence and there is a huge amount of difference between this short life and the full human life we compare it with. By contrast the Time-Relative Interest Account, favoured by McMahan, would imply that the death of an early foetus is less bad because of the weak prudential unity relations that connect it to itself in the future. So, the death of beings who are psychologically distant or even entirely cut off from their own future selves, beings who have no consciously intended future goals, is less of a misfortune for those beings at that time. Conversely the death of a being who desires and values future goals at the time of his death, and who therefore has strong prudential unity relations to his future self, is worse.

Having given an account of the badness of death, based on his account of identity and egoistic concern, McMahan then goes on to consider what is wrong with killing. McMahan wants to avoid a position in which the wrongness of killing is linked to the amount of good in a person's life, as someone's interests can vary depending on arbitrary and uncontrollable factors. Killing, therefore, is equally wrong because it is the killing of a person for whom respect is owed. Respect is understood as accruing from 'the autonomous determinations of that person's will' (p. 260) and as there is no sharp cut-off point in the process of becoming autonomous, there is no sharp cut-off point in moral status. We have then, a Two-Tiered Account of the morality of killing: On the one hand, we have beings who are due respect and whose lives are intrinsically worthy (so that it is wrong to kill even those who have weak time-relative interests) and beings who are below the threshold for respect and whose deaths are evaluated using the Time-Relative Interest Account.

Having developed such a detailed and thorough account of what we are, what matters in our lives, what is wrong with cutting our lives short, McMahan can now go on to apply the conclusions of his theory to practical problems. On abortion he comes to a number of different conclusions depending on the status of the foetus. Relying on his theory of personal identity he concludes that early abortions (before the development of consciousness) should not be seen as killings as there is no one to kill; they merely prevent someone from coming into existence. Relying on his thoughts on egoistic concern, he argues that late abortions do kill someone, but someone who only has weak time-relative interests. Developed fetuses and, controversially, newborn infants lack the cognitive capacity to be accorded moral status (therefore they come within the scope of the Time-Relative Interest Account) and have weak prudential relations with their future selves, so their deaths are not great misfortunes.

For decisions at the end of life, we need to recognize two concepts of death: death as the irreversible loss of consciousness, which can occur even if the organism remains alive, and death of the organism. This means that beings such as PVS patients are crucially dead. The bodies of beings who have died, but whose organisms remain alive, ought to be accorded respect (like the bodies of the dead), but this is based on what the beings were rather than what they are now. Thus, McMahan's view on the end of life mirrors his view on the beginning

of life and is dependent on the capacity to generate consciousness and mental activity. Finally, when discussing euthanasia, McMahan concludes that as there are no plausible arguments which condemn either suicide or euthanasia, respect for a person's worth should lead us to respect one's autonomous decision to end one's own life.

The above is a very brief overview of McMahan's project and cannot possibly do justice to the complexity, intricacy and thoroughness of this book. Perhaps some of its conclusions will seem counter-intuitive, however they are meticulously argued for, with a sensitivity to and awareness of their counter-intuitive implications. The practical conclusions are also consistent with the theoretical arguments which form the backdrop of the discussion, so if one wanted to reject them one would have to grapple with McMahan's account of identity as an embodied mind and his understanding of egoistic concern. I, for one, find the main thrust of the argument extremely convincing and I am happy to accept the conclusions it leads to. My main concern with this book is not with its main argument, but rather surprisingly with its style and presentation. The book aims to set out the main argument, but at the same time it serves as a literature review of anything and almost everything that has been written on the topic and a defence or attack on almost any position that has ever been held on these questions. For example, not content with a detailed and convincing defence of his own account of abortion, the author also considers potentiality, the sanctity of life, the replaceability of infants, parental responsibilities, the difference between killing and letting die, the mother's self-defence argument against the foetus, etc. Of course, being thorough and paying attention to detail is a philosophical virtue, but in this case it is carried to such an extreme that it impedes the main aim of the book. The reader often becomes frustrated with detours to consider and reject arguments which are not of central importance to the book's original position, e.g. a whole section is dedicated to a discussion of what it means to be a member of the human species. It is a credit to the author that these discussions are, in themselves, very compelling, but on the whole they distract from the purpose of the book and encourage the reader to 'dip in' and read abstracts on particular discussions rather than consider the book's original argument as a whole.

That said, those who do take the time to read the entire work are bound to find much to recommend it. Although the book is very demanding for the non-specialist, students of philosophy would greatly enjoy its rigorous arguments and well-defended, original position.

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Robert George, *In Defense of Natural Law*, Oxford, Oxford University Press, 2001, pp. 343.

The Introduction to this collection of previously published papers gives a clear and concise summary of the book's contents. Part I explains and defends 'new natural law', that is, the theory elaborated by Germain Grisez, John Finnis and