

Philosophy in Review

BOOK REVIEW

Frances M. Kamm. *Bioethical Prescriptions: To Create, End, Choose, and Improve Lives.* Oxford University Press 2013.

PHILOSOPHY IN REVIEW

Vol. 35, No. 1 | FEBRUARY 2015

URL: <http://www.uvic.ca/pir>

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Frances M. Kamm. *Bioethical Prescriptions: To Create, End, Choose, and Improve Lives*. Oxford University Press 2013. 624 pp. \$35.00 USD (Hardcover ISBN 9780199971985).

Bioethical Prescriptions contains revised versions of Kamm's essays on familiar ethical issues such as abortion, euthanasia, genetic and other enhancements. These issues are extensively discussed and analysed in Parts 1-3, with Part 4 devoted to the allocation of scarce resources and Part 5 considering the merits of different theoretical and practical approaches in applied ethics. Kamm's own distinctive approach frequently employs analogical arguments and hypothetical cases to clarify the implications of proposed solutions to ethical problems. However, many of her articles give scant attention to explaining and defending this methodology which is open to some criticism and misinterpretation. So this final part is of special interest to both adherents and critics of Kamm's method.

From the very beginning moral and political philosophy has often proceeded by conceiving hypothetical scenarios as a means of discovering or deriving *actual* principles that can explain human behaviour, or to furnish *ideals* that can regulate and improve behaviour. As Kamm herself puts it: 'If factors or principles sufficiently justify responses they cause, they can become the basis for requirements on everyone's conduct, should they face situations in reality like those presented in hypothetical cases, and standards against which to measure the correctness of anyone's intuitive moral judgements' (582). Thus, the original Trolley Problem devised by Philippa Foot ('The problem of abortion and the doctrine of double effect', *Oxford Review*, 5, 1967) and the variants constructed by Kamm are not simply aimed at providing a meta-ethical analysis of the moral concepts involved but to ultimately reveal normative principles that are justified in analogous situations.

In the Trolley Case 'it seems to be permissible to redirect a runaway trolley from killing five people onto a track where it will kill one person instead'. But in the Transplant Case 'we may not kill one person to harvest his organs in order to save ten people from death' (301). Kamm infers that this commonly recognised distinction between the two cases is based on a 'moral distinction between merely *substituting* one person for another and *subordinating* one person for another' (301). The extent to which this same distinction may be acknowledged can then be tested by constructing alternative cases where these two factors are apparently involved in differing degrees. While this procedure mimics the scientific method of experimentation, and has in fact been more rigorously investigated by psychologists (see especially Joshua Greene's research at Harvard University's *Moral Cognition Lab*), the most glaring difficulty with Kamm's approach is its reliance on the assumed objective validity of those 'standards against which to measure the correctness of anyone's intuitive moral judgements'. Even if Kamm's thought experiments in these cases do largely confirm the basis for commonly held intuitions about the scope of negative rights, of course such findings alone provide no justification for following those or any other intuitions.

In discussing the relation between theory and practice, Kamm concedes the risks of an unquestioning acceptance of our intuitive responses to such cases, as 'we may all agree on the wrong answer to a case' (570-1). In the final chapter, 'Understanding, Justifying and Finding Oneself' Kamm addresses this question by considering the judgemental biases to which most people are prone, including philosophers. Given that moral intuitions are often deep-seated, they may be aroused with little or no introspection. Therefore, rather than being the result of thoughtful

consideration, responses to these thought experiments may often express habitual prejudices which may not stand much scrutiny from the standpoint of any particular normative moral theory. As a result, to explain the basis for their own responses to such cases people may confabulate or otherwise attempt to rationalise judgements that are actually driven by emotions (581-2). Furthermore, as philosophers themselves are not immune to the confirmation bias, there is the danger that their own explanatory findings may be tainted by a strong, prior commitment to a particular normative theory.

In spite of these risks, it would be hasty to dismiss the epistemic value of Kamm's method on such grounds alone. As she duly notes, while the possible reason behind an intuitive judgement may not be consciously considered, this need not imply a thoughtless response (582). Often enough, a particular response becomes intuitive precisely because it has proven to be effective in many different circumstances. As such, it has undergone an implicit process of testing and refinement very similar to that proposed and practised by Kamm's method. This also accounts for the fact that, despite significant variations in cultural values, responses to Trolley Cases do express considerable agreement on the important moral factors and principles involved (see Gold, Colman and Pulford, 'Cultural differences in responses to real-life and hypothetical trolley problems', *Judgement and Decision Making*, 9.1, 2014). As these scenarios focus on responsibility for avoiding the most serious harms, it is hardly surprising that utilitarian moral principles should have evolved to prevent or reduce those harmful consequences. And for the same reason, it is no less surprising that a firm principle supporting the value of an individual life would also be universally recognised.

Moreover, while the anthropological survival value of such fundamental moral principles is largely self-evident, by the same token 'the ability to justify one's judgments to others might well have survival value' as Kamm suggests (573). Nevertheless, even if Kamm's method does succeed in showing the objective universal value of certain intuitive moral principles, it should not be assumed that responses to hypothetical scenarios would necessarily or reliably predict what is believed should *actually* be done in analogous *real-life* situations. Precisely because such experimental questions are hypothetical, responses to them are also hypothetical. And the more artificial and unlikely they appear, the less they represent events that are genuinely foreseeable and urgent. Even if the various Trolley and Transplant Cases are constructed to efficiently elicit the essential conflict between two fundamental moral intuitions, the fact that the scenarios are imaginary and unlikely to be faced by most people, undermines the reliability of their responses.

While Kamm would include herself among those philosophers she describes as 'defenders of "common-sense morality"' (536), of course that need not entail she would always endorse the reasoning expressed in the intuitive responses to every case. For example, Kamm criticises McMahan's views against abortion because he 'refuses to ignore intuitive responses, despite his inability to find an adequate justification for them' (236). On that issue, while Kamm argues from the 'hypothetical assumption that the fetus is a person', she notes that as a 'true parental relation' does not yet exist, there are moral limits to the sacrifices that can be demanded from a parent. But this only shows that Kamm's sound analysis and arguments for the permissibility of abortion can easily be made and defended without resorting to absurdly unrealistic scenarios such as variations of Thomson's 'Violinist Case' (*Philosophy & Public Affairs*, 1.1, 1971).

Imagining a fetus simply as a *hypothetical person* allows the abortion issue to be seriously considered in many significant and relevant respects that only become obscured or conveniently

deemed irrelevant when imagined as a dying violinist forcibly attached to a life-sustaining host. Ironically, Kamm herself draws attention to a highly significant dissimilarity here, in that unlike the violinist, 'the fetus did not exist before it was attached to the woman's body' (193). To give due consideration to that neglected factor, Kamm then develops her 'Cutoff Abortion Argument'. As with her discussion of McMahan's arguments, rather than constructing yet another farfetched scenario, Kamm asks the reader to imagine a case where a woman 'deliberately becomes pregnant even though she knows that she has a very high risk of miscarriage' (193).

Such easily imagined human experiences are much more likely to reveal reliable intuitions than any artificial analogy would. So it is these passages throughout the book that make the most interesting and valuable reading and they are all the more revealing in showing that despite her preference for Kantian principles, Kamm frequently identifies and invokes *consequentialist* grounds to justify her normative conclusions. The abovementioned 'Cutoff Abortion Argument' is a case in point. Kamm describes the argument as 'non-consequentialist in that it does not consider whether her life is more valuable than that of the person she would bear, or whether she stands to lose more if she continues the pregnancy than the fetus will lose if she does not.' Yet, her conclusion about the case is reached by considering 'how much effort should someone expend in order not to produce a worst state of the world' (193).

The chapters discussing the allocation of scarce health resources are of the greatest interest, as they involve many urgent dilemmas where consequentialist - indeed utilitarian - intuitions often take precedence in practice. Much of this discussion is particularly insightful and sophisticated, as Kamm evaluates cases and policies involving existing medicines with known side-effects such as clozapine (418-21). Likewise, an earlier chapter focuses on ethical issues involved in treating a patient diagnosed with Munchausen Syndrome by Proxy. Though revised, many articles in this collection suffer from Kamm's penchant for overly complex sentence construction, along with redundant thought experiments or weak analogies. But elsewhere throughout the book, there are many sections where Kamm's meticulous analytical approach uncovers important moral factors in some bioethical issues that have often been ignored or unduly neglected. And ultimately these impressive insights provide ample compensation for the flaws.

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