
Book Reviews

Fritz ALLHOFF, Adam HENSCHKE and Bradley Jay STRAWSER (eds.). *Binary Bullets. The Ethics of Cyberware*. Oxford: Oxford University Press, 2016. 296 pp.

How can one prevent one's enemy from developing nuclear weapons? In former times, i.e. some 30 years ago, one flew an aerial attack against what was supposed to be a nuclear site, as did Israel against a Libyan site. This can still be done today, but with the difference that it is possible nowadays to paralyze, via a previous cyberattack, the anti-aircraft weapons of one's enemy – as did Israel when it attacked an alleged experimental site in Syria. Bombing sites in Syria or Libya is one thing, attacking a nuclear site in Iran is another thing. It is hard to imagine bombing a site in Iran. Yet it is not hard to imagine a cyberattack on an Iranian site. In fact, Stuxnet was not a fiction, but a real attack against an Iranian site. A so-called 'worm' was introduced into Iranian computer programs controlling enrichment centrifuges. Not only did the worm wreak havoc, but it was programmed to alter computer readouts, i.e. the Iranian nuclear technicians did not notice that something was wrong. As a result of this – more than probably conjoint US-Israeli cyberattack – the Iranian nuclear program was slowed down.

Though cyberattacks are still rare, they are not likely to remain so in the future. Hence the necessity to submit the question of the legitimacy of such attacks to ethical reflection. Several volumes – articles, monographs and essay collections – dedicated to this problem have already been published and the twelve contributions contained in *Binary Bullets* pursue and refine reflections on the topic.

The first three contributions tackle foundational questions. In "Emerging Norms for Cyberwarfare", George Lucas Jr. thinks that we should privilege a bottom-up to a top-down approach. Nations should not wait for an international organism or conference to issue binding international law, but practice should be taken as reflecting norms to which nations seem to see themselves as bound. Lucas identifies four such norms: (i) never target civilians deliberately; (ii) respect proportionality and do not cause more damage than strictly necessary, (iii) always be conscious that cyberattacks may be as devastating as bombings and (iv) when attacking, always choose weapons that will cause least damage.

In "The Emergence of International Legal Norms for Cyberconflict", Michael Schmitt and Liis Vihul argue in favour of new hard laws. Even if existing international

law can be used as a frame of reference, cyberconflicts pose new problems and thus make it necessary to at least complement existing international law on warfare. The so-called *Tallinn Manual*, mentioned in almost every contribution in the volume, might be seen as a starting-ground for norms specific to cyberconflicts.

Randall Dipert maintains in “Distinctive Ethical Issues of Cyberwarfare” that traditional just war doctrine is inadequate to cyberwarfare, as the latter is a kind of warfare that can be quite distinct from traditional warfare. According to Dipert, we are entering an epoch “[...] in which the worst weapons are not used and in which cyerpowers and others test the limits of what will be tolerated by the international community” (70). A US-Israeli aircraft attack against the Iranian site would probably have led to a declaration of war, the cyberattack did not.

The following two contributions to the volume deal with the question of whether cyberwarfare really is a kind of warfare. In his “Cyber *Chevaucées*. Cyberwar Can Happen”, David Whetman compares cyberattacks to medieval *chevaucées*, arguing that violence is not reducible to physical violence and that merely threatening violence or even simply showing off one’s ability to be physically violent, can also count as violence. Whetman argues that cyberattackers can undermine political legitimacy by showing that a government cannot protect its citizens against cyberattacks. Given the fact that cyberattacks can come from anywhere and that it is often difficult to identify cyberattackers, governments do not really know how to neutralize cyberattackers.

At the beginning of “Cyberwarfare as Ideal War”, Ryan Jenkins writes: “An ideal war would be a war wherein civilian casualties were minimal or nonexistent and where acts of violence perfectly discriminated between combatants and noncombatants” (89). According to Jenkins, cyberwarfare, if judiciously led, could be such an ideal form of war. As such, it would be morally obligatory.

Whereas the authors discussed until now concentrate mainly on *ius ad bellum* and *ius in bello*, Brian Drend, in “Postcyber. Dealing with the Aftermath of Cyberattacks” reflects on *ius post bellum*, arguing that the best post-cyberwarfare politics consists in helping the defeated party to be better off than before. This does not exclude sanctions against those who were responsible for provoking the war.

The three following contributions to the volume concentrate on the ethos of warfare, stressing not so much – if at all – formal rules of morality or of law, but the character traits of those who have to fight cyberwars. While machines or programs play an important part in cyberwarfare, these machines or programs need humans to make them work or utilize them.

According to Matthew Beard’s thesis defended in “Beyond Tallinn. The Code of the Cyberwarrior?”, the same code of honour cannot be applied to cyberwarriors as to conventional warriors, since both types of war differ dramatically. Three different tasks might be given to the cyberwarrior: espionage, sabotage and assassination. According to Beard, assassination should be prohibited by the code of honour of cyberwarriors because one cannot easily determine who is the perpetrator. And as to the other two tasks, the cyberwarrior should display such virtues as discernment, discretion, numerical competence as well as autonomy and independent thinking.

In their contribution ‘Immune from Cyberfire?’, Canetti, Gross and Waismel-Manor insist on the psychological harm that cyberattacks can cause, especially when civilians are targeted – a targeting which amounts to cyberterrorism. The latter “[...] stokes anxieties about loss of control and unpredictability that might be as inescapable as those accompanying war and kinetic terrorism” (167). The authors come to the conclusion that non-combatants should be protected against cyberterrorism and cyberwarfare.

David and Joseph Danks’ “Beyond Machines” draws attention to the fact that the human beings leading cyberwars are not perfectly rational agents and that this should always be taken into account. Whatever the place taken by machines in cyberwarfare, we should always, as the authors formulate it, “[k]eep [...] [h]umans in the [p]icture” (193), and we should also never forget when setting up an ethics for cyberwarfare that these humans are imperfect beings.

The last three contributions are grouped under the general heading Cyberwarfare, Deception, and Privacy. “Cyber Perfidy, Ruse, and Deception” by Heather Roff and “Cyberattacks and ‘Dirty Hands’” by Seumas Miller both take up the question whether, and if so to what extent, one is authorized to use morally problematic means when fighting an enemy. Roff argues that when deceptive cyberactions directly lead to the killing, wounding or capturing of an enemy, they amount to perfidy and are morally illegitimate. The litmus-test is whether an action will undermine trust or not. To quote Roff: “Perfidious action in warfare heightens distrust and enmity, and it follows that if cyberoperations are considered perfidious, then peaceful settlements will also be more difficult to achieve, for they will have further undermined trust” (223).

Miller compares cyberattacks to covert political actions, considering the latter as “[...] a paradigm of dirty hands: doing what is wrong in order to achieve some (allegedly) greater good” (239). The author justifies cyberattacks, provided they respect the principles of self-defence, necessity, proportionality, discrimination and reciprocity. Moreover, the privacy rights of individuals should be respected.

The said privacy rights are also central to Michael Skerker’s “Moral Concerns with Cyberespionage”. Cyberespionage under the form of data-collection is legitimate provided it is done by a trustworthy government and for a morally justifiable purpose. Moreover, human autonomy should always be respected.

It is to be expected that cyberoperations will play an ever greater role in the years to come, either as preliminaries to conventional warfare operations – e.g. the deactivation of an enemy radar system to make it impossible to detect bombers – or as outright war-operations – e.g. introducing malware into a computer system controlling nuclear fission in a nuclear plant to provoke an uncontrolled chain reaction. The worst of cyberwarfare is still in ahead of us. Whether it will be worse than the worst of conventional warfare we have seen up to now remains to be seen. It is a question one would like to answer in the negative, but it is still too early to be optimistic in this regard.

The essays contained in this volume are not – and do not pretend to be – the last word on the issue of the ethics of cyberwar. Nevertheless, they already go well beyond mere exploratory remarks and identification of problems or problem-fields. They open up avenues for further reflections. They also confront us with the question: which kind

of war do we want – provided we want a war? Public opinion, at least in democracies, should have something to say concerning this question. While political realism makes it necessary to take the existence of cyberwarfare as given and to ask whether and how ethical limits can and should be drawn, we should also be able to step back and ask whether it would not be better to renounce cyberwarfare completely. While cyberwarfare might have the potential to lead to destructionless wars, it also has the potential to initiate massive destruction. As such, it is a two-edged sword, and in addition to asking the pragmatic question “What can we do in order to reduce the risk of using the destructive side of the sword?” we should also take time to ask the fundamental question “Do we want a (new) double-edged sword at all?”

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Dale DORSEY. *The Limits of Moral Authority*. Oxford: Oxford University Press, 2016. 233 pp.

In his book on the normative authority of morality, Dale Dorsey addresses the conflict between the ‘plausible’ intuition that morality requires universal ‘impartiality’ to override personal interests (PMI) and the implications of such requirements that go against our other rational views. Is the ‘moral standpoint’ mandatory for us at all times and in every circumstance? The burden seems overwhelming. This is ‘the question’, stated as an attempt to establish the relationship between acting according to moral requirements and how one ought to live. The more famous of the objections that he addresses is known as the ‘demandingness objection’. Similar in content are the cases in which morality understood as ‘reason-as-such’ stumble into other (moral or non-moral) reasons in favour of the ‘dearest and nearest’. *The Limits of Moral Authority* offers a broad presentation of practical rationality and morality, however, which is more consistent than the mere sum of its arguments.

The perplexity facing the (excessive) demands of moral requirements already guided Dorsey’s inquiry to some extent in his previous book (*The Basic Minimum: A Welfarist Approach*. Cambridge: Cambridge University Press, 2012). He raises questions such as: given two smaller communities, one faring well and another struck by famine, which one should society help? Why is it so clear that it ought to help the community that is worse off? Why should all other considerations be discarded? The ‘demandingness objection’ was also the main question in the author’s paper “Weak Anti-Rationalism and the Demands of Morality” (*Noûs* 46/1 [2012]: 1-23). In this new volume, *the question* (with many of its ramifications) comes to the foreground, superseding political or social problems, even those that keep him awake at night (does his weak anti-rationalism not justify ‘jerks’ and the selfish wealthy in following their whims and discard any moral demands entirely?).

The question of practical (moral) conflicts is presented as follows: “My family and I have agreed to take a group vacation [...]. The time has come to book our tickets. But

before we can do so, a natural disaster strikes an extraordinarily impoverished country, leaving hundreds of thousands of people homeless [...]. My own view is that doing something to help is morally required. [...] but to] cancel now would be the worst sort of disappointment. After all, my family and I really want to go. Also, it's something I feel I owe them" (1).

The picture is sketched in this somewhat pedestrian way in the introduction – if compared, for example, to Max Weber's despair in the face of the choice between saving one's soul or the city, or Isaiah Berlin's values conflict. Although the *reductio ad Hitlerum* (Hitler, Sartre's apathy and the justifications of a Nazi gatekeeper surface several times) eventually finds its place in the book, the tone is never of a deep inner struggle between the demands of universal morality and the fragility of goodness. Moreover, 'prudential' considerations also take the 'virtue' of prudence as a shallow calculation between self-interest and 'common good'. Given these platitudes, the book's presentation (or its beginning) is not at first glance promising.

Even more surprising, however, is the author's hasty use of a brief definition/description to solve the dichotomy between facts and values that has plagued morality and political life since Hume's dilemma (18) or Kant's 'stratagem' (213 ff.): morality is just one among several possible standpoints. "In its most basic distillation, a standpoint takes as inputs certain facts about a given action, assigns a particular importance (or 'strength') to these facts, and generates an evaluative output: an assignment of 'good,' 'bad,' 'required,' 'permissible,' etc., to the action in question" (9).

There are, however, two powerful reasons to read carefully what is otherwise a remarkably well-thought out and organized book, full of roadmaps, signposts, summaries, and conclusions.

On one hand, the puzzle is a real one, at the very least from a subjective perspective: "When trying to decide whether to take a family vacation or not, I consider not just morality, but also prudence, etiquette, and norms of friendship and family. Each of these picks out a distinct standpoint of normative inquiry" (9).

Obviously, it is tempting for this reviewer to let the author (and his family) go on vacation, and even encourage Lee, Chris and many others fictitious characters to pay for their sons' costly top-notch high school or college instead of donating their money to Oxfam (the recurrent dilemma afflicting many people in the book). In other words, to dismiss these rather shallow inner struggles as merely artificial conflicts, taking the view that moral permissions and duties should always take supremacy, therefore fully endorsing what the author calls 'moral rationalism'. Or even to uphold a theory that is closer to the author's heart, namely Douglas W. Portmore's defence of mild consequentialism (*Commonsense Consequentialism: Wherein Morality Meets Rationality*. Oxford: Oxford University Press, 2011): moral rationalism sets constraints on moral theories, and some forms of act-consequentialism may be incorporated in practical reason in a way that does not violate such constraints. But is it that easy to reconcile all these viewpoints or is this attempt at dismissal not merely a distorted view of human morality and even a contradiction in terms – as Isaiah Berlin, for example, contends?

It is very tempting, nevertheless, to defuse these apparent conflicts and discard the main thesis of the book with them, especially because among the many arguments debated and accepted or rejected as ‘plausible’ or ‘non-plausible’, some theories *do* explain the specific conflict/contradictions under examination. Samuel Scheffler’s ‘partiality’ (“Morality and Reasonable Partiality.” In *Partiality and Impartiality*. Oxford University Press, 1994, 100-107), Brian Barry’s not so demanding ‘impartiality’ (*Justice as Impartiality*. Oxford: Oxford University Press, 1992, 191), and the double meaning of morality as either a set of basic rules and an ideal of excellence in behaviour (James Dreier. “Why Ethical Satisficing Makes Sense and Rational Satisficing Doesn’t.” In *Satisficing and Maximizing*. Edited by Michael Byron, 131-154 [149]. Cambridge: Cambridge University Press, 2004) are among the theories that are too hastily dismissed.

On the other hand, this is a challenging book, full of interesting arguments and very readable, notwithstanding (or because of) the evidently impressive scholarship in recent analytical moral theory (with the occasional reference to a classical book thrown in). Chapter 1 is devoted to clarifying the concepts the author uses throughout the book, and it is apparently a mere ‘stage-setter’. But while anticipating the objection that there is no independent notion of practical rationality (based on Copp’s normative pluralism), he in fact argues that there is reason for accepting the *sui generis* normative standpoint of ‘reason-as-such’, from which the unscripted ought is the result (39). Chapter 2 addresses the problem of the method in moral inquiry and attacks *a priori* moral rationalism, that is, the view that moral considerations are supreme and a limiting condition (‘thou shall not kill, period’) and that if we take all moral considerations seriously, there is no theoretical conflict. His purpose is to contrast it with ‘substantive rationalism’ that entails an analysis of the reasons for action, dismissing in passing some criticisms of the famous defence of anti-rationalism by Philippa Foot. In chapters 3 and 4 Dorsey puts forward the core of his vision: there is good reason for accepting “[...] an impartial, and hence demanding, theory of morality” (70); but there is also a ground for the denial of the ‘supremacy’ of the moral standpoint (as in Thomas Nagel, 207-210) and therefore moral anti-rationalism is the best way to ‘accommodate’ the existence of heroic actions that are not normatively implied or required on grounds of how one should live, called ‘supererogatory actions’ (70). The more controversial points are made in chapters 5 and 6, where the author maintains that it is *not* irrational *not* to follow moral norms. He falls short of Bernard Williams’s position – we would be “better off without” (86) –, but morality for Dorsey is merely a set of ‘by default’ reasons (or permissions) for action and we possess a “[...] capacity to strengthen practical reasons” through the “normative significance of the self” (173-180). This theory is also presented in the paper “Grounding, Priority, and the Normative Significance of Self” (*Journal of Ethics & Social Philosophy* 10/1 [2016]: 1-24), but ignores an obvious alternative: with due apologies to Jean-Paul, Sartre behaved as a selfish brat and he is merely excusing himself, claiming a political stance he never upholds – but certainly later hyper-compensated navigating the ‘wave of the future’.

The assumption that pervades the book is that morality is independent of human desires and ends: “[...] whatever theory of practical reasons is true will allow us to

determine the first order of content of normativity on the basis of a reflective equilibrium of our considered judgments concerning how we should live” (6; fully clarified in the appendix “FYO”). Defining morality as impartiality and henceforth using the reflective equilibrium as a method ignoring the appeal to a view of the moral person is the deep reason why Dorsey’s conclusion is to some extent unavoidable.

If one puts forward the standards or demands of morality as a form of moral constructivism in the attempt to avoid any ideal conception of personhood, naturally something is amiss in the relationship between the morality standpoint and normative authority.

Despite similarities in terminology, this is not Rawlsian reflective equilibrium. When Rawls presents the aim of his Dewey Lectures in 1980, he begins by saying that he merely wishes to examine the notion of a “constructivist moral conception” (John Rawls, “Kantian Constructivism.” In *Collected Papers*, 303. Cambridge: Harvard University Press, 1999), although one of a specific kind: a Kantian constructivism, although he acknowledges that “[...] justice as fairness is not, plainly, Kant’s view, strictly speaking” (1999, 304). Rawls is using the qualification ‘Kantian’ as an analogy and not quite as an accurate interpretation, but he still wants it to resemble Kant’s fundamental aspects (1999, 304-305). He ventures to do so because constructivism is much less well understood than “utilitarianism, perfectionism, and intuitionism” (303). Indeed, in the third lecture Rawls presents how a Kantian doctrine “[...] interprets the notion of objectivity in terms of a suitably constructed social point of view” (1999, 340), following Henry Sidgwick’s efforts to build a method of ethics that he considers the first truly consistent work in modern moral theory (1999, 341). Yet, Rawls still points out two important limitations to Sidgwick’s *Methods of Ethics*: firstly, Sidgwick pays little attention to the notion of ‘personhood’ and the social importance of morality; and secondly, Sidgwick fails to recognize that both Kant’s doctrine as well as perfectionism have a distinctive ethical method. Both Kantian doctrine and moral perfectionism are much more than a formal account of the principles of equity; both include a view of the moral person (1999, 342).

Perhaps a view of moral personhood, its purposes and desires, can only be entirely ignored at the cost of concluding in the end, as Dorsey argues, that we are not always required and even permitted (in all circumstances, or all-things-considered) to act morally according to the reason-as-such standpoint. This is a strong conclusion – a bold claim that is in practice prey to all (moral and non-moral) justifications for action and inaction – akin to the full-fledged subjectivism that he seeks to avoid with a ‘default’ PMI. He does not go as far as eschewing morality, but may turn us all into ‘budding utilitarians’ in a final attempt to evade subjectivism. This was the purpose of David Brink’s paper: “Utilitarian Morality and the Personal Point of View” (*The Journal of Philosophy* 83/8 [1986]: 417-438), which ironically was seminal to this book.

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Cécile FABRE. *Cosmopolitan Peace*. Oxford: Oxford University Press, 2016. 368 pp.

This is a companion to, and completion of, Fabre's earlier *Cosmopolitan War* (Oxford University Press, 2012). In the earlier book, Fabre provided a sustained analytical engagement with the justification of warfare and the governance of its conduct. The text under review (which can be read independently of the first book) addresses all and only the normative implications of ending conflicts. An underlying set of cosmopolitan assumptions guide the work. These principles concern the ultimate reducibility of justified political claims to individual rights and the conditions necessary to preserve individual status. Bringing these principles to bear on the phenomenon of armed conflict is doubly daunting, requiring the application of general principles to an already morally compromised activity, and doing this for every aspect of warfare from the instigation of hostility to its symbolic memorialisation. This work carries on and completes the project admirably. By implication, however, the scope of the project means that this is a specialist text for those already familiar with some of the background philosophical, legal, or social scientific debates and would not easily serve as an introduction to them.

The contents cover cessation of hostilities, peace treaties, reparations, and prosecutions. We also have sustained analysis of transitional arrangements, for instance international trusteeships and other forms of external governance, as well as reconciliation and remembrance. The themes in this text take us through the ending of war to the memory of that war, be it distilled into legal narratives or physical memorials. The intensity of the argument throughout is impressive (there is rarely a claim that does not receive its full share of qualifications and caveats) and the argumentation draws on a wide and solid grounding in the social sciences and history of conflicts. Actual case studies in terms of sustained analysis of historical examples are relatively infrequent, but they include the Peace of Versailles, the Nuremburg Trials, and foreign administration of East Timor and Bosnia. In essence, the text is a dense network of arguments tracing the normative themes that arise when states and combatants move from a state of war to a state of peace.

In contrast to other related works, it really is a synoptic view of the field. It is distinct from specialist legal concern with the UN Charter rules and the rules of international criminal law. And it is also distinct from specialist concern with historical and social scientific analysis of the field, approaches that are often content to draw less systematic conclusions about the legitimacy of the ends of a conflict or the means used to pursue them. Moreover, it is refreshing that the analysis resists the dichotomies that are all too common in this area, principally peace *versus* justice and prosecution *versus* amnesty. There is no presumption that trade-offs must be found in limiting legal accountability through amnesties. Nor is it assumed that the moral superiority of one party, given their justification for use of armed force, necessarily places them in a morally decisive position regarding the rights of aggressor parties.

The success of this approach depends upon the defensibility of the cosmopolitan principles that frame the project as well as the means by which they are operationalised. The principles themselves are an expression of moral and institutional cosmopolitanism,

which takes the status of the individual to justify political institutions. Our groups and institutions can claim rightful authority over us only to the extent that they have a claim to defend individual rights. Thus at an individual level “[...] membership in certain groups alone does not affect individuals’ human rights – rights, that is, to the freedoms and resources they need to lead a flourishing life” (3). At the level of institutional authority: “[...] to the extent that institutions can best achieve both relevant knowledge of which policies will best bring about justice and the high degree of cooperation between duty-holders that the discharge of those duties requires, individuals’ primary duty of justice is to those institutions” (4). That is to say, while there are grounds for reforming institutions, including international institutions, the principal focus here is the moral entitlements of individuals and the reducibility of the claims of states (not least sovereign inviolability) to the rights of individuals within the state. The operationalising of those principles takes place through certain familiar rules, or conceptualisations of those rules, with cosmopolitan interpretations. So a ‘just cause’ requirement for waging justified war takes its meaning from individual rights and should not be read through other (typically Thomist) lenses. Again, ideas like ‘discrimination’ and ‘proportionality’ familiar from humanitarian law (meaning, respectively, avoidance of civilian casualties and choice of legitimate military means relative to ends) likewise take their meaning from the rights and the individuals they protect not the specific legal meanings in humanitarian law.

The other principal analytical device is the idea of the ‘all things considered’ standard. Justice in this context faces considerable obstacles: “[...] epistemic constraints, resource constraints [...], and agents’ unwillingness to accept just terms” (19). While far from endorsing ‘non-ideal theory’ (which Fabre treats as equivalent to feasibility tests not relevant to this domain) the possibility of distinguishing ‘just peace’ from a ‘just peace *all things considered*’ provides the analytical tool necessary to distinguish principled but unconditioned moral claims, from principled but *conditioned, given the context of warfare*, claims. The latter are principled decisions about the fulfilment of a rights-determined standard of minimum acceptability, without that decision being merely pragmatic or consequentialist. The device is important as it gives due normative weight to the context in which decisions are being made, namely where the parties may have been morally compromised by their own conduct and ideal outcomes are impossible given tragic losses on both sides. It allows us to say a just peace (all things considered) would include “[...] a state of affairs where individuals do not enjoy all of their non-basic rights as a result [of certain common obstacles] but where they nevertheless enjoy their basic rights” (20). Conversely “[...] a peace settlement or state of affairs whereby basic rights are not secure and/or non-basic rights are under imminent threat of war is not a justified [all things considered] peace” (20). That the difference turns on enjoyment of rights is of course consistent with the cosmopolitan starting-points, and it is not difficult to defend its use in order to draw together certain ‘normal’ components of moral theory with the ‘abnormal’ aspects of warfare. The defensibility of the standard does, however, depend upon a division between basic and non-basic rights (one Fabre derives from the work of Henry Shue) and stands or falls on the intelligibility and consistent application of that division.

The detailed and important arguments are too numerous to mention. Suffice it to say for present purposes, that there are interesting but problematic engagements with international criminal prosecutions and with repatriation. Regarding criminal prosecutions, there is considerable literature in this area concerning both their underlying normative justification as well as their procedure, but Fabre rightly locates the core argument in rights: “[...] if one kind of wrongdoing warrants punishment, human rights violations certainly do” (180). The peculiarities of international criminal justice, however, make this more difficult to explicate than it at first appears. International crimes are not violations of *human rights laws*, and so special attention has to be given to the actual crimes prosecuted and their particular relationship with rights. The idea of crimes against *humanity* provides two options in this respect: that ‘humanity’ is a standard that is violated in the crimes, and ‘humanity’ is a constituency to which a perpetrator must answer. Fabre takes the second option (181) but the link back to rights then becomes stipulative rather than reasoned: “In sum [...] crimes against humanity are violations of basic human rights, period” (182). The broad conclusion here is difficult to disagree with, but it stands and falls on the earlier division between basic *versus* non-basic rights and on whether basic rights are such that their existence, from a cosmopolitan point of view, *must* be defended by prosecutions in circumstances of their violation. For Fabre, as for Kant, the ultimate justification of prosecutions is that “[...] punishing war wrongdoers is not merely justified as a matter of right: it is also a moral imperative, failure to respect which is, more deeply and at least *prima facie*, a failure properly to respect individuals’ human rights” (217). But the fact that amnesties *might* also be for Fabre necessary in an all things considered judgment (213) reveals that there is something of an oscillation at work here: a ‘requirement to punish egregious rights violations’ and ‘the requirement to pursue an all things considered justified peace’. While she avoids generalised dichotomies between justice and peace, a tension of this kind seems unavoidable.

There is also an interesting discussion of reparations, including discussions of restitution generally and the repatriation of looted property specifically. It is quite striking that Fabre’s background assumption with regard to returning looted property is that most property distributions in the world are already unjust and, as such, (re)distribution of stolen property after warfare will have to rest upon its own all things considered standard rather than any strict application of property law. This position is worth noting at length:

[W]hether private owners of confiscated artefacts were in morally rightful possession of the latter at the time of occupation is doubtful too (at the risk of being controversial). For under no plausible description of the world as it stood in 1939 can it be held that it was a just world – a world, that is, where all individuals, wherever they resided, enjoyed prospects for a flourishing life. To bring about a just world *then* would have required heavier taxation and considerably more stringent restrictions on inheritance than were in fact imposed. In so far as there are overwhelmingly good reasons to believe that those who were in legal rightful possession of those objects were not in fact their rightful owners, it is not clear that they have a restitutive claim (128).

This assertion seems to mark a sudden transition to concern with the conditions of global justice rather than cosmopolitan rights. Unlike the latter, the former requires a rethinking of the boundaries between rightful ownership and morally justified ownership (along with the boundary between the obligatory and the supererogatory) such that *any and all* property claims must be reassessed in the light of principles of global distributive justice. A less radical alternative would be to join post-war judges and jurists in grappling with individual property claims in the light of the clash between war-time and post-war legal systems and the potential for the latter to negate the authority of the former *qua* law. This is a perennially interesting and challenging debate in jurisprudence that Fabre perhaps understandably leaves aside. Nonetheless, the proposed solution of calling into question, from the outset, the rightfulness of the global distribution of property is a radical one whose defensibility stands outside the scope of this text.

These difficulties aside, the volume is powerful and impressive, and Fabre should be thanked for providing such a systematic and unique body of work.

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Sarah HANNAN, Samantha BRENNAN and Richard VERNON (eds.). *Permissible Progeny? The Morality of Procreation and Parenting*. Oxford: Oxford University Press, 2015. 267 pp.

The eleven contributions in this volume ask questions that hardly anybody who has parented a child has asked themselves before deciding – if it was even a decision in the strict sense of the word – to become a parent. Yet they are important questions, as they make us aware that parenting involves responsibilities, and sometimes deeper responsibilities than those one is consciously aware of. Prospective parents generally know that they will have duties towards the child they intend to create if that child is born, but before even envisaging these duties, they should stop for a moment and ask themselves whether bringing a child into the world is not, perhaps, already an irresponsible act.

This is the question raised by David Benatar in “The Misanthropic Argument for Anti-Natalism”. In what to some may seem a shocking, to others a lucid picture of humankind, Benatar argues that creating new people is something like an aesthetic disaster, not to speak of all the other destructions and miseries human beings are responsible for: “But how many more producers of excrement and urine, flatulence, menstrual blood and semen, sweat, mucus, vomit, and pus do we really need?” (58). “None”, is the answer Benatar expects to this rhetorical question, such that for him the only responsible attitude would be anti-natalism, i.e. the refusal to procreate. He calls his argument misanthropic because, unlike the philanthropic argument that sees human beings primarily as victims of mainly natural disasters, it sees human beings as the perpetrators of massive disasters. Humanity is fundamentally evil, and the only way to eliminate this evil is to stop creating new people.

While not as provocative and radical as Benatar's contribution, Corey MacIver's "Procreation or Appropriation?" starts from the premise that we should stop seeing the decision to procreate as being a purely private decision. To create a new person, the author claims, is to create "a new set of claims to natural goods" (113), and, MacIver continues, "[...] procreative decisions are by far the most ecologically significant decisions that individuals will make in their lives" (117). As natural resources are not unlimited, procreative rights may not be conceived as unlimited either, so that, to quote again, "[...] there will be a point at which procreative behavior will be legitimately subject to scrutiny or intervention by others" (122). The more a newly created human being will impact upon natural goods, the more the creation of such a human being will be a legitimate object of public scrutiny.

In "Do Motives Matter?", Steven Lecce and Erik Magnusson are not so much worried about ecological impacts as about the cultural impact of procreation. While they make it clear that there may be many acceptable motives for having children, they maintain nevertheless that there are also unacceptable reasons and that a liberal state may intervene and prohibit procreation in certain cases. Prospective procreators, according to the authors, "[...] must comply with, not be motivated by, politically liberal values" (162). This amounts to saying that prospective procreators may not be motivated by politically illiberal values – although they need not be consciously motivated by liberal values. Thus, it would not be permitted to have children in order to enrich oneself by selling them into servitude. Lecce and Magnusson insist, however, that a liberal state may not intervene in procreative decisions on the basis of a certain conception of the good.

In "Could There Ever Be a Duty to Have Children?", Anca Gheaus defends the thesis that we have a collective duty to create new people, arguing that if humanity ever decides to stop having children, "[...] the last people to be alive will be deprived of the good of living in an institutionally organized society that can regulate and legitimize the uses of power" (95). According to Gheaus, children already now existing may need the work of future people if they are to live decent lives. As we have a duty to prevent evil and as the decision not to procreate will cause evil in the future, we have a duty to procreate. It seems here that Gheaus overlooks the fact that 'the last people to be alive' will have had the opportunity to procreate and that if they have decided not to, the state-of-nature kind of life they will live at the end of – human – times will be a consequence of their own decision. Suppose A who is 20 has no children and does not want any and B who is 40 has a child. When B's child is 80, there will be no children or grand-children of A around to look after him or her. But then, B's child could have procreated at 40, to ensure that he or she had someone to look after him or her. In short: we do not need a duty where enlightened long-term self-interest seems to suffice. This makes it also somewhat pointless to reflect on how to enforce the duty to have children. Rejecting, for obvious reasons, enforced pregnancies, Gheaus nevertheless defends the idea of something like coerced gamete donation with, in a not too far off future, extra-uterine pregnancies. Child-rearing could also be made easier to induce more people to procreate.

Jurgen de Wispelaere and Daniel Weinstock, for their part, raise the question of “Privileging Adoption Over Sexual Reproduction?”. They confront us with a trilemma: (i) the state must find parents in need of adoption, (ii) the state may not infringe on the basic rights of prospective parents, and (iii) children born through sexual reproduction to still living parents may not be penalized indirectly by their parents being penalized for having chosen biological parenting over adoption. While satisfying these three conditions simultaneously may look like squaring the circle, the authors try to show that the state can do certain things to promote adoption. At a cultural level, it can promote the idea that social parenting is as good a form of parenting as biological parenting. At an administrative level, it can eliminate obstacles to adoption. Finally, at the financial level, it can socialize adoption costs. Through all these measures, adoption can be made more attractive.

In “Can a Right to Reproduce Justify the Status Quo on Parental Licensing?”, Andrew Botterel and Carolyn McLeod likewise tackle the question of adoption and argue that it is unjustified for the state to demand licensing for adoptive, but not for biological parents. They maintain that a right to biological reproduction can be grounded neither in an interest in biological reproduction or in rearing one’s own biological children, nor in a right to bodily autonomy. Lacking sufficient grounding, this right cannot be used to treat differently those who can reproduce sexually and those who cannot and want to adopt. Hence, if people who reproduce sexually can have children of their own without prior controls by public authorities aimed at determining whether they will be good parents, people who want to adopt children also should not be subjected to such *a priori* controls.

Whereas Botterel and McLeod question traditional justifications for the acceptance of a right to reproduce sexually, Elizabeth Brake defends one type – in her eyes the only acceptable – of justification for genetic ties in her “Creation Theory: Do Genetic Ties Matter?”. According to Brake, procreation and insisting on genetic ties can be justified where there are some valuable human traits to be passed on and where these traits cannot be transmitted otherwise than by genetics. This position confronts us with the question of what are to be considered valuable traits. For some, being deaf may be a valuable trait whereas for most people it is not. So either we let people determine individually what is a valuable trait, or some authority decides what is valuable and what is not. Neither solution seems to be satisfactory.

Krishnamurthy’s and MacLeod’s contributions tackle the question of competency, albeit from different angles. In “We Can Make Rational Decisions to Have a Child: On the Grounds for Rejecting L.A. Paul’s Arguments”, Meena Krishnamurthy argues, against Paul, that even though would-be parents cannot strictly be said to *know* what it is like to be a parent of a child of one’s own, this epistemic defect does not preclude rational decisions to procreate. According to Krishnamurthy, we can know what it is to have a child, as we may play with, feed, etc. children who are not our own. Moreover, we might want not only to have a child of our own, but also the transformative experience that goes with it. And we might have good reasons to want to have such a transformative experience rather than to miss it. Finally, requiring full-fledged knowledge to make a rational

decision to procreate is a rather strict condition that is hardly ever fulfilled in other situations. All in all, the decision to have a child may be rationally motivated.

Colin MacLeod focusses his attention on “Parental Competency and the Right to Parent” in contrast to parental competency to make rational decisions to procreate. According to MacLeod, parents must be able to furnish a child with what is in strict justice due to him or her. The author thus situates himself between two extreme positions. On the one hand, we have parents who do not care for their children and neglect them. On the other hand, we find ideal or optimal parents. Parents need not belong to this second category in order to fulfil the conditions required for a right to parent, but should they not fulfil the conditions linked to strict justice, they have no right to procreate. MacLeod is of course well aware of the fact that parents do not live in a vacuum, but in a certain type of society. Hence the requirement that public authorities should help parents fulfil the conditions required by a right to parent as far as possible.

Matthew Clayton’s “How Much Do We Owe to Children?” also takes up the question of what entitlements children have. Taking up ideas from Rawls and complementing them with ideas from Dworkin, Clayton comes to the conclusion that “[...] we are entitled to the childhood provision that would be chosen by equally placed well-informed individuals tasked with the responsibility of allocating resources across their own lives” (261). While we should not rest content with giving children a merely decent life, we are nevertheless not obliged to give them the best life possible as a child.

The contributions in this volume extend from Benatar’s anti-natalism to Marsh’s appeal for a systematic defence of procreation (in “Procreative Ethics and the Problem of Evil”). Hence the question mark in the title: *Permissible Progeny?* The book does not give a definite answer to the question, but illuminates it from different points of view. While the range of arguments presented is extensive, there are still additional arguments that can be introduced on both sides of the debate. And as long as human beings continue to procreate, we can enjoy the prospect of ever better arguments that may be formulated by children yet to be born, once they have engaged in philosophical research on parenting.

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Richard JOYCE. *Essays in Moral Skepticism*. Oxford: Oxford University Press, 2016. 288 pp.

Essays on Moral Skepticism is a collection of twelve essays by Richard Joyce, a leading contemporary proponent of moral scepticism. With one exception, all the essays have been published elsewhere already and, in case you are wondering, Richard Joyce is still alive – this is a rather rare case of a ‘Best Of’ of a living philosopher, and it bundles most of his publications from 2005 onward that relate to the topics of his previous monographs, *The Myth of Morality* (Cambridge University Press, 2001) and *The Evolution of Morality* (MIT Press, 2006).

Joyce defends a type of scepticism called the Moral Error Theory (MET). MET is a meta-ethical view about the nature of morality. It contains two major theses. The first is about the semantics of moral language. Error theorists argue that moral judgements express beliefs that commit us to the existence of objective moral properties. For instance, when we speak of something being morally wrong, we describe that something to be of a particular nature and ascribe certain properties to it; just as when we say that something is green, we ascribe the property of greenness to that thing. Importantly, error theorists claim that our use of moral language is an attempt to state objective truths and thus to ascribe properties of a very special kind (which is where the analogy to colour-terms breaks down): according to error theorists, when I say that everyone has the right to freedom of speech, then I mean to say that there is an objective fact about the matter of freedom of speech, a fact that exists quite independently of what anyone thinks about it. Note an important difference to the meaning of fictional language. Talk about Kafka's character Gregor Samsa in *The Metamorphosis*, for example, who wakes up one morning as a bug, is not truth-apt: we talk about it *as if* it were true, but we do not intend to say that it is *literally* true. Most proponents of MET insist that the commitment to literal objective truth is an irrevocable part of the meaning of moral terms.

The second thesis of the MET is metaphysical. It is about the nature of the moral properties and facts that we are supposedly speaking about when we are using moral language. For instance, claims about the goodness of freedom of speech are true, if they are true, in virtue of moral properties. Unfortunately, error theorists find no room for such properties or facts in the world that meet all the features that our moral talk demands. Hence, the eponymous synthesis of MET is the following: we talk as if there are objective moral facts (semantic thesis), but there are no objective moral facts (metaphysical thesis), so all our moral judgements are false.

Joyce contributed both to the core claim of the MET, that morality is a myth (because all moral judgements are systematically false) and, seemingly in tension with this view, to the study of moral thought as an evolved capacity. The present volume seems partly intended to resolve this tension, as the title of its introduction suggests: "Morality: The Evolution of a Myth". Joyce wants to explain why moral thinking is inexorably committed to the existence of moral facts, which, according to him, do not exist, and why the evolution of morality gives us additional reason to doubt our (epistemic) justification to hold moral beliefs.

The thematic connections between the essays in this volume and relations to Joyce's previous work are evident, although seldom spelt out explicitly. And while each of the volume's essays makes important points in its own right, the added synthetic benefit is rather limited; many scholars working on the MET will already be familiar with most of its content.

Nonetheless, I would recommend reading the book for two reasons. First, Philosophy-of-Joyce aficionados might appreciate the volume as a handy compendium of his recent work and the evolution of his ideas – especially since seven out of the twelve essays are from edited volumes, which might otherwise be difficult (or expensive) to obtain. Second, and more importantly, Joyce's introduction is both an exceptionally clear presentation

of the MET and a nuanced, insightful, and refreshingly open-minded reflection about its most contested points. Coming from one of the foremost defenders of the view, the introduction alone makes the volume required reading for scholars working on the MET.

I will not describe the contents of all individual chapters here, but instead focus briefly on the introduction and then highlight a few points about the single new essay presented in this volume.

The introduction is particularly valuable because erratic conceptions about the error theory abound. Here are a few, by way of example. Error theorists cannot consider something to be a reason for action because they argue that there are no moral facts. Error theorists like Joyce quite clearly deliberate and act nonetheless (he chose to publish this book, right?) so they are inconsistent. Alternatively, some think that error theorists must not teach moral philosophy because they think that all of morality is a scam. Last but not least, error theorists are perceived as being immoral monsters; after all, they claim that all moral claims are false!

As Joyce makes abundantly clear in the introduction, these worries are unfounded. The MET does not entail that it is (practically) misguided to make moral judgements, nor, necessarily, that we are unjustified in making moral judgements, nor that we should ignore normative claims. The ‘error’ in the error theory is a semantic error – we describe the world to be in a certain way, and, if you will, the world does not conform to our description. However, it might get close – surely there are values grounded in personal and societal relationships. Hence, error theorists might allow that there are myriad reasons for us to be kind to each other, to defend freedom of speech, and to ask students to do their homework. However, error theorists maintain that these reasons are not objective in a profound sense; hence, we are misusing language.

Joyce’s frank clarification of the view and his focus on the technical aspects with which it is concerned (as opposed to sensational claims based on misconceptions – imagine the headline “Philosophers find out that Nothing is Ever Wrong!”) – also reveal a certain unstableness of the MET: it is affixed to a peculiar, highly contested, and difficult to prove understanding of the commitments incurred by making moral judgements. It is easy to record that someone calls out stealing as ‘morally wrong’, but hard to ascertain whether he or she thereby means that ‘stealing is wrong in virtue of a fact that exists independently of what anyone thinks about it,’ and harder still to determine whether *all* users of moral judgements think along these lines. But if error theorists cannot secure this point, then it seems much more plausible to think that moral judgements can be about less-than-fully objective facts and that we should not restrict (our use of) the term ‘moral’ to only such facts that are objective in this strong sense that is modelled upon the natural sciences.

The sole previously unpublished essay in this volume is “Evolution, Truth-Tracking, and Moral Skepticism”, which relates to the recent meta-ethical debate about evolutionary debunking arguments. The unpublished manuscript has received considerable attention already – according to Google Scholar, it has been cited at least 15 times, as early as in 2013. For instance, Erik Wielenberg’s book *Robust Ethics* (Oxford University Press, 2014), discusses the article in some detail.

Joyce reacts to critical discussions of the evolutionary debunking argument (EDA), which he defended in his book *The Evolution of Morality*. The conclusion of his original EDA was that *all moral judgements are unjustified* (Joyce 2006, 179-216).

Joyce clarifies how he wants to be understood. He concedes that our moral beliefs might *prima facie* be justified. However, genealogical considerations about our moral beliefs in general, and evolutionary considerations in particular, indicate that we do not have to assume that our moral beliefs being *true* played a role in us having them. This insight might not amount to an argument, Joyce acknowledges, but it nonetheless creates a challenge for proponents of objectivist views of morality: they have to explain how moral truth played a relevant role in the genealogy of our moral beliefs. Lacking such a story does not mean that all our moral beliefs are false, nor that all our moral beliefs are unjustified. Rather, many of our moral beliefs *might* be true, Joyce concedes, and they *might* be justified, but until proponents of objectivist views of morality have given us a plausible story as to why this is the case, the conclusion is that *we do not know whether our moral beliefs are justified* (156).

As Joyce recognises himself, his interpretation of the EDA might “[...] seem like something of a climb-down for the proponent of the EDA” (156) because the conclusion softened from asserting that all moral judgements *are* unjustified to the claim that we simply do *not know yet*.

Joyce thinks that this is not an issue, but, ultimately, it is a climb-down indeed. Debunking *à la* Joyce is to challenge realists to either show how we can align our moral beliefs with the available evidence (if one is speaking to an evidentialist, who believes that one’s available evidence is relevant for justification) or that we are using reliable methods to form true belief (if one is speaking to a reliabilist, who believes that a belief-formation process is reliable insofar as it produces beliefs that track the truth). Since the massive onslaught of debunking arguments against objectivist views of morality began in 2006, partly due to Joyce’s monograph, many realists have produced precisely those explanations that Joyce demands: they explain why we should expect our moral beliefs to be sensitive to the evidence, or why we should expect them to be formed through reliable processes. Naturally, the *plausibility* of these answers should be scrutinised critically.

However, Joyce does not do that in this essay. He asserts that he is not convinced of any of the existing accounts, and he even writes that “[...] none of these debunkers of debunking has made a serious effort” to meet his challenge (155). That statement seems unfair, and it is certainly outdated: Wielenberg devotes a whole book to answering it (Wielenberg 2014).

The debunking debate evolves quickly, and Joyce’s essay has been discussed years before its publication in the present volume. The weird effect is that he demands a detailed answer to his debunking challenge, and asserts that nobody has made serious attempts to answer it (comparing realist explanations, in a “slightly cruel comparison” [155], to explanations of evolution proposed by Christian apologists), while there are monographs already published, with explanations that certainly seem sophisticated and not prone to easy dismissal as Joyce might be inclined.

Joyce's clarification of the challenge was only the first step. At the current state of the debate, we need to be clear about the success-criteria for answering the challenge. Given that Joyce's clarification of the EDA grants so much to the realist it seems legitimate for realists like Wielenberg to claim that *we know already* that our moral beliefs are justified. If Joyce is not convinced, and for the record I am similarly disinclined, then we need to put criteria on the table that allow for sober discussion of the issue. I cannot find these criteria in Joyce's present volume and so his presentation of the EDA is a climb-down indeed: it's a challenge that realists have explicitly addressed at length, and as long as we do not know about plausible criteria to judge their answers the moral sceptic is – for the moment, I believe – silenced.

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Frances M. KAMM. *The Trolley Problem Mysteries*. Edited by Eric Rakowski. New York: Oxford University Press, 2016. 272 pp.

In the volume under review, Eric Rakowski offers a podium to some of the greatest philosophers of our time to discuss one of the most intriguing thought experiments in modern moral and political philosophy: the Trolley Problem. The main aim of the book is to give an account of some of the current positions in the debate, most notably those of Frances. M. Kamm and Judith Jarvis Thomson, rather than provide a comprehensive overview of the discussion. The book is organized as follows. Rakowski's short introduction, which clearly establishes the terrain and explains the importance of Trolley Problem cases, is followed by two Tanner Lectures that Kamm delivered at Berkeley in 2013. Thereafter, Judith Jarvis Thomson, Thomas Hurka and Shelly Kagan each provide a commentary on the issues raised in those two lectures. In the final section, Kamm extensively replies to the commentaries, defending and clarifying her position.

Kamm's first lecture deals with the following question: is it morally relevant to know *who* turned the trolley? More specifically, she wonders whether the permissibility of turning the trolley is affected by the fact that one would otherwise (a) kill others or (b) let others die. Consider the following two cases:

Trolley Driver: A runaway trolley is heading towards, and about to kill, five workmen down the track. The driver of the trolley could turn the trolley to a side-track where it will kill one worker instead.

Bystander: A runaway trolley is heading towards, and about to kill, five workmen down the track. A bystander could pull a lever that will turn the trolley to a side-track where it will kill one worker instead.

Does the permissibility of turning the trolley depend on whether one is the driver in Trolley Driver or the bystander in Bystander? This question is relevant because

Thomson, being one of the leading philosophers in the debate, recently changed her mind on this issue. Whereas she first thought that turning the trolley is permissible for both the driver and the bystander, she now thinks only the driver may turn the trolley and the bystander must let the five die. Kamm rejects Thomson's new view and devotes her first lecture to arguing that the bystander as well as the driver are permitted to turn the trolley. While doing so, she questions Thomson's arguments for the opposite position. Kamm concludes that, insofar we are concerned with permissibility, it is, in almost all circumstances, morally irrelevant to know who turned the trolley.

In the second lecture, Kamm argues that what is relevant to solve trolley cases is to look at *how* the trolley was turned or, in other words, how the harm took place. She modestly suggests a principle, the Principle of Permissible Harm (PPH), which, or so she thinks, (quite) accurately explains our intuitions in the basic cases. The PPH holds that:

Actions are *permissible* if greater good or a component of it (or means having these as a noncausal flip side) leads to lesser harm even directly. Actions are *impermissible* if mere means that produce greater good [...] cause lesser harm at least directly, and actions are *impermissible* if mere means cause lesser harms [...] that are mere means to producing greater goods (66).

It is reassuring to find out one is not the only reader that finds this principle hard to understand. Thomson in particular points out that Kamm should put more effort into explaining her principle and its implications. Thomson asks, for example, "what *does* Kamm mean?" with the first sentence of the PPH (122), and she thinks Kamm needlessly discusses a broad range of difficult and "ornate" (124) hypothetical cases to explain the principle, the suggestions and conclusions of which remain underdeveloped (125).

Nevertheless, Kamm's PPH is worth studying because it is grounded in a distinction that is original in the debate. Whereas most theories that try to explain our intuitions in trolley cases, like the killing/letting die distinction, only focus on the relationship between the actor (e.g. driver, bystander) and the victim(s) (e.g. the five, the one on the side-track), Kamm stresses that to solve trolley cases we should also look at inter-victim relationships, i.e. how the victims relate to one another. This is because one could imagine two trolley cases with two different conclusions with regards to the permissibility of producing harm in which the actor-victim relationships are the same but the inter-victim relationships are different. This suggests the moral relevance of inter-victim relationships. Compare Trolley Driver with Kamm's Driver Topple case:

Driver Topple: A runaway trolley is heading towards, and about to kill, five workmen down the track. The driver of the trolley could press a switch that would topple a man, standing on a bridge, onto the track. The trolley would hit the man, thereby killing him. The collapse with the man would stop the trolley and, thus, save the five.

Kamm argues that while the actor-victim relationships in Trolley Driver and Driver Topple are the same, i.e. in both cases the driver would kill the one man (if he turns the trolley or presses the switch), the inter-victim relationships are relevantly different. If the driver turns the trolley in Trolley Driver, killing the one on the side-track is the ‘noncausal flip side’ of saving the five. In other words, the lesser harm automatically follows from turning the trolley. Therefore, Kamm takes the inter-victim relationship in Trolley Driver, that is the relationship between the five and the one on the side-track, to be a case of ‘substitution’. Nevertheless, if the driver presses the switch in Driver Topple, this act causes a lesser harm (the death of the one) that itself serves as a mere means to producing a greater good (saving the five). In this case, or so Kamm defends, the inter-victim relationship is an example of ‘subordination’. Whereas it is permissible to merely substitute victims to produce the greater good, it is impermissible to subordinate one victim to another, even if such subordination would produce a greater good. Therefore, Kamm thinks inter-victim relationships are also relevant to determine the permissibility of some instances of producing a lesser harm.

The criticisms of the three commentators mainly focus on two issues. The first is a rejection of the PPH. They all argue that the PPH does not come to the right conclusions. Thomson thinks this is because the principle that is actually doing the work in most standard trolley cases is the distinction between killing and letting die, or between redirecting an already-existent threat and creating a new one. Hurka, on the other hand, does not suggest an alternative principle, but claims that the PPH has counterintuitive implications in both hypothetical and very realistic cases. Hurka and Kagan also argue that the PPH is not intrinsically appealing. For Hurka, this is because of the moral irrelevance of the distinction between ‘harm as a noncausal flip side’ and ‘harm as a means’, on which the PPH relies. Kagan thinks it is unclear what the distinction between ‘subordination’ and ‘substitution’ entails and, even if it were clear, he questions why the distinction would be relevant to determine the permissibility of turning the trolley.

The second main concern in the commentaries relates to methodology. Kamm’s methodology, as is well-known, is case-based. She starts from hypothetical cases, tries to explain our intuitions, develops some general statements (i.e. a principle) that accommodate those explanations and then tests her conclusions with still more hypothetical cases. One issue with this method concerns the strong reliance on intuitions. Thomson thinks it is hard to figure out what intuitions we have in very complicated hypothetical cases. Kamm’s examples, indeed, range from standard trolley cases with one threat and two options (see Trolley Driver, Bystander and Driver Topple) to more ingenious situations with two threats and three options. Kagan points at another disadvantage of this methodology: we do not all seem to have the same intuitions, not even in the standard and relatively easy trolley cases. The drawbacks of the intuition-based methodology could be counterbalanced by more abstract theorizing. Indeed, a well-developed moral theory with a plausible rationale that supports (most of) our intuitive conclusions would strengthen Kamm’s endeavour. But the lack of such a theory and rationale is precisely the second issue with her methodology that the commentaries stress. Kagan and Thomson in particular think Kamm wrongly exempts herself from

more fundamental moral theorizing. Moreover, Kagan thinks we should reject any principle, however well-suited to accommodate our intuitions, which has no plausible rationale.

This book is both a good introduction to the Trolley Problem as well as an advanced read on some of the current positions in the debate. Kamm's two lectures introduce the reader to the debate and her methodology, and to their respective relevance. In addition, Kamm considers what 'the Trolley Problem' actually entails, as this is not at all obvious based on the literature, and explains her solutions. At times the hypothetical examples and solutions get rather complicated, but that seems to be simply another aspect of the debate the reader has to get used to if he or she wishes to understand what the Trolley Problem is about. In the end, after having read the commentaries and Kamm's replies, I believe most readers will remain puzzled with regard to their own intuitions and solutions. This is unproblematic, however, since the primary value of this book is probably that it demonstrates how uncertainty and inconclusiveness can go hand in hand with a commitment to strive for knowledge about the proper structure of our moral rights and duties.

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Alberta MASALA and Jonathan WEBBER (eds.). *From Personality to Virtue: Essays on the Philosophy of Character*. Oxford: Oxford University Press, 2016. 262 pp.

The volume under review collects several contributions on character, personality and virtue. The two editors – Alberto Masala is a postdoctoral researcher at the *Sciences, Normes, Décision* Research Centre of the Sorbonne and Jonathan Webber is a Reader in Philosophy at Cardiff University – have managed to bring together a selection of worthy authors from both Europe and the US. The essays vary considerably in argumentative technique and rhetorical presentation. In this regard, they reflect the broadening of influences and methodologies that characterizes the contemporary development of Anglophone academic philosophy, which might then be the binding element between the papers. As well as contributing to the growing collaboration between philosophers and psychologists in this area, the volume evidences the fading of a once luminous link between analytic and Continental Anglophone philosophers.

The volume is intended to consolidate and extend the growing rapprochement between philosophers and psychologists working on the nature and evaluation of human motivation. One of the common themes of these essays is the issue of the relation between empirical studies of motivation, philosophical treatments of character, and the inspiration for both in Aristotle's subtle and sophisticated treatment of character and motivation. A second underlying theme is a concern with the relation between an individual's character and their social context. Although situationist experiments often indicate the dependence of motivation on the social dimension of the situation, this aspect has played only a minor role in recent debate over their relevance

to the ethics of character. Put another way, these essays emphasize the Aristotelian idea of the individual as a social animal rather than subordinating it to the equally Aristotelian idea of a rational animal. The essays differ from many purely psychological studies of personality in emphasizing the dynamic nature of this aspect of motivation.

The growing philosophical investigation of the idea of individual character has the potential to transform both the consideration of personality and motivation in empirical psychology and the conception of virtue employed in philosophy. The essays are intended to contribute to this development through their analysis of the social aspect of character in the context of its dynamic aspect, particularly as this is played out through the contribution of reasoning to character development. They intend to draw practical lessons from this investigation for educational and penal theory as well as for personal ethics.

Some of the papers in the volume can be brought together, others stand on their own. Two authors focus on penal theory. Jonathan Jacobs (John Jay College) opens the central discussion with an analysis of the idea of character and some of its implications for criminal punishment within a liberal political system. Katrina Sifferd (Elmhurst College) augments this political argument with the more directly ethical concern that although the liberal state should not aim positively to foster virtuous character traits, nevertheless it ought not preclude or hinder any citizen's development towards virtue through their own decisions and actions. What's more, she argues, the state should not treat criminal offenders any differently from other citizens in this regard. Sifferd strongly criticises two current forms of judicial punishment: the use of isolation and chemical castration. She concludes that these practices are politically unjustifiable in a liberal context.

Two other authors focus on the relation between character and the will. Roman Altshuler (Kutztown University) focuses on the question of exactly how character is related to reasoning and deciding, or the will. He points out that most philosophers working on motivation focus on either character or the will, but seldom employ both concepts. Katharina Bauer (University of Dortmund and Ruhr-Universität) addresses the relation between character and the will through the social practice of making ethical demands on someone's decisions and actions. She concludes that the ethics of character rests on the tension between seeing each person as an individual and as a member of the collective, between the ideals of authenticity, autonomy, and morality.

Three other authors focus on the relation between character and implicit bias. Jules Holroyd (University of Sheffield) and Dan Kelly (Purdue University) argue that character can cover only those cognitive and behavioural dispositions for which the agent can justifiably be held responsible. This raises the question of whether we should consider the phenomenon of implicit bias, where behaviour is influenced by a disposition that the agent is typically unaware of having and might disapprove of, to be an aspect of the individual's character and thus within the scope of personal responsibility. Jonathan Webber (one of the editors) continues this discussion of the relation between character and implicit bias: his question concerns how we should understand the idea of improving one's own behavioural dispositions. He concludes that moral improvement

is a matter of instilling in oneself the right strong evaluative attitudes, which he aligns with the Aristotelian idea of habituating ethical virtue.

Christian Miller (Wake Forest University) turns the discussion directly onto the detail and development of the cognitive-affective system theory of personality, which Webber draws on in his argument and which can be seen as an empirically grounded context for many ideas expounded in this volume. He shows that this theory confirms some of the central tenets of the common-sense idea of character. Since it rests on considerable empirical support and accommodates the findings of situationist experiments in its structure, this is evidence that those experiments do not require us to abandon the idea of character. Nevertheless, he argues, the theory does not offer any significant theoretical advance over that common-sense idea. Its strength lies not in its own articulation of personality, according to Miller, but in the evidence it musters for using this theory, whether described in common-sense vocabulary or in technical jargon, as a framework for research into motivation and personal traits. Miller closes with some suggestions for the directions in which that research should develop.

Mark Alfano (Delft University of Technology) questions an assumption made by the other papers in this volume: he explores the idea that aspects of an individual's social situations form constitutive parts of some virtues, not merely the causal background against which virtues are developed. He develops his idea of 'factitious' virtue, which mimics virtue as classically understood without possessing the classic internal structure of virtue, through a consideration of trustworthiness. To be factitiously trustworthy, he argues, it is sufficient that one is relied upon and wants to live up to the image of oneself implied by that initial reliance. Alfano concludes that this kind of trustworthiness, which may be far more common than the ideal trustworthiness it mimics, is structurally analogous to friendship and suggests that this might provide a model for factitious forms of other virtues, such as courage or generosity.

Nafsika Athanassoulis (independent researcher, linked with Keele University and the University of Leeds) considers the implications of the situationist tradition in experimental social psychology for the idea that education should aim to form the ethical character of the students. Educators can shape ongoing character traits through providing students with carefully structured situational challenges, imparting information about the kinds of situational pressures that can undermine one's ethical aims, and then discussing the students' responses in a spirit of collaborative ethical inquiry. The primary role of the educator in this process is neither to inform nor to explain, but instead to model virtuous behaviour and self-critical reflection.

Alberto Masala (the other editor) concludes that contemporary education has become overly concerned with the easily measurable outcome of competence, where what is needed to foster better citizens is an education that propagates the psychological structures of mastery, or what virtue ethicists have traditionally called practical wisdom.

I consider this volume to be highly interesting, essentially from an academic point of view. It is clear that the papers stem from the Anglophone academic context. The volume also supports the idea that integrating insights from both analytic and Continental philosophy with ongoing empirical research into the psychology of

motivation and moral judgment is essential. Therefore, I recommend reading the volume for those who are – either as philosophers or as psychologists – academically interested in the study of character, personality and virtue.

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Gottfried SCHWEIGER and Gunter GRAF (eds.). *The Well-Being of Children: Philosophical and Social Scientific Approaches*. De Gruyter Open, 2015. 176 pp.

Are children one of the last oppressed groups in society or are they a vulnerable group in need of protection? Should they be autonomous in making decisions about their lives or are parents responsible for all decisions about their children? The *Well-Being of Children: Philosophical and Scientific Approaches* edited by Gottfried Schweiger and Gunter Graf takes a timely and comprehensive look at the broad topic of children's wellbeing, by merging philosophical perspectives on the topic with a broad set of interdisciplinary research results. The book is divided into two sections, the first dealing with conceptual issues, the second focusing on more practical questions related to children's wellbeing.

The contributions, while covering a lot of territory, all refer back to philosophical discussions of wellbeing and/or justice. Hence, at the core of the book is an interdisciplinary agenda of how philosophy can learn from other discipline's research on child wellbeing and what philosophy can contribute to an interdisciplinary debate about this issue. It comes as no surprise, therefore, that the editors reflect in their introduction to the volume on a number of areas in which philosophy can contribute to the issue of child welfare: from providing conceptual clarity in an interdisciplinary debate over key terms, by highlighting that no approach to child welfare is value free and by embedding the discussion within the wider field of political and social philosophy.

Among the volume's major themes is the question of how childhood is conceptualized in different contexts and a number of chapters discuss such differences in conceptualization and what impacts these differences have on our understanding of child wellbeing. Gunter Graf's contribution entitled "Conceptions of Childhood, Agency and the Well-Being of Children" provides a comprehensive framing of current sociological debates about childhood and reflects on how those debates might be of interest for philosophers. Graf discusses the 'social construction of childhood', particularly highlighting the tensions between different interpretations of childhood, from conceptions that frame children mainly in light of a nexus of vulnerability and protection versus views that stress that children are an oppressed group in need of liberation. In the context of these multiple views, he highlights challenges by the latter view of some basic assumptions that philosophers have about childhood, particularly those relating to autonomy. While he sees the need for philosophers to widen their scope of thinking about childhood, acknowledging that childhood is socially constructed, he cautions that some constructions of childhood might still be more adequate than others. Taking a

different perspective, Tim Moore's "Keeping Them in Mind" reflects on his research interviewing children's researchers regarding differing conceptualizations of childhood and challenges to researching childhood. His research describes a number of ontological, epistemological and ethical challenges to childhood research and discusses suggestions by researchers of how to deal with some of those challenges.

With the issue of wellbeing at the core of the volume, it includes a fair amount of discussion on how to conceptualize and measure wellbeing. One *topos* that emerges more than once from these debates is the tension between children's wellbeing and well-becoming. Bill Gardner's "The Developmental Capability Model of Child Well-Being" tries to rethink how the capability approach applies to children as he finds that theorists of justice, including capability theorists, have not sufficiently appreciated the importance of the fact that human capabilities develop over time. Based on Heckman's research on children's capabilities, he argues for the importance of the development of kernel capabilities (meaning that they are prerequisite to the development of a wide range of other capabilities) in children, with failure to develop those capabilities inhibiting the development of further capabilities, thereby restricting freedom. Based on this conception, the author provides suggestions how paediatric care for children could evolve from a system of acute care to a system monitoring the growth of kernel capabilities. Gottfried Schweiger's "Justice and Children's Well-Being and Well-Becoming" discusses how the concepts of wellbeing and well-becoming of children relate to theories of justice. He makes the case that "[...] well-being and well-becoming can serve as the ultimate goals of justice, as they allow us to better understand the specific needs of children as agents of justice and their embeddedness in certain social contexts" (84). Discussing critical theory of recognition and the capability approach, the author suggests those capabilities and functionings that comprise the wellbeing and well-becoming of children as currency of justice based on an open context-sensitive list of capabilities. With regard to rules of distribution, he suggests a pluralistic approach, oriented on David Miller's differentiation between need (sufficiency), equality and desert. These two more theoretical papers are contrasted by a number of papers that discuss the question of wellbeing and well-becoming based on more applied and/or empirical research. Amy Clair's "Conceptualising Child versus Adult Well-Being: Schooling and Employment" draws on the parallels and differences between subjective wellbeing of children in education and adults in the workplace, focusing on research from the UK and USA. Looking at the link between subjective wellbeing, engagement and productivity in adult workplaces, she argues for greater consideration of children's subjective wellbeing in schools, equivalent to that of adults in employment.

Mar Cabezas' "Children's Mental Well-Being and Education" discusses how a holistic understanding of health as wellbeing, including mental health, challenges the way current school education works. Based on this analysis, she discusses a number of attempts to include psychological education programmes in school (emotional education programmes, cognitive programmes, and social and creativity education programmes). The author argues that while those programmes are helpful for children they are not

successful in an institutional sense as they are usually not included in the official public school curricula. Further, she suggests that they should be holistically integrated with moral and philosophical education as they are based on underlying values such as human rights that are not usually discussed openly in such programmes. Concluding the reflection on child wellbeing is a chapter by Matteo D’Emilione, Giovannina Giuliano and Paloma Vivaldi Vera entitled “Will Children of Social Care Services Users be Future Users? Results of a Pilot Research in Rome” in which the authors discuss the results of a primary data collection survey on the poverty of social care services users in a district of Rome, with a specific focus on households with children. Based on an original model of multidimensional analysis of poverty, the survey is based on the theoretical framework of the capability approach. Results highlight the heterogeneity of situations that can be found within the researched groups with regard to deprivation, which according to the authors makes it difficult for social service providers and policy makers to find the right kind of interventions, without the appropriate tools, one of which could be the author’s model.

Another recurring issue in the book is the tension between parents’ authority over children and children’s autonomy and where the boundaries between those two should be drawn. Tatjana Višak’s “Does Welfare Trump Freedom? A Normative Evaluation of Contextualism About How to Promote Welfare” discusses this in the context of childhood obesity, defending the viewpoint of contextualism that states that welfare is not only a matter of individual choice but importantly a matter of being situated in the right social and physical context. She claims that in the case of childhood obesity prevention contextualism warrants limiting children’s option freedoms, with concerns for children’s welfare trumping claims for children’s autonomy. Alexander Bagattini’s “Male Circumcision and Children’s Interests” discusses the tension between parents’ and children’s rights concerning the issue of male circumcision. Endorsing the ‘liberal standard’ according to which parents have the right to make decisions on behalf of their children as long as they act in the best interest of their children, the author analyses Mazor’s defence of circumcision and claims that he succeeds in the case of children’s interests in bodily integrity and sexual flourishing, but fails to properly address the child’s interest in autonomy, since children cannot give informed consent. As circumcision is an irreversible bodily modification, the author argues that in line with a liberal tradition that takes autonomy as a precondition, circumcision is morally objectionable.

The volume under review provides a good mix between theoretical and empirical discussions that will not only provide some new perspectives for philosophers interested in the issue of children’s wellbeing, but should also be of interest to non-philosophers who are interested in questions of wellbeing and justice and how they relate to children. As a good number of research papers are based on the capability approach, researchers that work with or are interested in working with this approach might benefit from engaging with this book.

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R. Jay WALLACE, Rahul KUMAR and Samuel FREEMAN (eds.). *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon*. New York: Oxford University Press, 2011. 408 pp.

This volume dedicated to Thomas Scanlon's work in moral and political philosophy reads like a grand assembly of brilliant pockets of thought. It consists of fifteen chapters, written by both established and more junior researchers, in which various aspects of Scanlon's work are elaborated on, illuminated or criticized. Scanlon's contribution to contemporary analytic philosophy is as deep as it is wide-ranging. He is best known for his development of a version of moral contractualism, stating that an action is wrong when disallowed by principles that no one could reasonably reject. Only two of the fifteen chapters have contractualism as their subject. One might be tempted to see debates about Scanlon's views on responsibility, tolerance, the nature of values, moral motivation as sub-debates in the shadow of his systematic defence of moral contractualism. But in fact *all* of Scanlon's writings attract considerable attention, and even for researchers who are averse to the very idea of a moral system, there is a great deal to learn from his analysis of the moral practice. Scanlon's work on more phenomenological aspects of moral life is as insightful as his work on the theoretical underpinnings of moral principles. While the latter is at the heart of his magnum opus *What We Owe To Each Other*, the former is exemplified in a less well-known but truly engaging book *Moral Dimensions* (which includes Scanlon's views on blame and the meaning of an action). Apart from these two monographs, he has written various articles on topics in political philosophy (collected in the volume *The Difficulty of Tolerance: Essays in Political Philosophy*), and most recently he defended his meta-ethical theory in *Being Realistic about Reasons*. This last book appeared after the dedicated volume was published, but the fact that Scanlon defends a realist theory of normative reasons was already clear from earlier work.

The very first contribution to *Reason and Recognition*, by Christine Korsgaard, takes issue with Scanlon's normative realism. On the basis of Scanlon's defence of moral contractualism one might be inclined to attribute a Kantian sympathy to Scanlon, but in many ways he is not a Kantian at all. Scanlon does not find it necessary, for example, to postulate free will in order to make sense of agency or moral responsibility. More to the point of Korsgaard's chapter, Scanlon thinks of reasons as mind-independent facts to be discovered by human reasoning, which Korsgaard discards in favour of normative constructivism which ascribes (in a Kantian vein) a creative rather than a receptive role to reason. In line with his normative realism, Scanlon rejects the notion of an attitude-based reason. He does not think that attitudes like a desire or an intention could give rise to reasons. In his contribution to the volume, Niko Kolodny sides with Scanlon and examines why many philosophers are drawn towards the view that intentions create reasons. Kolodny argues that the fact that an agent cares about a project does not give the agent a reason to pursue the project, but that the caring does constitute a value which in its turn bases a reason to pursue the project. Michael Smith's chapter is meant not to corroborate but to put pressure on Scanlon's rejection of attitude-based reasons.

Smith traces this rejection back to Scanlon's claim that attitudes like desires are themselves responses to reasons. For example, when you desire to drink the glass of water in front of you, your desire, according to Scanlon, is a response to the pleasure anticipated in drinking the glass. Smith objects that Scanlon overlooks a class of desires that cannot be described as a response to reasons, namely the unmotivated or intrinsic desires. Think of a basic urge like thirst. It is this intrinsic desire, together with the belief that water will quench your thirst that gives rise to the motivated desire to drink a glass of water. The latter desire is based on reasons, but the former is not; on the contrary, (motivating) reasons are based on it.

Thus the first part of the volume (entitled *Reason, Value and Desire*) deals with implications of Scanlon's meta-ethical position. The second part of the volume (called *Ethical Themes: Contractualism, Promissory Obligation, and Tolerance*) contains the two chapters on contractualism, together with two other papers on Scanlon's normative ethics. The third part is called *Political Themes: Conservatism, Justice, and Public Reason*. Within the confines of this book review I will only be able to further summarize the three papers that make up the fourth part of the volume: *Responsibility*.

According to Scanlon the judgment that a person is blameworthy for an action amounts to the judgment that the person holds attitudes that impair his or her relations with others. To blame the person is to adapt one's own attitudes towards that person accordingly. Scanlon's account of blame does not assume resentment or any other emotion to be a necessary ingredient of blame. Nor does it assume free will. When a person A betrays another person B, it does not matter to B whether A freely chose to betray him or her. The fact remains that he or she will no longer invite A for a beer, for example. In the volume, three well-known authors in the domain of free will and responsibility describe their disagreement with Scanlon. The judgment of an impaired relationship is not necessary let alone essential to blame, argues Susan Wolf. As a vivid counterexample she describes episodes of angered blame between spouses or between parents and children. When her daughter raids her closet without asking, Wolf blames her but she does not think for a minute that their relationship is impaired. Gary Watson on the other hand reflects on the difficult case of the psychopath in which he thinks blame is not appropriate, though the judgment of an impaired relationship surely is. Whether or not it is inappropriate to blame a psychopath is of course controversial. And the reader might find it something of an advantage that Scanlon provides us with a way to make sense of blaming a psychopath without assuming free will or moral competence. In the very last contribution to the volume, Jay Wallace also examines the idea whether the judgment of an impaired relationship is sufficient to warrant or to give rise to blame. Like Wolf, he believes that emotions are crucial to blame, and that by leaving out reactive attitudes Scanlon leaves out what is vital.

In the preface, the editors observe that the selected topics reflect the full range of Scanlon's interests. That is not quite true (there is no discussion of Scanlon's arguments against the Doctrine of Double Effect, nor of his defence of non-naturalism, for example) but one could hardly hold this against them since the volume is already wide-ranging

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enough as it is. A fairer point of criticism is the regrettable lack of an overall introduction to Scanlon's work. The preface to the volume lists the topics selected, but does not explain the argumentative coherence between them. As I said at the beginning of my review, the volume reads as a collection of pockets of thought, seemingly unrelated at times but all brilliant and worth reading in their own right.

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