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## Book Review

F.M. Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (Oxford: Oxford University Press, 2007), x + 509 pp. ISBN 0195189698 (hbk). Hardback/Paperback: £26.99/£13.99.

This book is a collection of 16 essays covering a range of issues in moral theory. It continues the non-consequentialist project previously presented in Kamm's two-volume *Morality, Mortality* (1993, 1996). Some chapters in *Intricate Ethics* contain Kamm's further thoughts on topics discussed in this earlier work. Most chapters are revised and expanded versions of papers published since 1996. While *Intricate Ethics* does not present a fully worked-out moral theory, it adds considerably to the material published in *Morality, Mortality*. It also contains a series of detailed criticisms of the work of other philosophers. The book does not lend itself to easy reading. Yet some chapters are indispensable contributions to their field.

The book is divided into four sections. Section I contains six essays defending non-consequentialist constraints on harming. Section II contains three essays on rights and moral status. Section III contains three essays on moral responsibility, the duty to rescue, and the moral significance of distance. Section IV contains three critical essays on moral theory and one on the significance of cognitive psychology for understanding our intuitions about harming and not aiding. Other critical essays are spread out across Sections I–III. In these essays, Kamm's forensic skills are at their most ferocious. You might not always agree with her method or conclusions. But you have to admire the virtuoso performance.

Section I is the longest part of the book and contains a discussion of two of Kamm's most distinctive ideas, namely what she calls 'The Doctrine of Triple Effect' (Essay 4) and 'The Doctrine of Productive Purity' (Essay 5). The Doctrine of Triple Effect permits an agent to do something in pursuit of good, where he acts as he does *because* so acting will bring about an evil or an involvement leading to evil. This contrasts with the impermissibility (embodied in the Doctrine of Double Effect) of doing something in pursuit of good, where the agent acts as he does *in order to* bring about an evil or an involvement leading to evil. Kamm illustrates the contrast by the following pair of cases. In *Bystander*, an agent pushes an innocent person onto a railway track in order to stop a train rolling towards five innocent people who would otherwise die. Kamm claims this is intuitively impermissible. In *Trolley Loop*, an agent switches a train rolling towards five innocent people to another track where one innocent person is stuck. The track behind the one innocent person loops back towards the five such that it is only because the presence of the one will stop the train that the five will be saved if he switches. Kamm claims this is intuitively permissible. The Doctrine of Triple Effect explains the difference. The agent in *Bystander* is involving the one

innocent person in evil *in order to* save the five, and therefore as an intended means. The agent in *Trolley Loop*, while involving the innocent person in evil *because* it will save the five (and thus not merely killing the one as a side effect) does not *intend* to harm the one. What he intends is to save the five by removing the threat to their lives, the recognized condition of his action being that one innocent person will die.

In Essay 5 Kamm argues that Triple Effect is ‘incomplete’ and moves her attention away from what she calls ‘state-of-mind’ principles (like Double and Triple Effect) that appeal to the mental states of agents (p. 138). Instead she turns to principles focused on the acts themselves and their causal relations. This change is motivated by cases like *Tractor*, where an agent switches a trolley away from five innocent people who will die if he does nothing to a track where it will gently hit and push one innocent person onto a runaway tractor that is also a lethal threat to the five, with the consequence that the one innocent person is killed while stopping the tractor in its tracks. The problem raised by *Tractor* is that the agent ‘redirected the trolley in order to stop it from hitting the five...only because...the one person would be pushed into the tractor and so stop it, but [not]...in order to push him into the tractor’ (p. 137). The act in *Tractor* is therefore permissible by Triple Effect. Yet Kamm believes this act is impermissible. In place of Triple Effect, Kamm therefore proposes The Doctrine of Productive Purity (pp. 138-76). In order to be permissible the act of harming must avoid involving its victim in a way that is causally *productive* of the greater good. The act of harming can be permissible if the victim is involved in such a way as to cause the greater good or any of its components to be *sustained*, where the harm caused is ‘at least the effect of a good greater than it working itself out (or the effect of means that are noncausally related to that greater good that is working itself out)’ (p. 164). In *Trolley Loop* the harmful involvement of the one person on the looping track ‘sustains the greater good by preventing undoing of the good, rather than by bringing about or producing the good’ (p. 155). In *Tractor*, on the other hand, the role of pushing the innocent person into the tractor is to ‘produce another component of the greater good’ (p. 164; cf. pp. 155-56). The doctrines of Triple Effect and Productive Purity are both instances of a general type of principle that Kamm refers to as ‘principles of permissible harm’ (note 78, p. 186). There is further discussion of such principles (including a particular principle labelled ‘The Principle of Permissible Harm’) in Chapters 1–2. Kamm thinks all such principles are holistically governed by what she calls ‘The Principle of Contextual Interaction’ (pp. 17, 348, 412): A property that behaves in one way in one context can behave in a different (perhaps opposite) way in another. She does not see any tension between this holism and the existence of moral principles as such.

Some people think that Kamm’s principles are contrived. There are various sources of this suspicion. Here I shall mention two. First, Kamm’s intuitions are not universally shared (the Index of *Intricate Ethics* helpfully lists around 120 different cases which readers might try out for themselves). Some people claim to have intuitions of a broadly consequentialist nature. Does this undermine Kamm’s position? Her response appears to be as follows (pp. 5, 426-27). The way to test for moral significance is to elicit your own intuitions in suitably equalized cases, and then adjust the results to preserve reflective equilibrium. You cannot abdicate epistemic responsibility by letting other people do your moral thinking for you. This is a good response as far as it goes, but it faces the following challenge. With respect to cases such as *Tractor*, for example, there is evidence that some disagreeing parties are both competent and sincere. Some of these parties endorse a comparatively

simple set of moderate or indirect consequentialist principles that unify their intuitions. Kamm is yet to definitely formulate a set of unifying principles on non-consequentialist terms. To this extent, reflective equilibrium would seem to favour her moderate or indirect consequentialist opponents.

Second, some of Kamm's cases are highly unrealistic and complex. Even some professional philosophers fail to muster clear intuitions to some of them. It might be replied that if someone fails to muster the relevant intuitions, that is their problem. We should not construct our moral theory on the basis of the laziest common denominator. This response is also good as far as it goes, but it faces the following difficulty. It is natural to expect that intuitions about cases are reliable, if at all, roughly in proportion to how similar the cases responded to in those intuitions are to cases in response to which intuitions of that kind have developed. Moral intuitions have not on the whole developed in response to highly unrealistic and complex cases. Lack of realism and complexity can therefore detract from reliability. To the extent that some people fail to muster intuitions to the more far-fetched cases in Kamm's arsenal, this could be a symptom of epistemic caution as opposed to laziness or stupidity. If epistemic caution favours the primacy of theory where reliable intuitions run out, we are back to the vagaries of reflective equilibrium.

Sometimes progress in understanding our intuitions is made by asking how we come to have them. Some of these questions are highly speculative. Kamm is rightly sceptical about Singer's claim that general evolutionary considerations reveal the mechanisms that generate particular moral intuitions about cases (p. 418). For this understanding, we arguably need to focus on more proximate mechanisms. Kamm's critique of Kahnemann and Tversky's work on the psychology of harming and not aiding is illuminating in this respect (chapter 14). More recently, further experimental work has been done on the psychology of Kamm-style trolley cases. This work suggests that our intuitive responses are affected by emotional mechanisms in ways that are not obviously rational. Kamm briefly mentions this work, but only in a footnote (note 47 on p. 421, where she refers to 'the work of Joshua Greenberg'—presumably Joshua Greene, one author of these experiments). It will be interesting to see her future responses to this work.

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