

Book reviews

Moral Philosophy

D D Raphael, Oxford, Oxford University Press, 1994, 152 pages, £7.99.

Ironically, one of the commonest failings of introductions to moral, or any other kind of philosophy, is that they are not suitable for novices. In the preface to the first edition of this book Professor Raphael indicates that it was this fact that inspired him to write it. What is here reviewed is a second and enlarged edition of the book.

After an opening chapter in which he discusses the nature of moral philosophy, Raphael enters the subject at the more robustly abstract end. The moral diversity revealed by history and anthropology, not to mention by the moral fragmentation of our own culture and time, seem to lend credence to the view that morality is a matter of subjective preference rather than timeless truth. Raphael devotes two chapters to assessing these alternatives and their variants before turning to the question which most lay people hope that moral philosophy will answer for them, namely, what is the criterion or standard of moral right and wrong. Whether or not one gets to this question might seem to depend upon how one answers the previous one, for if morality is subjective, then there is no ultimately correct standard of right and wrong to be discovered. Irresolution concerning the first question is thus apt to inhibit progress to the second, which makes one wonder about the pedagogic wisdom of putting this potentially paralysing topic first, as Raphael does. Undaunted himself, Raphael proceeds to review in three chapters the answers to the second question supplied by utilitarians, intuitionists and Kant.

The two questions discussed so far by Raphael are quite central to moral philosophy, but much of the rest of the book is devoted to the connections between morality and other domains.

Moral concerns find expression in politics though some, cynics, hold this is more usually a matter of rhetoric than substance and others, realists of a certain kind, even deplore it. Raphael exhibits these connections by devoting a chapter each to the nature of justice and liberty.

The next three chapters of the book examine the relationship between morality and science. It seems to be a presupposition of morality that human beings have free will, since the point of morality might seem to be to guide the choices that express that freedom, but it also seems to some to be an implication of science that there is no such thing, that belief in it is incompatible with the reality of our immersion in the causal necessities of the natural order. Raphael devotes two chapters to this issue and concludes that this conflict between science and morality is more apparent than real.

The chapters of the book described so far all appeared in the first edition and reappear here with a few minor amendments. This second edition ends with two new chapters, the first of which continues the theme of the relations between science and morality by examining the implications of the theory of evolution for ethics. The second new chapter, with which the book ends, returns us to where moral philosophy begins, to the difficult problems of practical moral life, in this case the ones engendered by medicine. Raphael seeks to show how philosophical reflection may help in this domain by examining a variety of issues such as the right to life, the problems of medical research and what it is to act in the best interests of the patient.

A significant proportion of this book is devoted to the connections between morality and other domains, and this necessarily reduces the space available for topics which are more internal to morality itself and which, some might think, should have been

included. Since some of these topics are central to contemporary professional debate, such as the nature of moral motivation and the revival of virtue ethics, the book may strike some as less than up to date. While there is a place for books that seek to introduce readers to the latest topics of professional concern, this is only one kind of introduction and there is something to be said for a more distanced and less breathlessly contemporary approach. The topics of the moment may not provide an apt way into the subject and, more generally, the horizon of immediate professional concerns has a way of obscuring other possibilities. Aside from such possible objections, the book succeeds, I think, in being genuinely accessible to beginners of reasonable capacities. It is on the whole clearly written and, though the argument sometimes winds considerably, learning to follow such circuitous paths is part of learning how to do philosophy. The range of topics has the merit of setting morality in a larger context.

For those whose interest in moral philosophy arises from the perplexities of medical ethics, the book has further things to recommend it. Since those who practise medicine have a broadly scientific background, the inclusion in the book of chapters on the relations of morality and science is likely to enhance its interest. And there is, of course, a chapter devoted to medical ethics itself, but here, as it happens, reservations start to reassert themselves. Raphael seems to suppose that moral philosophy can assist medical ethics in two ways: first, by showing how different patterns of argument on practical issues reflect underlying moral theories and, second, by conceptual analysis of key notions such as being a person and the best interests of the patient. But connecting practical arguments to underlying theories is of uncertain value if one finds it hard to decide between the theories. Theoretical deadlock may simply

replace or supplement practical confusion, which scarcely seems an advance. The residual possibilities of conceptual analysis will then look rather disappointing to those who had hoped for more from philosophy. My sense is, happily but vaguely, that moral philosophy can do more for medical ethics than Raphael supposes, though to render that sense less inchoate than it presently is would be at the same time to come to understand moral philosophy more than I presently do.

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AIDS: a Guide to the Law (2nd ed)

Edited by Richard Haigh and Dai Harris for the Terrence Higgins Trust, London and New York, Routledge, 1995, 185 pages, £40.00 hb, £14.99 sb.

The Terrence Higgins Trust, the United Kingdom's largest AIDS charity, is to be commended for producing this compact introduction to the legal issues surrounding the AIDS crisis. The book is a collaborative effort and is divided into ten chapters of approximately twenty pages. As such, it is clearly not intended to be an all-embracing detailed examination of the subject. What it does cover, it covers accurately and authoritatively. The chapters range from prisoners' rights, to insurance, children and powers of attorney. Consequently, the book addresses a number of ethical issues relevant to several aspects of HIV management. Each chapter is concisely written by a practitioner with experience in his/her chosen field. The majority of the contributors are either paid staff or volunteers at the trust.

A whole chapter by the late Colin A M E d'Eca (revised and updated by Timothy Costello) is devoted to medico-legal aspects of HIV infection, drawing attention to the relationship between statutory intervention and the management of a public health crisis. The questions addressed include consent, particularly in relation to HIV testing, and also the minefield of confidentiality is examined. This brief chapter gives the bare bones of the principles involved and lays down the legal framework. It does not aim to provide a detailed analysis of

the concerns surrounding medical ethics and AIDS, rather, it pinpoints the key issues. One of the chapter's particularly useful aspects is that it includes all HIV-specific legislation or regulations introduced in the United Kingdom. That said, anyone already familiar with the problems surrounding medical ethics is not necessarily going to be enlightened by this chapter. However, it is of great help to be able to find all of the relevant law in one easily accessible place.

Nevertheless, issues around medical ethics and HIV do run concurrently throughout the text. Angus Hamilton, in his chapter on "The Criminal Law and HIV Infection" gives a wise precis of the present legal and ethical position regarding the transmission of HIV and whether or not this could constitute a criminal offence. Similarly, Simmy Viinikka's chapter on "Children, Young People and HIV Infection" provides an excellent review of the law in relation to children and AIDS, and therefore tackles questions such as local authority responsibility, children's access to information and confidentiality, the role of social services and when parental control can be superseded by the state. Throughout Ms Viinikka pays attention to the emotive ethical issues confronting the impact of HIV and AIDS on children. Nigel Clarke's chapter on "Powers of Attorney, Wills and Probate" is a sound and thorough examination of an extremely complicated and delicate area of law. The chapter on insurance by Peter Roth and Wesley Gryk is authoritative and full of useful advice and information. Bernard Richmond's chapter on "employment" gives a clear guide to one of the most important issues facing people with AIDS.

What is not clear from the publication is for whom this book is intended. Certain aspects of it suggest that it is written for people living with AIDS, to help them understand their rights. However, there is no particular consistency in this approach, and some chapters are focused towards the reader who, it seems, is envisaged in most cases as an advisor who already has some background knowledge of the issues. On balance I would say it is a book for the advisor rather than the "consumer". Anyone who is in the position of advising people with, or affected by, AIDS, on the law, should use this book as a primary source.

Having said that, what is missing from the publication is the inclusion of case studies and/or how the authors

have dealt with actual cases, which would allow the reader to assess how well the existing legal framework is coping with the epidemic. To this extent the book comes across as being a little academic, which is ironic when it is considered that all of those writing for it have extensive day-to-day experience of dealing with legal issues affecting people with AIDS. Also there is not sufficient criticism of the legal system and how it has failed to respond to the challenge of HIV and AIDS.

At the same time, one of the more unexpected aspects of the book is that it highlights the very minimal impact HIV and AIDS have had on the law in the United Kingdom. Unlike the United States, where a body of law has been developed around the AIDS crisis, there have been barely thirty reported cases involving AIDS in the UK. This might be because litigation issues are not emerging within the UK epidemic to the extent to which they have in the United States (certainly our health care system means that treatment and care are more widely available). However, other aspects of the AIDS crisis must be following a similar pattern to that found in the USA. Maybe the reason for the dearth of litigation is that organisations such as the Terrence Higgins Trust are not actually taking the initiative to promote test cases, whereby those living with the virus could seek to control the consequences of their infection.

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Community Ethics and Health Care Research

Edited by I C Henry and G Pashley, Dinton, Wiltshire, Mark Allen Publishing, 1995, 193 pages, £12.95.

This text is described by the editors as a "reference and teaching aid". It is divided into two sections: the first deals with professional ethics, management and research issues, and the second debates aspects of applied research within health and social care. Although the volume is designed to stand alone, it forms the fourth in a series on ethical and research issues.

The authors are a professor of applied ethics and a curriculum