

room for consent; and, he argues, this flows from a lack of appreciation of the complexity and uncertainty inherent in medical decision making. Against this, the author offers his own conception of responsible choice. As he notes, his basic doctrine here fits a cluster of religious theories of "stewardship"; the details are, however, worked out with great ingenuity from the talmudic laws of caretaking (ie, protecting chatel belonging to another).

What is not entirely convincing is the sharpness of the contrast, drawn by the author, between secular bioethics—supposedly focused entirely on "rights"—and the Jewish "ethic of duty". Surely, there are secular perspectives (notably, that of Kant) that accord at least as much weight to duties as to the protection of rights. And conversely, there are also alternative voices within the Judaic tradition. For example, Freedman (like most contemporary writers on Jewish bioethics) makes much of the prohibition, expressed in the Talmud, against inducing self-harm—but does not mention that the Talmud in fact presents this prohibition as an issue of intense debate and disagreement amongst the rabbis (on the same page from which Freedman cites, Bava Kama 91b).¹

There are likewise numerous other points at which one might wish to differ with the author's analysis or conclusions. But these are generally reflections of the book's quality and richness: whether one agrees or not with any particular claim, the argument is lucid, deeply original and thought-provoking.

Some comment is, of course, called for by the book's novel form of publication. It cannot be purchased in any bookstore, nor ordered by mail—for it has been published solely on the internet. One can download the text chapter by chapter (in either Wordperfect or ASCII format); at the same site, the author gives his reasons—plausible enough, I think—for this unusual mode of publication. From the consumer's point of view, this has some advantages: the cost is negligible, and one acquires an electronic text, easily searchable through one's own word-processor. On the down side, most people will probably need to print out hundreds of pages in order actually to read the book; and as a teacher, I ended up wondering how I might include these materials in readings for my students: should the library have a paper copy, or should the students be referred to the source URL?

And if we resort to printouts, what are the proper page numbers for references—seeing that different printers, fonts and the like will produce various physical forms of the same electronic text? Perhaps such texts ought to have very detailed subdivisions in lieu of pages. In any case, the text is out there on the web for all who may seek it. *Duty and Healing* is a testimony to a mature, sophisticated, deeply humane and learned person. It will be of great value to those wishing to look at contemporary bioethics from a fresh angle, as well as to those interested in a deeply traditional, yet creative and unfettered approach to Jewish bioethics. I am sorry that I did not find this treasure in time to learn from it when writing my own *Alternatives in Jewish Bioethics*.²

In his "Afterword", Benjamin Freedman delineates how further work might be carried on, building on the foundations he has laid. Future work in Jewish bioethics—as well as in secular discourse on the important issues directly addressed in this book—is sure to be indebted to him.

References

- 1 The page reference is to all standard editions of the Babylonian *Talmud*. For an English version see the translation published by Soncino, London, 1935–52 (general editor, I Epstein).
- 2 Zohar NJ. *Alternatives in Jewish Bioethics*. Albany, NY: SUNY Press, 1997.

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Mill on Utilitarianism

Roger Crisp, London, Routledge,
1997, 232 pages, £35.00 hc, £7.99 sc.

Anyone already interested in Mill will not need much encouragement to look at a new study of his work on utilitarianism. Why, though, should others, concerned with the problems of medical ethics, leave their case histories and immerse themselves in the complexities of a moral theory? Sufficient reason, perhaps, is the pragmatic one: sooner or later in discussion they are almost certain to meet it anyway, and it is as well to be acquainted in advance with its virtues and vices. But there are deeper reasons too. One of course is that they may find it convincing and become utilitarians themselves. Yet since we know that far more will reject the theory than adopt

it, would advocating its study just lead to the waste of many people's time for the benefit of the few? Surely not, for just as the point of studying Plato or Descartes does not lie principally in our accepting the Forms or becoming dualists, so studying a philosophical text on a moral theory is not to be justified solely by its converts. The effects on our thinking may be more subtle. For one thing, most of us find ourselves challenged by a powerful theory, driven to reflect on our current beliefs; and in the case of utilitarianism the beliefs in question are fundamental, concerning our understanding of what is thought good in our lives and its relation to the right way to act. And further, to study a general text on utilitarianism is part of something that seems important and worth encouraging in medical ethics, which is to approach it from a broader ethical and philosophical basis than that derived solely from medical ethics texts and cases. Though the study of such specific material is important, to conduct such study exclusively may sometimes obscure the fact that the problems of medical ethics are not separate from the rest of life and the rest of our moral thought, but inextricably enmeshed in our general outlook on the world, confused or otherwise. For example, to understand patient autonomy and its relation to a patient's best interests we also need to look at autonomy and interests in the life of the well.

Once it is decided that utilitarianism is worthy of study there is much to be said for reading Mill, a man to whom it was not just an abstract moral theory but a compelling principle of social reform, one that had been a deep influence on his own education and upbringing. Yet there is a familiar problem. Oddly enough, the writers who best draw us into their subject and stimulate our thought are seldom the easiest to read and usually especially provocative of questions; and hence, of course, the value of studies like the one under review, a volume in the Routledge Philosophy Guidebooks series.

It is a pleasure to read and welcome this book. Roger Crisp has achieved the difficult task of writing an introductory work that is scholarly yet clear, lively and approachable. In other words, it is a book in a tradition that is especially important as philosophy becomes more technical and remote, that of making erudition accessible and interesting to the beginner or non-specialist. Some of the material

naturally concerns the detailed interpretation of Mill's position and those whose interest is in medical ethics may wish to pass over it, but Crisp has a talent for never neglecting for long the relation of these details to utilitarianism generally. The result is a book containing the discussion of much that is relevant to anyone interested in ethics, as well as being a critical but sympathetic guide to Mill. For example, a considerable part of the book is concerned with the nature of human welfare, with what counts as good for us and makes our lives satisfying. Is it to be understood in terms of having certain kinds of experience, such as pleasure; or in terms of the satisfaction of desires; or is it, as Crisp argues, better seen as concerning a wider range of values such as friendship, autonomy and accomplishments? Once the notion of welfare is established the utilitarian will of course use it for the account of morally right action by requiring that its production be maximised, but it is a further question to ask exactly how this requirement is to be understood. Are we to concern ourselves primarily

with people's actions or with their characters? Should we think in terms of the actual or probable outcomes of our actions? Should our moral reflections consider the value of the consequences of single actions or of abiding by general rules of behaviour? Inevitably, too, issues arise regarding the extent to which utilitarianism clashes or coheres with our ordinary moral views, and indeed with our ordinary understanding of the necessary conditions for our being able to regard our own lives as worthwhile. Here, in the light of recent discussion, Crisp brings out well the difficulties that arise for utilitarianism from its exclusive concern with the aggregate of the good, and from its failure to respond as we would wish to the particular claims someone might have, perhaps based on justice or a special relationship to the agent. Finally, there are two chapters which go beyond Mill's essay on utilitarianism, though not beyond the influence of the theory, and look at his works entitled *On Liberty* and *The Subjection of Women*.

Contrary to the claim on the cover, studying Crisp's book will not be

painless, any more than other worthwhile study; but short of expecting thus to overturn the human condition it is warmly recommended.

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