

Moral Principles and Political Obligations

A John Simmons
Princeton University Press
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A short time after the sinking of *HMS Sheffield*, a local newspaper published a letter from a doctor complaining about industrial action by National Health Service workers. Such action at that time, he wrote, indicated that it was now 'for ourselves we struggle and not for the land that bore us and for which unity of purpose is now a paramount need'. The doctor's sentiments no doubt were shared by many other people in Britain and on their side too probably by many Argentinians. But are there rational moral grounds for the claim that we have a political obligation to obey the laws and support the government of our country of residence? John Simmons, Assistant Professor of Philosophy at the University of Virginia, does not think so and in this book he carefully examines and rejects what he believes to be the main modern philosophical arguments in support of this claim.

The particular claim which Simmons rejects is carefully defined by him from the outset. Obligations, he points out, are not the only weighty moral reasons for deciding what we ought to do. A doctor, for example, may have a moral obligation to fulfil a promise to speak at a professional gathering; but if, on the way there, he hears of a disaster in a nearby town, fulfilling his obligation may well not be what he ought to do. Yet the obligation – any obligation – once undertaken, loses none of its moral force. Is this, Simmons asks, the case with what are often regarded as our political obligations? Are we obliged to support and comply with political institutions, not because they may be good or just (a consideration which applies to the political institutions of any country), but because they are those of our country of residence?

In modern times, Simmons states, two main kinds of argument have been advanced in support of the claim that we may have such an obligation. The first is concerned with obligations deliberately and knowingly undertaken by promising or consenting, the second with obligations of fair play or gratitude generated by the receipt or acceptance of benefits from our fellow citizens or our government. The first provides a clear account of what might count as political obligation. But it runs into numerous difficul-

ties. The idea that citizens are bound by some original contract made by their country's founding fathers is not only historically unconvincing, but morally untenable, while if the obligation depends on the consent of each individual citizen now, few governments are owed obligation since few if any command total agreement. A traditional way round this difficulty, of course, is to say that citizens give tacit consent by remaining in the country and enjoying such benefits of its government as good highways and law and order. But this answer, Simmons points out, confuses these acts, which may be taken as implying consent, with acts which are genuine *signs* of consent; and it is only the latter, which display the citizen's deliberate and knowing intention, in a context moreover where some alternative is available, which create genuine political obligation. The number of people who do give such signs of consent – people who clearly if silently indicate their rejection of a real option of living elsewhere – are very few.

Acts which are not signs of consent, but which may be taken as implying it, are involved in the second kind of arguments which Simmons criticises, those concerned with fair play and gratitude. If our political institutions indicate our involvement in a joint enterprise conducted according to rules which restrict our liberty, then those who have submitted to those rules have a right to similar submission from all of the others who benefit from the enterprise. This is only fair play. But while this may be a valid moral principle, the deliberate, knowing *acceptance* of benefits, as opposed to merely receiving benefits (some of which we may not want), Simmons holds, is required to establish political obligation. A further difficulty here, he suggests, is the extension of principles which may be relevant to local communities to the larger political scene. The idea of gratitude as a ground of political obligation also seems to be based on an imperfect analogy between the parent-child relation (where the notion is tenuous enough) and that of the state and citizen (where the intentions of government may be dubious and the content of a debt of gratitude very difficult to define).

None of the traditional arguments then seem to establish firm grounds for the claim that we have the kind of political obligation which satisfies the criteria (of voluntary and knowing choice and of general applicability to the citizens of

existing states) which Simmons deems necessary. The last refuge of the scoundrel seems, on this showing, also to be philosophically untenable (although Simmons may have weakened his case somewhat by inventing some arguments for his contemporary philosophical opponents in response to which further arguments may be expected). His conclusion is not that we should not obey our country's laws or support its government – rather that whether or not we decide to do this should depend on general grounds of justice and utility, which apply with equal force to all governments. Whether this still, small, precise voice of reason will be heard is another matter.

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Evangelische Theologie

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Dietrich Ritschl et al
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This issue of *Evangelische Theologie* is given over to excerpts from the report of a working party on medical ethics in West Germany. The members of this group, Christians concerned with the matter, set out the universal questions and those particular to West Germany. Their aim was to arouse the widest possible debate on medical ethics.

The main article gives a resume of the issues involved and these are then developed and added to in the subsequent contributions. Ritschl begins by discussing who should be involved in the decision making in medical ethics and maintains that all social groups must participate, complaining that the medical profession is defensive about opening up the debate, and that all too often, the public only becomes aware of what is involved when some scandal breaks.

The general public expects doctors to make decisions for them, failing to understand that a doctor who makes an ethical decision is not doing so in his professional capacity, but as a human being. Ritschl also warns of the danger inherent in the present trend of believing that if something is not illegal, it

ethical. This brings him to euthanasia, where he pertinently points out that this is not a new problem, but that it has only now come to public attention because more people have the opportunity to make a decision on when they wish to end their own life.

Contemporary society also shows signs of demand medicine, looking for perfection, but Ritschl points out that this is contrary to the biblical view of life in which pain and suffering play a part. Christian theology can contribute here by questioning the objective of the 'normal man' and by fighting for the integration of the disabled and the sick into society. Jurgen Hubner then examines the role of Christianity in medicine in more detail and draws our attention to the fact that due to the increased specialisation of medicine and the greater use of technology, there is a risk that Man's emotional needs are being neglected. He maintains that the Sermon on the Mount should be the basis of the Christian's care of the whole Man.

The medical profession's attention is also drawn to the ethical issues involved in their wielding of power. They must not exploit their position, and should not use the excuse of pressure of time in order not to explain to the patient what is happening, thereby maintaining their hold over the latter.

Yet medicine is obviously not just about power relationships, but about healing. Here Amelung draws a parallel between the healing power of God and the healing power of doctors.

The ethical issues in ante-natal scanning are given extensive coverage. The principal difficulty arises from the tension between the rights of the unborn child and the rights of the rest of society. These are discussed at some length, and it is pointed out that no one can ever be 100 per cent certain that a child is badly deformed. Moreover, where is the line to be drawn: who should decide what constitutes an unbearable handicap? Piechowiak interestingly states that whereas in the past doctors were concerned with preventing disease, they are now involved in preventing the birth of ill people. Piechowiak believes that in Christian ethics, human life must always take precedence.

To conclude, Eibach looks at the fraught area of whether or not to inform a patient that he or she is terminally ill. Eibach maintains that if the theological point of view is to be considered, the patient must be presented with the full facts to enable him to decide whether or

not to be treated. If the patient is not informed, he is merely an object of the doctor's power. The report comes to an end with a discussion on ethical norms and makes a call for more debate.

This document portrays the complex issues in medical ethics and sets out the 'evangelische' response. Its principal contribution lies in that it deals lucidly with concrete situations rather than the purely abstract. Therefore, although there is a significant degree of repetition, the main article and those on ante-natal scanning and power relationships deserve attention.

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The Politics of Mental Handicap

Joanna Ryan with Frank Thomas
Penguin Books, London
£1.75

Handicapped Children in Residential Care: A Study of Policy Failure

Ann Shearer
London, Bedford Square Press,
National Council for Voluntary
Organisations
£4.95

These two books share a common theme: society's blindness to the needs of handicapped people, and its lack of response except to incarcerate the sufferers in segregated institutions. From there on the focus of the authors is different.

Ann Shearer points out that the emphasis of care for handicapped children has been on their handicap, physical or more usually mental, rather than on their needs as children. The 'normal' requirement of nurture within a relationship with a loving adult has been disregarded. She contrasts the facilities offered to children who are placed away from home because of their handicap with those offered to healthy children who are unable to remain with their families. The book starts with a review of the stark findings of the Curtis committee in 1946 regarding children deprived of a normal home life. It charts the gradual change in attitude and provision of services, pointing out that

handicapped children have not benefited from the changes along with the others. This information is teased out from a mass of official reports, statistics, White Papers, legislation and the like. I was glad to have the information in comprehensible form, and feel the book should be required reading for professionals in the field.

The Politics of Mental Handicap, however, has a message for all of us, particularly doctors, and it is not a very pleasant one. Joanna Ryan provides an over-view of the 'difference' that is mental handicap in historical and contemporary contexts. She feels that the mentally handicapped are seen, and thus treated, as a sub-human species, who are only accepted by society if they can mask their deficiency well enough to fit in with the rest of us. Even with the present emphasis on community care she does not see much impetus coming from the general community to adapt to the abilities of the mentally handicapped. She challenges the fairly recently established tradition of medical and nursing care for the mentally handicapped, favouring a more general approach. However, she sees doctors and nurses as being reluctant to give up their power, and I suspect that she is correct.

Frank Thomas's contribution to the book is in the form of extracts from a diary he kept whilst employed for a few months as nursing assistant at a mental handicap hospital. It is enlightening to have an account of the details of life for mentally handicapped people, but I thought this part of the book was on the whole unhelpful. Staff attitudes towards the patients are seen as uniformly abusive and denigrating, except for his own which are sympathetic and caring. We know about the atrocities in some hospitals from numerous reports in recent years. It is true that to walk into a mental handicap hospital is in some cases to enter a world one thought had disappeared with the Victorian era. However, as Joanna Ryan points out, to castigate individual nurses for this is only too easy, they are as much victims of the system as perpetrators. She challenges our collusion in writing off mentally handicapped people, and thus providing them with facilities that would not be acceptable for ourselves. One can question the balance of the book, but perhaps its value lies in posing questions rather than answering them.

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