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Book Review

Fact and Value: Essays on Ethics and Metaphysics for Judith Jarvis Thomson, Alex Byrne, Robert Stalnaker, and Ralph Wedgwood, eds. Cambridge, Mass.: The MIT Press, 2001. Pp. ix + 236. Hard covers, \$30.00. ISBN 0-262-02498-5.

If a festschrift is ever done for me, I'd like it to satisfy the following conditions. I do not know, and have not done a Google search to find out, if anyone has yet proposed criteria for an ideal festschrift, so this list is a first approximation.

1. All the essays are brand new or, at least, most of the essays are mostly new.
2. The volume is edited by esteemed colleagues, and the essays are written by cherished teachers (if any are still alive), students, colleagues and, perhaps in a few cases, by famous strangers who have clandestinely admired my work.
3. All the essays deal directly with my important published work. (There is some play in "directly.")
4. All the essays are highly competent pieces of philosophy.
5. The frontispiece is a photograph of me at the prime of my physical beauty (not in a classroom lecturing with chalk in hand and scribbles on the board).
6. The front matter of the volume includes a long biographical essay, not necessarily written by the editor(s), which I have, perhaps, seen and corrected, but not censored, before publication. (This condition might be incompatible with #11.)
7. The back matter of the volume includes a complete and accurate bibliography of my scholarly and semi-scholarly work, including books, articles, chapters, review essays, book reviews, encyclopedia entries, papers delivered at meetings, invited lectures, interviews, and letters to editors.
8. The back matter includes a select bibliography of the best of the superb books, articles, and reviews in which my work is discussed.
9. The volume closes with an index prepared by a professional, philosophically sophisticated indexer.
10. The volume is impeccably proofread to eliminate even the most trivial errors.
11. The volume, on publication, comes as a perfect surprise to me (this requires muzzling the big mouths

and loose lips), and is presented to me during a party (the lady who pops out of the cake lugs along a copy of the book).

12. I am supplied with all the copies I need to send to friends, relatives, lovers, ex-lovers, ex-wives, children, grandchildren, and those slighted cherished colleagues who were not asked to contribute (this might be a corollary of condition #13). And

13. The volume is not intended to be a money-making venture by or for the editors and the publisher; any royalties earned are devoted to my favorite charities and ecdysiasts.

How well does *Fact and Value*, a festschrift in honor of M.I.T. philosopher Judith Jarvis Thomson (well-known for her amazing essays on abortion, the trolley problem, self-defense, and euthanasia), satisfy these desiderata? Condition #1 is satisfied, at least in its weaker version, as are #2 (as far as I can tell), #4 (all the authors are distinguished scholars and produced admirable contributions), and #10 (I do not remember a single typographical mistake). However, condition #3 is flagrantly violated (see the synopses of the contributions, below), as are conditions #5 (there is no photograph of Professor Thomson at all, not even on the dust jacket), #6 (the Preface contains only the barest bones of a biography), #8 (such a list is absent), and #9 (the index -- a page and a half, altogether three columns -- is anorexically emaciated). Condition #7 is only partially satisfied: the volume includes a complete bibliography of Professor Thomson's published articles and books (a nearly identical version -- which came first? -- is available on M.I.T.'s philosophy department web site at http://web.mit.edu/philos/www/facultybibs/thomson_bib.html), but no book reviews, lectures, and so forth. I don't know whether conditions #11 and #12 are satisfied. Condition #13 is satisfied only if the accumulated revenue (the thirty bucks price tag multiplied by at most 500 copies) just covers the production costs. Of course, not all these desiderata carry the same weight -- how to compare the importance of #3 and #4? Even though there is no algorithm that yields a firm evaluation of a festschrift, I'd nevertheless give this one a B, perhaps a B+. No A or A-, at least because there is no photo of Professor Thomson, the index is an embarrassment, and the bibliography is incomplete.

All the essays in this festschrift are first-rate pieces of philosophy written by first-rate philosophers. In large measure, this accounts for the B+. The eleven authors and the titles of their essays, in the order in which they appear in the book, i.e., alphabetically by author, are: Jonathan Bennett, "Conditionals and Explanations"; Richard Cartwright, "A Question about Sets"; Joshua Cohen, "Money, Politics, Political Equality"; N. Ann Davis, "Fiddling Second: Reflections on 'A Defense of Abortion'"; Catherine Elgin, "Word Giving, Word Taking"; Gilbert Harman, "Virtue Ethics without Character Traits"; Barbara Herman, "Rethinking Kant's Hedonism"; F. M. Kamm, "Toward the Essence of Nonconsequentialism"; Claudia Mills, "What Do Fathers Owe Their Children?"; T. M. Scanlon, "Thomson on Self-Defense"; and Ernest Sosa, "Objectivity without Absolutes." The volume also includes a Preface, Acknowledgements, a bibliography of Professor Thomson's published writings, notes on the contributors, and an index.

Jonathan Bennett's essay on the logic of conditionals ("Conditionals and Explanations") never refers to any work done on this topic by Professor Thomson, although in a note (p. 27, n. 3) Bennett does mention a 1963 paper, posthumously published, by James F. Thomson (Judith's deceased ex-husband). In virtue of this, Bennett's essay might be taken to satisfy condition #3 vicariously (especially if Professor Thomson had in any way contributed to James's piece). Bennett claims that he "shall prove [*sic*] that the best line to draw through conditionals is that corresponding to the . . .

indicative/subjunctive line through sentences” (p. 2), and he promises to “offer a *complete* survey of the relevant data and, on that basis, definitive answers” to several questions about conditionals (p. 1). What follows is typical and splendid Bennett-clarity (and dry wit). Here, at least, is a link with Thomson, for clarity is often said, rightly so, to be especially characteristic of her writings (see the Preface, pp. vii-viii).

Richard Cartwright's essay on the existence of sets (“A Question about Sets”) also never refers to anything done by Professor Thomson. Indeed, the essay was originally written for a 1998 symposium held in honor of his wife Helen Cartwright (p. 45, n. 30), and is now being offered up in honor of Professor Thomson. Now, that's economizing, but it violates the strong version of condition #1. Professor Thomson once edited, and contributed an essay to, a festschrift for Richard (see the bibliography of her work, p. 231, items 51 and 52). Is it fitting, then, that Richard would honor her with an essay that earlier honored his wife? (It seems an insult to the wife as well. I suspect neither generous woman will complain.) In his contribution, Cartwright wonders whether there are sets in addition to objects that might be the members of sets. That is, he asks whether “there is a set the members of which are the essays in this festschrift for Professor Thomson” follows from “there are eleven essays in this festschrift for Professor Thomson.” Cartwright settles “for the weak conclusion that *either* [P] is true *or* in some possible world there are no sets at all” (p. 41), where P is, for example, “the essays in this book are such that in every possible world in which they exist, there is a set of which they are the members” (see p. 30).

Joshua Cohen's essay (“Money, Politics, Political Equality”) also has nothing to do with Professor Thomson's writings; it explores the relationship between electoral financing and political equality in a robust sense -- a nearly marxist, strongly participatory democratic, sense. Cohen attempts to squeeze out a thin link with Professor Thomson: she, he claims, “breathes an egalitarian sensibility” (p. 75). Cohen also appeals to Professor Thomson's style to establish a link: he “aspires to meet her high standards of clarity.” Yet, he admits that “I am sure I have not succeeded” (ibid.). This is probably a bit of humble understatement, for Cohen's essay, even if long-winded, and even if not a model of perfect clarity, is surely more clear than most writings in this genre. Cohen persuasively argues that we (the U.S.A.) need a system of electoral finance that satisfies a “principle of political equality” that requires “that we accommodate the interests of citizens as [not only] audience [but also as] actor” (p. 74).

N. Ann Davis's essay, “Fiddling Second,” finally gets around to discussing Professor Thomson's work in detail, in particular Professor Thomson's innovative, marvelous 1971 essay “A Defense of Abortion” (*Philosophy and Public Affairs* 1, pp. 47-66). Davis makes a number of points about this essay. She remarks how significant ADOA was in the movement to rejuvenate philosophy, as an exemplary case of a philosopher back on the job: ADOA “provided compelling evidence that social solipsism was neither philosophically necessary nor morally sustainable, and compelling reasons to believe that philosophical work could illuminate socially important, historically difficult -- even ostensibly intractable -- debates” (p. 85). Of course, Davis also mentions that ADOA reset the terms of the abortion debate, relieving us of the task (“speculative metaphysics”; p. 85) of deciding whether the fetus (zygote, embryo, etc.) is a “person.” Davis also metaphilosophically discusses the use of examples as a part of philosophical methodology. Although Davis objects to the use of fantastic examples that force us to imagine worlds in which “human understanding, conceptualization, and evaluation” would be “profoundly different” (p. 90) – *not* a fault of Professor

Thomson's violinist example -- she also wisely warns us about the dangers of depending on "our" intuitions about odd cases: "The deep and inescapable facts of acculturation render the practice of uncritical reliance on our feelings of repugnance problematic" (p. 91). I know this well from my studies in and teaching of the philosophy of human sexuality.

Catherine Elgin begins her essay ("Word Giving, Word Taking") by quoting (on p. 97) a passage from Professor Thomson's *The Realm of Rights* (Cambridge, Mass.: Harvard University Press, 1990, p. 298) in which Thomson proposes "The Assertion Thesis":

Y gives *X* his or her word that a proposition is true if and only if *Y* asserts that proposition to *X*, and (i) in so doing *Y* is inviting *X* to rely on its truth, and (ii) *X* receives and accepts the invitation (there is uptake).

In this way, "word giving" and "word taking" go hand-in-hand. Whereas the type of word-giving on which Professor Thomson focused was promising, Elgin focuses on testimony ("Testimony" would have been a better title for this essay), and she points out a number of differences between promising and giving testimony, from both the perspective of the speaker engaging in "word giving" and the hearer or target who engages in uptake or "word taking." In particular, testimony departs from Thomson's condition (ii). According to Elgin, "testimony is abortive . . . unless the invitation is received. But the invitation need not be accepted" (p. 107). I found this point interesting, and applicable to a current debate about pornography. Some feminists, for example Catharine MacKinnon and her explicator and defender Rae Langton, argue that pornography, perhaps as a kind of testimony, lays down the ground rules for women's and men's sexuality, and so influences attitudes and behavior. If Elgin is right that successful testimony requires only reception but not acceptance by the target, then one rebuttal to MacKinnon's and Langton's view, that pornography is not authoritative because its messages are not accepted by its audience, is weakened. Pornography might still be successful testimony. But, at the same time, to the extent that the invitation to rely on pornography's testimony is only received and not accepted, it is less likely that pornography has the effects on attitudes and behavior that some feminists attribute to it.

Gilbert Harman's contribution, "Virtue Ethics without Character Traits," discusses several essays by Professor Thomson (although he doesn't mention that he wrote a book with Thomson [*Moral Relativism and Moral Objectivity*, Blackwell, 1996]). Harman surprisingly approaches the "rights and claims" ethicist Thomson as "developing a moral theory that in some ways resembles . . . virtue ethics, although it differs in significant ways from the standard version" (p. 119). On the standard version of virtue ethics, according to Harman, (1) "moral virtues are robust character traits possessed by ideally morally virtuous persons" (p. 119); (2) "In a typical situation of moral choice, an agent ought to do whatever a virtuous person would do in that situation" (p. 120); and (3) "the goal is not just to do the right thing. It is to be the right sort of person. One needs to develop a virtuous character" (p. 120). Harman trots out a number of objections to this standard view, and then discusses how Professor Thomson's version avoids these problems. She does not require that people actually have robust character traits (p. 123; hence Harman's title), and "she does not explain moral requirement in terms of what an ideally virtuous person would do" (ibid.). Perhaps this is only a quibble, but it might be plausibly claimed that if this is the virtue ethics of Professor Thomson, she has no virtue ethics at all.

Barbara Herman's essay on Kant, "Rethinking Kant's Hedonism," is long, dull, and has too many

footnotes -- but this is Herman's quaint style, and we should respect her individuality. Her wordiness did not prevent me from enjoying and learning from her essay on Kant on sexuality ("Could It Be Worth Thinking about Kant On Sex and Marriage?" in Louise M. Antony and Charlotte Witt, eds., *A Mind of One's Own: Feminist Essays on Reason and Objectivity* [Westview, 1993], pp. 49-67), but it did here. Her contribution has no connection with the work of Thomson. In 1979 Thomson advised Herman to improve her clarity (p. 149). "I am still trying to get it right," Herman writes twenty years later. This seems not to be, as in Joshua Cohen's disclaimer, humble understatement.

The most dazzling essay in this festschrift is F.M. Kamm's "Toward the Essence of Nonconsequentialism," which meticulously discusses the morality of harming innocent, nonthreatening persons (obviously a topic linked with Professor Thomson's writings on the trolley problem, abortion, and euthanasia). The general problem is finding a deontological way of maximizing the good, spread over a number of people, while being concerned not to run roughshod over the individual (and innocent) person -- and yet also justifying some running over the innocent when it seems permissible or the right thing to do (see p. 174). Along the way, Kamm walks us through the ins and outs of the Trolley Case, the Loop Case, the Transplant Case, the Bad Man Case, the Penicillin Case, the Car Case, the Whim Case, the Party Case, the Wagon Case, the Rescue Case, the Extra Push Case, the Gas Reimbursement Case, the Multiple Track Case, the Tractor Case, the Van Case, the Wiggle the Bridge Case, the Lazy Susan Case, and the Component Case. In her search for a principle that accounts for our intuitions about these cases, Kamm (repeating some material from other publications) starts with the Doctrine of Double Effect, proceeds to a modified DDE, then to the Doctrine of Triple Effect, and finally ends up with her favorite, the Doctrine of Initial Justification (p. 172).

Claudia Mills discusses a novel and increasingly pressing issue in "What Do Fathers Owe Their Children?" Suppose a woman and a man engage in coitus and she becomes pregnant, and they disagree over abortion. Mills argues that a decision to abort is entirely the woman's. (In her discussion of abortion, Mills inexplicably flatly denies that the fetus is a person [p. 190], thereby ignoring Professor Thomson's powerful strategy in ADOA. Since, for Mills, the fetus is not, but the neonate is, a person, she commits herself to the impossible tasks of explaining why and of providing criteria of personhood, precisely the metaphysical tasks Professor Thomson allowed us to avoid.) But what if the woman declines to abort and the man does not want to be a father? Mills argues that "insofar as [the woman] makes her choice in a context of gender-asymmetrical constraint, you [guys] may owe at least some level of support to her as well as to the child you so carelessly created together" (p. 197). This conclusion will be welcomed by both feminists and religious traditionalists, perhaps by anyone who is not much impressed by "men's rights" in the area of children and family. I was not altogether convinced by the argument, because talk of "gender-asymmetrical constraint" strikes me as nearly outdated and is insensitive to individual differences among women, who should not be homogenized. Mills also surprised me with this remark: "What makes rape so terrible . . . is that an act that should be the most intimate, based in love, consented to joyfully by both partners, is turned into a savage violation" (p. 186). Her undefended claim that sexual activity "should be . . . based in love" is astounding. Says who, exactly? Now, had Mills inserted the tiny word "or" between "love" and "consented," I would not object. But it is not there, which suggests that Mills is more of a religious traditionalist than a feminist -- at least regarding the morality of sexuality and what men owe women who choose not to abort in response to an

unplanned pregnancy.

In his “Thomson on Self-Defense,” T. M. Scanlon extends to questions of self-defense the contractualism of *What We Owe to Each Other* (Harvard University Press, 1998; reviewed in *Essays in Philosophy* by Dennis Cooley, at <http://www.humboldt.edu/~essays/cooley2rev.html>). Scanlon keeps his eye on Professor Thomson's work on self-defense as he discusses his own list of cases: the Innocent Aggressor, the Innocent Threat, the Mistaken Aggressor, the Trolley Case, the Day's End Case, the Villainous Aggressor, the Innocent Shield of a Threat, the Hitchhiker Case, the Trolley/Landslide I Case, and the Trolley/Landslide II Case.

Ernest Sosa's “Objectivity without Absolutes” closes the volume. Although he doesn't discuss Thomson's work, he does manage to mention in passing, at the very end and in a footnote, the book that Thomson wrote with Gilbert Harman (p. 227, n. 2). Sosa is concerned to rebut arguments that attempt to refute the claim that moral claims are objectively true or false. He considers and faults what he calls the Argument from Disagreement, the Revised Argument from Disagreement, and the Further Revised Argument from Disagreement. Sosa's conclusion is that “Arguments from disagreement offer no sufficient reason to deny the objectivity of the moral that would not require denying also the objectivity of daylight” (p. 224). He writes as if the postmodernist critique of the objectivity of the scientific and the empirical does not exist.

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