
Book Reviews

Deane-Peter BAKER. *Citizen Killings: Liberalism, State Policy and Moral Risk*. London: Bloomsbury, 2016. 156 pp.

This is a small book, but a surprising one. The subject seems at first glance to be rather narrow – ‘state-sanctioned killing’ – and little more than a response to Jeff MacMahan’s *The Ethics of Killing: Problems at the Margins of Life* (2002). Nevertheless, Deane-Peter Baker’s book goes further. Indeed, on occasion, a new philosophical question or a new approach arises in its pages, which is no small feat considering that philosophy has occupied some of the best minds for millennia. The last time I can recall having the same feeling was while reading Samuel Scheffler’s *Death and the Afterlife* (Berkeley Tanner Lectures 2013), where the perennial question of life after death was addressed differently – not as an event in an individual life, but as the disappearance of all humanity and its ethical consequences. Baker’s book has a similar feel. Whether the theses upheld in such books are (or are not) ultimately successful, they always make challenging reading.

There is obviously a vast amount of literature on the ‘state-sanctioned killing’ when carried out by civil servants acting as state agents – military, policeman, or executioners – but the list of the references on “[...] legitimate [that is, legal] killings carried out by citizens who are not agents of the state” (2) is actually very short. This may be a surprising claim from the author, considering the “[...] gallons of ink that have been spilled in addressing topics such as abortion and euthanasia” (2), but, in fact, few of what some, like MacIntyre, consider ‘intractable disputes’ are tackled *not* as a personal moral decision, *nor* merely as a public policy matter, but as a dispute over which (if any) killings by citizens as civilians should be considered (both morally and legally) permissible for the state to sanction.

The author’s approach has obvious limits: he never really questions what the state is, or what death is for that matter, except perhaps obliquely as a public policy question of determination of the moment of death for purposes of public policy (51-58). Rather he takes as assumptions the framework of a modern liberal state, a state that should (ideally) be neutral concerning most conceptions of the good life, what ‘risk’ means and what having a ‘right’ means, and assumes a contractually binding view of citizenship – even a somewhat cavalier view of Locke’s and Hobbes’ theories (6, 7) that in the latter case is not entirely accurate, since Hobbes gives those condemned to death the right to

disobedience and flight. Nonetheless, his assumptions are clearly stated in the introduction (1-17) and consistently taken to their limits (to such an extent that he even suggests, for example, that the state should leave the business of marriage altogether, since no neutral view of the good life is possible on this matter (11). More on these assumptions below.

The book is a thoughtful one, but considering its narrow set of premises, the tone of its conclusions is quite assertive and little doubt is left to the reader about some troublesome answers. In most cases, these answers draw attention to momentous and difficult questions in public life. But the author's approach is never strictly one of personal ethics, but a political one. Should the state *allow* or *forbid* citizens to wage a private war overseas against the Islamic State, for example, owing to the embarrassment caused to Australian foreign policy? His answer is that a neutral state should neither prevent nor foster its citizens involvement in *any side* of what they deem a just war. Both mercenaries and jihadists should pursue their own path (35-44; 103-119). Should the state allow or forbid its citizens to assist others who are terminally ill, or simply bored, in committing suicide (45-58)? Again, if the citizen gives consent (and it is not, therefore, a murder case), the state should not be involved either way.

The inferences are likely to displease everyone, since they do not fit with any current party lines nor any ideology – libertarian, egalitarian, conservative, or any other common partisan view. This is in itself a breath of fresh air on old and even vexed questions (such as gun control or humanitarian interventions), because the author appears to be thinking out loud and drawing the conclusions of his assumptions, and not merely seeking the rationale for his pre-existing convictions. On the contrary, it is not entirely unfair to state that most public reason liberals, such as the second Rawls, or Habermas (or even Nozick), fortuitously discover that 'public reason' endorses the very set of convictions they upheld beforehand – which does not diminish interest in their very different theories, but let us wonder – and ultimately allow anyone for whom such set convictions are unpleasant to slightly tweak an assumption in order to reach a very different set of conclusions. Deane-Peter Baker's conclusions, that some (even most) may find horrifying, seem to follow his premises where they lead in a (sometimes) almost naïve way, without any *ad hoc* additions or provisos.

For example, he starts Chapter 1 stating that "[t]he perennial debate [...] over 'ban control' is misnamed" (19) because he doubts that "[...] even the most ardent advocate for gun ownership would contend that firearms and ammunitions should be sold to the legally insane, or to minors without parental consent, or that there should be no laws at all" about their use by private citizens (19). Here, one may think that his moderation is naïve and might lead him into brick wall, since this is a long empirical question that is not supported by facts. But his answer is consistent with his principles: the state should not foster gun ownership, nor impose a ban on what may prevent its citizens from defending themselves in contexts that may be very different from, say, MacMahan's Oxford or the context of a well-organized society. For example, in today's Syria, or in "admittedly bizarre circumstances" (27), the right to self-defence "[...] might well entail a right for private ownership of Uzis, hand grenades, and yes, even nuclear weapons"

(27). The state has special constraints to which individual citizens are not subject. (In fact, I always found surprising how MacMahan could uphold an almost total ban on guns in a way that ‘on balance’ reduces life vulnerability [21] and at the same time uphold in some cases the justification of infanticide [61].)

Overall the liberal neutrality framework that Baker neatly presents us is a real challenge and makes a good case for the importance of principles requiring the state to follow the lines of the least moral risk.

The central chapters of the book – chapters 4 and 5 – concern abortion. Baker takes on the issue of when a human being acquires a right to life that is widely disputed all over the world. Perhaps Peter Singer and McMahan are right, for example, and the correct moral view is that this happens only late into infancy. Once again, the state is required to be neutral on this moral question. However, a significant number of reasonable citizens in many countries regard abortion as murder. The state cannot simply dismiss their view altogether. The author asserts that the state cannot avoid deciding, but there are good arguments for both sides. However, since it would be far worse to wrongly allow the murder of millions of babies per year than to wrongly force women to bear children, he concludes the state should outlaw abortion, but not force women to raise the children after they are born. Henceforth the state will have to offer the infants for adoption and seek to diminish the burden of a possible wrong decision by providing for women during pregnancy.

All this follows from a view according to which the state’s reason for being is to protect our right to life, because this is the *only unrecoverable right*. A ban on free speech, for example, or property, or the right to travel abroad, “as serious as they are” does not usually “[...] entail a permanent loss of the opportunity to exercise these rights” (7) – again a long empirical question. This is not the case when loss of life is at stake: the state cannot roll the dice or even follow majority rule, not to mention the advice of philosophers.

The author assumes throughout his book a version of public reason liberalism and the requirement of *liberal neutrality*, submitting his conclusions to several tests and ensuring two things: (i) Freedom is normatively the first principle (as in Gaus). Coercion may only be justified by reasons which all ‘reasonable’ people would find compelling. Baker accepts a very wide conception of the ‘reasonable’, to include any position supported by a significant portion of the population and subject to a ‘credibility test’, the object of serious and respected arguments presented by people recognized as ‘credible’ (122). (ii) No state policy may be justified by the correctness of any substantive conception of the good and may never take a stance on disputed metaphysical questions, always choosing the policy that imposes the least moral risk.

But the author himself acknowledges that these are, by and large, unrealistic assumptions: state neutrality is merely an ‘ideal’ (10), not to say as mythical as witches and unicorns. In the end, part of the moving force behind the book is what the author points to as an uncomfortable awareness. To put it mildly, in Johnathan Wolff’s words, “[f]or on the whole, philosophers seemed to defend views that were so far from current practices as to seem, to the non-philosophers, quite outrageous. The idea that society

could adopt any of the views put forward seem almost laughable” (3). Doesn’t this, however, ultimately apply to some extent to Baker’s own proposals?

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Michael BROWNSTEIN and Jennifer SAUL (eds.). *Implicit Bias and Philosophy*. Vol. 1 *Metaphysics and Epistemology* and Vol. 2. *Moral Responsibility, Structural Injustice, and Ethics*. Oxford: Oxford University Press, 2016. 316 pp. and 285 pp.

These two volumes, edited by Michael Brownstein and Jennifer Saul, are a treasure-trove of cutting-edge research and philosophical reflections on implicit bias and how it can contribute to social injustices and inequalities. That said, *Implicit Bias and Philosophy* could have done more to advance research on implicit bias in practice, especially in non-Western contexts.

What are ‘implicit biases’ and what makes them a subject for philosophical reflection? According to the editors’ introductory chapter to the first volume, implicit biases are “[...] evaluations of social groups that are largely outside of conscious awareness or control [and] involve associations between social groups and concepts or roles such as ‘violent’, ‘lazy’, ‘nurturing’, ‘assertive’, ‘scientist’, and so on (Vol. 1, 1-2). Because implicit biases lead people to associate certain social groups, such as women, immigrants, or people of different skin colour, with either positive or negative traits, they often further entrench social inequalities between positively and negatively associated groups.

Consider, for example, how job recruiters’ implicitly negative association with typically Muslim names may lead to fewer job opportunities for individuals of Middle Eastern descent – an obstacle to employment that does not usually exist for Caucasian individuals with Western-sounding names. Such differences in opportunities for employment may further entrench themselves in other social inequalities, such as (un)employment, income, housing quality, and health. Implicit bias thus presents an important psychological issue that has real-life consequences.

Several philosophical questions arise from the notion of implicit bias. Through which cognitive or social mechanisms are implicit biases created? To what extent can implicit biases be recognized, controlled, or harnessed for the good? How do implicit biases contribute to the self-image of stereotyped individuals? What kinds of heuristics can be employed to identify and correct for implicit biases? In what ways, exactly, are implicit biases ‘implicit’? Who are responsible for implicit biases and their negative consequences? How do implicit biases contribute to structural injustices and social inequalities? How can institutions contribute to mitigate the negative consequences of implicit biases? These questions are relevant for researchers within a broad range of philosophical sub-disciplines, such as ontology, moral psychology, epistemology, and normative political philosophy. The contributions of the two volumes come from all of these sub-disciplines, promising a thorough investigation of the central theme of implicit bias.

Baker D-P, 2016, *Citizen Killings Liberalism, State Policy and Moral Risk*, Bloomsbury Publishing. Baker D-P, 2011, *Just Warriors, Inc. The Ethics of Privatized Force*, A&C Black. Baker D-P, 2007, *Tayloring Reformed Epistemology* Charles Taylor, Alvin Plantinga and the de Jure Challenge to Christian Belief, *Hymns Ancient and Modern Ltd.* Baker D, 2015, 'Conclusion', in *Key Concepts in Military Ethics*, UNSW Press, pp. 425 - 429, http://dx.doi.org/10.1163/9789004228818_018. Baker D, 2015, 'Introduction', in *Key Concepts in Military Ethics*, edn. 3, UNSW Press, pp. 163, [http://dx.doi.org/10.1002/1097-0320\(20010301\)43:3<163::AID-CYTO1043>3.0.CO;2-U](http://dx.doi.org/10.1002/1097-0320(20010301)43:3<163::AID-CYTO1043>3.0.CO;2-U). Deane-Peter Baker writes and opinion piece for ABC. 25.11.20. 2 This point is also made in Baker, Deane-Peter, *Citizen Killings: Liberalism, State Policy, and Moral Risk* (New York, NY: Bloomsbury, 2016)Google Scholar. 3. 3 Kleck, Gary and Delone, Miriam, "Victim Resistance and Offender Weapon Effects in Robbery"™, *Journal of Quantitative Criminology* 9(1) (1993): 55-81Google Scholar. To send this article to your Dropbox account, please select one or more formats and confirm that you agree to abide by our usage policies. If this is the first time you use this feature, you will be asked to authorise Cambridge Core to connect with your account. Find out more about sending content to Dropbox. Deane-Peter Baker defines citizen-killings as "state-sanctioned (that is, legally permitted) killings conducted by people who are not agents of the state agent." (2) Consider these two sets of questions: 1. Ethics: What is morally permissible for you to do? In the end, political decisions are momentous, and there is a huge risk we will pick the wrong policy and violate people's rights in horrific ways. Perhaps there is some important role for a principle requiring us to take the least moral risk. About. Recent Reviews.