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Technologies of Life and Death: From Cloning to Capital Punishment

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Bioethicists have long acknowledged that new technologies bring new ethical dilemmas. The notion behind this truism is that the novelty of situations created by technology both tests our applications of, and calls into question, prior concepts such as when life begins and when death occurs. Life support technologies required us to consider whether life ended only when the heart stopped beating, or perhaps at brain death, since the two could be commonly separated for the first time in human history; new imaging and monitoring technologies allowed us to see inside a pregnant woman's womb during gestation, to detect limb growth, heartbeat, pain response and so forth. Such conceptual inquiry is a key feature of modern bioethics.

Oliver is engaged in a similar questioning of fundamental concepts. She identifies pairs of concepts often seen as markedly distinct from one another, binaries which she rightly argues underdetermine our judgments on nearly all these 'technologies of life and death'. The technologies Oliver addresses include genetic engineering, artificial insemination and surrogacy (technologies of life) as well as autopsy and capital punishment (technologies of death). Along the way, she considers the use and abuse of non-human animals as part and parcel of our attitude toward technology and knowledge. The binaries she identifies include nature vs. culture, grown vs. made, chance vs. choice/control, accident vs. deliberation, nature vs. culture and human vs. animal. Throughout the book, she addresses all of these, and shows how they shape our thinking again and again on issue after issue in surprising ways.

What's more, she suggests, the way bioethicists commonly understand these concepts is flawed. One might say that Oliver argues that our questioning of these concepts is too shallow: we seek to identify and clarify them, but not to fundamentally disrupt them. We reconstruct them, but do not deconstruct them. Thus, we become 'mechanical in our relationship to ethics and to politics', 'answering machines' spitting back applications and minor revisions (p. 8).

This description summoned to mind a sort of ethical Chinese Room: the ethical considerations go in, the mechanics of ethical reasoning occur, and an answer is returned. The mechanics themselves are only superficially up for examination, too entrenched to be understood well enough to be altered. It is a more fundamental *deconstruction* which Oliver undertakes. Per Oliver, these binary concept pairs are generally accepted without question: their elements may be reconstructed but the opposition itself is not, and continues to be assumed. Alas, 'binary logic often brings with it a hierarchy that privileges one side while denigrating the other. This has real-world ethical and political consequences' (p. 8). The response must be a 'deconstructive ethics'. Following Derrida, the norms here are methodological rather than moral and lead to a healthy scepticism. From the deconstructive ethics perspective:

'...the challenge is to critically reflect on our commonly held beliefs, especially our commonly held assumptions about our own abilities and the lack of those same abilities in others, including animals and machines. In this way, deconstructive ethics multiplies differences and fractures traditional boundaries... While the deconstructive approach does not and cannot provide clear-cut moral guidelines for adjudicating these debates, it does open up new ways of conceiving of the stakes in them; and this opening is necessary for ethics – ethics against moralism – and a more ethical politics' (pp. 8–9).

The result is ‘hyperbolic vigilance’ (p. 12), a ‘rule against rules. A rule to question all rules’ (p. 9). Oliver’s grandmother enjoined her to ‘Be good, and if you can’t be good, be careful’. This becomes a motto for deconstructive ethics: ‘Be good, *and since you can’t be good, be careful*’ (p. 164).

In deconstructing the binary of chance vs. choice/control and accident vs. deliberation, Oliver comes up against the liberal notion of the autonomous individual. She uses the notion of the Sovereign to get at these issues – a concept Derrida uses frequently (and a term used for many years in continental philosophy, including by Arendt) and which is subtly and importantly different from the liberal autonomous individual. In the deconstructivist sense, sovereign power is about domination rather than liberty, ‘erected on death, particularly the death of animals, whether the animals with which we share the planet or the animals within ourselves’ (p. 17). This usefully draws our attention to the power relations required for the idealised liberal individual autonomous agent in a way that the notion of that agent, alone, does not.

Oliver is right to point out how the construction of the liberal individual autonomous agent affects our thinking over reproductive technologies. Her point could easily apply to one of the most influential and oft-anthologised pieces in reproductive ethics, John Robertson’s notion of procreative liberty. We see it deeply embedded even in the common term ‘birth control’. This notion of autonomous individuals also affects U.S. reproductive law: 1965’s *Griswold v. Connecticut* established the right to use contraception as a personal liberty right under constitutional rights to personal privacy. 1973’s *Roe v. Wade* used similar reasoning about liberty rights and privacy to justify a woman’s right to obtain an abortion up until the third trimester. This notion of liberty rights adhering to autonomous individuals making independent choices has powerfully undergirded most American thinking about medical ethics. How differently might we approach these issues if we deconstructed the presumed agent? If we considered the power relations required for it to function? There is real value in this kind of deconstructive ethics.

I cannot go into every detail of this rich book. I have not even touched on the dense theoretical work of the middle chapters on sovereignty and representation. As a whole, the book could be a difficult read for folks not versed in Jacques Derrida, Julia Kristeva or the other philosophers on whom Oliver draws. However, it is one of the more lucid presentations and uses of these philosophers’ work that I have encountered. I consider the book and its method of significant value to any philosopher who might well have been insufficiently critical about the foundational binaries and concepts which Oliver here deconstructs.

A concern, however, is that the reader must realise Oliver is focusing on binaries and concepts which have unquestioningly – and unquestionably – underpinned so-called ‘Western’ philosophical debates on these technologies. *These are not universal*. Shay Welch of Spelman College is currently working on Native American conceptions of autonomy and decision-making, which differ immensely from those Oliver deconstructs, and might usefully disrupt relevant binaries of chance vs. choice/control, accident vs. deliberation and human vs. animal. Relational conceptions of autonomy might also provide disruption: Mackenzie and Stoljar’s *Relational Autonomy* includes work on how relational autonomy affects notions of choice and control. African philosophy may also have much to offer on these fronts.

Of course, deconstructive ethics could be open to using these other conceptual constructs *if* we do not simply replace credulity in one set with credulity in another. All in all, I recommend this book as a way to delve into an important critique of the standard way of doing philosophical business, and perhaps to acquire a new set of tools. The work of ethics can indeed benefit from this ‘opening’, from a rule to question all rules, from being careful.

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