Jean-Pierre Clero, *Rethinking Medical Ethics*, ibidem Press, 2018, Paperback, 186 pp., €39.90, ISBN: 9783838211947.

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Jean-Pierre Clero's *Rethinking Medical Ethics* could be characterized as a rigorous attempt to reconstruct the field of Kantian and utilitarian ethics in general and medical ethics in particular. In any case, we should approach it as a book with greater scope, for two main reasons. First, because it is the expansion of research upon ethics published as *Calcul Moral* (*Moral Calculation*) in 2011, and articles in the *Revue française d'éthique appliquée* and *Ethics, Medicine and Public Health*. Second, he addresses an anglophone public, offering the opportunity to fuse the French philosophical tradition in ethics with the Anglo-American one.

We would like to begin with some critical remarks mainly upon the notion of *autonomy*, principally as Kant conceived it in comparison with the notion of *utility*. The author tries to clarify the various misconceptions around the meaning and usage of the term between caregivers and philosophers. For the first, autonomy is equal to the capacity of the patient to perform either vital necessities like eating or cognitive functions like remembering, locating oneself in space, etc., without the intermediation of the healer. When it comes to philosophy, autonomy is the pursuit of freedom, which is the keystone of the entire edifice of reason. The Kantian notion of *autonomy* becomes fallacious *per se*, according to Clero, due to the fact that the *universalization* which grounds the *purity of reason* could easily be reduced to the domain of law and duties as legitimized by the state or the government. Furthermore, this *universalization* can be lost in the plurality of I's. Under this universality, the I, although a rational agent implementing the *categorical imperative* and creating the self, imposed conditions upon the nature or the community; and is always somehow subordinate to the givens of a society or a tradition.

So, this kind of freedom could have the Promethean sense of being less than a slave, rather than completely free. This relation can also be exemplified in the prescriptive role of the doctor, understood as the one who knows, using rhetoric to persuade a patient, who in accordance with his autonomy (including his personal beliefs or particular social or reli-

gious standards), would not be able to cooperate, and may even refuse treatment (23). Clero connects the latter fact to the hypocrisy of the liberal state that in every way promotes individual freedom and secularism, but lacks concern when it comes to such cases, under the veil of egalitarianism, consent, and the foundational deontological principles of health care ethics (beneficence, non-maleficence, respect for autonomy, justice) (44, 45). He reconsiders the Benthamian notion of *utility* over a*utonomy*. *Utility* has a double sense: the task of government is to ensure freedom against infractions affecting the person, but utility also implies the engagement of a constitutional code in distinction to a civil code (terms like "civil," "civility," "person" have a strong connection to German Idealism and the Enlightenment), which ought to protect the citizen from abuse of power by members of the government. Freedom is not abolished, but neither is it formed by mystification, as a substantive entity that has its own worth (53).

But beyond the maladies that the notion of *autonomy* brings, at least in the Kantian sense, Clero seems not to take into much account the possible intersubjective features discovered by Kantianism, for example in another work, the *Critique of Judgment*. Of course, we are not speaking solely of the *maxims* of reason with regard to concrete duties, but of the pragmatism over the limits of our cognition, which presupposes the justification of our beliefs as true by an orientation towards others. This is the existence of a "moral feeling" in accordance with a moral law. This capacity of freedom to set ends, used later on by Jürgen Habermas to develop his theory of *discourse ethics*, in which individuals engaged in *reciprocal recognition* mutually ascribe the status of reason, in radical contrast to the notion of *utility* in the traditional (e.g., Benthamian) sense of a "public opinion tribunal" or, even more, a *moral calculation*.[1] The first chapter ends with a call for a prioritization of existential ethical values over legal ones. The "demoralization" of *autonomy* and the legalism of its moralizing basis lead the author to propose another major category of ethics, *dignity*.

The ethical value of *dignity* is presented in the second chapter as having a polysemous function, as a signifier in discourse among the

[1] We prefer to refer to theories with a Kantian basis, rather than to, for example, theories of intersubjectivity based on phenomenology or existentialism. Furthermore, they are more compatible with the notion of "discourse dignity."

many and not in relation to the individual who changes or divides roles (65). The signifiers of "discourse dignity" are formed, on the one hand, *by living towards the unknowable limit of death*, which is close to Pascalian *infinity*, and on the other *at the very moment of death*, forming a relation with the least signified and representative. Since none is dead yet, *dignity* is evaluated under the authority of a final judgment (74). *Dignity* for Clero is closer to *sympathy*, *tolerance*, and *secularism*, away from the Kantian distinctions between the *price* (of the thing) and the *dignity* of the person.

The third chapter investigates the need for Utilitarianism in ethics. The basic bibliographical reference is R. M. Hare's *Moral Thinking*. Always bearing in mind the process at work in *Moral Calculation*, we can extract the critical stance that Hare adopts in his conception of Utilitarianism. The balance occurs under a broader conception of calculus, in comparison with Benthamian or Millian *happiness*. The Harean scheme includes at least four separate features. First, he works upon the notion of preference, which is subjective and gives a place to the particularity of the cases in which questions of respect arise in a social, ethical, and political context, and thus where consumerability takes place, whereas the notion of happiness reaches a more generalizing character, that of *happiness* as a sum of *pleasures*. The second important distinction made by Hare is the levels in which a proper ethical balancing could be established, the lower level of which is the *intuitive* and a more complex and higher one, which is the *critical*. Hare rejects the *intuitive* level, because it cannot be self-supporting, whereas the *critical* can, and is epistemologically prior. Here we could also speak of the issue of *overridingness*: the primacy of ethics or ethical values over *reason* and the modes proper to practical knowledge that are closer to *episteme* or *orthodoxa*, rather than *doxa*. The last feature is the Harean consideration of the consumerability of time. Hare admits that there is an absolute primacy of the now over the instances of the past and the future. Clero questions the sovereignty of this *now*, and strives for a phenomenological theory of intersubjectivity, admitting that it can play some role, as well as the Bayesian theory of ethics, which is a probabilistic conception that can subjectively account for the probability of a future event to occur or to a rethinking of Harsyiani's game theory.

We would like to pause here to observe that Clero could have given more emphasis to and greater elaboration of the notion of time. Of course,

moral calculation is under an objectifying rule, but if there is a call for re-existentializing ethics, the moral agents' subjective and intersubjective perception of time could be better clarified. In simple terms: how do we exist in *temporality* or in *time as an original unity* in a Heideggerian way, rather than simply accounting for time as something *interior/exterior* and objective in relation to the maxim of death and backwards into life. This is also apparent in the conception of the notion of *intimacy* and its relation to time, as described in the last chapter, where we can conceive a modal rather than existential conception of time: "its essentialization takes place by returning instances of time … if intimacy is *really* graspable only at death, if death is *its ratio cognoscendi* … it is not its *ratio essendi* which is constructed or elaborated from the point of view of existence and its course" (149); and in the references to Jacques Lacan around the scheme *intimacy/extimacy*, the exteriorizing character of *intimacy* in relation to the modality of the notion of the *vast* proposed in *The Poetics of Space* by Gaston Bachelard (144).

The last chapter is rewarding. The notion of *intimacy*, although sounding like an oxymoron to a utilitarian approach, really opens a dialogue for a radically new conception of *utility*. Clero articulates the three principles or pillars of ethics, *sympathy*, *dignity*, and *intimacy*. These principles are approached in a complementary and inseparable way (155). *Sympathy* is the way we measure the existence of the other from our existential point of view, in a play of a possible pretending and adoption of his values, aiming to undertake the best decisions by attaining his best interests. *Dignity* is, in a way, the projection of my non-image, of my non-representability after the moment of my death, in relation to my present image (149). Sympathy is close to the Freudian dynamic of *eros* (here there is also reference to the Lacanian notion of narcissism) while dignity is close to the dynamic of *thanatos* (Clero links the Lacanian percept to the *anxiety of death*). At this point, we would expect a further elaboration on the *reality* principle versus the *pleasure* principle and also on the notion of *sublimation*. It would be interesting if we could see how a moral calculation could work in relation to the two pillars of ethics as balancing *pleasures* and *pains* in the Benthamian sense, or how preferences could be modified in a Harean sense. (Following the same logic as above, if Lacanian psychoanalysis were a viable starting point, a short investigation of *jouissance* could provide a basis for such an analysis).

Proceeding to the notion of *intimacy*, Clero offers an in-depth analysis, which leaves almost no place for the possibility of criticism. Some could say that *intimacy* disappears into vagueness and extreme symbolic value. But the reader has to introspect and revolve the whole dialectic and conceptualization in order to grasp the value of intimacy as substituting for subjectivity in the classical sense. Even those who insist on the primacy of the autonomous subject would be wise not to immediately reject this outdated conception of *intimacy* in relation to the other two pillars of ethics. A last remark: it is easier to approach intimacy not having in mind a *pure* being or better *pure* subject, but a saturated/decentered no-subject, closer to the Lacanian *other* (symbolic field) or the Foucauldian *subjectivity*, which is formed through various structural fields of reference (historical, linguistic, and political). Finally, we would like to provide some thoughts prompted by Jankélévitch's position, as Clero understands it (147). Reading the example of the severely ill patient with a 95% chance of dying, the immediate thought that comes to mind is whether there is a possibility, in such cases, to grasp the truth within this 5% blur of the alternative hypothesis (of not dying). This is at odds with a respectful attitude towards the patient, or could be seen as experimentation in very fraught situations, but such a view reminds us of the limits of our knowledge. The *safety condition for knowledge*, as mainly defended by Timothy Williamson, Duncan Pritchard, and Ernest Sosa, could work as a basis for all these considerations.

Continuing in the spirit of *mathesis* and, of course, Michel Foucault's approach to language and game theory to which Clero turns in the concluding comments of his book, we close this review with two critical questions. First, to ask if there is a place for *pragmatics*, mainly that of Paul Grice, John Austin, and John Searle in the use of language and speech acts, beyond the structuralist/post-structuralist conception of Foucault. Second, with respect to the critical and aesthetic conception of Foucauldian morality, namely that of the "care of the self" and of "*techne*" as "*techne tou biou*," does it not open the matter of metrics or measurement?