

Veer, which is the first in the collection, is first rate. Probably, it would be a good idea to start off with it. The exposition of the three reasons for restricting the liberty of adults, the prevention of harm argument, legal moralism, and paternalism is exemplary. I am also enthusiastic about Nielsen's defense of socialism. It is lucid and provocative, and Nielsen marshalls the arguments against Nozick's entitlement theory of justice beautifully. Bedau is on the other hand well below his usual form in his essay on international human rights, the last in the volume. He raises uninteresting questions about the differing views of philosophers and politicians on human rights, catalogues types of rights, and discusses the usual questions about their importance, absoluteness, correlation with duties, and so on. Normally much of this would be unexceptionable, but in this case much of the ground is already covered, and in a livelier and more interesting fashion in many of the earlier essays, and the author leaves himself little space to discuss many of the peculiar and most pressing questions that the claim of international human rights raises.

The three essays explicitly setting out ethical theory are "Individual Rights" by Lawrence C. Becker, "Utilitarianism" by Dan W. Brock, and "Justice and Equality" by David A. J. Richards. All are lucid, incisive and cogently argued. In the case of Becker's essay, unfortunately, these virtues may have a disheartening effect. Becker gives a persuasive account of the proper place of rights in moral arguments, and carefully distinguishes the various kinds of rights from each other, and claim rights from liberties, powers and immunities. When it comes to the justification of rights, however, Becker is all negative. He rehearses the various kinds of arguments for rights—utilitarianism, social contract theory and rationalistic arguments—and shows, very decisively, that none of them work. The reader will be apt, I fear, to wonder why he should continue to employ the notion of rights in moral argument. Becker is aware of this danger and ends up his essay urging the

reader not to become discouraged or to conclude that philosophy makes no progress. But I think this will not be enough. I have fewer such misgivings about Brock's essay which is a concise catalogue of the varieties of utilitarianism and the main objections to it but without the negativity of Becker's essay, and I was delighted with Richard's exposition and defence of the Rawlsian theory of justice for although his conclusion pointed out the need for further philosophical investigation, the essay itself was written with conviction.

In sum, the strengths of the collection lie in the interest and importance of the issues it addresses, and the integration and generally very high standard of the essays it includes. Its weakness, lies in the relatively small number of articles it contains and topics it covers though I think it makes up for this by doing what it does thoroughly, clearly, and for the most part in an interesting and lively way. I recommend the collection for undergraduate classes in public policy which do not presuppose that the students have a background in philosophy, though it would perhaps work best for fairly intelligent students. □

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### **Applying Ethics: A Text with Readings,** Vincent Barry.

Wadsworth, 1982, 402 pages, \$18.95 pbk.

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This is a text on practical ethics which includes an introductory section on moral argument and various normative ethical theories (Part I). The theoretical preamble is followed by seven chapters dealing with specific moral problems: sex outside marriage, pornography, abortion, euthanasia, capital punishment, reverse discrimination, and world hunger (Part II). In my view, Part II is far more successful than Part I.

Each chapter in Part II includes the author's development of the substantive

problem, selected readings with follow-up questions, the author's own case presentations, and applications of normative theories to the problem at hand. On the whole, this strategy works well. The readings are occasionally dated and some (Bedau on capital punishment, for instance) are written in an overly technical and complicated way. The sections on pornography and reverse discrimination would have been considerably enriched had recent feminist writings been included. Some legal material (for example, Judge Jerome Frank's piece on dissenting opinion regarding pornography) will be of slight interest to non-American readers. On the whole, however, the readings are of high quality and interest. Barry's introductions to problems are well-written and easy to read, and his case presentations are vivid and helpful. The questions which follow his readings are generally quite good. I did have some doubts about questions which asked students to anticipate what Kant or Rawls would have said about a given problem on the basis of the cursory treatment their theories necessarily received in Part I. Often, especially in the case of Kant, the actual views he held are not logical extrapolations from his theory. For instance a discussion of sex outside marriage includes the question "Show how Kant would object to homosexuality on the grounds that it is unnatural." Doubtless Kant would have made some such objection but it would come less from his categorical imperative than from his teleological assumptions about human sexuality. These were not described in the brief account of Kant's view in Part I and are separable from Kant's overall position.

Pressing moral problems are sufficiently prevalent in this world that it is easy to criticize an editor's selection of the key seven which will make it into the text. I especially missed a section on nuclear arms and global war or peace. Civil disobedience, the moral status of animals, and the "proper sphere" of the sexes also would be worthy topics in an applied ethics course. On this last subject, Barry

offers a reason for his editorial decision: "Undoubtedly some will wonder; Why not focus directly on the morality of sexism? By sexism we mean the unequal treatment of a person exclusively on the basis of sex. Perhaps we should focus on it, but consider that in all our discussions so far we have made reasonable cases for at least two sides of an issue. True, perhaps one side was more flawed than another, but in all cases reasonable people could disagree. But the fact is that no one seriously argues any more that sexism as defined, is moral" (307). This comment raises several issues. As a matter of fact, some people do seriously believe that the two distinct sexes should have different social roles. But more fundamentally, what about Barry's guiding assumption that appropriate topics in an applied ethics course are those on which there are at least two reasonable positions which may be held? This assumption merits scrutiny. Adhering to it, we may miss some of the most pressing problems of our day. Some things are just clearly and completely wrong, and yet they may be of immense practical and theoretical importance nonetheless. One can go too far in pursuit of the idea that there are several possible positions on topics of interest.<sup>1</sup>

Part I, on justification, contains a discussion of patterns of moral reasoning, purporting to tell students how they should and should not reason when defending moral positions. This section is followed by one on normative moral theories in which egoism, act and rule utilitarianism, "divine command" theory, Kantianism, and Rawls' theory are described and given brief critical discussion. With the exception of Rawls' theory, this section was clear and tolerably accurate. The quality of Barry's description of Rawls may perhaps be inferred from the following: "by the difference principle Rawls means that people in the original position would allow inequality only insofar as it serves each person's advantage and raises and arises under conditions of equal opportunity" (5). Nor would this exposition be easy for students to follow. Rawls' theory is misleadingly labelled the

maximum principle of justice—a nomenclature which ignores the primacy which his first principle of liberty has in the theory of justice.

However in my view the most seriously inadequate part of Barry's book is its very beginning—its discussion of the do's and don't's of moral argument. The fallacies are described in a hasty, unorthodox, and unhelpful way. Ambiguity, for instance, is said to occur "when we use a word or phrase in such a way that its meaning is not clear" (15), and begging the question is defined as "the fallacy of answering a question with a variation of the very question asked, or of answering a question in such a way that the original question goes unanswered" (18). The former definition would allow vagueness and linguistic mistakes to count as ambiguity. The latter departs from logical tradition by linking begging the question to a question asked, rather than to an overly intimate relation between the premises and the conclusion of an argument. Mysteriously, the *ad Hominem* fallacy is not mentioned, though it is common in moral debates. Equally mysteriously, there are two categories dealing with ignorance: "invincible ignorance" and "argument from ignorance." It seems fair to say that the section on fallacies is simply inadequate.

Many philosophers will find Barry's positive account of moral argument more to their liking. But I do not.<sup>2</sup> Barry holds that all particular moral judgments are to be justified by subsumption under general moral principles: "if the person does not see any need to support the judgment by appeal to a general principle, then we must conclude that the person simply does not understand how moral concepts are used or is using moral words such as wrong in a much different way from their common meaning" (12). This methodology is consistently adhered to in Barry's organizational scheme: he first elaborates various normative theories and then applies them to the particular issues. But such a simple deductivist methodology is untrue to much actual moral reasoning, as a careful perusal of anthologized selections would show. It makes no room for

the relevance of factual to normative issues. It ignores such currently fashionable moral methodologies as Rawls' reflective equilibrium, in which judgments on particular cases can result in the amendment of general principles. It leaves entirely open the question of where the general moral principles come from and how they are to be justified. Barry offers not a word on this topic. His presentation of competing normative theories one after another, in balanced liberal fashion, will leave many students complete skeptics on normative issues. A more subtle, positive theory of moral argument could have helped to avoid this problem.

This criticism aside, I am sure that the text can be used successfully, particularly by an instructor willing to make some additions and amendments to the first part.

#### Notes

1. An interesting defense of this position may be found in Alexander Cockburn, "The Tedium Twins," in *Harper's*, August 1982. Cockburn satirizes the trivializing and neutralizing effect of the 'there are two sides' approach on the MacNeil-Lehrer Report.

2. The view I hold on the methodology of moral argument is closer to that developed by Carl Wellman in *Challenge and Response: Justification in Ethics*. See my critical review in the *Informal Logic Newsletter*, 1980. □

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## Sex

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### Thinking about Sex and Love:

#### A Philosophical Inquiry,

J. F. M. Hunter.

St. Martin's Press, 1980, 172 pages, \$18.95 cl.

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### The Philosophy of Sex:

#### Contemporary Readings,

Alan Soble, ed.

Littlefield, 1980, 412 pages, \$8.95 pbk.

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JOYCE TREBILCOT

The title of Hunter's book is misleading in that his major interest is not in the philo-