

Defending Life:
A Moral and Legal Case against Abortion Choice
by Francis J. Beckwith

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Francis Beckwith teaches philosophy and jurisprudence at Baylor University and has published widely on politics, the philosophy of religion, and public policy. His articles on the question of abortion have appeared in law reviews and other academic journals devoted to ethics, bioethics, and church-state relations. In this volume he has collected and revised about a dozen of those articles to make a nonreligious but otherwise comprehensive and eminently reasonable case against legalized abortion.

The author defends the pro-life position on abortion by grounding it in “a particular view of the human person” and by arguing that this view is “the most rational and coherent one that is at the same time consistent with our deeply held intuitions about human equality.” He also offers “an analysis of the abortion question as it touches on law, politics, and public discourse.” Finally, in identifying and pondering “the narrow questions of philosophical anthropology and political theory that are the only ones that really matter” if the abortion debate is ever to be resolved, he examines a peculiar and socially significant phenomenon: “the extent to which our political and legal disagreements do not adequately capture, and seem almost deliberately framed not to capture” those crucial questions (xi).

As a philosopher, Beckwith draws on the Western philosophical tradition that underlies more modern notions of human rights. As a professor, though, he understands that the average college-educated reader today is moved less by metaphysical reasoning than by appeals to equality and inclusivity. Therefore the pro-life position that he defends in

this book is structured along the lines of the following argument:

1. The unborn entity, from the moment of conception, is a full-fledged member of the human community.
2. It is *prima facie* morally wrong to kill any member of that community.
3. Every successful abortion kills an unborn entity, a full-fledged member of the human community.
4. Therefore, every successful abortion is *prima facie* morally wrong. (xii)

In order to make this valid argument in the contemporary forum, the author must deal with a host of objections, some of them *a priori* or procedural. Because of his interdisciplinary studies Beckwith is well positioned to answer them, and he does so systematically, patiently, and thoroughly. Each chapter is extensively annotated, which provides an additional level of detail and documentation. The book has a selected bibliography and an index.

The three chapters in part I, “Moral Reasoning, Law, and Politics,” are a preliminary demonstration that political correctness and current law have not adequately settled the abortion question in the United States. Chapter 1 examines the arguments for moral relativism and finds them wanting. “If the mere fact of disagreement were sufficient to conclude that objective norms do not exist, then we would have to believe that there is no objectively correct position on such issues as slavery, genocide, and child molestation” (6). The appeal to cultural relativism leads to absurd consequences and is self-refuting.

Dogmatic relativism is actually “judgmental, exclusivist, and partisan” (13), whereas true tolerance supports objective morality.

Chapter 2 presents and critiques the 1973 U.S. Supreme Court decision *Roe v. Wade*, clarifying its position on maternal health, trimesters, fetal viability, and the state’s interest. Beckwith cites legal scholarship by James S. Witherspoon showing conclusively that nineteenth-century anti-abortion statutes in the several states were designed primarily to protect the lives of unborn children. He also refutes Justice Blackmun’s arguments for denying that the Fourteenth Amendment includes the unborn as persons. Finally, he summarizes the legal consequences of the abortion ruling and discusses subsequent Court decisions, especially *Casey v. Planned Parenthood* (1992) which, instead of remedying the scientific and historical errors and flimsy constitutional basis of *Roe v. Wade*, upheld it as a precedent. Supreme Court rulings on various laws banning “partial-birth abortion” are analyzed briefly.

Chapter 3 addresses arguments for state neutrality toward abortion that have been formulated by Paul D. Simmons and Judith Jarvis Thomson. The former proposes viewing abortion “as an issue of religious liberty and First Amendment guarantees” and demands a distinction between public policy and “speculative metaphysics” or “religious reasoning.” Beckwith replies, “I have great sympathy for Simmons’ concern that one group’s metaphysical position may become, as a result of political power and not reason and/or democratic deliberation, the one exclusively reflected in our legal framework.” He goes on to argue that all positions on abortion presuppose some metaphysical viewpoint, while the reductive one defended by Simmons “is not entitled to a privileged philosophical standing” (43–44).

Thomson argues that because the pro-life and abortion-choice positions are “equally reasonable,” abortion should be legalized (60). Her presentation understates the pro-life case, takes shortcuts in its own reasoning and stipulates, instead of showing, that liberty is the value at stake in the dispute over abortion. Beckwith concludes that “the abortion debate

cannot be politically and legally resolved by merely appealing to a ‘first principle of religious liberty’” (62).

The four chapters in part 2, “Assessing the Case for Abortion Choice and Against Human Inclusiveness,” contain the core of the author’s arguments for the pro-life position. Chapter 4 clinically states the facts of prenatal development to show that a human being begins at conception. Objections (attempts to redefine *conception* as implantation, hydatidiform moles, miscarriage rates, the potential for twinning) are answered with biological and philosophical sophistication. The chapter concludes with a catalogue of abortion methods; a summary chart correlates each technique with its statistical frequency and the characteristics of fetal development at the stages when it is used.

Chapter 5, “Popular Arguments: Pity, Tolerance and *Ad Hominem*,” presents and deftly dismantles popular pro-choice arguments, including the dangers of illegal abortion, economic inequity and inconvenience, overpopulation, prospects of child abuse, and deformities and handicaps. Almost all are emotional appeals that beg the question about the humanity and rights of the preborn child, but each one is faulty in other respects. Two further sections treat policy arguments (religious pluralism, unfairness of “compulsory” pregnancy, woman’s privacy) and rhetorical put-downs of pro-lifers.

Chapter 6 investigates the nature of humanness and whether the unborn is a moral subject. Most abortion-choice advocates who do not simply engage in polemics claim that not all human beings are intrinsically valuable in equal measure. Beckwith shrewdly dubs them “anti-equality advocates” (AEA) and sets forth the contrasting view that a human person is a substance that “maintains identity through change [while] possessing a nature or essence that makes certain activities and functions possible” whether or not they are actualized at a given moment (132). “Another way to put it is to say that organisms, including human beings, are ontologically prior to their parts” (133). In light of this substance view of the human person, Beckwith critiques the anti-equality case, which “cannot

account for some apparently clear cases of [intrinsically valuable human beings]" and proves to be incoherent in other ways as well (134). The author summarizes counterarguments articulated by philosophers David Boonin, Dean Streeton, Judith Jarvis Thomson, and Ronald Dworkin and replies to each. The debate format allows him to elaborate on "(1) the substance view's superior explanatory power in accounting for human equality in comparison to the AEA's view, (2) the anti-equality view's incapacity, and the substance view's elegance, in accounting for the wrongness of purposely creating damaged human beings [e.g., as sources of compatible organs and tissues], and (3) why the substance view better accounts for rights than the interest-model offered by AEAs" (136).

Chapter 6 continues with an evaluation of five other standards that are alleged in support of denying human rights to the preborn: agnosticism ("no one knows when life begins"), the appearance of humanness, human sentiment (parents usually grieve less over a miscarriage than over the death of an infant), birth, and brain waves. The chapter concludes with a dozen objections to the substance view, each answered succinctly.

Chapter 7 analyzes the pro-choice argument based on the pregnant woman's "bodily rights," first formulated in 1971 by Judith Jarvis Thomson and subsequently refined by others. In an attempt to sidestep the question about the humanity of the preborn, the fetus is characterized as an intruder or aggressor. Beckwith gives plenty of space to the argument that preborn personhood does not matter, and then replies incisively and at length. "Thomson seems to be saying that moral obligations must be voluntarily accepted to have moral, and thus legal, force. But that does not seem correct" (182). Again the author allows for further arguments pro and con, and demonstrates—arduously but unforgettably—that Thomson's theory cannot account for moral intuitions that form the basis of well-established family law. For example, if parents can choose whether or not to accept responsibility for their preborn offspring, what is the rationale for requiring

a father to pay support after the child is born? After discussing the case of "the rape exception," the author concludes that "all these arguments . . . fail for a variety of reasons, though they all seem to have one flaw in common: they offer analogies, examples, and illustrations that fail to capture what appears to many of us as the nature of sex, pregnancy, and parental obligation" (199).

Chapter 8 defines embryo cloning and somatic cell nuclear transfer and describes the legal and political controversy surrounding these techniques. After a review of the reproductive and therapeutic reasons that are advanced for allowing human cloning, Beckwith enumerates the serious objections. Cloning experiments destroy prenatal human beings, and treat human beings as commodities; if successful, reproductive cloning could "undermine the delicate balance of family life" (213), giving rise to strange, asymmetrical affinities and intergenerational paradoxes. Someone who cloned himself "would literally be giving his parents a new child and his siblings a new heir with whom to compete for inheritance" (214). The chapter ends with a six-page discussion of whether reproductive liberty includes a constitutional right to clone.

Chapter 9 restates the syllogistic argument quoted at the outset, notes that it is deductively valid, and maintains that the arguments made over the course of the book demonstrate that the premises are true. "Therefore, every successful abortion is *prima facie* morally wrong. . . . Consequently the right to abortion can only be purchased at the price of abandoning natural rights and replacing them with the will to power. It is a price not worth paying" (226, 229)

Defending Life is diligently researched and documented, carefully structured, cogently reasoned, and concisely and lucidly written, even in the most intricate passages of point-counterpoint. The author repeatedly responds to the odd hypothetical cases of pro-choice advocates with ingenious counter-scenarios that ring truer and at the same time are more contemporary and "relevant" than the original thought experiments. He does this by bringing convenient abstractions

and technical terms back into the world of richer detail and deeper essences that human beings actually live in. His arguments are informed by metaphysical truths about the human person, even though he infrequently thematizes them, often relying instead on well-known manifestations of those truths in common law and common sense.

The “moral and legal case against abortion choice” that Professor Beckwith has made is

civil, intellectually stimulating, truly comprehensive, and well grounded in medical fact, the Western philosophical tradition, and recent legal history. His philosophical statement in defense of preborn human life is a valuable pro-life reference work.

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***Retrieving the Natural Law:
A Return to Moral First Things***

by J. Daryl Charles

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Retrieving the Natural Law offers an evangelical Protestant’s *apologia* for natural law reasoning in moral discourse. Prompted by the pervasive disintegration of the post-Christian moral consensus, the need for Christians to engage those who do not share their religious convictions in the public square, and the deficit of natural law reasoning in contemporary Protestant theological ethics, the author’s brief for natural law is aimed primarily if not exclusively at his fellow Protestants.

Like the author’s earlier book *The Unformed Conscience of Evangelicalism: Recovering the Church’s Moral Vision* (InterVarsity, 2002), the present work offers a constructive critique of inadequacies in contemporary Evangelical moral reasoning and attempts to point the way to a more adequately grounded and historically informed moral vision. A perceptible difference is, however, that in the present volume—replete with extensive quotations from St. Thomas Aquinas, Catholic natural law theorists like John Finnis, Robert George, and Russell Hittinger, and sustained discussions of Pope John Paul II’s encyclicals—the author draws on sources beyond the Christian tradition with which most evangelical Protestants would be famil-

iar and comfortable. Indeed, if one did not know it, one might have thought the author Catholic.

J. Daryl Charles, who was William E. Simon Visiting Fellow in Religion and Public Life at Princeton University when *Retrieving the Natural Law* was published, is clearly aware that natural law reasoning, despite contemporary Protestant aversion to it, was far from alien to the earlier Protestant tradition of the magisterial reformers. This is amply clear from his discussion in “Protestants and Natural Law” (*First Things*, December 2006), as well as from his dedication of this book in part to the Lutheran theologian Carl Braaten, “whose theological reflections on the natural law prompted me to rethink my theology of creation.”

Like Braaten’s own still earlier essay “Protestants and Natural Law” (*First Things*, January 1992), the burden of Charles’ book is directed toward getting evangelical Protestants to reclaim the natural law tradition and to see that natural law reasoning is entirely consonant with the principles of traditional Protestant theology. Charles goes farther, however, in attempting to show the crippling effects on contemporary evangelical thought of losing touch with the natural law tradition, and the indispensable resources