

*Abortion: Three Perspectives*, by Michael Tooley, Celia Wolf-Devine, Philip E. Devine, and Alison M. Jaggar. Oxford University Press, 2009. Pp. 272.

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It has been nearly four decades since the U.S. Supreme Court held that there is a right to abortion protected by the U.S. Constitution. Yet, the question of abortion's moral and legal permissibility, and all the attendant issues about the nature of law, human persons, and morality, continue to be seriously (and sometimes not so seriously) engaged in the public square. Given the metaphysical, ethical, and political issues on which abortion's moral and legal status seems to hinge, philosophers have had a special interest in offering their own assessments of the subject.

In this book, three philosophical perspectives on abortion are offered for our consideration. The first, defended by Michael Tooley, is a liberal perspective on abortion. For Tooley, abortion is morally and legally permissible because the fetus, the unborn human being that dies as a consequence of an abortion, is not a person, and only persons can have a right to continued existence. Celia Wolf-Devine and Philip E. Devine are the authors of the second chapter, a communitarian prolife perspective. They offer arguments to support their belief that the unborn human being is a full-fledged member of the human community from the moment it comes into existence, and thus it is no different in its intrinsic dignity than you or me. For this reason, abortion, except for in the case of endangerment to the mother's life, is unjustified homicide, and thus ought to be forbidden by our laws. Allison M. Jaggar asks us to consider a third perspective in a chapter entitled "Abortion Rights and Gender Justice: An Essay on Political Philosophy." Jaggar maintains that the right to abortion is essential to women's equality, because child bearing and child rearing are burdens peculiar to women, and because proliferators have not met their philosophical burden to demonstrate the unborn's personhood. These three presentations are followed by three separate rebuttals. In each of these chapters each author rebuts the arguments of the initial chapters of the other two.

Contemporary Christians are divided on the issue of abortion.<sup>1</sup> And yet, there has been, since the time of the Early Church until the mid-twentieth century, an unbroken line of moral opposition to abortion.<sup>2</sup> Even when

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<sup>1</sup>See, for example, Robert Wennberg, *Life in the Balance: Exploring the Abortion Controversy* (Grand Rapids, MI: Eerdmans, 1985); and Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York: Cambridge University Press, 2007).

<sup>2</sup>Writes theologian Nigel M. de S. Cameron: "For the whole of Christian history until appreciably after 1900, so far as we can trace it, there was virtual unanimity amongst Christians, evangelical, catholic, orthodox, that unless at the direct command of God, it was in all cases wrong directly to take innocent human life. Abortion and infanticide were grouped together as early as the writing called the *Didache* which comes from the first century after the crucifixion. These deeds were grouped with murder in that those committing or co-operating in them were, when penitent, still excluded from Communion for ten years by early Councils. . . . The absolute war was against the deliberate taking of *innocent* life, not in the sense of sinless life, but in the sense of life which was *innocens* (not harming). . . . We may

Christian philosophers and theologians disagreed on when the fetus was ensouled, the termination of that being's life was still considered gravely immoral. Thomas Aquinas, for example, maintained that the fetus was not ensouled until many weeks after conception.<sup>3</sup> Nevertheless, he still maintained the grave immorality of abortion both before and after ensoulment, with the latter being homicide.<sup>4</sup> And in the case of Thomas and other philosophers who entertained the question, what was doing most of the work in their judgments were philosophical and scientific arguments informed by their biblical and theological traditions. Thus, philosophy has a pride of place in these sorts of discussions, especially among contemporary Christian philosophers struggling to find a way to think clearly about this contentious issue. Thus, this book serves as a nice introduction to Christian philosophers on how the contemporary debate is laid out.

Nevertheless, as with any book that tries to cover an issue of such boundless controversy that overlaps so many areas of academic research, including several sub-disciplines within just philosophy, there are places in which the book falls short. The following are a few that stand out.

Tooley maintains that the prolife case relies on its proponents' belief that the unborn possesses an immaterial soul. He suggests that we investigate whether any non-materialist view of the human being can withstand the scrutiny of "science." And, then, in several paragraphs he concludes that some form of mind-body physicalism is the right view. But he does so without critiquing, or even introducing the reader to, the many sophisticated

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note that this strictness constituted one of the most dramatic identifiable differences between Christian morality and pagan, Greek or Roman, morality." (Nigel M. de S. Cameron and Pamela F. Sims, *Abortion: The Crisis in Morals and Medicine* [Leicester, England: InterVarsity Press, 1986], p. 29). For more on the Early Church's view on abortion, see Michael Gorman, *Abortion and the Early Church* (Downers Grove, IL: InterVarsity Press, 1982).

<sup>3</sup>See John Haldane and Patrick Lee, "Aquinas on Ensoulment, Abortion, and the Value of Life," *Philosophy* 78 (2003); and Benedict Ashley and Albert Moraczewski, "Cloning, Aquinas, and the Embryonic Person," *National Catholic Bioethics Quarterly* 1.2 (Summer 2001). Ashley and Moraczewski write:

Aquinas . . . did not know that the matter out of which the human body is generated is already highly organized at conception and endowed with the efficient and formal causality necessary to organize itself into a system in which, as it matures, the brain becomes the principal adult organ. Hence he was forced to resort to the hypothesis that the male semen remains in the womb, gradually organizing the menstrual blood, first to the level of vegetative life and then to the level of animal life, so as to be capable of the further self-development needed for ensoulment. But he also supposed that this entire process from its initiation was teleologically (final cause) predetermined to produce a human person, not a vegetable, an infra-human animal, or a mere embryonic collection of independent cells. That is why the Catholic Church has always taught that even if it were true that personal ensoulment takes place sometime after conception, nevertheless abortion at any stage is a very grave sin against the dignity of a human *person*. (p. 200)

<sup>4</sup>Aquinas writes: "He that strikes a woman with child does something unlawful: wherefore if there results the death either of the woman or of the animated fetus, he will not be excused from homicide, especially seeing that death is the natural result of such a blow." (IIaIIae q. 64 art. 8, in *The Summa Theologica of St. Thomas Aquinas*, 2nd ed. and rev. ed, 1920; literally translated by Fathers of the English Dominican Province; Online Edition; Copyright © 2008 by Kevin Knight, available at <http://www.newadvent.org/summa/3064.htm>).

critiques of physicalism that have been offered in the literature and could increase the plausibility of the prolife view of the human person.<sup>5</sup>

Tooley seems to think that when a prolifer writes of the unborn's soul she means the unborn's mind (or mental properties or mental acts). But the philosophical anthropology of most prolife philosophers in fact does not maintain that mental properties or the exercise of mental powers is what endows a human being with intrinsic value. Rather, it is the view that the human being is a certain sort of substance—a rational animal—whose mental properties and powers are perfections that it is intrinsically directed as a whole to bring to fruition. The soul, according to this view, is the form of the body. Thus, the human being is a hylomorphic substance that remains identical to itself over time, even when it loses and gains parts as a consequence of development, growth, disease, or external force. Consider this example.

Bioethicist David W. Brock cites Carol Kahn's proposal for a possible use of human cloning, in which she suggests that "[a]fter cell differentiation, some of the brain cells of the embryo or fetus [clone] would be removed so that it could then be grown as a brain-dead body for spare parts for its earlier twin."<sup>6</sup> According to Brock, "this body clone would be like an anencephalic newborn or presentient fetus, neither of whom arguably can be harmed, because of their lack of capacity for consciousness." Yet, Brock maintains, "most people would likely find" the practice of purposefully creating non-sentient human beings "appalling and immoral, in part because here the cloned later twin's capacity for conscious life is destroyed solely as a means to benefit another."<sup>7</sup> It is not precisely clear, given Tooley's account of fetal rights, what would be wrong with cloning brainless human beings for the purpose of harvesting their organs. According to Tooley, "an entity cannot have a right to continued existence—or, indeed any rights at all—unless it either has, or has had, conscious desires" (p. 10). The pre-brain embryo is thus not a subject of rights. Therefore, on Tooley's account, it is difficult to know where exactly one would locate the wrong in creating brainless children for others. One could, I suppose, locate the wrong in the moral intuition that the pre-brain embryo is deprived of something to which he is entitled. But if that is the case, then the past acquisition or presence of conscious desires is a condition that is not

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<sup>5</sup>See, for example, Stewart Goetz and Charles Taliaferro, *Naturalism* (Grand Rapids, MI: Eerdmans, 2008); William Hasker, *The Emergent Self* (Ithaca, NY: Cornell University Press, 1999); J. P. Moreland, *Consciousness and the Existence of God: A Theistic Argument* (New York: Routledge, 2008); Richard Swinburne, *The Evolution of the Soul*, rev. ed. (New York: Oxford University Press, 1997); and Charles Taliaferro, *Consciousness and the Mind of God* (New York: Cambridge University Press, 1994).

<sup>6</sup>David W. Brock, "Cloning Human Beings: An Assessment of the Ethical Issues Pro and Con," in National Bioethics Advisory Commission, *Cloning Human Beings*, vol. 2 (Rockville, MD: The Commission, 1997), p. E8, citing Carol Kahn, "Can We Achieve Immortality?: The Ethics of Cloning and Other Life Extension Technologies," *Free Inquiry* (Spring 1989), pp. 14–18.

<sup>7</sup>Brock, "Cloning Human Beings," pp. E8, E9.

necessary in order for a human being to possess a right not to be harmed and thus a right to continued existence as the sort of being whose nature is intrinsically directed toward certain perfections such as the development of the brain and mental functions. Yet, what follows is that the intentional creation of brainless children (or embryos) for the purpose of harvesting their organs is a serious wrong. But if we were to extract from this insight the principle that seems to ground this wrong—it is *prima facie* wrong to destroy the physical structure necessary for the realization of a human being's present capacity for the exercisability of a function that is a perfection of its nature—then the pre-brain embryo is a subject of rights even if it has not acquired any conscious desires. The wrongness in purposely creating brainless embryos seems to be grounded in the fact that the embryo is a being of a particular sort, a rational animal, who is deprived of real goods when it is killed or maimed, and these goods are ones which its nature is intrinsically directed to achieve for its own perfection.

Both Jaggard and the Devines spend far too much space on arguments about the practical consequences of the right to abortion on women's lives. Jaggard argues that the consequences are good. The Devines argue the opposite. Both offer compelling and emotionally moving cases, peppered with statistics and claims of group harm and benefit. Although these are no doubt important points to make in policy discussions, I'm not sure this approach to the issue is philosophically helpful. For it seems to me that the moral question is logically prior to the policy one.

Consider, for example, what is called the "common ground" position. It was one suggested by President Barack Obama in his 2009 commencement address at the University of Notre Dame: "Because . . . when we open our hearts and our minds to those who may not think like we do or believe what we do[,] that's when we discover at least the possibility of common ground. That's when we begin to say, 'Maybe we won't agree on abortion, but we can still agree that this is a heart-wrenching decision for any woman to make, with both moral and spiritual dimensions. So let's work together to reduce the number of women seeking abortions by reducing unintended pregnancies, and making adoption more available, and providing care and support for women who do carry their child to term.'"<sup>8</sup>

Moved to action by this speech, suppose that prochoice advocates, including Jaggard and Tooley, agree to join forces with the Devines and other prolife supporters to reduce abortions by lobbying the government to offer financial incentives to women in crisis pregnancies (e.g., welfare, free housing and food, underwriting adoption services, etc.). And suppose their lobbying succeeds and the abortion rate is in fact reduced as a consequence of this policy. Should the Devines be happy about this result? There is a good reason to believe that they should not be.

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<sup>8</sup>President Barack Obama, "Commencement Address," University of Notre Dame (17 May 2009), available at <http://commencement.nd.edu/commencement-weekend/commencement-videos-recorded/commencement-address/>

The prolife position, according to the Devines, is that all members of the human community, including the unborn, have inestimable and equal worth and dignity and thus are entitled to the fundamental protection of the laws. "Reducing the number of abortions" could occur in a regime of law in which this principle of justice is denied, and that is the regime that Jaggar and Tooley want to preserve and extend. It is a regime in which the continued existence of the unborn is always at the absolute discretion of others who happen to possess the power to decide to kill them or let them live. Reducing the number of these discretionary acts of killing simply by trying to pacify and/or accommodate the needs of those who want to procure or encourage abortions only reinforces the idea that the unborn are subhuman creatures whose value depends exclusively on someone else's wanting them or deciding that they are worthy of being permitted to live. So, in theory at least, there could be fewer abortions while the culture drifts further away from the prolife perspective and the law becomes increasingly unjust.

There are, of course, other objections one can raise about the arguments and stances presented by these authors. But, in general, this is a well balanced and carefully argued work. Each author defends his or her position with clarity and philosophical rigor. These are four very good philosophers, each of whom has contributed to contemporary philosophy in varied and important ways. Anyone who is interested in applied ethics in general, and how philosophers debate the issue of abortion in particular, should have this book in his or her library.

*Real Essentialism*, by David S. Oderberg. Routledge, 2007. Pp. xiii + 314. \$115.00 (cloth), \$39.95 (paper)

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Recent years have seen a renewed interest in themes from Aristotelian and Thomistic metaphysics, though for the most part philosophers have skirted around the edges, exploring possible contemporary applications only of certain (seemingly) isolable doctrines—Aristotle's conception of the soul as the form of the body, say, or Aquinas's philosophical theology. David Oderberg's compelling new book *Real Essentialism* goes well beyond such piecemeal retrieval and argues for a wholesale reconsideration of the Aristotelian-Thomistic (A-T) system. His aim is to lay bare the interconnections between the key A-T concepts—hylomorphism, act and potency, substantial form, prime matter, essence and existence, substance and accident, genus and species, and so forth—to defend them against common misunderstandings and serious criticisms alike, to relate them to current controversies in analytic metaphysics, to apply them to issues in various other areas of philosophy, and to demonstrate their continuing