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Abortion and Moral Theory by L. W. Sumner

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assumption that women are persons. However, I do not think the concept of equality is as bad off as Wolgast thinks.³

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ABORTION AND MORAL THEORY. By L. W. SUMNER. Princeton, Princeton University Press, 1981. Pp. xi., 246.

This book is among the best of the standard philosophical analyses of the moral problems of abortion. Chapters 1–3 delineate the issues and criticize the liberal and conservative positions with a thoroughness and detail that would weary the cognoscenti were it not that, save for some bothersome repetition, the style is so wonderfully direct and brisk that the pages fly by with few causes for pausing over novelties or dubieties. Chapter 4 adds little to the Benthamite formula that sentience alone matters to the moral status (“standing” is Sumner’s term) of an entity. But the finale is grand. Chapter 5 unveils an ingenious classical hedonistic rule utilitarian theory and Chapter 6 adroitly applies its innovations to yield a comprehensive position on abortion seemingly sensible in all its conclusions. Aside from scattered sections (e.g., one on double effect), the first four chapters are useful primarily for novices; the last two chapters are for anyone who takes utilitarianism seriously.

Mark Twain said that Wagner’s music is better than it sounds. Sumner’s, I believe, is not as good. The two main motifs of the philosophical literature on abortion and animals over the last decade keep clashing. One line regards common moral beliefs as corrigible data for a moral theory and thus requires close consonance with the well-nigh universal humanist conviction that all human beings have moral standing and a higher standing than any (presently known) nonhuman beings. The other line dismisses as “obviously” irrational and immoral the humanist principle that we have our full moral standing in virtue of being human beings. So Sumner joins the snark hunt for some other property to correlate with and account for the human-nonhuman moral distinction. But there are no snarks and no

³I want to thank Margaret A. Simons, Donald VanDeVeer and Sara Ann Ketchum for their helpful comments.

reason to expect there to be any. The satisfactions Sumner gets from sentience are illusory. He tries to harmonize with moral common sense by playing the old refrain that humans enjoy and suffer a greater sensitivity and sensibility than the brutes. Meanwhile, he foregoes the false pleasures of unitizing utilities in the Benthamite manner for the comforts of subjective, ordinal utilities. The consequence is cacophonous. Expanded sentient capacities may expand the discriminations within the scale of ordinal utility, but they cannot expand the boundaries of possible total utility. The constituents of bovine bliss may be fewer in number, kind and degree than those of human happiness, but the cow's contentment and continued existence have no less utility for it than the human's has for him/her.

Sumner finds it "puzzling" that common moral *argumentation* comes to its conclusions by treating the humanist principle as akin to an "axiom, so natural as to need no defense," a puzzle Sumner hazards no solution for. What I find puzzling is that someone who rejects with ridicule the moral *reasoning* of mankind would respect the *results* of that reasoning. A man who takes seriously the moral "intuitions" of someone whose deepest moral principles he scorns as irrational and immoral bigotry would seem to have a curious metaethics.

Sumner's "refutation" of the humanist principle is the stock analogical argument that humanism is like racism, and racism is wrong, ergo Like many before him, he doesn't keep straight that what most folks believe is that being human is sufficient for having full moral standing but not in principle necessary. But then the analogue racist principle must follow suit, and thus every (human) racist principle is implied by and compatible with humanism. For the humanist, being human is tantamount to a necessary condition given the way things are in the known world, and the historical fact is that, with rare exception, when a racial membership has been regarded as tantamount to a necessary condition for full moral standing, the excluded races are alleged to be peopled by non-, sub-, demonically-, or otherwise defectively human creatures: that is, racists (almost) always and everywhere defend their anti-humanistic activities in the name of humanism.

Philosophers such as Sumner do not perplex themselves with these and a host of related facts. Anthropologists do but can find no cure for it, no widely or wisely accepted explanation of this deep, transcultural characteristic of human thought. Philosophers concern themselves only with condemning it, but *how* can they show it to be wrong? Surely not by any conflict with common moral belief. Is it "arbitrary" to be specially *kind* to those of one's own *kind*? Surely not by any standard tainted by the natural world, for nothing in nature (not even self-interestedness) is less arbitrary than special care for conspecifics. Is it "mere bigotry" to feel specially

bound to one's brothers, bound beyond any contractual, consequentialist or affectional connections? Maybe so, but no philosopher has yet shown it or even put the burden of proof on us mere bigots.

Sumner rightly demands a "deep connection" between being human and having full moral standing, but then he demands that being human be "intrinsically relevant" in the way that sentience and rationality are. What the latter demand comes to and where it comes from are never stated, but a fair conjecture would derive it from the Kantian conception of moral principles as principles of pure (i.e., autonomous) practical reason. Instead of concluding that the initial demand can't be met, he might conclude that a respectable defense of the deepest moral conviction of the mass of mankind may require a correspondingly fundamental (re)conceptualization of morality and moral theory. Ultimately, Sumner's argument comes down to a bald assertion of his incapacity to "imagine successfully constructing a connection," and that is neither an argument nor even true. The truth is he doesn't try. Others have tried, some with some degree of success.¹

Sumner's imagination is hobbled by metaethical prejudices, and thus so too is his understanding of both the abortion argument carried on by competent moral judges uninfected by fashionable philosophical theories and an analysis of *that* argument.² In *that* context of reasoning the humanist principle is an "axiom, so natural as to need no defense." (Yet, like any axiom, a defense can properly be demanded in some other context, if the demand is not that the reasoning running to the erstwhile axiom be just like the reasoning running from it as axiom.) Since it is the pivotal moral axiom of the abortion argument, the pivotal issue is whether the fetus is a human being. The debate over that issue is philosophically illuminating and challenging, for we can learn from it some things (and unlearn others) about the concept of a human being as it operates within human moral thought—if we do not demand that the debate be describable in the terms of some prejudicial metaethical theory.

That concept is—not surprisingly—somewhat peculiar. Being human is a foursquare empirical, factual property. It is not like being humane, a "real" human being, a Mensch, some kind of virtue. The question regarding the fetus is not one of "preference," subjective or otherwise. But the concept in question is not quite the same as the biological taxonomist's. It

¹For sketches of beginnings of a couple pro-humanist arguments see my "Philosophy on Humanity" in R. Perkins, *Abortion: Pro and Con* (Lexington, 1975), and "In Defense of Speciesism" presented at the Western APA Convention, 1979. The arguments there are being developed more fully in *A Defense of Human Morality*, a manuscript in progress.

²I.e., my "Understanding the Abortion Argument" in *Philosophy and Public Affairs*, I, no. 1 (1971).

serves a different function and thus the justification of the criteria of classification differs. Impartiality in science means affectlessness; in morality it means caring but equally. For any criteria of classification to be rational, objective, they must derive from intrasubjective responses, and here that means there must be a norm of human feelings.

But demonstrably, in fact, there is no norm here. The variant criteria commonly suggested are expressions of human responses, all of them common enough and explicable independent of anything contrarational so that none inside the spectrum can be called abnormal, yet all of them common and different enough from each other so that none inside defines a unique specific norm. The exigences of political existence may make us wish otherwise, but nothing justifies an expectation or demand that there be some unique rational answer.³ No doubt, à la Sumner it properly matters to us when and to what extent a fetus is sentient, but so too for when and to what extent it is rational, or lives among and interacts with us, or can move on its own, or is simply an individual life history. *All* of those characteristics properly matter within the interactions between paradigmatic human beings, so naturally they properly influence our affective, cognitive and motivational attitudes about whether something has the full moral standing of a human being. Understanding the abortion argument leads one to (re)consider why and how those things matter to us.

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CARING AND CURING. By R. S. DOWNIE AND ELIZABETH TELFER. New York, Methuen, 1981. Pp. x, 174.

Caring and Curing is an exercise in the application of philosophy to the problems of the caring professions; principally medicine whose aim is health, and social work whose aim is human welfare. The book has two distinguishing features, its primary thesis concerning the essential unity of the caring professions and the synoptic scope of its philosophical treatment of these professions and their problems. Downie and Telfer claim to

³This analysis is presented more fully in my "Misunderstanding the Abortion Argument," in records of U.S. Senate Subcommittee on Separation of Powers hearings on S. 158 (June, 1981).