

5-1-1979

## [Book Review of] *Abortion: New Directions for Policy Studies*, edited by Edward Manier, William Liu, and David Soloman

Joseph M. Boyle

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

 Part of the [Ethics and Political Philosophy Commons](#), and the [Medicine and Health Sciences Commons](#)

---

### Recommended Citation

Boyle, Joseph M. (1979) "[Book Review of] *Abortion: New Directions for Policy Studies*, edited by Edward Manier, William Liu, and David Soloman," *The Linacre Quarterly*: Vol. 46: No. 2, Article 17.

Available at: <http://epublications.marquette.edu/lnq/vol46/iss2/17>

gation declares: "The right to life is the primordial right of the human person. The person has other goods, some of them even more precious to him than life, but the right to life is the foundation and condition of all others." In other words, human beings possess God-given, inalienable rights to liberty, property and the pursuit of happiness, but these rights cannot be exercised unless we are alive. Consequently, the right to life is the most basic human right given to man by God.

Also, as the Congregation goes on to say, "It is not within the competence of society or public authority, whatever its form, to give that right [that is, the right to life] to some and take it away from others. Any such grounds of race or sex, skin color or religion, is always unjust. The right to life does not derive from the favor of other human beings but exists prior to any such favor and must therefore be acknowledged as such. The denial of it is an injustice in the strict sense of the word." In short, human life is sacred; it emanates from the hand of God; the right to life is not some favor granted to human beings by society or the government but, rather, is a God-given right. As such, the right to life demands our acknowledgment, respect and protection.

From reading the Church's documents on love, sexuality and human life, it becomes readily apparent why so many of our modern advocates and practitioners of "free sex" or sexual irresponsibility consider the Catholic Church its primary foe. For them, sex is simply a plaything or a tool to enhance one's popularity or to alleviate one's doubts about one's masculinity or femininity.

On the other hand, as the Church's documents clearly demonstrate, the Catholic Church has a noble, beautiful view of sex, marriage, procreation, family and human life. For the Catholic Church, sex should be the communion of life and love within the sacrament of marriage.

— Haven Bradford Gow  
Arlington Heights, Ill.

## *Abortion: New Directions for Policy Studies*

Edward Manier, William Liu and David Soloman, Editors

*University of Notre Dame Press, Notre Dame, Ind. 46556, 1977. x + 186 pp., \$9.95.*

*Abortion: New Directions for Policy Studies* is a collection of papers on abortion presented at the University of Notre Dame in 1975, together with reflections on these papers by the editors and an analysis of several 1976 abortion decisions by the Supreme Court. The papers collected here are from several disciplines — comparative constitutional law, philosophy and sociology — and they deal with various aspects of the abortion issue. The editors seek to bring these papers together into a view which avoids as much as possible the partisan perspectives of the contending parties in the abortion controversy and which can thus suggest new lines of inquiry and the possibility for developing some sort of normative consensus on abortion. I think their effort fails.

Nevertheless, the individual papers are all in one way or another valuable. Several of them are important contributions to the discussion of abortion — for example, Donald Kommers' insightful comparison of the abortion decisions of the

U.S. Supreme Court and of the West German Federal Constitutional Court. Thus, this volume is a useful addition to the non-medical literature on abortion.

Judith Blake's contribution is a survey of the trend in public opinion on various aspects of abortion from the early 1960's to 1975. Blake focuses upon the relation between public opinion and the liberal policy enjoined by the Supreme Court in 1973. She finds considerable discrepancy between the views of the Court and those of the public at large. Although the trend over the last 10 years is towards approval of a more permissive policy on abortion, a majority of people — men as well as women and non-Catholics as well as Catholics — remain opposed to a public policy that puts no restrictions on abortion.

Given the state of public opinion, Blake criticizes those proponents of liberalized abortion who have refused to take seriously the threat to their program which is posed by right to life groups. These groups have effectively thwarted the implementation of the "spirit" of the 1973 decisions by non-compliance and by developing strategies of collateral deterrence. What is more, these groups may be having some impact on public opinion: between 1973 and 1975 the number of people believing that human life begins at conception has increased.

This proposition that human life begins at conception is the focus of considerable attention in the philosophical contributions. Roger Wertheimer argues for what he calls "the Standard Belief" — that is, that a human being has human (moral) status in virtue of being a human being. Wertheimer's defense of this proposition is elegant and persuasive; it includes a compelling criticism of philosophers who make being a person — which is defined by properties other than simply being human — as the basis for having moral status. Thus, Wertheimer thinks that the disagreements about abortion are fundamentally disagreements about whether the zygote or fetus is a human being. (See pp. 118, 120.) He claims that this question cannot be answered. His reason seems to be that "no neat set of conditions necessary and sufficient for being human is generally agreed on," (p. 124) as the abortion argument itself reveals. In particular, the anti-abortion argument does not show that the zygote is the same human being as the later adult; it shows only that the zygote is the same human *body* which the later adult has. Just as a corpse is not the same human being as the living person, it is not clear that the human body of the zygote is the human being who will have that body.

Edmund Pincoffs also argues that there is no condition or set of conditions necessary or sufficient for the determination of the humanity of such classes as the class of embryos. One such condition is being of human ancestry. His argument against the sufficiency of this condition for determining humanity begins with a recognition that a human egg fertilized by human sperm is a human fertilized egg. He gives three reasons why the human egg fertilized is not necessarily a human being: monstrous births are of human ancestry but are doubtfully human; the genetic characteristics of human offspring can be made to vary widely by manipulating nucleic acids; and programmed beings are doubtfully human though of human ancestry. Pincoffs does not, however, despair of somehow rationally deciding whether or not some doubtfully human classes of entities are human. This issue can be resolved by a *decision* which need not be completely arbitrary; this decision should be based on the very conditions which he has argued are not necessary and sufficient to settle membership in the class of human beings. These conditions provide a rational basis for a decision but some arbitrariness remains: "Sometimes the only way to achieve consensus is to entrust the decision to an Official Decider who, within the constraints of the going criteria, just decides" (p. 48).

The editors present further arguments that the question of whether human life begins at conception cannot be settled. One might suppose, then, that we are to conclude that since this question and other central questions in the abortion

controversy cannot be settled, the parties to the controversy should back off from the partisan excesses which characterize the dispute in order to avoid the normative chaos to which these excesses are leading.

Such a conclusion is unlikely to be acceptable to the contesting parties. For example, the concern to develop consensus and to avoid normative chaos is likely to seem less important to the anti-abortionist than the protection of unborn life. Moreover, the anti-abortionist is not irrational if he or she regards the arguments that the humanity of the embryo is not settled to be less than definitive. Many questions readily come to mind: why should lack of consensus on the question of the humanity of the fetus be decisive? Is one's body identical with his corpse in the same way as it is identical with the embryo from which one came? How can a living human being be distinguished from his or her living body? If monsters are doubtfully human, why should any embryo be also doubtfully human? If the issue can't be settled on empirical or conceptual grounds, why *must* the decision be in some measure arbitrary? Does our pluralistic legal and moral system contain no norms which may be used to justify *favoring* the membership of disputed classes in humanity?

So it is by no means settled that the question of the humanity of the embryo is unsettled. The arguments about whether or not this question and others like it are settled are inevitably part of the partisan controversy. This inevitability suggests that a Catholic university might better execute its civic responsibility on issues like abortion by promoting the debate or formally getting into it than by attempting to discuss or to re-orient the debate. If this were done, perhaps the anti-abortion position which the editors regard as unsophisticated would get the academic elaboration which many Americans feel it deserves.

— Joseph M. Boyle, Jr., Ph.D.  
Assistant Professor of Philosophy  
College of St. Thomas

## *Encyclopedia of Bioethics*

Warren T. Reich, Editor

*The Free Press, New York, N.Y., 1978. 4 volumes, \$200.00.*

When the first tentative questions and articles in bioethics began to emerge some two decades ago, few realized the tremendous impact these questions would have. Now we have the *Encyclopedia of Bioethics* which surely was not envisioned when such questions were first raised, but which serves as an authentic confirmation both of the importance of bioethics as a field of study in itself and its value in helping to address many contemporary dilemmas in the life sciences and health care. The basic purpose of the encyclopedia is not "to freeze knowledge, but to summarize and analyze the historical and current state of knowledge in bioethics." Another purpose is to stimulate future research, surely a unique goal for an encyclopedia. In the following, a general overview of the encyclopedia is given first, and then specific articles on the following topics are criticized: abortion, death, informed consent and population ethics.

One test of the promise of a project such as this is the quality of the editorial staff, the editorial advisory board, and the authors. Many of the editors and