

7-1-2009

## Book Review: Defending Life: A Moral And Legal Case Against Abortion Choice

Robert Wennberg

Follow this and additional works at: <https://place.asburyseminary.edu/faithandphilosophy>

---

### Recommended Citation

Wennberg, Robert (2009) "Book Review: Defending Life: A Moral And Legal Case Against Abortion Choice," *Faith and Philosophy: Journal of the Society of Christian Philosophers*: Vol. 26 : Iss. 3 , Article 8.

Available at: <https://place.asburyseminary.edu/faithandphilosophy/vol26/iss3/8>

This Article is brought to you for free and open access by ePLACE: preserving, learning, and creative exchange. It has been accepted for inclusion in Faith and Philosophy: Journal of the Society of Christian Philosophers by an authorized editor of ePLACE: preserving, learning, and creative exchange.

*Defending Life: A Moral and Legal Case Against Abortion Choice*, by Francis J. Beckwith. Cambridge University Press, 2007. Pp. xv + 296. \$75.00 (cloth); \$29.99 (paper).

ROBERT N. WENNBERG, Westmont College

This is a full-bore, take-no-prisoners defense of the claim that from conception the unborn are full-fledged members of the human community, possessing an unqualified right to life, the same right to life that you or I possess. Reasons, both popular and scholarly, that have been advanced for "abortion choice" are examined and confidently rejected. Beckwith crosses swords with multiple pro-choice opponents: popularizers, academics, jurists, philosophers, those sophisticated about these matters and those not.

So many arguments are looked at and dispatched one after another that no author could be expected to always get it right. This is a passionate and highly polemical work. The text is filled with "each reason is seriously flawed," "he commits two fallacies," "this is absurd," "the reasoning is circular," "she stipulates its truth and provides no arguments," "this argument begs the question," and so on. It breathes fire and confidence from beginning to end. Yet some of Beckwith's most interesting arguments are in support of the claim that the pro-life position only needs to be judged reasonable, not conclusive, not a hands down winner, in order to justify a pro-life stance in law and morality. Though Beckwith is himself a person of Christian faith and no doubt well acquainted with the theological give and take on the abortion issue, the arguments he presents on behalf of his pro-life position intentionally make no reference to theological considerations. This is done in order to deflect the widespread but certainly erroneous charge that the pro-life position is nothing more than an expression of religious faith, which, for those who make this charge, often means that it is nothing more than religious dogma unsupported by the kind of reasons that can be taken into the public arena to shape our laws and challenge the beliefs of those who don't share a religious pro-life perspective. Beckwith, in the course of making his case, interacts with a wide range of literature. Indeed, unusual for a book published by a major university publishing house is his engagement not only with the standard professional sources, which is extensive, but also with writings from Baker, *Christian Scholar's Review*, Eerdmans, Fleming H. Revell, InterVarsity, Presbyterian and Reformed, and Zondervan. For most academics writing about abortion, this is unknown territory. The book is filled with thought experiments designed to show that our intuitions actually favor a right to life from conception. So if you enjoy puzzling over fictional scenarios to test your intuitions, this is the book for you.

As to be expected, Beckwith is critical of the *Roe v. Wade* decision legalizing abortion. This decision, he argues, is filled with confusions, logical errors and factual mistakes. Contrary to how the Supreme Court argued, uncertainty over the moral status of the unborn actually favors criminalizing abortion because for all we know we might be killing an individual with a right to life. The possibility of such a grave offence should have prompted the court to err on the side of life, not choice. It is the legalization

of abortion, not its criminalization, that requires a clear consensus and arguments compelling to all, which obviously we lack.

Beckwith also sets his sights on those philosophers who have similarly argued that uncertainty over when the right to life begins favors liberty and the right to choose. In this regard Beckwith examines and rejects an argument offered by Judith Jarvis Thomson, which comes with a recommendation by John Rawls. The crucial premise in Thomson's argument is that "severe constraints on liberty may not be imposed in the name of considerations that the constrained are not unreasonable in rejecting." Since the pro-choice advocate is not unreasonable in rejecting the claim that there is a right to life from conception (nor, as Thomson also acknowledges, is the pro-lifer unreasonable in rejecting the pro-choicer's denial of such a right to life), it follows that legally preventing them from having an abortion is unjustified. In short, uncertainty favors liberty which in turn favors abortion choice.

Beckwith's response to Thomson is once more to argue that considerations of liberty are outweighed by the reasonable possibility that abortion involves the horrendous evil of killing an innocent individual with a right to life. In support of this claim, Beckwith offers us one of his many thought experiments. A man has been convicted of murder and sentenced to death based on a single piece of DNA evidence. A few months later it is discovered that the convicted man has a twin, who lacks an alibi and has, of course, identical DNA. Consequently there is a 50/50 chance that the convicted twin is not guilty. While we do know that one of the two is guilty, we do not know which one it is. We would not proceed with the execution of the convicted twin, nor therefore should we proceed to legalize abortion and risk that 50/50 chance that we would be involved in an unjustified homicide. Therefore, the liberty to kill the unborn ought to be constrained by law, should it be judged that the pro-life position is at least as reasonable as its denial. Moreover, such considerations favor not only criminalizing abortion but also making personal choices that favor life. For one ought not to risk killing by means of abortion what might be an innocent human life in order to eliminate certain burdens that one would otherwise have to bear, anymore than one would seek to remove the same or comparable burdens by performing an action that has, say, a 1 in 10 chance of killing a "perfectly healthy and innocent" eight-year-old child.

At the heart of Beckwith's book is the claim that from conception there is a human being with a "full right to life" or, as he also puts it, a human being that is "intrinsically valuable." The right to life or intrinsic value is possessed by the conceptus because from the moment of conception we have a rational moral agent by nature or, as Beckwith also puts it, we have a unique and special substance, a rational-moral-agent substance. In the case of a human substance those capacities have to do with rational moral agency, but they do not need to be exercisable at a given moment, as with the reversibly comatose, nor do they have to be developed to the point where they can be exercised, as with the unborn and neonates, in order for the individual to be a rational agent by nature and therefore to have intrinsic value and a full right to life. These are, to say the least, controversial claims, but Beckwith argues that the substance view is to be preferred to those alternative views of personhood that render abortion

a morally permissible activity. But why is the substance view to be preferred? Beckwith does not engage in an extended discussion of the metaphysics of personhood to support this claim. His comments in this regard are relatively brief. What he does argue at greater length is that the alternative views have counter-intuitive implications whereas his substance view does not have those implications or at least they are less serious and less objectionable. Of course, it could be said that it is counter-intuitive to conclude, as Beckwith does, that using the IUD or the morning after pill, which are abortifacient, are as morally objectionable as killing the person sitting next to you. Invoking such intuitions to counter Beckwith's position would be dismissed by Beckwith as begging the question.

What is needed, then, are cases where most people agree as to their morality but where only one theory can adequately account for that shared moral response and where there is no begging of the question. This is going to be a challenging task, but this is what Beckwith sets himself to carry out offering us a number of thought experiments to demonstrate the superiority of his view of personhood. So to give but one example, he offers for our consideration the proposal that scientists manipulate an early embryo-clone in such a way that an infant without higher brain functions is produced and whose body parts can then be harvested to save other lives. We would, of course, be morally repelled by such a proposal. He then argues that only on his substance view can we account for this intuition, that the clone is entitled to its higher brain functions. But we might wonder whether Beckwith's theory of personhood involves some moral over-determination. For on his substance view it would be as morally objectionable to deprive the clone of its higher brain functioning in order to help others as it would be to remove Beckwith's brain *sans* consent and use his body parts for transplant purposes. But it doesn't seem to be that bad.

Another object of Beckwith's criticism are those who, like Judith Jarvis Thomson with her well-known case of the unconscious violinist, have argued that the right to life of the fetus does not include the right to reside in the woman's body without her consent, and therefore abortion is not a violation of a right to life. In essence, as Beckwith construes matters, Thomson and those of a similar conviction are maintaining

that it is permissible to engage in a pleasurable act whose design is to bring into existence a vulnerable, defenseless, and dependent human person, and if such a person comes into existence, one of the persons responsible for its existence and who is in a unique position to care and nurture it can then destroy it without any justification except as an act of will. (p. 180)

In contrast to this, Beckwith argues that consent-to-sex entails consent-to-pregnancy whether or not the woman intended to get pregnant. Arguments to the contrary are examined and rejected. In engaging in sexual intercourse, he contends, one engages in an act that is ordered or designed to bring into existence persons needy by nature, temporarily dependent as they are upon the woman's body for their survival. And when a person is responsible for another's "neediness" one has a special obligation to provide appropriate assistance. The pregnant woman, it is concluded, has

a special obligation to bring the unborn to term. In addition to this special obligation there is the general obligation not to kill the innocent, and it is that obligation that renders abortion morally unacceptable even when the pregnancy is due to rape. Individuals who are conceived by rape, whether born or unborn, are as much holders of a right to life as any one else and their right to life must also be fully honored. That a pregnancy is due to rape does not render abortion morally acceptable nor should it be made legal. This also holds for pregnancy due to incest or a combination of incest and rape. Here, as elsewhere, Beckwith demonstrates his moral tough-mindedness. He doesn't blink at drawing the hard conclusion required by his theory of personhood. (Another example of this tough-mindedness is his rejection of stem cell research.)

However, to claim as Thomson and others have that the right to life does not include the right of the fetus to temporarily reside for life-sustaining purposes in the woman's body is not incompatible with the claim that the woman ought not to have an abortion and that she acts wrongly if she does. Here one may have a right to do what one ought not to do. To demonstrate the immorality of abortion is not to demonstrate that abortion involves the violation of a right of such a nature that it necessitates legally requiring the woman to keep the unborn in her womb and thereby force her to do what we might very well judge she freely ought to do. There is perhaps some sentiment behind this conviction when we reflect on our hesitancy (a hesitancy that perhaps some can overcome) to legally coerce a person to give blood (or a spare vital organ) that is desperately needed to save another's life even when it was criminal violence or negligence on the part of the potential blood donor (or potential vital organ donor) that caused the other person's neediness. (Suppose the two share a rare blood type and other blood donors are unavailable.)

Beckwith's book is not a simple academic exercise. There is too much at stake for it to be just that, and Beckwith is an ardent pro-lifer with an eye well beyond the narrow confines of the academy. Whereas Beckwith's slashing polemical style may be off-putting to some, it does speak of deep caring about the sanctity of unborn human life. He is certainly seeking to convince and convert. But for many, conversion will not come easily. For they will find certain basic implications of the pro-life position hard to believe, maybe even unbelievable. For example, the use of the IUD and the morning after pill, as mentioned, is rendered as wrong as killing an eight-year-old child, possibly to be put in the same legal category as murder or manslaughter, with appropriate punishment to be meted out to guilty offenders. Those who draw back at this implication do not necessarily believe that the IUD and the morning after pill are nothing more than innocent contraceptive devices, but neither do they believe that repeated and knowledgeable users of these abortifacient products are serial killers or their near moral neighbors. And it's getting over this hump that is essential—and a big hump it is—if they are to be brought into the pro-life fold.

Beckwith's book will undoubtedly come under sustained critical attack if for no other reason than it is at odds with the prevailing orthodoxy in the academy. Nevertheless, it might be hoped that it will serve to engender some doubt and critical reflection among those who are perhaps a bit

too confident in their "abortion choice" beliefs. Wherever the truth lies in this contentious matter, it is not to be found in association with the easy conscience over the practice of abortion that characterizes so many in our culture. We may hope, therefore, that Beckwith's book will prick a conscience or two. The abortion debate should not go away and Beckwith has made a significant contribution to seeing that it doesn't.

*Developmental Theism: From Pure Will to Unbounded Love* by Peter Forrest. Clarendon Press, 2007. Pp. 199. \$55 (cloth).

DANIEL DOMBROWSKI, Seattle University

Both the existence and the concept of God are examined in this thought-provoking book. The author's treatment of the existence of God is built foursquare on a philosophical anthropology. There is a spectrum of philosophical positions regarding what human beings are: reductive materialism sees consciousness and agency (the mental) as redundant of the physical; moderate materialism sees the mental as nonredundant of the physical, but as nonetheless correlated with the physical in a metaphysically necessary fashion; moderate idealism sees the physical as nonredundant of the mental, but as nonetheless correlated with the mental in a metaphysically necessary fashion; reductive idealism sees the physical as redundant of the mental; and, of course, dualism sees the mental and the physical as correlated only contingently.

Forrest thinks that the probability of theism is negligible only if we are almost certain of reductive materialism. That is, we have good reason to be theists. But the author does not so much think that we should be confident theists as we should not be confident atheists.

Among the options in philosophical anthropology listed in the first paragraph, it is moderate materialism that Forrest defends, a position that coheres with theism better than its chief rival, dualism. Because of the current dominance of materialism in philosophy, he thinks that philosophical theists should pay attention to a type of theism that is built on a moderate materialist basis. One beneficial consequence of a theism that is built on moderate materialism is that it avoids talking of miraculous intervention into the natural world by a supernatural God. It is precisely this sort of talk that often prevents philosophical theists from getting a fair hearing. (Forrest's previous book was titled *God without the Supernatural: A Defense of Naturalistic Theism*.)

Most of the book, however, concerns not the existence of God, but the concept of God. God changes, on Forrest's view, such that the history of religious thought can exhibit genuine, if uneven, progress just as the history of scientific thought can do so. Although he acknowledges that many of his views are like those of Alfred North Whitehead, Charles Hartshorne, and David Ray Griffin (indeed, he calls his position neoclassical theism, which is a Hartshornian commonplace), he does not really engage with process thinkers in any significant way. Rather, he reaches his conclusions