



David Boonin, *A Defense of Abortion*
A Defense of Abortion by David Boonin,
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Boonin, David. *A Defense of Abortion*.
New York: Cambridge University Press, 2003. Pp. 350. \$27.99 (paper).

The thesis of the book is that abortion is morally permissible, and it argues for this thesis by refuting all arguments for the claim that abortion is not permissible, on grounds that the abortion critics themselves can accept. The arguments to be refuted form two main categories: rights-based- and non-rights-based critiques of the permissibility of abortion. Of these, the first takes up most of the first 280 pages of the book. Of the rights-based arguments there are two main sorts: arguments that claim that the human fetus or conceptus has a right to life, and objections to forms of the Good Samaritan argument that Judith Jarvis Thomson first offered in her famous article by the same name as this book. Boonin spends one chapter refuting the arguments of the first sort that claim that the fetus has a right to life approximately from conception on and then offers an argument in the next chapter that purports to show when the fetus gains a right to life in the course of its gestation. The longest chapter—150 pages worth—is devoted to a defense of the Good Samaritan argument, which argues that even if the fetus has a right to life, abortion is permissible. The book concludes with a chapter that refutes the various non-rights-based arguments that have been given mainly by nonphilosophers.

Boonin surveys eight different argument strategies that purport to show that a very early human fetus, perhaps a mere conceptus, has the same right to life as you or me. These arguments include the “sanctity of human life argument,” the “slippery slope argument,” the “potentiality argument,” the “probability argument,” and the most widely cited such argument, Don Marquis’s “future-like-ours” argument. Since the future-like-ours argument is the most significant of these types of arguments, I illustrate Boonin’s method with his refutation of this argument.

Marquis’s strategy is to argue that for a wide variety of cases for which we have the clear intuitions that the human being in that case has a right to life, there is only one possible account of why death is a harm, namely, because it deprives them in each case of a valuable “future like ours.” Using both the original paper and Marquis’s subsequent emendations of his argument to account for problematic cases, Boonin states Marquis’s future-like-ours principle as follows: “If an individual P has a future-like-ours F and if either (a) P now desires that F be preserved, or (b) P will later desire to continue having the experiences contained in F (if P is not killed), then P is an individual with the same right to life as you or I” (63).

Boonin then locates two problems with this principle from the perspective of the abortion critic himself. Both problems concern the conception of desire. First, if the desires for a future like ours must be occurrent, then the comatose patient, let alone the early conceptus, cannot be said to have any such desires. Therefore, the principle must be weakened to require only that the desires be dispositional. Second, if the desires must be actual desires, then there are cases where a person loses her right to life because her life is so miserable. For example, the permanently severely depressed person would never have an actual desire for a future. But the abortion critic would not concede that such a person sacrifices a right to life simply because they no longer wish to live. Boonin

suggests that by changing the account to require ideal rather than actual desires, that is, desires that one would form under ideal conditions (both informational and attitudinal), this problem (and others) can be avoided. Furthermore, he points out, with this amendment there is no need to include part b of the principle, making for a more parsimonious account. The final future-like-ours account, then, is what he calls the present ideal dispositional desire version, and Boonin argues that it is a better account of why death is a harm because it is more parsimonious, more salient, and not subject to counterexample. However, the implication of this revised account is not what Marquis had hoped for in the case of at least the preconscious fetus. Since the preconscious fetus clearly has no desires and has never had any, it cannot be said to have even ideal dispositional desires. Hence the present ideal dispositional desire version of the future-like-ours account does not apply and therefore does not have the implication that abortion of such fetuses is morally impermissible.

This argument clearly leaves open the possibility that a fetus gains a right to life at some point during its gestation. The third chapter of the book takes up the question of when, assuming that there is some such point, the fetus gains a right to life. Boonin addresses and rejects several salient points in the process of human gestation: implantation, external human form, fetal movement, perceived fetal movement, and electrical activity in the brain. Although each is subjected to careful consideration and argumentation that I cannot consider here, there is a common objection that Boonin raises to each of these arguments considered as arguments that the proposed point of development initiates a right to life for the fetus. The burden of such arguments is to show that the proposed point, and no earlier, initiates that right to life. But what could make such a point morally significant? If it is not a psychological capacity but rather a physical one, then the argument is subject to the objections raised to the arguments of the previous chapter: either it amounts to a potentiality argument, a slippery slope argument, or a sanctity of human life argument. Furthermore, such an argument will be subject to its own slippery slope objection in the direction of conception. Thus, the only point that can be of moral significance in the gestation of the fetus is the point at which the fetus can have desires. Boonin surveys the current state of neurophysiology of the fetus and argues that this cannot happen before there is organized cortical activity, which develops sometime between the twenty-fifth and thirty-second week. Since this is well beyond the point at which the vast majority of abortions occur, the vast majority of abortions are not morally impermissible according to this criterion for a fetus having a right to life.

From a feminist perspective there is something seriously suspect about arguments against (or even for) the permissibility of abortion that never consider the pregnant woman other than simply to say that if the fetus has a right to life, her rights, desires, interests, not to mention those of women as a group, are insignificant by comparison. Thomson's seminal article would have seemed to most feminists to have logically preempted this literature by showing why, even if the fetus has a right to life from the moment of conception, abortion is still morally permissible. Her main example—the famous violinist—however, has been taken to be subject to objection. In the longest chapter of the book, Boonin

undertakes a defense of Thomson's violinist example by meeting the challenge of each objection that has been raised to it.

The Thomson argument, the "Good Samaritan argument," is an argument by analogy that goes like this: you have been kidnapped and hooked up to a famous violinist who suffers from a kidney disease which would be fatal unless you remain connected to him for nine months so that his body can use your kidneys to cure his. Thomson argues that since no one could reasonably require you to remain hooked up against your will, no one should require a woman to maintain a pregnancy against her will. There are three kinds of objections that can be raised to this argument: to the authority of arguments from analogy, to the conclusion that you cannot be required to remain plugged in, or to the analogy itself. Boonin rather quickly deals with the first two and spends most of the longest chapter on the objections that claim that there is a morally significant disanalogy between the violinist case and the typical case of pregnancy. Two of these claim that the violinist case at most shows that abortion is permissible in cases of rape, but not in the vast majority of cases where sexual intercourse was voluntary. The tacit consent objection claims that the voluntary act of intercourse constitutes a tacit waiving of the right to expel the fetus. The responsibility objection claims that the fetus acquires a right to use the pregnant woman's body because she was responsible for the fetus needing it. Boonin analyzes the tacit consent objection into two claims: (1) because the intercourse was voluntary, the woman has tacitly consented to something with respect to a state of affairs in which there is now a fetus developing inside her body; (2) that something that she has tacitly consented to is to have that state of affairs continue for as long as necessary for the fetus to remain alive (153–54). He rejects claim (1) by distinguishing between "voluntarily bringing about a state of affairs" and "voluntarily doing an action foreseeing that this may lead to a certain state of affairs" (154), arguing that while the first phrase could assign tacit consent from voluntary intercourse to pregnancy, nonrape cases of unwanted pregnancy can only plausibly be seen as actions entailing the second. The argument for the claim that the second is not enough to warrant assigning tacit consent is based on a couple of counterexamples. The clearest one is this: suppose you check yourself into a hospital for elective surgery on December 31, 1999, and go to sleep with full knowledge of the Y2K problem and foreseeing that it is possible that you will have the wrong procedure as a result of a possible computer glitch. You wake up to find yourself mistakenly plugged into the violinist. Did you consent to remaining plugged in for the full nine months he needs to be cured? Boonin claims that you have not consented and that by parity of reasoning the pregnant woman has not consented to her pregnancy, either.

Boonin rejects claim 2 of the tacit consent objection with another counterexample. Suppose that you voluntarily agree to a series of nine painful bone marrow extractions that are necessary to save the life of the violinist. After the second round of extractions, though, you find that the burden is more than you are willing to bear on his behalf. Is it impermissible to stop merely because you began providing the aid? Boonin claims that it is "extremely difficult to believe that critics of abortion would be willing to endorse" (166) a view in which the violinist gains the right to the subsequent seven extractions because

you consented to the first two. He notes that perhaps the critic of abortion will claim that there are significant differences in the two cases, specifically, that the burdens of pregnancy are far less than the burdens imagined in this case. But he replies that the force of the objection is simply to show that beginning support voluntarily does not entail consent to whatever is necessary to maintain life regardless of the burdens involved. Later in the book Boonin does take up the claim on the part of some critics of abortion that pregnancy is not a significant burden, a claim that he shows to be completely absurd.

The responsibility objection is the objection that the pregnant woman is responsible for the existence of a needy fetus and therefore owes it her assistance. This objection is sometimes put in terms of an analogy, such as this one by Tooley: suppose that you voluntarily engage in some pleasurable activity knowing that it may have the unintended consequence of destroying an innocent bystander's food supply. If the activity then has that consequence you are obligated to support the bystander. Hence by analogy the pregnant woman who voluntarily engages in intercourse owes the fetus her support. Boonin distinguishes two senses of responsibility here: (1) you are responsible for the fact that the other person exists; (2) you are responsible for the fact that, given that the other person now exists, he stands in need of your assistance. Boonin then argues that in the sense in which the pregnant woman is responsible for the fetus's existence, she is not responsible for its neediness, and in the sense in which she is responsible for its neediness, the responsibility does not generate an obligation to provide assistance. The argument proceeds by way of a well-known example initially proposed by Silverstein.

Imperfect Drug I: You are the violinist's doctor. Several years ago the violinist had a fatal illness that could only be cured with a drug that has the unfortunate side effect of giving him the illness described in Thomson's example in 5–10 years. You prescribed the drug. Now he has that illness, and you alone will have the appropriate blood type to save him.

Boonin points out that you are responsible in sense 1 for his existence (i.e., for the bare fact of his existence), but not for his neediness. Hence you should not be forced to plug yourself into the violinist, nor remain plugged in should you find yourself attached to him. Since pregnancy is like this example in the relevant respects, the pregnant woman is not required to maintain the pregnancy. Boonin grants that you do owe the violinist assistance "if your assistance is needed to make him at least as well off as he would have been had you not done the voluntary action in the first place" (176). But this does not apply in the case of the pregnancy unless we can say that the aborted fetus is worse off for having been conceived than never having been conceived at all.

The rest of this long chapter takes up other important ethical issues that include but extend beyond abortion, such as killing versus letting die and intending versus foreseeing. The final chapter refutes such non-rights-based arguments as the "golden rule" argument, the "culture of death" argument, and the "pro-life feminist" arguments. He ends the book by refuting the claim that if one has even a shred of doubt about the permissibility of abortion, one should hold it impermissible.

This book is a truly wonderful piece of applied analytic moral philosophy. It considers an extremely important issue and reasons carefully, clearly, cleverly,

and convincingly. The set of arguments surveyed is so complete that there is something for virtually anyone with any stake in the issue—philosophers, religious persons, feminists. Although I found occasional points to quibble about, the book is so overwhelmingly genuine and convincingly argued that to state them here would be petty in the extreme. Anyone who has not read this book cannot claim to have a considered objection to the permissibility of abortion, nor can anyone who has read and understood it, for that matter.

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Gert, Joshua. *Brute Rationality*.
Cambridge: Cambridge University Press, 2004. Pp. 243. \$75.00 (cloth).

Joshua Gert's *Brute Rationality* defends the following thesis: there are two types of reason in the practical domain—"requiring" and "justifying" reasons, respectively. Roughly, a requiring reason is such that if an agent fails to act as it directs, then that agent is practically irrational. By contrast, a justifying reason is such that it renders actions practically rational that would otherwise be irrational. For example, a consideration that directs you not to harm yourself severely when such harm is readily avoidable and serves no good whatsoever is, intuitively, a requiring reason. To ignore such a consideration is irrational. However, a consideration that favors allowing yourself to be harmed severely in order to aid a dying innocent is a justifying reason. You are not required to allow such harm to come your way, but it is rationally permissible to do so given the goods that are at stake. No one could rightly accuse you of being irrational in so behaving.

Gert argues that, while this distinction between types of reason is grounded in ordinary thinking, it "has been completely overlooked by virtually every contemporary ethical theorist" (16). Consequently, philosophers have not appreciated its theoretical significance. And its theoretical significance, if Gert is right, is considerable. For if there are both requiring and justifying reasons, Gert argues, we will be able to make significant headway on issues such as the dispute between internalists and externalists about normative reasons, the rationality of morality, supererogation, and a good deal more.

The central thesis of Gert's book, then, tells us that justifying reasons are such that they render actions rational that would otherwise be irrational. About this claim one wonders: how should we understand the type of rationality in play? And what is the relation between rationality thus understood and the notion of a practical reason?

With regard to the first question, Gert maintains that we should understand the type of rationality in question to be a species of not "subjective," but "objective," rationality. And the best way to understand the latter notion, according to Gert, is via the concept of "regarding something as irrational." Modified slightly, Gert's official account of objective practical rationality falls into two parts and runs as follows:

A1. *S regards an action as irrational* iff *S* cannot see, and does not believe