

REVIEWS

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In "A Religion Fit for Gentlemen," the concluding chapter, Sullivan surveys deism in relation to main voices of institutional Christianity in Toland's period.

Though Sullivan passes lightly over G.R. Cragg's writings on English religious movements of the seventeenth and eighteenth centuries, and unaccountably ignores A.O. Aldridge's significant work on Shaftesbury and deism, his primary and secondary sources are unusually extensive. We can well suspect that no similar work on Toland need be attempted for the next generation or two, unless extraordinary new documents appear. Sullivan's accumulation of detail is such that even those who think they are reasonably well acquainted with Toland's career will find much new information, or old materials better explained. For those intent on using this work as a scholarly tool—which, to its credit, it eminently is—I shall note one limitation: the index is very useful, but it excludes the names of a large number of authors whose works are cited and sometimes quoted in the endnotes. A fully expanded index, or even a second index for names in the endnotes, would have been highly desirable. But that is a mere quibble in the light of the substantive excellence of this book. It is the best study we have of the life, works, and milieu of one of the major deists. Whoever plans to do a full-scale study of Matthew Tindal now has a standard that will not easily be emulated.

IRWIN PRIMER

L.W. SUMNER, *Abortion and Moral Theory*, Princeton, New Jersey, Princeton University Press, 1981, 228 pp.

L.W. Sumner advocates a form of classical utilitarianism that supports a sentience criterion of moral standing and a moderate view of abortion. Non-sentient beings have no moral standing. The characteristic a being must possess in order to have moral standing (and make it wrong to take its life) is sentience or the capacity for feeling; a being must be capable of experiencing pain or pleasure. The class of sentient beings include all vertebrates; the more developed the vertebrate the greater the moral standing, the upper limit being normal adult human being.

After a polemic against conservative and liberal theories of moral standing and abortion, Sumner concludes that first-trimester fetuses are not sentient, that third-trimester fetuses probably possess some degree of sentience, and that the threshold appears to fall in the second trimester. Accordingly, the moral status of the fetus in the second stage is indeterminate, first-trimester abortions are permissible, and third-trimester abortions have the same moral status as infanticide. By way of further refinement, Sumner urges that third-trimester abortions be assessed on a case-by-case basis and ought to be legally permitted only on appropriate grounds. A serious threat to the woman's life or health (mental or physical) or a risk of serious fetal deformity will justify third stage abortions, especially when the threat or risk becomes apparent only late in the pregnancy.

The book has several merits. It is strikingly, often brilliantly good at the method of disjunctive theory analysis, of describing alternative theories and then, by deft criticism, eliminating all but one's (his) own. Thus, if a sentience theory of moral standing is the only remaining alternative, and if the claim that all members of sentient species have equal moral standing can be dismissed legitimately, then Sumner has made a successful case. Moreover, if there is such a thing as ordinary unreflective pretheoretic moral consciousness, that is, if there is an underlying public consensus concerning the problem of abortion, then he accurately portrays contemporary public sentiment. Contrary to what some liberals and conservatives suggest, the American public wants an abortion policy roughly akin to the spirit of the Supreme Court decision of 1973.

However, the question of moral consensus is not the basic issue, at least not for an avowed utilitarian who claims that classical utilitarianism generates similar conclusions. The two basic and related questions are: How does the principle of utility actually generate the conclusions Sumner says it does? And why should we dismiss the results of classical utilitarians who arrive at contrary solutions? Unfortunately, Sumner not only produces little by way of an answer to these questions

but, seems to be content with an invisible (perhaps non-existent) criterion for measuring utility operationally.

As I see it, the crucial problem is as follows: Classical utilitarianism generates at least three distinct approaches to the problem of abortion, viz., the neutral, conservative, and liberal approach. Each holds that hedonistic act utilitarianism is to be roughly interpreted to mean that an act is right if and only if there is no other alternative open to the agent which would produce a greater net balance of happiness over unhappiness for the greatest number of individuals having moral standing. According to the neutral approach, the principle of utility is such that, while it can successfully arbitrate between different life choices, it cannot do so concerning choices between life and death, largely because we do not know how to obtain a calculus in such matters. Advocates of this neutral approach can choose between providing the lacking cardinal and interpersonal measure of "the value of life" or admit the theory is limited in scope; perhaps, claiming that this reflects the nature and limits of morality. Critics, of course are not so easily satisfied. The more ardent argue that the theory is largely impotent and, therefore, that it must be abandoned. For if wrongful killing is one of the great moral evils, surely, we must abandon a theory that fails to support this. Thus, we must abandon classical utilitarianism.

Conservatives, although they typically fail to tell us how to do so, assume that utility is readily measurable. They hold that each and every act of abortion has, on balance, negative utility. The arguments differ. Some hold that the negative utility of killing the fetus *plus* the negative utility produced by causing an increasing number of the killing of innocent beings, clearly prohibits any act of abortion. Others maintain that the latter condition is sufficient: the probable slide towards murder (towards unjust infanticide, euthanasia, suicide, etc.) is sufficient to prohibit abortion. Society is, thus, entitled to abrogate or alter any particular right of liberty which on sufficient consideration it judges to produce long-range interpersonal injury.

Liberal utilitarians hold a contrary position. They maintain that, since death always has zero utility, it follows that in cases where an individual's life would yield a negative aggregate utility tally, it is morally right and obligatory that that individual die. The fact that this seems to demand the death of the vast majority of mankind, either is not faced or is casually dismissed as a logical consequence of the theory. Concerning abortion, they argue for a permissive policy, holding that there is overwhelming empirical evidence that unwanted children tend to be brutalized to such a degree that their lives are (on balance) unhappy ones and, therefore, that being unwanted is a sufficient condition to justify abortion at any stage—to say nothing about justifying the practice of infanticide. What is especially important to note here is that, even if the fetus has full moral standing, a sufficient justification for killing it is that it is genuinely unwanted by the parents, typically the mother. Thus, one of the striking advantages of this approach is that it neatly bypasses the problem of making the normative decision as to who has moral standing.

Perhaps the most remarkable thing about this book is that, although Sumner holds himself to be a classical utilitarian, he rejects the conservative and liberal utilitarian approach, and does so without benefit of sufficient discussion. It is difficult to say why. And perhaps this is not the place to offer conjectures. But one thing is clear. Professor Sumner does not explain adequately how it is possible to provide a calculus (or its like) in the case of abortion. He just assumes that it is possible to do so and that such a calculus generates his view of abortion. Now the problem of how to determine utility may be temporarily outflanked by using a method of false dilemma to show that present views concerning moral standing are inadequate or by using this method to show that alternative utilitarian (especially quasi-hedonistic and ideal) theories will not do—but in the end one is outflanking oneself. For without an explanation of how classical utilitarian theory actually generates a moderate view of abortion, the reflective reader may conclude that this form of utilitarianism is just an easy way of covering an uncomfortably held intuitionism or a social consensus proto-theory.

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