

at a fairly steady rate: we head into our fifth year with some 300 subscribers, most of them in parts of North America, who have helped keep the ILN solvent. Thus we believe that ILN seems to have carved out a nice little niche for itself in the overall scheme of things.

We do not contemplate any significant editorial changes for Volume V. We have decided to keep the ILN pretty much as is: a hybrid which features scholarly articles and critical reviews worthy of publication in a journal. At the same time, we shall keep our pages open to those who wish to explore a new idea, launch a train of inquiry, ask a question, publicize a conference, or report on various experiments they have tried. We plan to keep the turn-around time short, so that interesting issues can be addressed without unseemly delays. We will probably continue to tinker with the format and layout until we have it the way we would like it.

The one change we do foresee comes under the Department of Internal Affairs. Last year, as some of you know, we were somewhat disorganized in our subscriptions department. Checks were misfiled and left uncashed, there were long delays in processing orders, and some subscribers failed to receive their copies. We have taken measures to remedy these problems. With the return of our Managing Editor (Welcome back, Peter!) from a well-deserved sabbatical, we think we will be right on top of things next year.

So our thanks to all who have helped with this volume, particularly Mrs. Mary Lou Byng who has undertaken various tasks (typing and mailing) during this volume run.

With this issue, we complete Volume IV. Subscription renewals are therefore due. We have been able to hold the line so that the fee remains unchanged: \$6.00/yr to individuals and \$10.00/yr to institutions. But the hand-writing on our walls is not difficult to decipher: we will almost certainly have to raise the fee for 1983-84 (Volume VI). Please return the enclosed form with your check as soon as possible and do your part to keep ILN solvent.

#### In this issue

The exchange between Professors Fogelin and Schwartz not only marks the first appearance of these two contributors (to both of whom: Welcome!) but also deals with an important issue in logical criticism: the question of logical neutrality. We think you'll find the exchange illuminating. We also wish to welcome for the first time Professors Hoagland and Roblin, and to thank Trudy Govier for her continuing support!

We also wish to thank Ms. Kate Parr for her able handling of the "Textbook Contents" section of this number. Writing up those reports is a somewhat tedious task, but we're convinced that it represents a useful service for our readers, many of whom must select texts and need an idea of what is covered in them.

Note, finally, that this number includes the Examples Supplement for Volume IV. ●

## articles

# Charitable Reconstruction and Logical Neutrality

Robert Fogelin  
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A number of years ago, at a colloquium held at Carnegie-Mellon University on the teaching of logic, Thomas Schwartz offered an analysis of one aspect of the anti-abortion argument that struck me as both fascinating and wrong. At the time I lacked the wit to articulate my misgivings, but now that this analysis has found its way into his text, *The Art of Logical Reasoning* [1], I have had the opportunity to examine it in detail and I think that I now know what I should have said then. I'm sure that Schwartz will have something to say in reply to my criticisms, and an exchange on these matters may be of interest to readers of this newsletter.

In the discussion that interests me, Schwartz asks whether it is possible to produce an adequate reconstruction connecting the following premise and conclusion:

- (P1) Normally a human fetus has the status *S* [that of a living creature, a full-fledged human being, a person, a possessor of the right to life, or whatnot].  
(C) Normally it is wrong to abort a human fetus. (p. 232)

(To his credit, Schwartz acknowledges the solecism involved in speaking of aborting a fetus rather than a pregnancy. In the same way, missions are aborted, not space rockets.)

In the present discussion the status *S* is not at issue, and this explains Schwartz's casual specification of it. Nor is anything made of the occurrence of the word "normally" in both the premise and the conclusion. Schwartz's point, and it is remarkable if true, is that this argument can be shown to fail without attacking either the specification of the state *S* or the reference to normality.

Schwartz begins his analysis in a way that has now become standard in elementary informal logic texts: he specifies formally adequate premises which, together with the stated premise, validly establish the conclusion.

He suggests the two following suppressed premises:

- (P2) It is wrong deliberately to bring about the death of anything that has status S.  
 (P3) Deliberately to abort a fetus, normally, is deliberately to bring about its death. (p. 233)

Given these two suppressed premises, the argument is, of course, valid in form, but the argument still lacks force because (P2) is subject to standard criticisms. Without going into any of this in detail, such criticisms force a modification of (P2) to (P2'):

- (P2') It is wrong deliberately to bring about the death of anything that has the status S, is innocent, is non-threatening, and whose future life (if not terminated) is likely to be worthwhile for itself. (p. 233)

These qualifications to (P2) force us to add a further suppressed premise (P4) that will bring the human fetus under the qualifications in (P2'). Thus the entire argument, so far reconstructed, looks like this:

- (P1) Normally, a human fetus has the status S.  
 (P2') It is wrong deliberately to bring about the death of anything that has the status S, is innocent, is non-threatening, and whose future life (if not terminated) is likely to be worthwhile for itself.  
 (P3) Deliberately to abort a fetus, normally, is deliberately to bring about its death.  
 (P4) Normally, a human fetus is innocent and non-threatening and has a future life that (if not terminated) is likely to be worthwhile for itself.  
 (C) Normally, it is wrong deliberately to abort a human fetus. (pp. 233-34)

(Actually, a misprint slips into the text at this point, for it reads: "(C) Normally a human fetus is innocent and non-threatening," an accidental repetition of the first line in the text of (P4).)

So far so good, but the argument takes a curious turn when Schwartz offers Judy Thomson's strapped-on violin player as counter-example to (P2'). (Incidentally, he mistakenly refers to (P2) where he means (P2').)

(P2) runs afoul of the following counter-example, which we owe the philosopher Judith Thomson\*: A society of music lovers kidnaps you in the night, drugs you unconscious, and spirits you to a hospital, where you awake the next day strapped to a bed and attached by catheters to a distinguished violinist, afflicted with kidney failure, who will die forthwith unless he can use your kidneys. The hospital administrator apologizes for your situation, in which he had no hand, and assures you the music lovers will be punished. But he cannot release you, he says, because that would bring about the violinist's death, and the violinist is a full-fledged living human person with a right to life (in my jargon, he has the status S), and he is innocent and nonthreatening and is certain to have a worthwhile future life if you stay put. But you will be comfortable, the administrator promises, and the situation will be terminated as soon as the violinist's kidneys recover—in about nine months. Although it would be decent of you to stay and save the violinist's life, it seems you have every **right** to leave, to unplug yourself from the violinist, thereby deliberately (if somewhat regretfully) bringing about his death.

We avoid this counter-example to (P2'), while preserving validity by restricting (P2') to human fetuses:

(P2'') it is wrong deliberately to bring about the death of any **human fetus** that has the status S, is innocent, is nonthreatening, and whose future life (if not terminated) is likely to be worthwhile for itself.

But (P2'') fails the test of Sufficient Generality. Among creatures that have the status S and are innocent, etc., there is no evident relevant difference between human fetuses (if, indeed, human fetuses belong to this class) and nonfetuses—no difference that would explain why it is wrong to bring about the death of human fetuses but not, say, adult humans; if anything, it is the other way around.

To sum up: One cannot argue from (P1) to (C). The necessary linking premises are unacceptable. Even granting that human fetuses are full-fledged living human persons with the right to life (or whatever), it does not follow that it normally is wrong to abort them. (p. 234)

"A Defense of Abortion," *Philosophy and Public Affairs* 1 (1971). This article has become a classic.

Two features of this analysis should arouse our suspicions. First it ends with a logical haymaker—the invocation of the Test of Sufficient Generality—that seems somehow too quick and easy given the complexity of the issues. Second, Schwartz derives a very **strong** negative conclusion from his argument, i.e., that one cannot argue from (P1) to (C) since the necessary linking premises are unacceptable. Later on he puts his claim this way: "...opponents of abortion cannot show that abortion is immoral by showing that fetuses have the status S—that they are living or human or persons or possessors of the right to life or whatever." (p. 238)

To see what goes wrong in Schwartz's treatment of this argument, we can first notice that, toward the end, the standard pattern of reconstruction is dropped for no apparent reason. The Thomson counter-example represents a challenge to (P2) even as modified to (P2'). The standard procedure is to extract the underlying principle of the counter-example and then add it as a further qualification to the threatened principle, in this case (P2'). This, of course, disrupts the validity of the argument, so a further validity-restoring premise is needed. (Alternatively, the conclusion can be weakened. The occurrence of the word "normally" in the conclusion of Schwartz's argument makes it somewhat, though not perfectly, elastic.) Just as modifying (P2) to (P2') called forth the additional premise (P4), a modification of (P2') to (P2'') will be backed by an additional premise (P5). The question, of course, is whether these manoeuvres can be carried out successfully.

It is not part of my present purposes to enter into this **substantive** issue—and in a moment I shall argue that it is of crucial importance to distinguish substantive from logical issues—but it is at least generally clear how a defender of this anti-abortion argument might proceed. The basic feature anti-abortion argument might proceed. The basic feature of the Thomson counter-example is that a person is forcefully and doing, makes her responsible for maintaining another person's life. A parallel case with fetuses would arise if a group of mobsters, seeking to increase their progeny without overly inconveniencing their gun-molls, forcefully implanted fertilized eggs in the wombs of unwilling other women. (Pregnancy caused by rape is not altogether remote from this fanciful case.) To simplify, and to withdraw from the substantive debate, let us say that a fetus who (that) is sustained under the circumstances Thomson has described has the Thomson trait. We now alter (P2'') to include a reference to the non-possession of the Thomson trait. We then add a new premise (P5) that says, in fact truly,

for a charitable reconstruction. My second charge is systematically more important. By casting his discussion in terms of connecting links between premises and a conclusion, it may seem that the issues are all purely logical. As he knows, some of them are and some of them are not. The decision whether to accept or reject a counter-example, e.g., Thomson's, is extra-logical. More to the point, decisions concerning what comparisons are relevant or what cases are to be considered like cases are also extra-logical. Sidgwick's Principle of Justice and its descendant, Schwartz's Sufficient Generality Test, are impotent unless backed by substantive principles that specify their domain of application. When they seem to generate substantive conclusions, we can be sure that other principles are at work, and we have a right to know what they are. When these substantive principles are simply slipped past us in the guise of a canon of logical criticism, we can say that the principle of Logical Neutrality has been violated.

### Notes

[1] New York, Random House, 1980. All page citations are in the text. ●

# Logic and Substance A Reply to Fogelin

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Fogelin errs less in disagreeing with me than in supposing that we disagree. What he attacks is not so much my reconstruction of the abortion argument as the assumption that such reconstructions are, like Cartesian first principles, not open to revision, even in principle. What he attacks is not so much my criticism of the abortion argument as the assumption that such criticisms are, like those found in mechanical formal-logic texts, purely logical rather than substantive. Far from having affirmed either assumption, I expressly denied both. Who has been uncharitable?

When he is not attacking straw Schwartzes, Fogelin nicely illuminates two issues fundamental to informal logic: First, to what extent can one separate **logical** criticism of arguments from **substantive** criticism? Second, to what extent can one separate the **criticism** of arguments from their **reconstruction**?

1

Fogelin suggests that the following modification of (P2') might block Judith Thomson's violinist counter-example:

It is wrong deliberately to terminate the life of anything that **lacks the Thompson trait** but has the status *S*, is innocent, is nonthreatening, and whose future life (if not terminated) is likely to be worthwhile for itself.

To preserve validity, we must add this premise:

Normally, a human fetus lacks the Thompson trait.

The **Thompson trait**, says Fogelin, is the "basic feature of the Thompson counter-example," which "is that a person is forcefully [forcibly?] and against her will placed in a position which, through none of her own doing, makes her responsible for maintaining another person's life."

This maneuver accomplishes nothing. **Force** is not essential to the violinist counter-example, so the italicized qualification in Fogelin's modification of (P2') does not block that counter-example. To see why, let us alter the example by supposing that you **allowed** yourself to be connected to the violinist, although without agreeing to remain connected, and that your disconnecting yourself would not make the violinist worse off in any way than he would have been had you not been connected to him if the first place: he would incur no additional pain, opportunity costs, or any such thing. Surely, then, you are not obligated to remain connected. You began an act of pure charity whose discontinuance would merely and costlessly reinstate the **status quo ante**, for which (we may suppose) you had no responsibility.

2

Fogelin says I did not "extract the underlying principle of the counter-example and add it as a further qualification to ... (P2')."

But in the first place, I did extract the "underlying principle" (**Art of Logical Reasoning**, pp. 239-40). In the counter-example, I said, two persons, **W** and **F**, are related as follows:

- (i) **F** is temporarily using **W**'s body to support **F**'s life.
- (ii) **W** had no obligation to let **F** **begin** using **W**'s body to support **F**'s life.
- (iii) If **W** stops letting **F** use **W**'s body to support **F**'s life (thereby bringing about **F**'s death), that will not make **F** any worse off than **F** would have been had **F** never begun using **W**'s body to support **F**'s life.

If the violinist example is morally analogous to normal abortion situations, then (i)-(iii) exhaust the essential features of that example, and the "underlying principle" is this:

- (UP1) Normally, when (i)-(iii) hold, **W** has the right to terminate **W**'s support of **F**'s life.

If the violinist example is **not** morally analogous to normal abortion situations, then there is a fourth essential feature:

- (iv) It is not the case that **W** and **F** are a pregnant woman and her fetus.

and the "underlying principle" is rather the following:

- (UP2) Normally, if (i)-(iv) hold, then **W** has the right to terminate **W**'s support of **F**'s life.