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### John P. Reeder, Jr.'s Killing and Saving: Abortion, Hunger, and War (book review)

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REEDER, JOHN P., JR. *Killing and Saving: Abortion, Hunger, and War*. University Park: Pennsylvania State University Press, 1996. 237 pp. \$35.00 (cloth); \$16.95 (paper).

John Reeder stands in that admirable line of moral philosophers who, even in these postmodern times, are not ready to throw in the towel. Conceding the incommensurability of various conflicting foundational premises, both secular and theological, Reeder nonetheless argues that the current moral landscape yields a coherent "consensus" on such divisive issues as abortion, physician-assisted suicide, warfare, and obligation to the starving—those wrenching questions of life and death which Reeder appropriately takes to be interrelated.

Reeder's consensus, put briefly, presupposes a conception of "rights" (whether rooted in Kantianism or Aristotelianism or theology), including not only a (waivable) right not to be killed, but also a right to receive aid. Reeder's rights premise serves as an initial check to a utilitarian calculus that is otherwise legitimate. Thus, except in some specified override situations, one may not kill an individual person to save many others, but one may redistribute preexisting threats so as to destroy the fewest number. Therefore, in discussing two oft-juxtaposed hypotheticals, Reeder insists that a surgeon may not slay one patient to harvest vital organs for five, but a passenger on a runaway trolley headed toward five people may redirect the trolley onto a spur where it will kill one. Similarly, Reeder retains the double-effect test. Except in the "Nazi override" case (where the future of any rights-based civilization is on the line), one may not deliberately kill noncombatants to demoralize the enemy, but one may do obliteration bombing of a legitimate military target in the sure knowledge that noncombatants will be killed, so long as, under a proportionality test, lives thereby saved are not outweighed by lives taken. (Similarly, in traditional Catholic thought, one may remove a cancerous uterus knowing the fetus will die, although one may not directly kill a fetus.)

Is consensus achieved? Reeder's approach is that of the analytic philosopher, proceeding by way of comparative hypothetical example. At that analytic level, I

have some quibbles. The elusive relation between causation and ethical responsibility appears unresolved, and the vocabulary of double effect analysis remains inherently manipulable, as does the language of implicit proleptic "consent" in situations of "shared risk" (one basis for an override to the right not to be killed). Moreover, precisely at the most potentially divisive points of his analysis, Reeder is still forced to concede the problem of incommensurable premises. For example, a pure negative rights libertarian (and most of American law) would deny the positive right to receive aid, from which Reeder derives the duty to feed the starving and, potentially, the duty to continue most pregnancies. The latter duty would depend on the moral status of the fetus, which, after an analytic appendix, Reeder does not resolve. Reeder treats the right not to be killed as no less waivable than the right to receive aid, thereby justifying physician-assisted suicide, even while noting that such "waivability" runs counter to the widely shared conviction that the ending of life is a matter of divine, not human, dominion. Physician-assisted suicide is sufficiently contentious to be the subject of current Supreme Court litigation. Where, then, is the supposed "consensus"?

Perhaps, however, the moral challenges we face in relation to killing and saving are not ultimately reducible to a series of analytic problems yielding single "solutions" acceptable to the conventions of academic philosophy. Notably Jeffrey Stout, a pragmatist who, like Reeder, refuses either to surrender in the face of incommensurability or to retreat into traditional Aristotelianism, emphasizes instead the protection of the internal goods of a variety of social institutions from whose traditions we might continually fashion (and refashion) a shared morality. Stout advocates, not *logical* consensus, but a process of bricolage—a weaving together of a "coat of many colors" from our various rich moral traditions as they are embedded in the internal goods of disparate social practice.

At its best, analytic moral philosophy forces serious reflection and achieves new clarity. Reeder works seriously toward those goals. No analysis, however, should obscure the heavy weight of human responsibility we bear in life-and-death decision making. At one point Reeder discusses Michael Walzer's description of the burden of guilt assumed by political leaders during war, as they give orders that will lead to the killing even of noncombatants. Reeder seems puzzled. If the killings are logically justified, why guilt (p. 163)? This, I fear, is the danger of arrogance that lurks, as Karl Barth once warned, in morality conceived as rational exercise. However maddening the paradoxes of ethics alone in the Barthian mode, there is some wisdom in his insistence that we live in a world of inevitable moral ambiguity, with the freedom we must exercise (even in taking animal life) always darkly shadowed by the "prior command to desist."

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