

Michigan Law Review

Volume 82 | Issue 4

1984

Injustice, Inequality and Ethics

Michigan Law Review

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Recommended Citation

Michigan Law Review, *Injustice, Inequality and Ethics*, 82 MICH. L. REV. 784 (1984).

Available at: <https://repository.law.umich.edu/mlr/vol82/iss4/15>

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INJUSTICE, INEQUALITY AND ETHICS. By *Robin Barrow*. Totowa, New Jersey: Barnes & Noble Books. 1982. Pp. xii, 204. \$26.50.

For thousands of years, philosophers have searched for the magic formula for a universally acceptable system of moral imperatives. Nonetheless, the problem of practical ethics, which searches for answers to actual moral questions, continues to press. Joining current debates, Robin Barrow's useful, if not unique,¹ book tackles ten hard fought questions of contemporary practical ethics with a hybrid brand of utilitarian philosophy.

In *Injustice, Inequality and Ethics*, Barrow confronts a wide variety of moral questions ranging from abortion to democracy to vegetarianism. His prescriptions are these: Feminist language is not imperative; sex-role stereotyping in child-rearing is legitimate; reverse-discrimination is unjustified; abortion may not pose any moral problems, but, in any event, is a matter of individual choice; wealth should be evenly distributed; democracy is the preferable form of government; civil disobedience is defensible; humans may kill and eat animals, but should not make them suffer; art as expression should be subsidized, but, for the most part, not controlled by the state; and education should impart the skills necessary for living well.

Barrow calls himself a utilitarian, writing unabashedly that utilitarianism is "the *only* satisfactory moral theory" (p. 10, emphasis added). Surprisingly, then, he adopts a suspiciously non-utilitarian formulation of utilitarianism, which he acknowledges that he owes to John Rawls.²

1. See, e.g., P. SINGER, PRACTICAL ETHICS (1979); TODAY'S MORAL PROBLEMS (R. Wasserstrom ed. 1975).

2. P. 20. Rawls' two principles of justice are:

First Principle

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second Principle

Social and economic inequalities are to be arranged so that they are both:

- (a) to the greatest benefit of the least advantaged . . . and
- (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

J. RAWLS, A THEORY OF JUSTICE 302 (1971).

Pure utilitarianism, as Barrow correctly explains, is a "consequentialist" or result-sensitive ethical theory (p. 14). Traditionally, the utilitarians' goal is to provide the greatest happiness for the greatest number of people.³ Utilitarianism thus differs from ethical theories based on the writings of Immanuel Kant,⁴ whose views influenced Rawls.⁵ Kantian theories search for the logical underpinnings of morality, preliminary to spinning out specific prescriptions. For example, according to Kant, inherent in moral discourse is the notion that moral imperatives can be universalized. Kantian theories, because they depend on the formal characteristics of ethical discourse, resist the pressure of result orientation. Thus, such theories do not depend on the amount of happiness produced.

Barrow's Rawlsian-sounding statement of utilitarianism forsakes a pure utilitarian focus on the production of human happiness. Happiness for the greatest number remains the goal, but with the qualification that "no policy is adopted that either ignores the claim to happiness of any individual or would make some happier at the expense of others" (p. 20). This hybrid utilitarianism reaches beyond the foundation of utilitarian theory and, in some circumstances, makes consequences irrelevant. Thus, Barrow implies that we cannot ignore or undervalue the interests of any human being even if to do so would produce the greatest good.

Barrow's position is an attractive one. Such hybrid utilitarianism keeps the intuitively appealing focus on happiness and avoids utilitarian excesses illustrated by the scapegoat problem: Suppose that a citizenry terrorized by an atrocious crime can only be pacified (producing the greatest happiness) if someone is executed. When the true criminal cannot be found, an innocent person is selected, advertised as the offender, and killed. The result redounds to the greater good and is therefore consistent with pure utilitarian principles. The need to avoid the scapegoat problem has pushed Barrow to Kant and Rawls, but he offers no justification for his position other than its value in short-circuiting objections to utilitarianism.⁶

Hybrid theories combining aspects of Kantian and utilitarian moral reasoning are not novel. R.M. Hare recently stated that moral reasoning includes a logical component — its tenets can be universalized — and a substantial aspect consisting of human preference.⁷

3. See J.S. MILL, *UTILITARIANISM* (O. Piest ed. 1953).

4. See I. KANT, *THE MORAL LAW* (H. Paten trans. ed. 1956).

5. See J. RAWLS, *supra* note 2, at viii (1971); P. SINGER, *supra* note 1, at 11.

6. A utilitarian ground for such a rule is conceivable. It would depend on a judgment that no policy which ignores the rights of individuals will ever promote the greatest good. That, however, is not an argument Barrow makes, although he does adopt rule utilitarianism, instead of its rival, act utilitarianism. See pp. 14-16.

7. R.M. HARE, *MORAL THINKING* 4 (1981) (reviewed in this issue).

Barrow seems to adopt this interesting method, but it is a fault and a disappointment of his work that he does not explore it.

In the balance of the book, Barrow applies his framework to resolving a mix of ethical questions. "Animals," because its subject is less familiar than the others he discusses, is one of the more interesting chapters. Barrow is not the first to assert that humanity's persistent failure to include animals in the measure of the greatest good is simple prejudice, that "speciesism"⁸ is no more defensible than racism (pp. 158-59). This is so, he thinks, because beings are morally significant if they have interests and the capacity to suffer. Animals can have both (p. 160).⁹ Because all suffering is bad, human beings behave immorally when they cause animals to suffer (p. 160). Barrow resists the logical conclusion that killing animals is wrong, asserting that killing animals does not necessarily cause physical suffering, nor, as with humans, the equally painful fear of death (pp. 165-66). We may still eat steak, if we kill it kindly.¹⁰

The disturbing result of Barrow's view is that it deemphasizes the value of life. He resists placing a positive value on life itself because this approach might force the further conclusion that, in some circumstances, human beings have a duty to procreate (p. 165).¹¹ But whatever logical problems it may cause, one would be hard pressed to think of a proposition more universally held than that life is desirable.

It is worth noting that Barrow's point that animals do not anticipate and therefore do not suffer from the fear of death may apply equally to incapacitated humans.¹² It is also uncertain that animals suffer less from dying than do humans. Humans' painful anticipation and fear of death may be equalled by animals' painful lack of understanding of their circumstances.¹³

Barrow is most uncertain in the chapter called "Abortion." His "weak thesis" argues that abortion is morally justifiable, but permitted only in "certain fairly limited circumstances" (pp. 104-05). Such circumstances would exist when providing sustenance to the fetus would itself cause great suffering (p. 102). Barrow, however, fails to

8. See Singer, *All Animals are Equal*, in 1 *PHILOSOPHICAL EXCHANGE* 103, 108, 116 n.5 (1974) (attributing the term "speciesism" to Dr. Richard Ryder).

9. Barrow concedes that some animals may have neither interests nor a capacity for suffering. He suggests, however, that the line defining beings fit for moral concern should lie between higher and lower *forms* of life rather than between humans and animals. Pp. 160-61.

10. Barrow would probably resist this characterization. Although he says that "perhaps, in certain circumstances, it is justifiable to kill animals in order to eat them," he does not claim that this is necessarily so. P. 166.

11. "I regard the essence of utilitarianism as being a moral requirement that we ensure as much happiness for all existing beings as possible, rather than that we should create as many happy beings as possible." P. 165.

12. P. SINGER, *supra* note 1, at 75.

13. *Id.* at 53.

define the specific circumstances in which the mother's suffering would justify killing¹⁴ the fetus, and thus sidesteps the thorniest issues in the abortion debate. Barrow concludes that "the complexity and uncertainty surrounding this issue" means the individual rather than the state must determine the proper course (p. 105).

The weak thesis is based on the well-worn analogy of the relationship of mother and fetus: It is as if the mother "wakes to consciousness one day to discover that a famous violinist has been plugged into her, in order that he may partake of such organs as her liver and heart . . ." ¹⁵ This analogy, once accepted (and it need not be accepted since pregnancy, at least in some cases, is not entirely unforeseen), is employed to argue that a mother's rights may allow her to choose to deny the fetus sustenance (p. 101). But, for utilitarians, rights only arise when they tend to produce the greatest good (p. 101). So, the utilitarian must ask whether the decision to end a dependent life serves the greatest good. Barrow terms this the weak thesis, since it is uncertain that utility will so consistently favor the mother's freedom to choose as to create a *right* to choose. One interesting point made in the course of this discussion is that deciding whether a fetus is a person does not resolve the abortion dilemma, since we do, in some circumstances, allow the killing of persons (p. 93).

The "strong thesis" is actually the weaker of the two. Again, Barrow relies on the notion that what is bad is suffering. Killing a fetus does not cause the fetus to suffer, because a fetus does not have the self-awareness required for suffering (pp. 102-03). Therefore, abortion escapes the realm of moral discourse entirely (p. 102). The conclusion that abortion is not a moral issue because the fetus does not suffer disregards the powerful notion that life is valuable, and is so preposterous that it completely discredits Barrow's premise that suffering is the key factor in the moral calculus.

Barrow's discussion of feminist language in the chapter, "Feminism: Language and Thought," is unconvincing because he considers and refutes only one of the arguments in its favor. To Barrow, the only issue is whether the speaker is thinking sexist thoughts and thus using sexist language to maintain the advantaged status of the male. If a speaker does not hold sexist views, then sexually stereotypical language is acceptable. The point is fair, but inconclusive, for Barrow ignores other arguments for using gender-neutral language.

14. According to Barrow, "A primary question must be 'can killing ever be justified?', for whatever the exact status of the foetus, it seems certain that destroying it or removing it from the womb would amount to killing it." P. 93.

15. P. 101. This analogy originated in Thompson, *A Defense of Abortion*, 1 PHIL. & PUB. AFF. 47, 48-49 (1971).

Two examples from the book amply illustrate the thinness of Barrow's understanding. Homosexual men, he says, may be called "homosexuals," "queers," "pansies," "fairies," "faggots" or "gays." But, "you cannot be sure about a particular person's attitude to homosexuality simply by knowing which term he prefers to use to refer to them" (p. 59). (The listener may not feel the need to be *sure*.) Similarly, there may be nothing wrong with calling a black man "boy" because the word does not necessarily indicate a paternalistic attitude (p. 61). One significant problem is that Barrow lightly dismisses the fact that regardless of the speaker's attitude, certain terms may be highly offensive to the listener. Moreover, he discredits the educational value of feminist language.

Although we must continue to await the definitive resolution of moral questions, Barrow's book is still helpful. Like other similar works, it sparks moral self-examination. It is, however, marred by some unfortunate misjudgments. One lapse is temperament: The book's tone is arrogant to the point of being insulting. Second, the author's evident prejudices have made the book less than thorough. For example, Barrow ignores the impact of sexist language on the listener. Priorities were also miscalculated, so that some difficult arguments are slipshod or absent and other more obvious ones are overworked. One wonders, for example, how any author could devote equal space to the intuitive point that animals feel pain and the less evident notion that democracy is the best form of government. Finally, Barrow's methodological approach is confused. Throughout the book the Kantian-utilitarian tension is unresolved. With other excellent works on contemporary ethics available, Barrow's book is not the first that should be taken from the shelf.