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THE WORLD AS REALITY, AS RESOURCE, AND AS PRETENSE

Richard Stith

If one believes any object to have inherent value, then one will attempt to discover when and where this object is really present, in order not accidentally to do it harm. And so to ignore the existence of an object must indicate a disbelief in its inherent value. By ignoring the child prior to the moment it happens to emerge from the womb, the Supreme Court in *Roe v. Wade* has thus indicated that it does not find an inherent value in an infant even *after* birth. This lack of concern for the inherent value and reality of human life is seen by the author to be a last step in the reduction of the entire world from a reality to a resource, even while pretending otherwise.

THERE IS A CURIOUSLY UNREAL air to the abortion debate. Those few engaged in it are concerned almost exclusively with the issue of where to place the beginning of human life, with little or no attention being given to where that line *has been* placed by the Supreme Court of the United States. Indeed, it might fairly be said that the intellectual and moral correctness of saying that life begins at conception has received more attention than has the correctness of drawing a line at birth, even though the former is still no more than a gleam in the eyes of antiabortionists and the latter is the law of the land.¹

¹ *Roe v. Wade*, 410 U.S. 113 (1973), does not allow the states to protect the fetus except as merely potential life, even in the last months before birth. In describing the permissible limits of state abortion laws, the Court declares:

For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

Id. at pp. 164-65. Note that the Court here as elsewhere (pp. 163-64) without explanation prohibits the states from preferring the life of the fetus to the health of the mother. If actual rather than potential life were involved, surely some comment would be called for in giving constitutional priority to health over life. In word and deed, the Court apparently considers the fetus, even just before birth, to be only a "potentiality for human life."

In reaching its position, the Court states that "[t]here has always been strong support for the view that life does not begin until live birth," that "[i]n areas other than criminal abortion, the law has been reluctant to endorse any theory that life, as we recognize it, begins before live birth . . ." and that even a wrongful death action following stillbirth ". . . would appear to be one to vindicate the parents' interest and is thus consistent with the view that the fetus, at most, represents only the potentiality of life." *Id.* at pp. 160-62.

Yet at the same time the Court states, "We need not resolve the difficult question of when life begins." *Id.*, p. 159. And indeed the Court never in so many words *says* that life begins at birth; it merely *treats* (and requires the states to treat) the unborn as no more than potential life. Perhaps that Court does not consider actual human life to exist even in the neonate. If so, then it is incorrect to talk of the Court "drawing a line" at birth. Strictly speaking, my argument in regard to the Court will be simply that if it cared much about life immediately after birth, it would not have failed to recognize actual human life prior to birth. Insofar as we are concerned only to criticize the Court, we need not mention the notion of "line-drawing."

Nevertheless, I have here frequently used the line-drawing metaphor (rather than speaking only of the nonrecognition of unborn human life) because given the context of generalized legal recognition of life after birth, the *effect* of the Court's mandated nonrecognition of actual life prior to birth is to compel a public line to be drawn at birth. I speak of a line in order to deal more precisely with the effect the Court's opinion may have on the cogency of public valuing and reasoning.

Perhaps the focus on conception and points intermediate between it and birth is a tribute to the strength of the antiabortion case, an acknowledgment that the Court's position is untenable and thus not worth discussing. Even so, we who are affected by the decision should find its nature and effects worth considering. This essay is a first step toward such consideration; it begins to look at some of the implications of a national decision to say that life commences at birth. It is not an attempt to decide where else life might begin, and it makes no effort to determine how much moral weight human life may have before or after it has begun. Nor am I particularly interested in analyzing the mind of the Court on the abortion question. Rather, I am solely concerned here to extrapolate the logic of the birth line. I argue that not to recognize human life prior to birth is to say that the existence and value of infant life are dependent on how we normally experience it and react to it, and that this approach to reality and to value has long-range consequences for life *after* birth. My contention is that such a line is a pretense and covers a decision to regard even post-natal human life as no more than a useful resource.

I. REALITY AND PRETENSE

Many points between conception and birth could be thought to be the beginning of life. By "could" I mean that some future theorist might come up with a convincing concept of human life such that a particular development were necessary in order for the zygote-embryo-fetus to achieve human life status. Thus as long as there were any² developmental progression between two points, the Court could draw a line between them. It would be pointing, after all, to an apparently real difference, and it might hope that future commentators would explain satisfactorily the significance of the difference—why the difference makes a difference.³

The Court, however, did not choose to draw the line at any point between conception and birth; it required us to place the beginning of human life *at* birth. But birth cannot be the beginning of life under *any* viable conception of what it takes to be human. For birth does not describe a progressive change in the individual himself, but only a change in his environment and in his adap-

² Some might insist that only a sharp discontinuity could qualify as the beginning of human life, rather than, say, the fuzzy but real line which divides a bald man from one with a good head of hair. It seems to me, however, that while many concepts of human life might require such a discontinuity, it would not be necessarily required by every concept of life. There might be concepts with vague outlines, like baldness; a small change in the right direction would take one over the threshold.

³ About the only people at this time who seem really sure when life begins are those who say it begins at conception, and only they could disagree with certainty with the Court.

These "conceptionists" (as I shall call them) may feel this confident in part because they simply adapt that concept of life which we use elsewhere to the human species. That is, all individual life (not just human life) is distinguishable from inanimate matter (and from other nearby life) primarily in having separate systemic autonomy, a capacity to regulate and direct its own equilibrium rather than being entirely subject to external forces. Since conception is the point at which that autonomous system begins which we are until our deaths, our conceptional origin seems obvious.

For an excellent rendition of approximately this argument, see Finnis, "The Rights and Wrongs of Abortion," *Philosophy & Public Affairs*, 2 (1973), pp. 144-45.

tation thereto.⁴ It is a geographic rather than a developmental change.

It is the transtemporal or transdevelopmental character of birth which disqualifies it as a logically possible beginning of life. As long as a line were drawn at some point of developmental difference, the law would at least seem to be treating like cases alike. But if birth is our criterion, then we are treating the less developed but prematurely born infant as human life while the overdue baby in the womb does not yet merit this classification.

"Yet," one wants to ask, "if there is no real difference in the child before and after birth, why do we all pay such attention to birth?" The answer must be, I submit, that birth does make a difference, not a "real" difference, but a difference in experience. Although the infant may be the same in and out of the womb, we normally experience him quite differently, as aptly described by

⁴ The changes in the infant as a result of birth are described as "adjustments" in A. Guyton, *Textbook of Medical Physiology* (W. B. Saunders: 1971), p. 993. The shift from placental to pulmonary oxygenation requires certain cardiovascular alterations. See *id.* at pp. 993-96; see also L. Hellman and J. Pritchard, *Williams Obstetrics*, 14th ed. (Appleton-Century-Crofts: 1971), pp. 477-89. Neither the Court nor anyone else, to my knowledge, has ever pointed to these postnatal adjustments as the crucial test of the existence of life. Moreover, prior to and at birth the viable fetus is already immediately capable of whatever adaptation he will undertake, and we usually define living entities by what they are capable of doing rather than by what they are doing. By contrast, a developmental change seems a change in capability, not just a change in what an entity actually does.

Conceptionists go further and argue that the undeveloped zygote is just as capable of life outside the womb as is the developed fetus or the newborn infant; all have the capacity *autonomously* (that is, with the environment supplying materials but not organization or activation) to adapt themselves to extrauterine life (and, eventually, to adult human life). The difference, of course, lies in the time required—a very long time in the case of the zygote. This difference is expressed in the different feel of the words "potentiality" and "capability" (or "capacity"), the former seeming most appropriate to long intervals and the latter to more immediate possibilities. Much of the debate about conception as the beginning of life, it seems to me, is about whether this time difference really matters.

Conceptionists have a very good argument here. Unfortunately, they sometimes obscure it by claiming too much. They should argue only that *insofar* as all later human life develops autonomously from the zygote, we cannot exclude the zygote from any possible concept of human life (since potentiality is here as good as capability and capability is as good as its exercise). Instead, conceptionists sometimes argue that *everything* we ever become is genetically determined. See, e.g., Dr. and Mrs. J. Willke, *Handbook on Abortion* (Hiltz Publishing Co.: 1973), pp. 9, 22. The latter argument seems to me an implausible assertion of nature over nurture. Surely, some aspects of what we are are shaped in part from without us rather than from within us (primarily postnatally). We are in part made rather than developed. These aspects would be only externally-to-be-determined *possibilities* at conception, rather than self-developing potentiality-capabilities.

Of course, in making this more extreme claim conceptionists may be relying on a concept of nature more expansive than the one I have so far used. What an entity is (its nature) could include not only what it now appears to be, nor only what it is of itself capable of becoming, but what it would be if completed as designed. Actually, we use such a criterion throughout daily life: a three-legged horse is still classified as a horse even though it is correct to say that horses have four legs (and even though a horse-like animal belonging to a three-legged species would probably not be called a horse). So, again, one could say that the zygote, fetus, and neonate are by nature (and equally) social (that is, are genetically designed for relationships), even if they are neither actually socialized nor capable by themselves of becoming so.

This powerful if debatable concept of what we are should not be necessary unless our conceptionist is arguing with someone who openly supports infanticide or involuntary euthanasia. Against such an opponent, however, a conceptionist could contend that the infant and the defective individual are in their nature already fully human, even while conceding that their humanity is not now and may never be fulfilled.

Even under this more expansive concept of nature, though, the strongest claim of the conceptionists must be rejected. Some elements of what we are still could not be considered part of our nature at conception—for example, the fact that we are English rather than French speakers. We would genetically have neither capability nor predesign for such elements; they would be mere possibilities.

Roger Wertheimer in explanation of why some liberals date hominization from birth:

At birth the child leaves its own private space and enters the public world. He becomes an active member of the community, a physically separate and distinct individual. He begins to act and behave like a human being, not just move as he did in the womb. And he can be looked at and acted upon and interacted with. He has needs and wants independent from those of his mother. And so on.⁵

In no case do these distinctions refer to changes in the child himself as opposed to changes in the child's relationship to us and to the rest of his environment. For example, the unborn child also had "needs and wants independent from those of his mother," though prior to birth these needs were to some extent *also* the mother's needs, and many of those around the mother probably acted *as if* his needs were her needs. Again, the contrast between "act and behave" and "move" is either a meaningless one (because the motions of the fetus are not unlike those of the neonate), or else it, too, refers only to an effect these motions may have or not have on others.

No one could or should deny the tremendous importance of our experience of the newborn. I would simply not believe an antiabortionist who asserted that he felt the presence of the child as fully before birth as after. Birth makes a difference *to us*, such a difference that our immediate intuition tells us that birth also may denote something new in the child. We start off with a good reason for *looking* for a real and important change at birth.

And some peoples may, no doubt, have discovered what they thought was a real difference. They may have imagined, in ignorance, that birth heralded a physically new development, or they may have supposed a metaphysical or supernatural change, such as the infusion of a soul, to take place at birth. That is, they may have proven to their own satisfaction that their experience of newness was not *mere* experience (i.e., an illusion), but rather corresponded in some way to reality.

But such avenues to us are closed. We cannot pretend to know less about physiology than we do, nor can our courts honestly or constitutionally adopt a religious belief in ensoulment at birth simply because it is convenient.⁶ We can in good faith only try our best to find some secular factual support for our intuition that life may begin at birth. If we cannot find such support, we must regard our experience with the newborn as reflecting only a change in our attitudes toward them rather than a change in them.⁷

If, in spite of our inability to find any possibly significant factual difference,

⁵ Wertheimer, "Understanding the Abortion Argument," *Philosophy and Public Affairs*, 1 (1971), p. 78.

⁶ And it will not do to appeal, as the Court does, to the *conclusions* that various ages and religions have reached regarding abortion. These conclusions may have been based upon illusion; what matters is whether the factual *reasons* for these conclusions are still acceptable to us today. Indeed, the very making of such a conclusory appeal may betray a lack of serious concern for the *real* status of the fetus, an assumption that the issue is entirely one of arbitrary legal and moral convention. See *Roe v. Wade*, 410 U.S. 113, 130, 160-62 (1973).

⁷ The same issue, in much more extreme form, is presented by our experience of the zygote. Few, I think, can directly experience the fertilized egg as an individual human life. To say that it is a human being seems to me *prima facie* absurd. Yet those who date life from con-

we still persist in classifying two cases differently, then we are basing our classification on what we *know* to be an illusion. And if we go further and claim that this illusion should be expressed as a reality, then we are *pretending*. We either dissimulate or abolish the distinction between truth and falsehood. There is a world of difference between the legitimate philosophical assertion that we can never know more than our own experience and the decision to rest content with an experience we know to be illusory. Honesty would compel us to report the results of our deepest probes, even if we never reach or expect to reach bedrock.

The mind surely loses its equilibrium and its power of resistance to falsehood when it is forced to pretend, when an illusion is proclaimed the only public reality. And woe to those who cannot conform. Alas for the doctor performing a late abortion by hysterotomy. He may not notice that at the moment he lifts the fetus from the womb it is transformed into a human life and is neglected at his peril. Alas for the conscientious jury who must look at a picture of a small curly-haired body and decide whether it is a dead fetus or a dead baby based only on *where* it happened to die.

Nevertheless, the law of our land is now that every doctor, every jury, and every legislature *must* behave as though life did not begin until emergence from the womb. Our Constitution now commands: "Out of sight, out of mind—and keep your eyes closed."

II. INHERENT VALUE AND SELF-INTEREST

In the first section of this essay I have argued that to place the beginning of life at birth is pretense, the preferring of a common illusion to reality. In this section I would like to turn to the issue of what the birth line indicates as to how we *value* human life. I shall try to show that just as the Court's line replaces reality with pretense, so, too, it replaces inherent value with self-interest, even *after* birth.

What exactly is wrong with a little self-delusion in regard to life? Why should we *not* close our eyes to that which, if seen, may confuse our experience and interfere with our social goals? Should we be so pedantically factual that we forget the grand scheme.

One response to questions like these has already been suggested: Those people taken in by the grand schemers are in danger of losing one of their strongest weapons with which to resist tyranny—their reason. But an even more obvious response would surely occur to many: Human life has inherent value. *Therefore* it must not be disregarded.⁸

ception insist that it is the same system with the same potentialities as it is at birth and that therefore it must be considered the same being; only our experiences of it and attitudes toward it are different.

⁸ The words "inherent value" may be inadequate to describe fully the deference-demanding qualities perceived in human life. They have been chosen in part for their simplicity. Further reflection might consider: Does the value which inheres in life result from some intrinsic element of life itself or from an imputation of value by an intuited rule or by someone with authority—e.g., by a deity? Or, again: Does the word "value" adequately describe the demands, primarily ones of nonviolation rather than of maximization, which life places on us? Or would not words such as "sanctity," "sacredness," "dignity," or "respect-worthiness" be more appropriate than "value"? Re-specting our entity seems also immediately to include acknowledging its existence; the connection of valuing and acknowledging is perhaps more indirect.

The latter response does not necessarily imply that human life has absolute value, that late abortion is always wrong. I am suggesting only that if we are concerned for any object, even if not absolutely concerned, we would at least wish not to ignore its existence. We might decide after due deliberation to destroy it for the sake of some higher value, but we would at least wish not *accidentally* to destroy it. We would want to know about it wherever it existed.

If we value human life, then, we want to know when it is really present, so that we may not unnecessarily do it harm. Not only, then, should we not disguise the fact of its existence with a misleading label (e.g., "the potentiality of human life"⁹), but we ought actively to search it out. If we believe in the inherent value of human life, we cannot rest content with acknowledging its existence only when that existence makes a strong impression on us. Rather, we must struggle with the question of when human life *really* begins, and (I have argued) we must conclude at least that it does not come into existence at birth.¹⁰

Given a particular object of inherent value, we must do two things to safeguard other similar objects of value: first, we must seek to conceptualize those characteristics of the object which distinguish it from that which we do not value; and, second, we must search out other objects with these characteristics in the rest of the world. So it is with human life: if we consider *any* human life to have inherent value, we must first conceptualize the specific characteristics of that life, and then look elsewhere for those same characteristics. We cannot rest either with no concept of the life we value (saying "we need not resolve the difficult question of when life begins"¹¹), or with an arbitrary ignoring of entities which fit our concept.

A sufficient motivating force for the decision sharply to distinguish illusion from reality is thus the belief in inherent value. Perhaps this belief is even necessary as well as sufficient; perhaps the sole motivating force behind the quest for the real and the true is our desire to adhere honestly to whatever real values we may think exist. Value realism may be the only foundation for fact realism.¹²

Note that the relationship between value and fact which I suggest is quite

⁹ *Roe v. Wade*, 410 U.S. 113, 164 (1973).

¹⁰ The *Roe* opinion indicates the Court's awareness of the issues discussed here. An 1859 American Medical Association report (quoted by the Court) in deploring abortion ascribed its "frightful extent" in part to

The grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being. These errors . . . are based, and only based, upon mistaken and exploded medical dogmas.

While this report ascribed the current state of the law only to ignorance, an 1871 A.M.A. report referred also to the matter of honesty on fundamental matters:

We had to deal with human life. In a matter of less importance we could entertain no compromise. An honest judge on the bench would call things by their proper names. We could do no less.

Id. at pp. 141-42.

¹¹ *Id.* at p. 159.

¹² But maybe not. Precisely in life (all life, not just human life) do we not encounter ideas independent of our minds at work shaping the world? At the biological moment of "conception" is not an *idea* "conceived"—namely the idea of the adult entity whose development is beginning? Must not our minds to some extent conform to this idea, regardless of what our values may be? If life is self-defining, can we define it in just any way? Daniel Callahan, in *Abortion: Law, Choice, and Morality* (Macmillan: 1970), pp. 354-55, has collected some interesting material on this point.

different from that which the skeptic might suggest. I am not saying that our personal values distort our perceptions. On the contrary, I am arguing that it is precisely our personal commitment to a value which stands "over against" us which requires us to believe in and to search for facts which also are "other" to us. Far from resulting in ideological distortion, value realism is committed necessarily to seeing through every ideological distortion (even those generated by its own beliefs). In simple terms, someone who believes in the reality of value cannot afford to make mistakes of fact.

At the same time, I am not here attempting to refute the skeptic; I do not here seek to prove the actual existence of objects of inherent value. I argue only that if one perceives (or otherwise believes in) such value, he will then also refuse to be guided by illusions he knows to be contrary to fact.

The inverted argument must also hold: if we are guided by superficial experience in setting the bounds of human life, then we do not consider that life to have inherent value. Concretely, if we arbitrarily deny the humanity of infants when they are hidden from us in the womb, we cannot really care about them *out* of the womb. We would never apply the "out of sight, out of mind" principle to something we really cared about, because in our blindness we might do it harm.

So it is impossible to say, for example, that we are committed to the sanctity of life, but only from birth. If life has no sanctity before birth, it cannot logically have sanctity after birth. Other statements, too, which imply that all human life after birth has inherent value (such as calling life "sacred," "fundamental," "of intrinsic value," or "an end-in-itself") are in bad faith if they are made by someone who does not acknowledge the existence of life before birth.

Another way to put this same point is to say that in our law now (and in our society, too, to the extent to which it acquiesces in the line the Court has drawn¹³) infanticide is merely *malum prohibitum* rather than *malum in se*. We cannot feel there to be anything *in se* wrong with depriving an infant of his existence after birth if we do not even bother to acknowledge his existence before birth. If we really cared about *him*, we would at least take him into account in our moral and legal deliberations—even if we finally were to decide because of surrounding circumstances to place, say, a more stringent penalty on postnatal as opposed to prenatal infanticide.

It is too late, *post Roe*, for us to be dismayed by proposals for infanticide.¹⁴ Even if our society does not decide openly to legalize infanticide, we as law-

¹³ To my knowledge, there has been no politically significant opposition to the Court's decision except by the conceptionists. Apparently those who argued just recently for intermediate points after conception (e.g., quickening) as the beginning of life are now willing to go along with the Court moving the line all the way up to birth, even though by their own tests life exists earlier.

This political evidence would seem to add an interesting *ad hominem* argument in support of the conceptionist position on the commencement of life: If only those who say that life begins at conception care much about it at any prenatal stage, then it follows that anyone who really cares about unborn life will see that it begins at conception.

¹⁴ Dr. James Watson, Nobel laureate, has echoed Dr. Francis Crick in suggesting that we wait until three days after birth before declaring a child alive. *The National Observer*, Sept. 1, 1973. For an excellent philosophical argument favoring infanticide, see Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs*, 2 (1972). See also Duff and Campbell, "Moral

makers can be doing so only out of concern for ourselves rather than for the newborn. We must be concerned not with the objective value of human life, but with the subjective impact that the killing of infants might have on our collective feelings and interests.

Professor Ronald Green, for example, has articulated well the view that infanticide is undesirable solely because we feel sympathy for babies and it hurts *us* to see them suffer, because if we let other people kill their children maybe someone would kill our children, and, finally, because we ourselves might be endangered if people became callous toward beings similar to ourselves.¹⁵ Sissela Bok emphasizes this last point, saying that the most important reason to prohibit infanticide is because of “. . . the brutalization of those participating in the act and the resultant danger for all who are felt to be undesirable by their families or by others.”¹⁶

There is nothing wrong with such self-interested arguments. They could well *accompany* arguments for the inherent value of life: I might argue against taking someone else's life on the ground that if, in spite of another person's inherent value, he can be placed in jeopardy, then in spite of my own such value I might be killed. Rather, my point is that if we say life begins at birth, *only* self-interested arguments remain to prevent infanticide.

Insofar as we believe human life to possess inherent value, I have argued, we conceive of it as a reality. But what term shall we give to human life to which we are related only by self-interest? I suggest that the most appropriate term is “resource.” The word “resource” emphasizes both the purely instrumental nature of such life and our disinterest in knowing when it “really” exists. Resources concern us only insofar as they can affect us as consumers of them. Both in and out of the womb the child is regarded by self-interest as “potential,” as a resource. But in the womb its resource value may be not very high (unless we, individually or collectively, want more children), while out of the womb its preservation is much more beneficial to us. (Or more exactly, its destruction is much more harmful.)

and Ethical Dilemmas in the Special Care Nursery,” *The New England Journal of Medicine*, 289 (1973). John A. Robertson, in a thorough analysis of the problem, has suggested that infanticide of defectives is “rapidly gaining status as ‘good medical practice.’” “Involuntary Euthanasia of Defective Newborns: A Legal Analysis,” *Stanford Law Review*, 27 (1975), p. 214.

¹⁵ Green, “Conferred Rights and the Fetus,” *Journal of Religious Ethics*, 2 (1973), pp. 55, 65-66. Mr. Green's argument for abortion and against infanticide is the most systematic and persuasive I have encountered; he comes close to demonstrating that there are no self-interested reasons for being against early abortion. But his approach is by no means unique. It is implicit in the whole “social consequences” school of thought on abortion, discussed in D. Callahan, *Abortion: Law, Choice, and Morality* (Macmillan: 1970), pp. 390-94. Mr. Callahan focuses primarily on Glanville Williams and Garrett Hardin.

¹⁶ Bok, “Ethical Problems of Abortion,” *Hastings Center Studies*, 2 (1974), pp. 33, 43. The author of this *Hastings* article, unlike Mr. Green, seems not to be concerned *exclusively* with self-interested arguments; while eschewing respect for life as an end-in-itself, she can perhaps be read to recognize an inherent disvalue in the suffering of others, including infants before and after birth. See *id.*, p. 42 *et seq.*

Interestingly, both these writers argue that even enlightened self-interest would dictate placing the beginning of life at some point in pregnancy *prior* to birth. Sissela Bok does so explicitly in order to avoid opening up the possibility of widespread infanticide with its consequent dangers for us all. See *id.* at p. 50.

There is an important gap, however, in the foregoing analysis. It has been argued that, if one begins with a belief in the inherent value of infants, one will insist on knowing about them even prior to birth; one will be concerned about their reality. On the other hand, if one is concerned for infants only insofar as they affect one's self-interest, one will not insist on knowing about their existence when it does not and will not impinge on this self-interest, because one is concerned about them only as a resource. But the first section of this essay drew a contrast between reality and pretense, not reality and resource. If self-interest implies that one views life as a resource, why the pretense? Why insist that life "really" begins at birth if self-interested parties do not care about "reality"?

The most plausible answer, it seems to me, is that it is convenient even for self-interested persons to pretend to a belief in the inherent value of human life. Certainly many Americans would have been shocked had the Court said directly: "Human life will be recognized only when we consider it in the interests of women to do so." By avoiding such a statement, the Court avoided a clear confrontation between the conflicting inherent value and self-interest approaches to infant life.

Moreover, more than a desire to fool other people may dictate pretense. Our own experience of value is often at least *prima facie* an experience of what we think is inherent value. We think that we would be concerned not to harm an infant accidentally, even if we could not see or know about the harm. It takes a philosopher, such as Mr. Green, to come along and tell us that we care only about how it hurts us to see the infant suffer or die.¹⁷ We do experience inherent value, and it would make us uncomfortable, I suggest, to be forced to restructure our reaction to infants in terms of self-conscious self-interest. How much better to pretend that we do care about infants for their own sake, and when we do not care about them to say they are simply not there.

Finally, not to draw a line at birth may make us fearful of our own safety. If self-interest alone stands in the way of infanticide, how can we be sure that more than the self-interest of others stands in the way of the taking of our own lives? Since we are all human beings, it may make us feel insecure to say openly that the lives of human beings must be ignored in our legislation. How much better, we may feel, to pretend that we do value all human life, by drawing an arbitrary line at which we pretend it begins, and then to try our best to keep up the pretense. Our own peace of mind is thus increased.

The problem with this pretense is that it is transparently so, because it lacks a basis in reality. The line we draw is irrational, if we claim that it corresponds to nonsupernatural fact. Therefore, we are caught in a dilemma: We do not want really to believe in infant inherent value (because to do so would sometimes not be in our self-interest); we do not want openly to disbelieve in infant inherent value (because this, too, would not always be in our self-interest); and we cannot in the long run just pretend (because the pretense is obvious).

¹⁷ By contrast, we have other experiences which are from the start only self-interested. For example, when we squeamishly wince at the sight of blood during a medical operation, we are concerned primarily about ourselves. Once out of sight, we feel that the object of our consciousness *ought* to be out of mind. I submit that we do not naturally feel the same way about hurting infants.

III. THE WORLD AS REALITY, AS RESOURCE, AND AS PRETENSE

In the remaining part of this essay I would like to suggest, but not argue, that the above dilemma is not unique to the abortion issue. I submit that the problem of pretense is a nearly universal one in our age, and that the abortion controversy provides us with perhaps our last clear chance for a solution. My thought is this: We are today faced with a choice between what I call "the world as reality" and "the world as resource." These two have presently coalesced into "the world as pretense," but this synthesis is inevitably unstable.

The world as reality exists for us to the extent to which we believe the world to have inherent value in any part. For if we so believe, we will form concepts to accord with that which is valuable, and the entities of the world will take shape according to these pre-given concepts. Because we did not consciously create the values we perceive or otherwise believe in (for example, through religious authority), we do not regard these entities as arbitrary constructs either. The logic might run like this: If all reality were a construct of our minds, then we could never say that any entity is "out there" before us. But we know that some valuable entities (e.g., human life) are out there before us. Therefore, at least some facts must be other than human constructs, and it is our task to try to separate fact from mistaken fact.

The world as reality is a hard but, therefore, dependable world. Because values and facts are real they cannot be shoved aside. If we seek to do so, we may break upon them. Suffering (such as the suffering accompanying an unwanted pregnancy) is an inevitable part of the world as reality (here because of the givenness of the value and fact of unborn human life). On the other hand, this same hardness makes the world as reality dependable. It can be stood upon, built upon. Above all, it can be looked upon, that is, contemplated—at least in hope. We can already argue and think *about* it, even when it remains hidden.

The world as resource starts only with self-interest. Whatever (if anything) is "out there" is of interest only insofar as it affects me; it is regarded purely as a resource for the satisfaction of my desires. Far from seeking to know what "shape" it may have in itself, I regard this as a meaningless question. All I can know, or at least care to know, is my experience. True, there is the problem of "resistance"—the world does not yet function as an ideal resource for my consumption. It is like oil that has been insufficiently refined. But I hope for the day when all my world, through the efforts of science and technology on the one hand and of political and moral liberation on the other, becomes a homogeneous energy source for my free choices, when it has been entirely converted to gasoline in my car.¹⁸

With proper resource management, this world is infinitely malleable. Knowledge is solely a means to increased malleability, never a source of limitation. Suffering (especially in the sense of the acceptance of the given) has been

¹⁸ For a far more profound reflection on a similar point, see "Die Frage nach der Technik" in M. Heidegger, *Die Technik und die Kehre* (Günther Neske: 1962), p. 5. Originally published in *Vorträge und Aufsätze* (1954).

or will soon be eliminated, when we have the know-how. Even consistency is nothing upon which we need break, since there are no necessary concepts. Theories of reality become models useful for prediction alone; having no truth content, they need not be consistent one with another. Nothing can be looked at, but I do not much care, because my eyes have twisted inward.

Perhaps the key modern idea instrumental in converting our world to a resource has been *fairness* (epitomized for our law in the concept of "equal protection") as a governing principle. True, the idea of fairness contains a normative limit on our action, but it is not a limit which imputes inherent value to the things of the world. Instead, it annihilates any inherent value in the world. For how can we deal fairly with everyone's interests until all the values of each have been translated into self-interest? We cannot say that one group is treating the rest of us unfairly in imposing its values upon us if we think of them as also sacrificing themselves for their values. We must first insist that such groups are self-interestedly getting the *benefit* of imposing their preferences on society before we can make them cease and desist in the name of fairness. Fairness has no doubt always had an important subordinate role in the allocation of benefits among parties who are in fact self-interested; but its distinctive effect as the prime constituting principle in modern society may be to convert in our minds all pursuit of inherent value to a facade for the pursuit of self-interest. All love is self-love, we are taught to think today.¹⁹

A conflict exists, however, between the value-annihilating tendency of fairness and its own presupposition: that there is a class of beings to whom one ought to be fair. We used to think that the monarch fairness demanded that nothing *except another human being* be considered an end in itself. But in legalized abortion, at least insofar as the beginning of life has been placed at birth, human beings have finally also been converted into only a resource for our satisfaction—and mandatorily so, as the constituting and constitutional principle of fairness requires.

Will some human lives (perhaps those of rational adults) or at least some "qualities of life" (perhaps those without suffering) still remain inherent values for us in the future? I do not know.²⁰ But I suspect that if any inherent value once as fundamental as human life can be so quickly eliminated, then nothing else is likely to withstand much pressure. Mr. Green's not atypical individualism, for example, does more than weaken the rights of fetuses and neonates. Nowhere does he appeal to an inherent value in any human being, or even to an independent moral imperative of fairness. Instead, moral and legal rights are granted to other adults in order to gain the "protection" and "usefulness" of their

¹⁹ The reduction of all value conflicts to questions of fairness may have, of course, one great advantage: peace. The common denominator of self-interest seems to make all human problems in theory solvable without resort to violence. But, like other monarchs, fairness may offer peace only at a cost to the spirit.

²⁰ However, even if some "qualities of life" were to retain inherent value in the future, such valuation would seem to lead to a search for technology and not reality. An ethic which locates value not in what is (life), but rather in what we experience (life's quality), makes insignificant the question of whether particular individuals exist or should exist, and even the question of whether *anything* exists. What is becomes a resource, and what matters becomes the development of techniques to use this resource to produce valued experiences, whether illusory or not.

acknowledgment of our rights.²¹ So, it would seem, if someone could not propose a "good deal" to us, we would grant him no rights. The weak are recognized only insofar as it is not in our interest to ignore them. Of course, Mr. Green assumes that few if any rational entities will be so weak as to be ignorable; he grants equal rights to "any being with the capacity to pull the trigger of a gun, and to refrain from doing so out of obedience to moral rules. . . ."²² In an era of strict gun control, Mr. Green's assumption of nearly universal rights for rational individuals might become questionable; but in his system, even when we are acknowledging the rights of others, we are treating them only as resources for our use and protection.

The world as pretense follows from the world as resource. For, even in a world like Mr. Green's, it may be pleasant and useful to pretend to believe in an inherent value in everyone able to pull the trigger of a gun. *Publicly* one would always disinterestedly declare it terribly wrong and criminal to harm anyone who can pull a trigger, because one would want personally not to be endangered by angry trigger-pullers and also because one might want to be well liked by one's self-interested fellows. One might for the same reasons stoutly defend minority group trigger-pullers and express great shock and concern that they should be treated unfairly. Perhaps one would even attempt to reinforce one's own protection by pretending there to be a difference in kind between those actually able to pull triggers and those only potentially able to do so.

Yet the world as pretense is unstable—because those in it, upon reflection, know it to be a pretense. It is a game that one will play only as long as one gets something out of it. And only the *appearance* of fair play is necessary in order to get the benefits of the game; there is no reason not to cheat in secret even as one denounces cheaters. Mutual and collective self-interest can indeed result in a rebuilding of moral and legal authority, but only as a façade, a sham. Law will survive only to the extent to which it can eliminate privacy because only in public does everyone have to keep up a pretense, under penalty. But even in the public daytime we shall be pious hypocrites. And the night may remain.

Modern man is caught in a dilemma: He wants the benefits of belief without its drawbacks. He wants the personal meaning and security that come from living in the world as reality, but he wants the freedom and control that come from living in the world as resource. He likes belief, but he wants to believe what he wants. But this does not work. Believing what one wants is called pretending, playing at believing. He plays at inherent value, but he cannot ever let himself really believe in it or it would control him rather than he it.

Is there any way out of the world as pretense, other than into the still greater emptiness and danger of the world as resource? I think there is, if we wish to take it. We can decide to *let* ourselves believe. Of course, this alone is not enough; we cannot believe in a value or in a god simply by choice. We have to think that it really stands "out there," that we have found it rather than made it; otherwise, we are still only pretending. But I suggest that self-conscious self-interest is not

²¹ Green, "Conferred Rights and the Fetus," *Journal of Religious Ethics*, 2 (1973), p. 60. See generally p. 59 *et seq.*

²² *Id.* at p. 61.

all that constant a human experience. We (or most of us) are believers in part at least; we just have to let ourselves be *governed* by this part. We do often have the experience of inherent value; it requires a perverse effort (and one in no way demanded by the search for truth) to learn to think we love infants only because they make us feel good. All we have to do is not make the effort. But then we are out of control. . . .

The same solution might be used in the macrocosm of society. After all, there are still substantial portions of our society who really do believe, who are not just pretending. If we do not want to live in the moral and legal world of pretense, we can simply give comfort and *power* to those in our midst who still believe in inherent value, even if we do not. And this means first of all committing our society to that which most believers still most highly value: human life. But then we are out of control. . . .