
In the preface to his book, George Sher tells the unsuspecting reader that he will be defending some ‘unpopular decisions’ in contemporary moral and legal philosophy. The papers comprising the book, all except one of which having appeared in professional journals over the last 23 years, bear testament to this. Despite being a collection, the book is coherent and covers issues including compensation, anti-discrimination legislation, preferential treatment, the moral standing of groups and subsidised abortion.

In ‘Ancient wrongs and modern rights’, Sher argues for restrictions on compensation resulting from misdeeds which pre-date the lives of claimants, e.g., blacks whose forebears were enslaved in the U.S. The theme is continued in ‘Compensation and transworld personal identity’: if compensation is to be based on comparing a person’s well-being after having been discriminated against with that in a possible world in which no such discrimination befalls the person, then a condition for valid comparison is that the person’s identity be sufficiently similar across worlds, something which may be vitiated by the discrimination itself. Perhaps the well-being of similarly-placed people should form the yardstick, an idea which Sher pursues in all its ramifications. Further restrictions on compensation are heralded in ‘Justifying reverse discrimination in employment’ in which Sher advocates that only cases in which individuals are rendered less able to compete with others be apt for positive discrimination, not cases characterised by disinclination amongst members of a certain group to seek employment in certain sectors, e.g., women in academic, political and higher-managerial professions. Neither, in instances of competitive disadvantage, may individuals, by virtue of their membership of a particular group, be subjects of reverse discrimination, a topic to which essay 4 is dedicated.

Sher’s arguments manifest rigor, whilst maintaining contact with our intuitions. They nevertheless hover in a space somewhat adrift from political practice. A sign of this is the frequent allusion to epistemological
limitations in deciding what the right policy is. Without denying the importance of such factors, I found myself asking whether they are of such significance to issues the natural habitat of which is politics. If, that is, Sher’s book is to be of relevance outside the academy, he must tackle his themes on a different terrain. It is one thing, for example, to argue that Millian utilitarianism does not justify feminist claims that there is something wrong with ‘women’s traditional preferences’ (essay 8), but another altogether to combat (should one so wish) the claims of feminists in practice, where the terms of debate differ from those in philosophy.

These tensions are particularly manifest in the book’s later essays, e.g., ‘Predicting performance’, in which Sher considers assessment methods for job applicants. His target here is Thurow, who sees the inevitability of employers’ use of ‘group membership’ as a criterion for selection and who further writes that the state must distinguish between legitimate and illegitimate group membership criteria. However, Thurow provides no answer to the question: ‘Which groups?’ *De facto*, the answer is: ‘Whichever group has the requisite means for political organisation’. Sher’s dissatisfaction with this is admirably argued, but how great is the chance that the political terrain will be changed by philosophical argument?

In ‘Subsidized abortion’, we find Sher at his most prescriptive. He advocates compromise in the war between pro- and anti-abortionists based on a mutual acknowledgement of the fallibility of the positions which each side holds. That abortions are permitted implies that ‘we have in effect reached a societal judgment that the practice is not seriously wrong’ (156), something which, in Sher’s mind, blocks a blanket appeal to the rights of a foetus to life. On the other hand, if the government were to initiate contraception and expanded adoption programmes, thus reducing the number of abortions necessary, then we may ‘reasonably ask’ of those who oppose abortion that they abjure those tactics which are more apposite in civil war than moral debate. We can be grateful that both sides have their share of those who accept such compromises and tolerate their opponents. But do they do so because of the epistemological fallibility of their position, or do our moral intuitions become formed before, and independently of, their epistemological grounds? And what of those anti-abortionists who conceive Sher’s ‘societal judgment’ to be a license for mass murder? It is too facile to see the *de facto* existence of abortion as a stable starting point which all parties to the debate must *de jure* accept.