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The Abortion Debate



The Person Argument

- The Person Argument – The traditional argument against abortion:
 - 1. The fetus is an innocent person
 - 2. It is morally wrong to kill an innocent person
 - 3. So: It is morally wrong to kill a fetus
- The argument is valid. It remains to see whether or not it is sound, that is to say, we have to assess whether or not the two premises are true. So, the questions are:
 - 1. Is the fetus a person?
 - 2. Is it always morally wrong to kill an innocent person? – This is where the mother’s “right over her own body” will come into play



The Person Argument

- Premise 1: The Question of Personhood
- The notion of Personhood is crucial for the argument: It is because the fetus is considered a person that it is considered morally wrong to kill it.
- Thought experiment: what would be ok to kill?
 - - an ant in your yard? a spider in your house?
 - - robots? – I, Robot example, neuroscience movie
- SO: we need to figure out what it is that makes a person a person. More precisely, what we need is a sufficient condition for being a person.



The Person Argument

- In the case of abortion, we need
 - - EITHER a **sufficient condition**, or a set of conditions that are together sufficient to be a person. If the fetus fulfill these conditions, then the fetus is a person, and then the first premise is true.
 - - OR a **necessary condition** to be a person that the fetus does not fulfill. In this case, the fetus is not a person and the Person Argument fails



The Person Argument

- Examples:
 - - Necessary **but not** sufficient: a necessary condition to get an A at the exam is to take the exam
 - - Necessary **but not** sufficient: a necessary condition for being a human is to be an animal
 - - Sufficient **but not** necessary: a sufficient condition for being an animal is to be a human
 - - Sufficient **but not** necessary: a sufficient condition for putting on weight is to be pregnant.
 - Notice that a set of necessary conditions can **together** constitute a sufficient condition.
 - Example: fuel, heat and oxygen are necessary and together sufficient conditions to get a fire. None of them is sufficient individually



The Person Argument

- Necessary and Sufficient Conditions for Personhood – What would that be?
- Mary Anne Warren’s thought experiment: Aliens and Personhood
 - Human parents, human DNA, physical resemblance? – not necessary
 - Viability – may be necessary, but not sufficient!
 - Soul? How do we check on this?



The Person Argument

- Mary Anne Warren's conditions for personhood – She proposes the following list:
 - 1. The capacity of consciousness and the ability to feel pain
 - 2. The ability to reason.
 - 3. The ability to act in ways that go beyond instinct – to have motives and goals.
 - 4. The capacity for complex communication.
 - 5. Having a sense of self.



The Person Argument

- According to the Warren Court, the fetus does not fulfill all these conditions, and hence, **is not a person**
 - There is no stage of fetal development at which a fetus resembles a person enough to have a significant right to life.
 - A fetus's potential for being a person does not provide a basis for the claim that it has a significant right to life. Even if a potential person has some right to life, that right could not outweigh the right of a woman to obtain an abortion, since **“the rights of any actual person invariably outweigh those of any potential person”**



The Person Argument

- **The spaceman analogy:** A space explorer is captured by aliens who are going to make a thousand clones of him unless he escapes.
- Does he have an obligation to stay?
- No, says Warren, even if the cloning is done quickly and does not harm him. Not even if the clones have already started to grow and will die if he escapes.



The Person Argument

- Objections to Warren

- If killing fetuses is permissible because they are not full-fledged members of the moral community, then, by the same standard, killing newborns would be permissible as well.
- **Moreover**, killing any non-human animal would also be permissible. But this is not the case.
- **Warren's Reply**: “The deliberate killing of viable newborns is virtually never justified...because neonates are so very close to being persons that to kill them requires a very strong moral justification—as does the killing of dolphins, whales, chimpanzees, and other highly personlike creatures. It is certainly wrong to kill such beings just for the sake of convenience, or financial profit, or sport.”



The Person Argument

- Is this an adequate reply? Arguably not.
- Take the example of a **premature birth**. A six-month “premie” is certainly a “viable newborn”, given modern technology. But it is no closer to being a person than a six-month fetus that happened to stay in the womb. So, to be consistent, Warren must either say that killing the premature infant is permissible, or that aborting the six-month fetus is not.
- Since Warren brings up non-human animals, let’s consider what **Peter Singer** would say about this. In our reading for next class, Singer argues against making personhood a necessary condition for moral consideration (that would be “**speciesist**”).
- Instead, he proposes that having interests is what matters, and sentience (the capacity to feel pain) is both necessary and sufficient for having interests.
- At what stage of development is a fetus capable of experiencing pain? Somewhere between 5 and 6 months, it is now believed.



The Person Argument

- Conclusion on Personhood – It is very difficult to find an acceptable set of conditions that are together sufficient for personhood.
- 1. if the definition is **too broad**, then we have absurd conclusions, like menstruation and killing animals amount to kill a person
- 2. if the definition is **too narrow**, then we have absurd conclusions, like it is okay to kill a autistic, mentally handicapped, people who are doomed to die soon anyway (even if they don't want to die etc.)
- One strategy is to avoid discussing personhood. Both Thomson and Marquis do this.



The Person Argument

- Premise 2: Is it always wrong to kill an innocent person?
- Thomson's analysis – Thomson grants the first premise, and attacks the Person Argument regarding the second premise: is it always wrong to kill an innocent person?
- Thomson's analogy – *The violinist*



The Person Argument

- Are you morally obliged to stay in bed with the violinist? Is it morally wrong to unhook yourself?
 - if you have to stay for nine minutes?
 - if you have to stay for nine months?
 - if you have to stay for nine years?
 - if you are going to die?
- The point here is not to say that it is always morally right to unhook yourself, rather to say that the case is not clear, and hence, that the second part of the Person Argument is not straightforward.



The Person Argument

- The distinction between direct killing and letting die – A common argument given in the extreme case in which the mother is sure to die in case she goes through pregnancy is the following:
 - You cannot kill directly but you can let people die.
 - Thomson's answer: the growing child in your house
 - How is the analogy working for you?



The Person Argument

- Problems with the analogy – The strength of Thomson’s argument depends on the strength of the analogy between the violin player example and abortion.
- What are the morally relevant differences between the violin player example and abortion, and does this make a difference regarding the conclusions she draws?
- It seems that the analogy applies only to case where the pregnancy is the result of rape. What about unwanted pregnancies when birth control fails?



The Person Argument

- A refinement of the violinist case : you've heard that it may happen that you get hooked up to a violinist when going to the opera. You know that usually, it is likely to happen when you go to the reception after the performance. So, you go only to the performance and not to the reception. You are careful not to get close to the location where the reception takes place. Despite all your precautions, you get caught and hooked up with the violinist.
- How much responsibility does you have?
- Is it morally wrong to unhook yourself?
- Another example: robbed in liberty city



The Person Argument

- Thomson's main thesis – a right to life is not a positive right, it is a negative one. We are not morally obligated to help another, but *it would be a great moral favor*.
- - Paul Newman's (or Natalie Portman's, if you like) touch
- - The Great Samaritan
 - Thomson: we are not morally obligated to be Great Samaritans
 - Note that if we were morally obligated to be Great Samaritans, then we would be all morally wrong to devote our lives to fight, say, poverty in Africa.



The Person Argument

- So her conclusion is:
- We are never morally obligated to help another person when it involves great sacrifices
- She has answers for two extremes:
 - Abortion for health reasons / rape etc.
 - Not helping when it does not involve any great sacrifice is morally wrong – last minute abortion after unprotected sex and because conflict with your vacation plans.



The Person Argument

- So her conclusion is:
- In the middle, there are no clear cases: continuum from the moral indecency to the morally right. It would be a fallacy to cut one way or another just because there are extreme cases. Indeed, this is called the Slippery Slope fallacy.



The Person Argument

- So her conclusion is:
- **Slippery Slope:** a reasoning which reduces a long continuum of cases to one of the extremities:
- We have to stop the government from banning pornography: this is like burning all the books!
- We have to stop women from wearing short skirts: soon they'll be walking around completely naked!



The Person Argument

- Another way out? When is it wrong to kill? (Still Premise 2)
- Marquis' analysis – Marquis tries to avoid the question of personhood and to get another reason why it is wrong to kill a fetus, whether or not it is person
- - “What primarily makes killing wrong is neither its effect on the murderer nor its effect on the victim’s friends and relatives, but its effect on the victim.”
- Marquis' thesis: An instance of killing is wrong when it deprives someone of a valuable future like ours.
- "The purpose of this essay is to develop a general argument for the claim that the overwhelming majority of deliberate abortions are seriously immoral"
- It explains why killing is wrong generally, as well as explains why people are depressed about chronic illnesses.



The Person Argument

- So, in the abortion case: Marquis rejects the Person Argument and proposes this argument instead:
 - 1. It is wrong to kill when it deprives of a valuable future like ours.
 - 2. A fetus has a valuable future like ours
 - 3: So: it is wrong to kill a fetus, and abortion is morally wrong
- The crucial moral category in Marquis' argument is not that of a person or a potential person. It is rather the category of "having a valuable future like ours"



The Person Argument

- **Points in favor** of the analysis (according to Marquis):
 - It explains why killing is regarded as one of the worst of crimes: it deprives the victim of more than perhaps any other crime.
 - People who are dying believe it is bad because it is a loss of a future of value. It makes sense that killing is fundamentally wrong for the same reason that death is bad.
 - Implies that it would be wrong to kill non-humans that have “a future like ours” (a future of value), such as certain animals or intelligent extra-terrestrials.
 - Unlike “sanctity of human life” theories, does not entail that active euthanasia is always wrong. Whether it is wrong depends on the expected value of the future of the patient.
 - Unlike personhood theories (e.g. Warren’s), it straightforwardly entails that killing children and infants is wrong, and for the same reason it is wrong to kill anyone else.



The Person Argument

- Implications :
 - 1. It wouldn't just be humans that are wrong to kill.
 - 2. Animals seem to qualify too.
 - 3. It is wrong to kill children or infants or fetuses.



The Person Argument

- This argument seems to allow two cases where abortion would not be wrong:
- abortion is not wrong where the foetus, if born, would be so handicapped that it would not be capable of having any future experiences (or at least none that it was aware of).
- abortion is not wrong where the foetus, if born, would be so defective that all its experiences would be so unpleasant or painful that it would benefit from being deprived of those experiences.



The Person Argument

- However, this actually leaves us at the top of a slippery slope.
- We could argue in a similar vein that abortion is not wrong where the foetus, if born, would be born into a society or a situation so dreadful that all its experiences would be so unpleasant or painful that it would benefit from being deprived of those experiences.
- Consider the (admittedly fanciful) case of a child born to a slave in a culture where slave children are slowly burned alive shortly after birth as a sacrifice - would we consider abortion acceptable in such a case?



The Person Argument

- Marquis ends his discussion by considering various sorts of objections to his view.
- First, he considers competing accounts that are meant to explain the wrongness of killing, accounts that, if sound, would not entail that abortion is presumptively wrong.
- The first account has it that because fetuses cannot themselves value their own futures, their futures are thereby not valuable to them.
- In a somewhat similar vein, the second account has it that a being cannot have a right to life unless it expressly desires its own continued existence; as fetuses do not value in such a way, they cannot have a right to life. Marquis believes that both of these accounts make a similar mistake. He argues that just because a being does not currently value or desire something, it does not follow that that thing is not valuable to, or desirable for, the being.



The Person Argument

- **Other Objections** Marquis Considers to his Argument
- A necessary condition for the wrongness of killing a being is that doing so interfere with the fulfillment of the being's desire to go on living. But fetuses don't have a desire to go on living. So killing them is not wrong.
- Possible Reply:
- Only victims can be wronged. A victim must have sentience. But embryos don't have sentience. An embryo is thus not a victim and can't be wronged. So it does not wrong an embryo to have an abortion.
- Possible Reply:
- Contrary to what Marquis contends, it's not the case that depriving a being of the value of a future like ours is wrong. For if Marquis' contention were true, then contraception would be wrong. And that's absurd.
-
- Possible Reply: none? He does claim that there is no “determinate” person that will be deprived, but is he right?



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