

Chapter 9

The Morality of Abortion

9.1 Homework

Readings – DW 15-17

Study questions – Give a short answer to the following questions:

1. What are the two conflicting values in the abortion debate?
2. Explain the analogy that Thomson does with the violin player.
3. Can you think of ways in which the analogy is not convincing?
4. Explain why Marquis is unsatisfied with the regular arguments for and against abortion.
5. What are the various answer that Marquis considers to the question of why killing is wrong?
6. Which is the answer that he favors?
7. Which is the answer that is closest to yours?

9.2 Introduction

A difficult question – The issue of abortion is probably the most difficult and most controversial ethical issue, especially in the United States. So, let me make clear a few things right away:

What this chapter is not about – This chapter is **not** about

- Telling you what to think, or telling you what the right answer is
- Changing your views on the topics or forcing my own answer on you

The two texts you had to read are clearly taking sides. Our point here is to present the arguments on both sides.

What this chapter is about – This chapter is about:

- Making you investigate and hopefully understand what reasons are behind your own beliefs
- Making you consider what reasons are behind the other side's beliefs

An important distinction – It is important to distinguish between:

1. whether doing a particular action should be considered as *morally wrong*
2. whether doing a particular action should *made illegal*

There are many things that we consider being morally wrong, but that we still don't want to be illegal.

Example: you won't get into prison or even get a fine if you cheat on your girlfriend (resp. your boyfriend) with her (resp. his) best friend. It is clearly morally wrong, but not illegal.

In this class, we will only address the first issue: whether abortion is morally wrong or not.

Two opposite values – In the traditional debate, there are two values in conflict:

1. The fetus' "right to life"
2. The mother's "right over her own body"

That people have some kind of right or control over their own body seems true. That said, this alone does not settle the question. This is simply because *it is not true that we can do whatever we want with our own bodies, in particular if it affects other people adversely*. The main questions are instead:

- Does the fetus have a "right to life" or not?
- If yes, then does the fetus "right to life" outweigh the mother's right over her own body or not?

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, our questions will be :

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

9.3 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.

Necessary Conditions and Sufficient Conditions – What is that?

Definition 9 – Necessary Condition

A necessary condition for *X* is a condition that must be satisfied for *X* to obtain.

Definition 10 – Sufficient Condition

A sufficient condition for *X* is a condition the satisfaction of which guarantees that *X* obtains.

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

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

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?

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.

According to the Warren, the fetus does not fulfill all these conditions, and hence, is not a person

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 an 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.

9.4 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

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 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?

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 dandelion-babies in your house – How does the analogy work for you?

- English' refinement of the violinist case (refined by myself): 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 Chicago

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.*

- Henry Fonda's (or Britney Spears' 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.

So her conclusion is:

For the two extremes:

- we are never morally obligated to help another person when it involves great sacrifices – 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.

In the middle, 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 case.* Indeed, this is called the Slippery Slope fallacy.

Slippery Slope: a reasoning which reduces a long continuum of cases on 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!

NOTE ON COMMON GROUNDS

9.5 Another way out? When is it wrong to kill

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

Marquis' thesis: An instance of killing is wrong when it deprives someone of a valuable future like ours.

It explains why killing is wrong generally, as well as explains why people are depressed about chronic illnesses.

So, in the abortion case: Marquis rejects the Person Argument and proposes 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

Implications :

1. It wouldn't just be humans that are wrong to kill.
2. Animals seem to qualify too.
3. It does not entail that VAE is wrong.
4. It is wrong to kill children or infants or fetuses.

Unacceptable conditions –

1. Desire account of wrongful killing: Killing is wrong when it goes against one's desires.

Objection: This fails to capture instances of wrongful death, e.g. killing someone sleeping.

Counterobjection: Distinguish between occurrent and nonoccurrent desires. The desire to live isn't always occurrent, but is present; temporary unconscious is an instance where the desire to live is nonoccurrent, but present.

Countercounterobjection: Suicidal teens.

2. Discontinuation account: Killing is wrong when it interrupts valuable experiences.

Objection: Unconscious people could be killed because they have no experiences.

Marquis says that what makes the discontinuation account plausible is that it trades on the value of future experiences. At best it collapses to the future values account (Marquis).

Marquis and abortion – Abortion is wrong because it deprives fetuses from a potentially valuable future like ours.

- Possible objection: not sufficient? Perhaps another property is required, e.g. sentience. Sentience is what gives a being interests that deserve to be taken into account. Without sentience, a theory of wrongful death cannot apply.

Marquis' response: Drug induced loss of sentience provides a counterexample.

Steinbock's criticism of Marquis –

In order for the valuable future account of wrongful death to apply to a fetus, there must be some way of linking the fetus to the person who has valuable experiences like ours. To do this, one needs a personal identity theory, a theory that indicates which individuals are the same individuals over time.

1. Physical theory of personal identity: What makes a person the same person over time is the causal history of the physical components of their bodies. Though we create and lose cells, it is the causal connections between the cells, etc. that composed us at an earlier time and later time that serve to identify two people as the same.

2. Psychological theory of personal identity: What makes two people the same person is when there is continuity of psychological experiences between the two persons.

→ *Steinbock's dilemma for Marquis:*

Suppose we go with the psychological theory of personal identity. Well, before a certain stage of development, there is no psychological experiences (even pain). Hence, there is no way to connect the fetus to the person who has valuable experiences.

Suppose we go with the physical theory of personal identity. Well, we are causally connected to sperm and egg. Every egg and every sperm can be connected to a person with a potentially valuable future. In this case, any instance of birth control or even menstruation would be wrong! Moreover, so would masturbation for men.

So, either abortion is allowable in non-sentient fetuses, or birth control, etc, are instances of wrongful killing, which is absurd.

9.6 Further Readings

The articles I mention here that are not in your books are:

- Jane English, "Abortion and the Concept of a Person"
- Bonnie Steinbock, "Why Most Abortions are not Wrong"
- Mary Anne Warren, "On the Moral and Legal Status of Abortion"

For a more exhaustive bibliography, you can consult Prof. Hinman website: <http://ethics.sandiego.edu/Applied/Abortion/index.asp>