



the philosophy of the abortion debate

What's at stake?

IF YOU DIDN'T HAVE AN OPINION ABOUT THE MORALITY OF ABORTION, WHAT WOULD YOU WANT TO KNOW?

Some responses focus on the fetus:

Is the fetus “a life”?

At what point can the fetus feel pain?

At what point does the fetus look like us?

Quality of life

Implied
philosophical
Question:
PERSONHOOD



Is the fetus
*as morally
valuable as a
mature
adult?*

Other responses focus on the woman:

Was the child conceived through rape or incest?

Does the mother want it?

Does the mother have health issues?



Implied philosophical question:
BODILY RIGHTS

Does a woman's right to bodily autonomy trump whatever value the fetus has, *even if we concede the personhood of the fetus?*

It is absolutely vital to notice that personhood and bodily rights are *different and independent* philosophical questions

- Support for abortion might stem from *either* the view that the fetus is not a person *or* views about bodily rights.
 - Many prominent philosophers who support access to abortion on the grounds the fetus is *not* a person agree that if the personhood of the fetus *could be* established, then abortion would be immoral
 - Other prominent philosophers, who support access to abortion on the basis of "bodily rights," by contrast, readily concede that the fetus becomes a person and has the same moral value as the rest of us, if not at conception, at least long before birth.
- Opposition to abortion, by contrast, typically implies a stance on *both* questions

What makes a
being
a “person”?

Two very different answers:

1. Any member of the species homo sapien, young or old, abled or disabled, is a person.
2. Personhood requires the possession of certain characteristics, characteristics which not every member of the human species has.

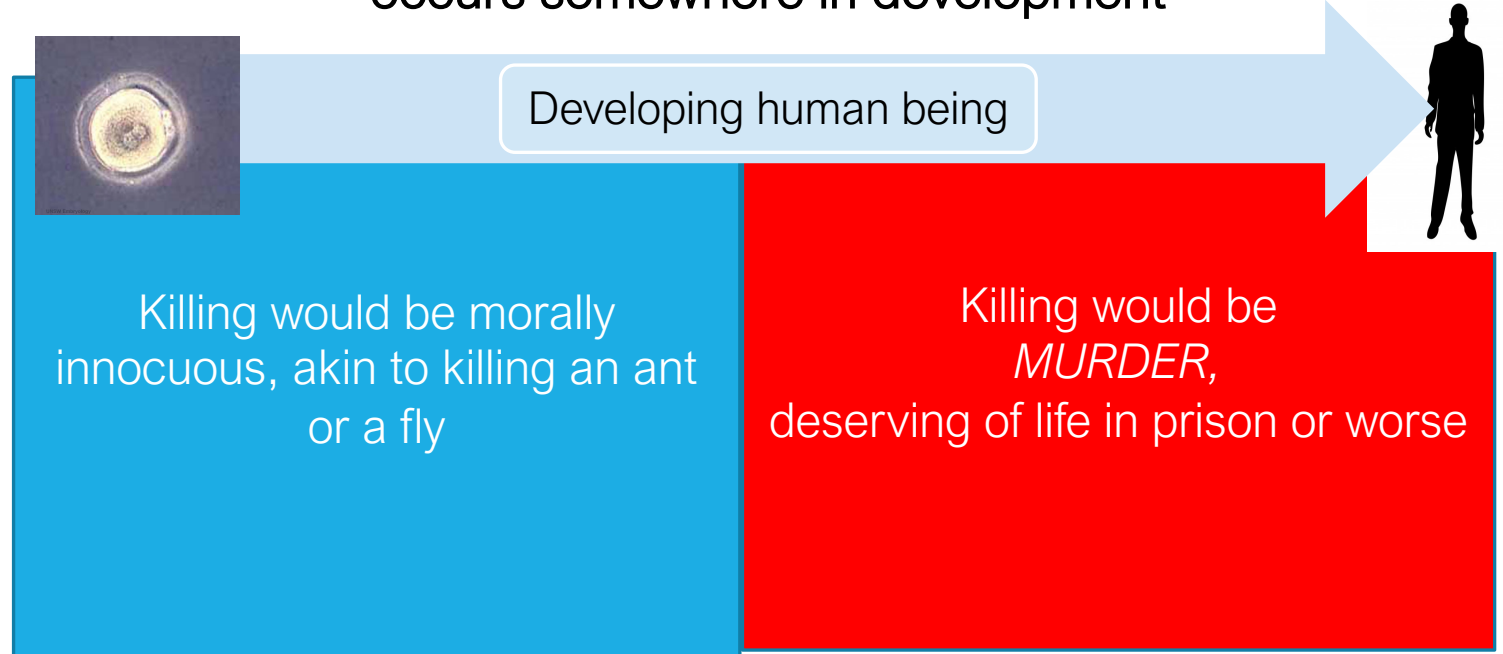
Understanding Answer #2

(i.e. that the fetus does not initially have “personhood” but (typically) acquires it at some point)

members of
the species
homo sapiens

"persons"

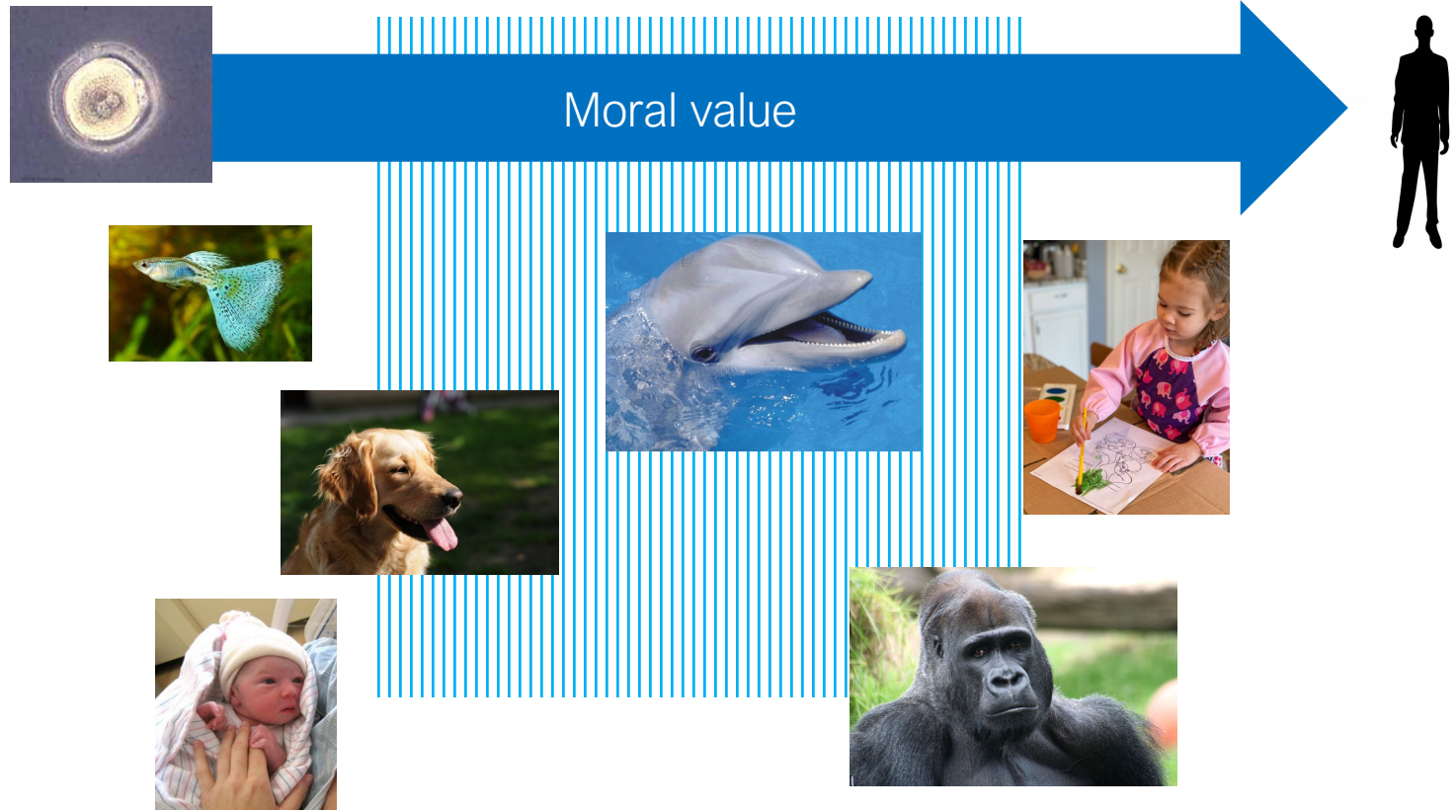
Answer #2 holds that a *very significant change* (typically) occurs somewhere in development



- The task for defenders of answer #2, then, will be giving an account of what changes. Whatever it is will have to be momentous: enough to cause the killing of the fetus to stop being innocuous and become *murderous*.
- The development of rational agency seems like a good candidate

What Establishes Moral Value?

Different defenders of answer #2 give different answers



- Self concepts, self motivated activity, ability to reason (Warren)
- The capability of desiring to live + concept of self as continuing subject of experiences + belief one is such an entity (Tooley)

Implications of Answer #2

(i.e. of the claim that moral value depends on the possession of certain properties)

- Answer #2 insists that the moral seriousness of killing something has to do, and only to do, with its **presently possessed rational capacities**
 - This means that personhood can be gained and lost (consider, for example, a coma)
 - The very young and many of those who are elderly and mentally disabled will not qualify as people
 - A very smart computer might (someday) qualify as a person
- This view has the result that the fetus is not a person. But it *necessarily* also has the result that newborns, many of the elderly, and many of the disabled are also not people.
 - Some who defend a personhood account of moral value try to avoid this consequence. But other defenders of this view embrace it.

Answer #1's Alternative: Rationality as “Normative”

Is this a dog??

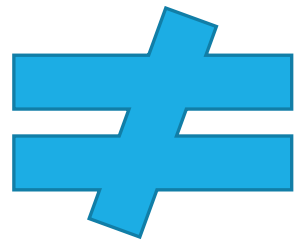


- If dogs *must have* four legs, then the animal pictured above is not a dog.
- If dogs *should have* four legs, then the animal pictured above *is* a dog.
 - What's the difference? Well the point here is that having four legs is what philosophers call a “norm”.
 - **Dogs *ought to have* four legs:** a dog will have four legs if all goes well, but something can lack four legs and still be a dog, so long as it is the kind of thing that *should have* four legs in normal circumstances.

Answer #1's account of Personhood

Answer #1 says that a person is a being for whom rationality is *normative*

- On this view, *anything that ought to be able to exhibit rationality* will have moral value.
- To put the same point differently, on this view assessments of value are based on the *kind of thing you are*, not on *what you can do*.



Far from having identical moral value, the natural normativity view insists that a fish and a human infant cannot even be evaluated on the same scale, *regardless of ability or debility*.

Why choose one view over the other?

1. Ultimately, both sides take rationality to be fundamental to personhood, but understand rationality's importance differently.
 - Those who tie moral value to presently possessed rational ability argue that we just *do* think rationality is morally significant
 - Those that insist that every rational being has value agree: they simply maintain that our intuitions about a thing's value stem from the *kind of thing something is*, not from what it can do *right now*.
 - For instance: most of us would feel worse about killing a dolphin than we would an ant, and it's plausible to think the explanation is the superior intelligence of dolphins.
 - But newly born or disabled dolphins don't have those capacities yet. If we would *still feel worse* about killing a baby dolphin than we would about killing an ant, why?

Bodily Rights: What do I “owe” others?

...that is, mightn't it be morally defensible to end the life of the fetus *even if* the fetus *is* one of us and deserving of all the rights and protections the rest of us enjoy?

Again, two very different answers:

1. We are sometimes morally obliged to make sacrifices (even significant ones) for others, even if we did not ask or agree to be so obliged.
2. I do not have moral obligations to others that I did not “sign up” for, particularly where my body is concerned.

Thomson's "Violinist"

- Suppose you awoke to find that while you slept, you had been kidnapped and attached to a famous (unconscious) violinist. The violinist has a rare kidney disease that only your blood can cure: if you remain attached to him for 9 months, he will recover. If you disconnect yourself, he will die.
- Are you morally obliged to remain attached until he recovers?
- Thompson thinks one obviously is *not obliged*, and consequently that one is also not obliged in analogous cases. She thinks abortion is *at least* analogous in the case of rape, and likely in most other cases

The key
philosophical
idea:

A right to life
is *only* a right
not to be
killed *unjustly*

Judith Jarvis Thomson argues, famously, that even if we assume the fetus is an innocent person with the same right to life as the rest of us, that does not establish the wrongness of killing it.

Why? Because, Thomson argues, to have a right to life is to have a right not to be killed *unjustly*, and one can sometimes kill an innocent person without doing anything *unjust*.

Thomson's argument that killing a fetus can be just, *even if* the fetus has a right to life

1. To abort the fetus is to (forcibly) prohibit it from using the woman's body for shelter and nourishment
2. It is unjust to deprive the fetus of the use of the woman's body *only if* the woman invited it to use her body in the first place
3. The woman does not always invite the fetus to use her body.

So the woman does not always act unjustly when she aborts the fetus

Note: #2 hinges on the idea that you can't have obligations you didn't "sign up for". The truth of this claim is far from obvious.

Are you only obliged to help others in the event you have previously agreed to be so obliged?

Suppose....

- You live in the wilderness and find a newborn child on your doorstep.
- You live in a desert, with a vast supply of water, and find someone dying of thirst drinking out of your well
- A drowning (falling, whatever) person grabs onto you. You could save them, but you have somewhere to be.

A great deal hinges on one's view of *justice*

- If I only have obligations to others if I first **agree** to have them, then I'm off the hook morally in every case on the left of the screen.

This assumes a contractual view of justice

- If I have obligations to others **just because they are my fellow human beings**, then I am not off the hook morally in any of these cases.

This assumes a "social justice" view of justice

Summing Up:
