

Abortion and Personhood

1. The Debate Hinges on the Moral Status of the Fetus: Mary Anne Warren begins her discussion of abortion by disagreeing with Judith Thomson. Whereas Thomson stated that, EVEN IF the fetus has a full right to life, abortion is nevertheless permissible, Warren argues that, if fetuses have a full right to life, then arguments in favor of abortion are pretty much doomed.

She points out that the two most popular arguments in favor of legal abortion are these:

- (1) Empirical: If abortion were illegal, then harm would come to pregnant mothers (both by forcing them to carry to term a child they may not want, which is both psychologically traumatic and physically painful, and also because there will likely still be illegal “back alley abortions” which will sometimes result in death, due to lack of sterile or safe techniques).
- (2) Moral: If abortion were illegal, this would be a violation of the mother’s moral rights to say what happens to and in her own body, since her body is her own property, to do with as she pleases.

[Note that (2) seems to be what Thomson was arguing for]

Warren rejects these arguments straight away:

Against (1): If fetuses have full moral status—that is, if killing a fetus is as wrong as murdering an adult human being—then the fact that some harm will come to the mother (psychological or physical) does not justify her murdering of the fetus. That would be like saying that, if the mere existence of someone disturbed me psychologically, it would then be permissible to murder him. Clearly, this is false.

Against (2): As Warren states, “Mere ownership does not give me the right to kill innocent people whom I find on my property.” Property rights are weak at best, so justifying the killing of the fetus on the basis of a property right is not a promising tactic. Imagine that you found an innocent child sleeping on your couch. Surely, it would be wrong to murder her. But, if fetuses have FULL moral status, abortion is just like that.

So, Warren concludes, the debate over abortion hinges on our conclusion about the moral status of fetuses. If the fetus has full moral status, as Marquis thinks, then abortion is morally wrong. But, if the fetus does NOT have full moral status, as Warren will argue, then abortion is permissible.

2. Two Senses of "Human": Here is a common argument that anti-abortionists give:

1. It is wrong to kill innocent human beings.
2. Fetuses are innocent human beings.
3. Therefore, it is wrong to kill fetuses.

Warren asks: How is the term "human being" used in the two premises? For, as she notes, "human being" is commonly used in one of two entirely distinct ways;

- (a) **The Genetic Sense:** A human being is any organism with human DNA.
- (b) **The Moral Sense:** A human being is any individual that is a full-fledged member of the moral community (i.e., an individual with a full set of rights).

There appear to be three plausible interpretations of the argument above:

- (1) The Genetic Sense: Both premises are using "human being" in the genetic sense. But, then, premise 1 would read as, "It is wrong to kill innocent organisms that have human DNA." In that case, premise 1 "begs the question"—that is, assumes the very thing under dispute.
- (2) The Moral Sense: Both premises are using "human being" in the moral sense. But, then, premise 2 would read as, "Fetuses are innocent members of the moral community, and have a full set of rights." In that case, premise 2 begs the question—that is, again, it assumes the very thing under dispute.
- (3) Equivocation: The argument above is "equivocating"—that is, using the term "human being" in the MORAL sense in premise 1, and in the GENETIC sense in premise 2. But, then, the conclusion does not follow.

So, that argument will not do. We would need a separate argument to demonstrate that all genetic human beings are also full members of the moral community—but that seems implausible. Warren suggests that "human being" when used in the moral sense is actually referring to "persons". Personhood is associated with these 5 attributes:

Five Attributes of Persons

- 1) **Consciousness** (and especially the capacity for pain)
- 2) The ability to **reason**
- 3) Self-motivated activity (i.e., **autonomy**)
- 4) Capacity for **communication**
- 5) **Self-awareness**; i.e., the concept of one's self as a distinct individual.

Note 1: Person ≠ Human: Note that not all genetic humans are persons (e.g., the severely cognitively disabled), and not all persons are humans (e.g., intelligent aliens).

Note 2: No Single Criterion is Necessary, or Sufficient: A **necessary condition** for personhood is something that is MANDATORY to have in order to count as a person. Warren says that none of her 5 criteria are necessary conditions. A being might have less than all 5, but still be a person (for instance, a being might lack the ability to communicate, but still be a person—though 1 and 2 MIGHT be necessary).

A **sufficient condition** for personhood is something such that, anything that had it would be GUARANTEED to be a person. No single item on the list guarantees personhood (for instance, the mere fact that something has self-motivated activity does not guarantee personhood).

Warren says that combinations of 3 or 4 of these 5 traits might be sufficient in order to count as a person. For instance, being merely conscious, being able to reason, and being self-aware (1, 2, and 5) might be enough to count as a person. But, certainly having all FIVE of these features in a robust way guarantees that an individual has rights.

3. Conclusion: Abortion is Permissible: If “members of the moral community” refers only to PERSONS, then fetuses are not members of the moral community—for they are not “persons” (late-term fetuses may have some rudimentary consciousness and activity, but this is not sufficient to make the fetus count as a person). But, then, fetuses have no moral rights. Therefore, abortion is permissible.

[Note About Senseless Destruction of Fetuses: Because fetuses have some rudimentary form of consciousness, they may have SOME rights. We can't just go around destroying them for fun. But, our rights VASTLY outweigh theirs, even though they will ONE DAY become persons. Consider: A scientist has created a billion fetus clones of you. In order to make them survive, he is going to need some of your flesh cells. Warren says it would be permissible to destroy the billion fetuses merely to avoid having a chunk of flesh taken from you, your right not to be harmed is so much stronger than the fetus's right to life.]

4. Objection: Infanticide is Permissible: But, if fetuses have no rights because they are not persons, then infants have no rights either. Therefore, on Warren's proposal, it is permissible to kill babies. This is repugnant, and so her theory should be rejected.

Reply: Warren bites the bullet here. She admits that, strictly speaking, it IS morally permissible to kill babies. Nevertheless, there might be overriding factors that make it all-things-considered morally wrong to kill babies. For instance:

Moral Reasons Against Killing Babies

- (1) Infants are CLOSE to being persons. There is a vague boundary between persons and non-persons, and certainly infants are closer to this boundary than fetuses.
- (2) It deprives would-be adopters of happiness. There are people out there who WANT unwanted babies. So, it would be wrong to kill it, for much the same reason that, if you had a sandwich, and there was a hungry person right in front of you asking for it, you just threw the sandwich in the trash instead.
- (3) Society would prefer to pay taxes to support unwanted babies. Even non-adopters, though not personally willing to take in extra babies, are most often still willing to pay a bit of tax money to help support them. So, it would be wrong to kill babies for much the same reason that it would be wrong to destroy your historic home if the local community had volunteered to step in and pay for the upkeep, maintenance, and property taxes of it.
- (4) Warren admits that late-term fetuses and infants DO have some RUDIMENTARY rights. Nevertheless, abortion is permissible because the mother's right to her body is strong enough to override the fetus's claim to the use of her body in order to stay alive. *(Though, recall that she doesn't think this bodily right is strong enough to render abortion permissible if the fetus had FULL moral status and the pregnancy was due to CONSENSUAL sex.)* Once the baby is born, however, it is no longer using the mother's bodily resources. So, given its rudimentary right to life, it would only be permissible to kill an infant if you personally could not sustain the infant's existence AND NO ONE ELSE WAS WILLING TO EITHER.

[Note: So, ultimately, is Warren susceptible to the same "Future Technology" objection that we raised against Judith Thomson? If we could safely remove fetuses from mother's bodies without killing them, and people were willing to pay for their care and support them, then isn't that what we would have to do, given the rudimentary rights of fetuses?]