Is it Morally Permissible to Have an Abortion?

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I feel the only way to begin a paper like this is by stating my position up front. I believe abortion to be immoral and equivalent to murder. Where abortion is understood at the termination of the life of a developing human child (which I will refer to as a fetus, even though I am using the term beyond its scientific definition to also include other stages of development such as an embryo or zygote). I find the only room for acceptance to match the room for acceptance of intentionally killing a fully grown human, which would be self-defense. Even in this extremely specific and uncommon case, it is hard for me to accept still, as killing a fetus, which I view as a human person, is wrong as it is innocent. Thus this does not equate to the same case as killing someone who is threatening your life to protect yourself, as in that case the aggressor is at fault and you are a victim. A human fetus I find to not be yet capable of intentionality, thus is unable to be the aggressor, rather if the mother’s life is threatened, it is by accident. It is important to note that “In order for a self defense to apply, the defendant must have believed that he or she was in imminent danger of harm and that the use and degree of force that he or she used was reasonably necessary to protect his or her safety.”[[1]](#footnote-2) The argument I find to be the strongest for why abortion is wrong is that of Patrick Lee and Robert George, yet the argument for the morality of abortion which I have found the most compelling would have to be that Mary Anne Warren.

Of all the arguments I encountered attempting to support the moral permissibility of abortion was that laid out in Patrick Lee and Robert P. George’s paper titled *The Wrong of Abortion*. The base of the argument is quite simple, and follows as such: It is wrong to kill an innocent human person. A fetus is a human person. Therefore it is wrong to kill a fetus. Abortion kills a fetus. Therefore abortion is wrong. This argument seems to me to be the most sound argument, as it only has one premise which is commonly disagreed with, being premise 2. Other constructions of similar arguments posit argument 1 as: It is wrong to kill innocent human beings. This is a weaker claim as some distinguish being and person as relevant to the morality of said killing. Lee and George choose to avoid this critique by only claiming that killing human persons is immoral. Thus all the difficulty comes in answering if a fetus is genuinely a human person. They claim that the idea of personhood is based on self-awareness lies on a false premise, since it implies that a body and a person come to be at two separate times. They use the idea of personal pronouns to illustrate how it is intuitive that ‘you’ is something consistent, and it is absurd to claim that the body ‘you’ inhabit came about at conception, but ‘you’ didn’t come into existence until far later when self-awareness develops. I agree that this conceptualization fails to latch on to reality. Another argument for personhood I think they successfully rebut is that while the person came about at conception, the value of the said person is not present until some time such as viability or even birth. An example of this view is from Judith Jarvis Thomson, as she compares the right to life with the right to vote and says that “To show that a fertilized human egg *now* has rights one needs to produce some fact about its present, not its future.”[[2]](#footnote-3) They point out though that voting rights and rights to life are fundamentally different as “the right to life is to have moral status at all; to have the right to life, in other words, is to be the sort of entity that can have rights or entitlements, to begin with. And so it is to be expected that this right would differ in some fundamental ways from other rights, such as a right to vote.”[[3]](#footnote-4) They instead lay out a more convincing way to define personhood as being intrinsically tied to the physical human organism. They illustrate this well saying “In sum, human beings are valuable (as subjects of rights) in virtue of what they are. But what they are are human physical organisms. Human physical organisms come to be at conception. Therefore, what is intrinsically valuable (as a subject of rights) comes to be at conception.”[[4]](#footnote-5) This seems far more intuitive to me, which is why I find this argument so appealing.

The critique of this argument is attempted to be addressed within the paper written by Lee and George, but perhaps they missed something? Maybe there is some weight in the argument that a fetus is to not count as a human person, or perhaps even as a human being. In response to an essay By Don Marquis, Peter McInerney makes an interesting case for why a fetus ought not to count as a human person. He claims “Fetuses are very different from normal adult humans”[[5]](#footnote-6) which is hard to refute but doesn’t by necessity mean they are different things. What I find to be a more pressing argument is that “there are all of the neurophysiological relations that underlie the ordinary continuation of mental life in persons.”[[6]](#footnote-7) It is tempting to a degree to want to include neurophysiological relationships and formations as some form of continuity that makes up and defines a human. Hoverer what does this mean for abortion? If we look at embryonic development in the 5th week, “Your baby's brain, spinal cord, and heart begin to develop.”[[7]](#footnote-8) This means that the beginning of these connections is already starting to form thus according to the neurophysiological definition of a person, the embryo could count as a person even before it counts technically as a fetus. I think this is a valid critique, I just don’t agree with the definition of a person being related to continuous brain activity, and this would only validate extremely early case abortions if it were to be an accepted standard.

Warren tries to make an argument that follows in a similar but more fleshed out manner to what Peter McInerney said in claiming that a fetus is not a human person. She boldly criticizes many arguments for abortion in that they do not face the most direct disagreement relevant to the moral issue behind abortion. She explains how the two other common arguments are terrible side effects, and the right to control one’s own body. First, she states that “the fact that restricting access to abortion has tragic side effects does not, in itself, show that the restrictions are unjustified.”[[8]](#footnote-9) And toward the second argument, she has to say that “Mere ownership does not give me the right to kill innocent people whom I find on my property.”[[9]](#footnote-10) Since these arguments fall short she has constructed her own in defense of abortion which goes as follows: there are 5 criteria which define personhood being: consciousness, developed reasoning ability, self-motivated activity, the capacity to communicate, and self-awareness. If something fails to meet all five conditions(it may be ok to fail a few), then it is not a person. A fetus fails to meet all five conditions of being a person. A fetus is not a person. Therefore killing a fetus is not wrong as it is not a person.

Warren also directly addresses some potential issues here, one objection she envisions is something along the lines of what if killing a potential person is wrong? To which she illustrates a case where one prevents the creation of a clone of himself, thus ending the chance for a potential person. She argues that the man who prevented his DNA from being taken for the production of a clone is in the right for doing so. This fails to answer the question in my opinion, since in the case of creating a clone, there is not an already existing potential person being killed, rather the prevention of it being created. This matches more the concept of contraceptive methods than abortion, but she would likely see them as the same morally since neither situation involves a person. Another criticism she addresses is that she is assuming the 5 criteria are evident, and that “ If the opponents of abortion were to deny the appropriateness of these five criteria, I do not know what further arguments would convince them. We would probably have to admit that our conceptual schemes were indeed irreconcilably different, and that our dispute could not be settled objectively.”[[10]](#footnote-11) This is respectable, however, I would have to say that I do disagree with the listed criteria.

I initially found appeal in the argument of Don Marquis in *Why Abortion is Immoral*, which followed that it is immoral to take the life of a fetus because of the value in its future. This was appealing because it doesn’t rely upon the assumption that the fetus is in some way qualified or disqualified as a human being or a person. Rather the assumption that the future personal life it will hold if not terminated, is inherently valuable. He clearly explains that “ The change in my biological state does not by itself make killing me wrong.”[[11]](#footnote-12) But when I read a response to this article by Walter Sinnott-Armstrong I realized that this was indeed a flimsy argument. Armstrong helps out Marquis initially by showing why other criticisms fall short. For example, the criticism that a fetus may not qualify as a person sounds strong, but Marquis never claimed that it was wrong because it is a person, rather for other means being its future. Another would be that Marquis’ view of a fetus’ rights is too absolute, but he points out that Marquis expresses that in some circumstances, similar to when humans can be justified in killing, perhaps a fetus could, so he is not being absolute in his stance on the rights of the fetus. Another criticism is the point made by Norcross that Marquis must also deny contraception, but Sinnott-Armstrong explains that “Marquis can just rephrase his point. Even if a mereological sum is a thing, it is not an organism.”[[12]](#footnote-13) What remains is ambiguity in if the fetus has some moral right to a future, and what kind of loss is being discussed in claiming that loss of a valuable future is wrong?

I chose to support the arguments laid out by Patrick Lee and Robert P. George, because these were the most compelling, most resilient to the presented criticism, and match most accurately the presumptions I hold intuitively. I find that I now understand and respect the argument behind the side laid out by Warren, as I found it to remain consistent, and respond well to its criticisms. It even acknowledges what my intuition has told me for a while, that many people have fundamentally different intuitions on this topic, which causes the extreme division. Thus abortion is not morally permissible since an unborn fetus is a human being and a person, with the right to life, and to end said life would be immoral.

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