

## A Powerful Argument Against Abortion

In this reading, Singer explicitly employs a consequentialist framework in a way which differs substantially from his approach in *Famine, Affluence, and Morality*. Singer, unlike Thomson and Marquis, argues that the permissibility / impermissibility of abortion hinges on whether or not the unborn is a person. Deciding the answer to that, however, is challenging. Fetal development is a gradual process, and demarcating any specific point along the pregnancy seems arbitrary. Those who deny that abortion is morally permissible do not have to face such an issue as they claim that moral consideration must be given to the unborn from the very beginning. An argument for this position is as follows:

### The Conservative Position

First premise: It is wrong to kill an innocent human being.

Second premise: A human fetus is an innocent human being.

Conclusion: Therefore, it is wrong to kill a human fetus. (pg 125)

Typically, Singer states, liberals will attack the second premise by offering an actual time during the pregnancy when the fetus becomes innocent. If correct, such a time would justify abortion at all times prior to it. Despite some plausibility, Singer finds all four times to be problematic.

1. The first is at birth. Singer states that this is arbitrary since just prior to being born the fetus is not different in any obvious way than just after being born.
2. Viability is no better as capacity to survive outside of the womb is not morally relevant.
3. The quickening, though historically well represented, is either a piece of mythological moral theorizing or irrelevant to the moral issue of abortion.
4. Finally, the liberal may appeal to the fetus lacking consciousness as a reason for allowing abortion. The challenge, however, faces a unique difficulty from data gained in neuroscience which shows that some amount of pain processing seems to be occurring fairly early in the pregnancy. This might not be full blown consciousness, but it is a kind of awareness that Singer claims makes liberals wary.

In the face of this demarcation difficulty, Singer notes that some liberals will cease engaging with the conservative argument. Instead, they will offer their own arguments in favor of abortion. Singer will, however, find these arguments equally faulty:

- Restrictive laws: Banning abortion will only drive it underground, which will result in botched procedures and injury to the patient. Singer takes this to be a question of good *law* rather than about abortion's moral status, and so he sets it aside. (pg 129)
- Not the law's business: The degree to which personal freedom ought to be upheld in a pluralistic society includes access to abortion. Singer finds it obvious that, if the conservative is correct, then abortion is a kind of victimization of the fetus, and (in general) we think it *good* to restrict people's freedom with regard to their ability to victimize others. (pg 131)

- A feminist argument: Thomson's 3 cases. Singer is very complimentary to Thomson's creative thought experiments, but, since he is a utilitarian, he is not moved by appeals to *rights*. Moreover, if the life of the fetus is equal in value to that of the mother, then the utilitarian cannot agree with Thomson that it is morally allowable to unplug oneself from the violinist. (pg 132)

## Human?

Rather than concluding that abortion is morally wrong, Singer thinks that the liberal ought to push not on the second premise of the conservative argument, but on the first. The issue with the first premise, according to Singer, is that it trades on an ambiguity regarding what *human* means.

If 'human' is taken as equivalent to 'person', the second premise of the argument, which asserts that the fetus is a human being, is clearly false; for one cannot plausibly argue that a fetus is either rational or self-conscious. If, on the other hand, 'human' is taken to mean no more than 'member of the species *Homo sapiens*', then the conservative [defense] of the life of the fetus is based on a characteristic lacking moral significance, and so the first premise is false. (pg135)

The idea here is that whichever way human is meant in the first premise, it renders the argument false. Whatever it means to be a person, a single cell zygote certainly is not one. Additionally, simply being a member of the species does not grant something full moral consideration. A thing's moral value, Singer claims, is tied to its *actual* level of development. Additionally, at many stages during a pregnancy a fetus is much less developed than many of the non-human animals that we kill and eat. If the pro-life position wants to protect fetal life, and fetal life is less developed than non-human animal life, then to be consistent, Singer claims that the pro-life person needs to be concerned with animal welfare as much as human. His main point, though, is that a fetus be granted only the moral value that its current development requires.<sup>1</sup>

The question, then, is in stating what the conditions are that a fetus would have to satisfy which would justify / not justify our terminating it. Simply being able to feel pain is not a sufficient reason to conclude that abortion is immoral, but is, according to Singer, a 'powerful emotional argument'.<sup>2</sup> In an effort to be cautious, perhaps we should focus on when the fetal brain is capable of receiving the relevant signals (18 weeks). This would allow for the vast majority of

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<sup>1</sup> This claim also puts Singer in direct conflict with Marquis who, it will be remembered, claimed that the moral value of the fetus was to be found in its *possible* future like ours.

<sup>2</sup> The actual literature surrounding pain, both as a concept and as a neurological phenomenon is quite fascinating. Many bioethicists claim that without a central nervous system and a sufficiently developed neocortex, that a creature cannot *feel* pain. This is not to say that parts of their body do not sense tissue damage; it is just that there is no *conscious* awareness of the damage in a way that results in the creature sensing pain. For example, the issue of whether or not fish feel pain is quite a popular area of research to this day.

abortions (in the US) as “93.5% of abortions were performed at  $\leq 13$  weeks’ gestation.”<sup>3</sup> After 18 weeks, fetal suffering must be taken into account even though the fetus is not a person. Singer concludes that this physiological fact only justifies the fetus as having a moral status equivalent to other sentient-but-not-self-conscious beings. Since we think it morally allowable to kill sentient-but-not-self-conscious beings, abortions are still justified so long as the killing is done as painlessly as possible.

### Potential vs. Actual

The pro-life advocate could reply that moral status does not depend on actual development and ability, but on potential.

#### Potential Person Argument

First premise: It is wrong to kill a potential human being.

Second premise: A human fetus is a potential human being.

Conclusion: Therefore, it is wrong to kill a human fetus.

While Singer finds the second premise in this argument to avoid the ambiguity problem discussed previously, he finds this first premise much weaker. While it is true that the potential rationality and self-consciousness of a fetus is much greater than that of a cow or chicken, Singer finds it hard to ground moral value in this potential. *F being a potential P* seems too weak to entail that *F has the rights of P*. After surveying a variety of ways a proponent of the potential person argument could respond, Singer concludes that the potential found in stem cells undermines the pro-life position. This is because technological advancement allows for more than just embryos to be potential persons.<sup>4</sup> Stem cells are much closer to being potential persons (in conjunction with a denucleated egg cell) but the pro-life proponent does not want to extend equal moral status to them. Hence, their position is inconsistent.

Once we realize that so many cells have the potential to become new human individuals, however, we can also see the absurdity of the claim that we should protect all potential human beings. (pg 141)

### Marquis

Marquis’ position was, roughly, the position that abortion is almost always morally wrong since it deprives a thing (zygote, fetus, etc.) of a possible future like ours. Such possible futures are why we find murder wrong as it deprives the victim of a future that they value. Contraception is allowable, according to Marquis, since it does not end the existence of something which has a possible future like ours. Rather, it prevents that something from ever forming. Singer finds a prohibition on abortion but an allowance for contraception to be faulty. After all, the fetus doesn’t actually value its possible future the way you and I value our actual possible futures. So, the

<sup>3</sup> [https://www.cdc.gov/reproductivehealth/data\\_stats/index.htm](https://www.cdc.gov/reproductivehealth/data_stats/index.htm)

<sup>4</sup> The technique Singer spends the most time on is somatic cell nuclear transfer. In this procedure the nucleus of an oocyte (and egg cell) is removed, and a somatic cell from a donor is implanted. Dolly, the famous cloned sheep, was created using this technology.

termination of the fetus is just the killing of something that experienced nothing, whereas contraception is just the prevention of the fetus from coming into existence. This, for Singer, is 'too slender a difference on which to rest the distinction between an immoral act and a morally innocuous one.' (pg 142)

Additionally, a case similar to the stem cells argument just mentioned can be raised against Marquis. During the very first few divisions of the zygote (up until the 8 or 16 cell stage) its cells are what is called *totipotent*. Totipotent cells are, as the name suggests, fully potent. This means that these 8 or 16 cells can develop into *any* kind of cell needed for both the fetus' eventual body and for the placenta and umbilical cord.<sup>5</sup> This kind of cell poses a specific problem for Marquis since - get this - each totipotent cell can produce an individual human on their own (for example, the splitting of a fertilized egg into two separate groups of cells is one way that twins are created). Each of the 8 or 16 totipotent cells has, therefore, a possible future like ours. Marquis' position, thus, seems committed to the awkward claim that we are morally required to transfer 7 or 15 of those totipotent cells into other uteruses so that the possible futures of those totipotent cells are protected. Since this is clearly silly, Singer concludes that Marquis' position is false.

### Laboratory Embryos

The termination of embryos is, due to technological advancement, an issue that extends beyond issues related to women's rights. Since in Singer's theory fetuses are not persons, it follows that embryos are not persons either. Hence, experiments utilizing embryos are morally allowable.<sup>6</sup>

If a pro-life proponent were to challenge the morality of creating embryos in the laboratory by appealing to potentiality, Singer claims that their argument is even less plausible than it was for pregnancy. This is because in a 'normal' case of human pregnancy, what is required for the pregnancy to produce a baby is for no *outside intervention* to occur. In other words, if nothing stops the pregnancy, then a baby will be born. This is not the case for lab fertilized eggs as they will die without any outside intervention. In the lab, something further (like IVF) has to occur in order for there to be any potential at all (and even then the likelihood of implantation is low). This is not the case with pregnancy. The potential that a lab fertilized egg has, Singer concludes, is not identical to that of a fertilized egg in utero.

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<sup>5</sup> This is in contrast to pluripotent cells which, though they can make any of the cells that will eventually become the body of the fetus, cannot make the placenta or umbilical cord. Multipotent cells can produce even fewer kinds of cells.

<sup>6</sup> Note that Singer and Polkinghorne agree so long as such experiments do not exceed Polkinghorne's 14-day limit. Singer states, however, that this limit is 'unnecessarily restrictive' since he has given us reasons to think that personhood is the core moral factor. (pg 146)

<b>Natural embryo creation process</b>	Sexual intercourse	Egg fertilized	Implantation		No intervention	Baby born
<b>Artificial embryo creation process</b>	Egg + Sperm extracted	Egg fertilized in lab	<u>Intervention needed (IVF)</u>	Implantation	No <u>further</u> intervention	Baby born

Additionally, given technological advancements, the difference between an actually fertilized egg and a potentially fertilized one are shrinking rapidly. If the pro-life proponent wants to appeal to potentiality, Singer warns that they may find themselves advocating for sperm and egg rescue in a way quite similar to the totipotent cell rescuing that was problematic for Marquis. In many ways what does and doesn't have potential, at least biologically, is just a matter of available technology. Hence, appeals to potentiality need to be made more carefully.

### Infanticide

I have argued that the life of a fetus (and even more plainly, of an embryo) is of no greater value than the life of a nonhuman animal at a similar level of rationality, self-awareness, capacity to feel and so on, and that because no fetus is a person, no fetus has the same claim to life as a person. Now we have to face the fact that these arguments apply to the newborn baby as much as to the fetus. A week-old baby is not a rational and self-aware being, and there are many nonhuman animals whose rationality, self-awareness, capacity to feel and so on, exceed that of a human baby a week or a month old. If, for the reasons I have given, the fetus does not have the same claim to life as a person, it appears that the newborn baby does not either. (pg 151)

Given that there is no serious developmental difference between a late-term fetus and a newly born baby, the allowability of killing a late stage fetus should also justify killing born babies. For many, this is reason enough to reject Singer's claims about abortion. Singer, however, is clear that this is a consequence of his view that we should accept. He offers a few clarifications to his position:

- Emotional reactions to killing infants are understandable but not a good basis for moral assertions.
- Christian morality has heavily influenced western culture. This kind of morality is not, however, universal in the sense that all cultures have embarrassed it (now or in the past). Many cultures have thought some kind of infanticide is allowable / required.
- This is not to say that killing infants is good. It is just that it can be morally justified.<sup>7</sup> Just because there is no intrinsic wrongness in such killings does not entail that there is no other kind of wrongness. On utilitarian grounds, there are many consequences which

<sup>7</sup> Perhaps in a case of an infant with [Tay-Sachs disease](#) or [Spina Bifida](#).

make cases of infanticide wrong. His point is just that the infant does not have an inviolable right to life.

- Singer is not claiming that abortion and infanticide are identical moral issues. For example, pre-viable fetal adoption is not possible, whereas infants can be adopted. The consequences of voluntarily seeking an abortion and voluntarily euthanizing an infant are quite different too.

And with that, he ends the chapter.