

Philosophy 104, Ethics, Queens College, Spring 2006
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Lecture Notes, April 5

I. Quiz: How does the classic anti-abortion argument contrast two rights?

II. Abortion, rights, and politics

Often, politicians, and others, oppose abortion, except in cases of rape and incest.

Given what we have seen about rights, this is an intellectually irresponsible position.

If the fetus is a person, and the right to life is stronger than the right to choose what happens to one's body, then abortion is immoral, no matter who the parents of the fetus are.

The fact that a parent may be a rapist, or incestuous, should be irrelevant to the fetus's rights.

If abortion is permissible in the case of rape or incest, then it must mean either that the fetus is not a person, or the right to life does not outweigh the woman's right to choose.

This position may be politically expedient, but it is not philosophically defensible.

III. What is a right to life?

It is not a right to whatever one needs to survive: the Henry Fonda example.

It is not a right to food and shelter.

It is not a right not to be killed: consider the violinist again.

He has a right to life, but disconnecting him is killing him.

Whatever a right to life is, it does not give you the right to use some one else's body.

IV. When does the fetus have the right to the mother's body?

What would give you the right to use another person's body?

Surely, their consent would.

Consider the sick violinist.

Imagine he comes to you, asking to connect to your kidneys for nine months.

Imagine also that you decide to grant his request.

Now, it seems, he has the right to use your body.

You have entered into an agreement, and violating it would harm him.

Similarly, if you invite the fetus in, you take responsibility for the pregnancy.

If you are not responsible for the pregnancy, then you may justly take steps to remove the fetus from your body.

If a woman consents to getting pregnant, according to Thomson's argument, she has no right to abort.

The question of the permissibility of abortion thus becomes, "What constitutes consent in cases of pregnancy?"

V. Consent

Thomson argues that if you use contraception (responsibly), then you are not responsible for the pregnancy. An opponent might argue that any consensual sex, with the knowledge that birth control sometimes fails, constitutes consent.

Thomson considers examples of intruders.

If I leave a window open and an intruder comes in, I am partially responsible.

I could have acted in a way that would have prevented his intrusion, p 189.

Still, I have not consented to his presence.

Similarly, consider the person-plants which take root in your carpet.

You buy mesh screens, but one is defective.

You have not consented.

The moral of these examples is that responsible use of birth control is a clear signal that one has not given consent to a pregnancy.

One can always prevent pregnancies by getting a pre-emptive hysterectomy.

VI. Responsibilities to others

A response: maybe the fetus doesn't have rights, but shouldn't the mother carry to term anyway?

Thomson replies that we can not outlaw abortion on this basis.

It can not be morally required, p 190.

Consider the Good Samaritan vs the Minimally Decent Samaritan.

Normally, we have no laws enforcing even minimally decent samaritanship.

Consider Kitty Genovese.

Carrying a pregnancy to term is demonstrating at least good samaritanship toward the fetus.

VII. Introduction to the Warren and Marquis articles

Imagine you are space travelers, and you come upon a new substance.

Is it morally permissible to eat it?

Or is it a life form worthy of protection?

How would you decide?

Warren argues that Thomson has shown a clear right to abortion in cases of rape.

Here, consent is clearly absent.

If the fetus has full moral rights, she disputes Thomson's claim concerning the right to life.

Warren holds that Thomson's argument fails for cases in which the woman has some responsibility for the pregnancy.

If the fetus were a full-fledged human being with moral rights, then abortion, as murder, would not be defensible.

Marquis mostly agrees with Warren on these points.

Warren believes that Thomson is too quick in assuming that the fetus is a life from conception.

Marquis accepts Thomson's assumption, and so argues that abortion is immoral.

VIII. Humans and Persons

There is a gulf between human beings (biological) and persons (social, moral).

Genetic humanity is not sufficient to establish moral personhood.

Some humans aren't persons: brain dead, dead.

We might protect them anyway.

But that stems from our sympathy, rather from their rights!

Also, cancer cells are genetically human.

Some persons are not humans, e.g. aliens, sentient machines.

IX. Warren's criteria

We need criteria to determine in all cases what is a person.

Warren argues that we use these five central concepts of personhood:

- 1) Consciousness, ability to feel pain
- 2) Developed capacity for reasoning
- 3) Self-motivated activity
- 4) Communication
- 5) Self-awareness

Be sure to examine Warren's full versions of these criteria.

For example, a person's ability to communicate must not be limited to certain topics.

We need not possess all of them to be a person.

The paradigms are us: adult humans.

The fetus is no more like an adult human than a fish.

Even an eight-month old fetus is not a lot more like a paradigmatic human than an embryo.

It is not conscious.

It can not reason or communicate, etc., p 195.

The fetus is thus not a person, on Warren's criteria.