

Summit Master Class—Part 2 Lecture Notes

Big picture: Successful pro-life apologists present their case in four steps. First, they clarify the debate, clearing away distractions. Second, they make a compelling case for life using science and philosophy. Third, they answer objections convincingly. Fourth, they teach and equip.

Step #2: Make a compelling case for the pro-life view.

I. Review of the Basic Pro-Life Argument:

A. Definition and syllogism:

1. Abortion defined (Kaczor): The intentional killing of a human fetus. This definition begs no questions.¹ Moreover, there is no such thing as a “woman’s perspective” on abortion that trumps all rational inquiries into the subject. Indeed, feminists, let alone women in general, have no single perspective on the issue. Gender is irrelevant. It is arguments that must be advanced and defended.
2. Pro-life syllogism:

P1: It is wrong to intentionally kill an innocent human being.
P2: Abortion intentionally kills an innocent human being.
Therefore,
C: Abortion is morally wrong.

B. Scientific support for the pro-life argument:

1. The science of embryology establishes that from the earliest stages of development, the unborn are distinct, living, and whole human beings. True, they have yet to grow and mature, but they are whole human beings nonetheless. Leading embryology textbooks affirm this.² For example, in “The Developing Human: Clinically Oriented Embryology” (Saunders/Elsevier, 2008), Keith L. Moore & T.V.N. Persaud write: “A zygote is the beginning of a new human being. Human development begins at fertilization, the process during which a male gamete or sperm...unites with a female gamete or oocyte...to form a single cell called a zygote. This highly specialized, totipotent cell marks the beginning of each of us as a unique individual.” T.W. Sadler’s “Langman’s Embryology” (Saunders, 1993) states: “The development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism, the zygote.” Embryologists Ronan O’Rahilly and Fabiola Müller write, “Although life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed” (Human Embryology & Teratology. 2nd edition. New York: Wiley-Liss, 1996).
2. That elective abortion kills a living human fetus is conceded by many who perform and defend the practice:
 - (a) Dr. Warren Hern, author of *Abortion Practice*—the medical text that teaches abortion procedures—to a Planned Parenthood conference: “We have reached a point in this particular technology [D&E abortion] where there is no possibility of denying an act of destruction. It is

¹ Christopher Kaczor, *The Ethics of Abortion: Women’s rights, Human Life, and the Question of Justice* (New York: Routledge, 2011) p.8.

² See T.W. Sadler, *Langman’s Embryology*, 5th ed. (Philadelphia: W.B. Saunders, 1993) p. 3; Keith L. Moore, *The Developing Human: Clinically Oriented Embryology* (Philadelphia: W.B. Saunders Company, 1998), pp. 2-18. O’Rahilly, Ronand and Muller, Pabiola, *Human Embryology and Teratology*, 2nd ed. (New York: Wiley-Liss, 1996) pp. 8, 29.

before one's eyes. The sensations of dismemberment flow through the current like an electric current."³

- (b) Editorial in *California Medicine*, 9/70—"Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra-or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected."⁴
- (c) Ronald Dworkin, in *Life's Dominion*—Abortion deliberately kills a developing embryo and is a choice for death.⁵
- (d) Faye Wattleton, former President of Planned Parenthood, in *Ms. Magazine*:—"I think we have deluded ourselves into believing that people don't know that abortion is killing. So any pretense that abortion is not killing is a signal of our ambivalence, a signal that we cannot say yes, it kills a fetus."⁶
- (e) Naomi Wolf, a prominent feminist author and abortion supporter, in *The New Republic*—"Clinging to a rhetoric about abortion in which there is no life and no death, we entangle our beliefs in a series of self-delusions, fibs and evasions. And we risk becoming precisely what our critics charge us with being: callous, selfish and casually destructive men and women who share a cheapened view of human life...we need to contextualize the fight to defend abortion rights within a moral framework that admits that the death of a fetus is a real death."⁷
- (f) Camille Paglia: "Hence I have always frankly admitted that abortion is murder, the extermination of the powerless by the powerful. Liberals for the most part have shrunk from facing the ethical consequences of their embrace of abortion, which results in the annihilation of concrete individuals and not just clumps of insensate tissue."⁸

C. Review of objections covered in previous session:

1. Twinning—Just because an embryo splits doesn't mean it wasn't fully human (flatworm example)
2. Miscarriage—Spontaneous miscarriage is one thing. Intentionally killing an embryo is another.
3. Women grieve newborns more—My feelings about something don't change what it is.
4. Burning research lab—Saving one human over others does not determine who is fully human.
5. Molar pregnancies—They don't start as human and morph into tumors. They never were human.
6. Embryos clumps of cells—Mere clumps of cells do not function in a coordinated manner.
7. People disagree on when life begins—The Absence of consensus does not mean an absence of truth.
8. Sperm and egg are alive—No, they are mere parts of a larger human being. Embryo is a full human.
9. Embryo doesn't look human—But it does look exactly like a human at that stage looks like.
10. Early embryo relies on maternal RNA—Nevertheless, the embryo still is in charge of pregnancy.
11. No absolutes in embryology, only judgment calls—Including that one?

³ Paper presented at the 1978 meeting of the Association of Planned Parenthood Physicians, October 26.

<http://www.drhern.com/pdfs/staffrx.pdf>

⁴ "A New Ethic for Medicine and Society," *California Medicine*, September 1970.

⁵ Ronald Dworkin, *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (New York: Vintage, 1994) p. 3.

⁶ Faye Wattleton, "Speaking Frankly," *Ms.*, May / June 1997, Volume VII, Number 6, 67.

⁷ Naomi Wolf, "Our Bodies, Our Souls," *The New Republic*, October 16, 1995, 26

⁸ Camille Paglia, "Fresh Blood for the Vampire," *Salon*, September 10, 2008.

II. Philosophical Grounding for the Pro-Life View—The Substance View of Human Persons

- A. Science tells us the unborn are human but science cannot tell us how to treat them anymore than it can tell us how to treat teenagers or adults.
- B. Key philosophical question: Given the humanity of the unborn, does each and every human being have an equal right to life or do only some have it in virtue of some characteristic which may come and go within the course of their lifetimes?
- C. Pro-life advocates contend there is no morally significant difference between the embryo you once were and the adult you are today that would justify killing you at that earlier stage of development. Differences of size, level of development, environment, and degree of dependency are not good reasons for saying you had no right to life then but you do now. Stephen Schwarz suggests the acronym SLED as a helpful reminder of these non-essential differences:

Size: You were smaller as an embryo, but since when does your body size determine value? Large humans are not more valuable than small humans.

Level of Development: True, you were less developed as an embryo, but six-month olds are less developed than teenagers both physically and mentally, but we don't think we can kill them.

Environment: Where you are has no bearing on what you are. How does a journey of eight inches down the birth canal suddenly change the essential nature of the unborn from a being we can kill to one we can't?

Degree of Dependency: Sure, you depended on your mother for survival, but since when does dependence on another human mean we can kill you? (Consider conjoined twins, for example.)

- D. In short, humans are equal by nature not function. Although they differ immensely in their respective degrees of development, they are nonetheless equal because they share a common human nature—and they had that human nature from the moment they began to exist. If I am wrong about that, human equality is a fiction.
- E. Think, for a moment, about your 10 closest friends. Would you agree that each of them has the same basic rights and that each should be treated equally? But if all of them should be treated equally, there must be some quality they all have equally that justifies that equal treatment. What is that characteristic? As my colleague Steve Wagner notes, “it can't be that all of us look human, because some have been disfigured. It can't be that all of us have functional brains, because some are in reversible comas. It can't be one's ability to think or feel pain, for some think better than others and some don't feel any pain. It can't be something we can gain or lose, or something of which we can have more or less. If something like that grounds rights, equal rights don't exist. And if we look at the whole population of America, almost 300 million people, there is only one quality we all have equally—we're all human.”
- F. The view is pro-life grounded in the substance view of human persons. A substance thing differs from a property thing:
 - 1. Substances are living organisms that maintain their identities through time and change while property things, like my car, do not.⁹ What moves a puppy to maturity or a human fetus to adulthood is not a mere collection of parts, but an underlying *nature* or essence that orders its properties and capacities. As a substance grows, it does not become more of its kind; it matures according to its kind. It remains the same kind of thing from the moment it begins to exist. Thus, a substance retains

⁹ Current defenders of this view include Francis J. Beckwith, Scott Rae, and J.P. Moreland, to whom I owe my thoughts here. Specific texts include J.P. Moreland & Scott Rae, *Body and Soul: Human Nature & the Crisis in Ethics* (Downers Grove: InterVarsity Press, 2000); Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York: Cambridge University Press, 2007).

its identity even if its ultimate capacities are never fully realized. A dog that never learns to bark is still a dog by nature. That is, it the dog's particular nature, not the realization of some capacity he may or may not develop, determines what kind of thing he is.

2. *Property things* like cars are just sum totals of their total parts. Change a motor or replace a tire, and technically have a different vehicle from the one that rolled off the assembly line. There is no essential essence or nature that defines it and orders its basic capacities. Property things like my car or a plane come into existence part by part. Living things come into existence all at once then gradually unfold themselves according to their inner natures.
3. Why this matters: The substance view tells us that you are identical to your former fetal self. You are the same being now as you were then, though your functional abilities have changed. From the moment you began to exist (conception), there's been no substantial change to your essential nature. Thus, if you are intrinsically valuable now, you were intrinsically valuable then as well. True, a human embryo will develop accidental characteristics (such as self-awareness, sentience, and physical structure) as it matures, but these characteristics are non-essential and may come and go (or never be fully expressed) without altering the nature of the thing itself. If you lose an arm or never learn to think abstractly, you remain yourself even though your ability to immediately exercise certain ultimate capacities is never fully realized. For example:
 - (a) Suppose you are in a terrible motorcycle accident that leaves you comatose for two years.¹⁰ During that time, you lack the immediately exercisable capacity for self-awareness and have no sense of yourself existing over time. Are you the same person even though your functional abilities have changed? Imagine further that when the two years are up, you emerge from the coma with no memory of your past life. Your wife and kids are strangers. You touch the hot stove and get burned. You must relearn everything from speaking to eating to working with your hands. During your comatose state, you are much like the standard fetus: You possess a basic capacity for self-awareness, rational thought, and language, but lack the immediate capacity to exercise these things. Like the fetus, all of your life experience and memories will be new. Through all of these changes, would you still be you? Could doctors have justifiably killed you during your extended sleep because you couldn't immediately exercise your capacity for self-awareness or sentience?
 - (b) If our right to life is based on our current functional abilities, rather than our common human nature, it's difficult to say why it would be wrong to kill you while you are comatose. Yet, clearly, it would be morally wrong to kill you in that state and the substance view can explain why: You never stopped being you through all of these changes because you have a human nature that grounds your identity through time and change. In short, humans are equal by nature not function.

III. Objections to the Substance View and Replies to the Objections

- A. The General challenge to the substance view is based on a performance view of human value (functionalism). Roughly, having a particular nature doesn't bestow value; having an immediately exercisable capacity for self-awareness or consciousness does. The performance (functionalist) view of human value plays out in debates over abortion, assisted suicide, and destructive embryo research. You will see it in the following claims:
 1. *The embryo is not self-aware*—Do humans come to be at one point, but only become valuable later in virtue of some acquired characteristic such as self-awareness or self-consciousness they can immediately exercise? The performance (functionalist) view of human persons says yes. That is, humans are *not* valuable in virtue of the kind of thing they are, only some function they can perform. For example, Mary Anne Warren distinguishes between human beings and human persons, with

¹⁰ I owe the following example to Francis J. Beckwith, *Defending Life*, p.135.

only the latter having a right to life. She asserts that “persons” are self-aware, able to interact with their environment, able to solve complex problems, have a self-concept, and able to see themselves existing over time.¹¹ Joseph Fletcher suggests a similar set of criteria for personhood—namely, an immediate capacity for minimal intelligence, self-awareness, self-control, curiosity, and the ability to relate to others.¹² Paul D. Simmons, meanwhile, argues that humans bear God’s image (and hence, have value as “persons”) not in virtue of the kind of thing they are (members of a natural kind or species), but only because of an acquired property, in this case, the immediate capacity for self-awareness. A “person,” he contends, “has capacities of reflective choice, relational responses, social experience, moral perception, and self-awareness.” Zygotes, as mere clusters of human cells, do not have this capacity and therefore do not bear God’s image.¹³

2. The worldview idling behind performance (functionalist) accounts of human value is body-self dualism. On body-self dualism, you are not your body. Rather, “you” are your thoughts, aims, desires, and awareness. A human organism was conceived, but only later, after significant neurological development, did “you” show up. Body-self dualism is problematic. If true, your mother has never hugged you since one cannot hug desires, thoughts, and aims. You end up saying things like, “My body showed up before I did.” Moreover, “you” pop in and out of existence anytime you temporarily lose them (as, for example, when under anesthesia). Indeed, curing multiple personality disorders would entail mass killing, given multiple personalities—each with separate aims, desires, and thoughts—are destroyed. Finally, body-self dualism cannot explain simple statements like “you see.” Sensory acts like seeing involve bodily acts (via the eyes) and intellectual acts (via the mind).¹⁴ (Better explanation: Humans are a dynamic union of body and soul.)

Despite its popular appeal, the functionalism of Warren and Simmons is deeply problematic:

- (a) First, *why* is an immediate capacity for self-awareness (or seeing one’s self existing over time, etc.) value-giving in the first place? Instead of arguing for why this property is decisive, Warren (in particular) simply *asserts* it matters. Says who?
- (b) Second, all of these definitions put the arrival of “personhood” sometime *after* birth, meaning newborns are disqualified. After all, infants cannot make conscious choices or interact with their environments until a few months after birth, so what’s wrong with infanticide? As Peter Singer points out in *Practical Ethics*, if self-awareness determines value, and newborns and fetuses lack it, both are disqualified from the community of persons. You can’t draw an arbitrary line at birth and spare the newborn.¹⁵ Abraham Lincoln raised a similar point with slavery, noting that any argument used to disqualify blacks as valuable human beings works equally well to disqualify whites.

You say ‘A’ is white and ‘B’ is black. It is color, then: the lighter having the right to enslave the darker? Take care. By this rule, you are a slave to the first man you meet with a fairer skin than your own.

You do not mean color exactly—You mean the whites are intellectually the superiors of the blacks, and therefore have the right to enslave them? Take care again: By this rule you are to be a slave to the first man you meet with an intellect superior to your own.

¹¹ Mary Anne Warren, “On the Moral and Legal Status of Abortion,” in *The Problem of Abortion*, 2nd edition, ed. Joel Fineberg (Belmont, CA: Wadsworth, 1984). Cited in Beckwith, *Defending Life*, p. 47.

¹² Joseph Fletcher, “Indicators of Humanhood: A Tentative Profile of Man,” *Hastings Center Report* 2 (1972): 1-4; cited in J.P. Moreland and Scott Rae, *Body and Soul: Human Nature & the Crisis in Ethics* (Downers Grove: InterVarsity Press, 2000) p. 245.

¹³ Paul D. Simmons, “Personhood, the Bible, and the Abortion Debate,” article published by the Religious Coalition for Reproductive Choice at www.rcrc.org/religion/es3/comp.html; Question: Why should anyone accept Simmons’s claim that there can be such a thing as a human being that is not a ‘person?’ He needs to argue for that, not merely assert it. He fails to do this in his article.

¹⁴ Christopher Kaczor, *The Ethics of Abortion*, 2nd ed. (New York: Routledge, 2015) pp.18-19. See also Patrick Lee & Robert P. George, *Body-Self Dualism in Contemporary Ethics and Politics* (Cambridge: Cambridge University Press, 2009).

¹⁵ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1997) pp. 169-171.

*But you say it is a question of interest, and, if you can make it your interest, you have the right to enslave another. Very well. And if he can make it his interest, he has the right to enslave you.*¹⁶

- (c) Third, Simmons and Warren cannot account for basic human equality. As Patrick Lee and Robert George point out, if humans have value only because of some acquired property like skin color or consciousness and not in virtue of the kind of thing they are, then it follows that since these acquired properties come in varying degrees, basic human rights come in varying degrees. Do we really want to say that those with more self-consciousness are more human (and more valuable) than those with less? This relegates the proposition that all men are created equal to the ash heap of history.¹⁷ Philosophically and theologically, it's far more reasonable to argue that although humans differ immensely with respect to talents, accomplishments, and degrees of development, they are nonetheless equal because they share a common human nature made in the image of God. Humans have value simply because they are human, not because of some acquired property they may gain or lose in their lifetime.¹⁸
 - (d) Fourth, if the immediate capacity for consciousness makes one valuable, many non-human animals qualify as persons. Consequently, dogs, cats, and pigs are valuable persons, while fetuses, newborns, and victims of Alzheimer's disease are not. It's hard to see how Simmons can escape this same conclusion given his belief that God's image in man is grounded in self-awareness, not human nature.
 - (e) Fifth, human embryos have a basic (root) capacity for self-awareness, lacking only the immediate capacity for it. They possess this basic capacity, George writes, in virtue of the kind of thing they are—members of a natural kind, a biological species—whose members (if not prevented by some extrinsic cause) in due course develop the immediate capacity for such mental acts.¹⁹ We can therefore distinguish two types of capacities for mental functions: 1) immediate and 2) basic, or natural. On what basis can Simmons require for the recognition of full moral respect the first sort of capacity, which is an accidental attribute, and not the second, which is grounded in the kind of thing one already is?²⁰ I cannot think of any non-arbitrary justification. Moreover, the difference between the two types of capacities is merely a difference of degree, not a difference of kind. The immediate capacity for mental functions is only the development of an underlying capacity that was there all along in virtue of the kind of thing the unborn already is. In the end, Warren and Simmons make a pitch for human value that is ad-hoc and arbitrary. Why is some development needed? And why is this particular degree of development, self-awareness, the morally relevant factor rather than another? These questions are left unanswered.
2. *The embryo is not self-conscious*—That is, consciousness rather than human nature bestows value and a right to life on human beings
- (a) Why is consciousness value-giving? It sounds arbitrary.
 - (b) What do you mean by consciousness? That is, do you mean one must be able to immediately exercise it or do you mean something else?"

¹⁶ *The Collected Works of Abraham Lincoln* (Rutgers University Press, 1953) vol. II, p. 222.

¹⁷ Robert P. George, "Cloning Addendum," *National Review on-Line*, July 15, 2002; Patrick Lee, "The Pro-Life Argument from Substantial Identity," Tollefsen Lecture, St. Anselm's College, November 14, 2002.

¹⁸ Of course, one could reply that I beg the question here by claiming that humans have value simply because they are human. However, my claim squares with our basic intuitions and is the foundation for virtually all of Western Civilization—our legal codes, civil duties, as well as our understanding of moral obligations. It seems critics must present a good case for surrendering this deeply held intuition before insisting that we relinquish it.

¹⁹ Robert George, "Cloning Addendum," *National Review Online*, July 15, 2002.

²⁰ Patrick Lee asks this question (though not addressing Simmons) in "The Pro-Life Argument from Substantial Identity."

- (c) As Christopher Kaczor points out, “requiring actual consciousness renders us non-persons whenever we sleep. Requiring immediately attainable consciousness excludes those in surgery. Requiring the basic neural brain structures for consciousness (but not consciousness itself) excludes those whose brains are temporarily damaged. On the other hand, if potentiality for consciousness makes a being a person, then those sleeping, in surgery, or temporarily comatose are persons, but so also would be the normal human embryo, fetus, and newborn.”²¹

3. *The substance view of human persons is inherently religious—*

- (a) Arguments are valid or invalid, sound or unsound. Calling an argument “religious” is a category mistake like asking, “How tall is the number five?”²²
- (b) Just because the substance view is consistent with a particular religious viewpoint doesn’t mean it can’t be defended without arguments exclusive to that view. Non-believers can recognize that humans have value in virtue of the kind of thing they are. Meanwhile, pro-lifers present a philosophic case that must be answered. As Robert P George and Christopher Tollefsen point out, “Human embryo ethics is, in this regard, no different from the ethics of our treatment of minorities or dependents. Human beings are capable of understanding, through reason, that it is morally wrong and unjust to discriminate against someone because he is of a different race or has a different ethnic heritage. And we are capable of understanding that it is wrong and unjust to discriminate against someone because of his age, size, stage of development, location, or condition of dependency. Human beings are perfectly capable of understanding that it is morally wrong and unjust to treat embryonic human beings as less than fully human. We need religion to support such claims in this domain no more than we need religion to support claims of racial justice or the rights of the disabled.”²³
- (c) The claim that a human embryo has value *is no more religious* than saying an infant or toddler does. (It’s also no more religious than saying it doesn’t have value.) Indeed, can a thoroughly materialistic (secular) worldview tell us why anything has value and a right to life? Can it account for rationality?
- According to materialism, everything in the universe came about by blind physical processes and random chance. The universe came from nothing and was caused by nothing. Human beings are thus cosmic accidents. In the face of this devastating news, secularists simply *presuppose* human dignity, human rights, and moral obligations.²⁴ (See, for example, the United Nations Declaration of Human Rights, 1948.) But on what naturalistic basis can human rights and moral obligations be affirmed? Why think that impersonal, physical, valueless processes will produce rights-bearing persons?
 - Just because an atheist can *recognize* moral truths does not mean he can *ground* them ontologically within his own worldview. Objective moral truths need an objective moral law-giver. So again, what’s the evidence that purposeless, impersonal, and amoral materialist or naturalistic processes can give rise to intrinsically valuable, personal, and moral beings? Seriously, is the fundamental difference between Mother Theresa and Joseph Stalin one of chromosomal makeup?
 - Materialism also struggles to explain rationality, claiming as it does that man is nothing more than a machine programmed by blind natural forces. He’s hardwired to think a certain

²¹ Christopher Kaczor, *The Ethics of Abortion: Women’s Rights, Human Life, and the Question of Justice* (New York: Routledge, 2011) p. 53.

²² I owe this example to Francis J. Beckwith, *Ignatius Insight*, Ibid.

²³ George and Tollefsen, *Embryo*, p. 20-21.

²⁴ Paul Copan, “God, Naturalism, and the Foundations for Morality,” <http://paulcopan.com/articles/pdf/God-naturalism-morality.pdf>

way, meaning his thoughts and beliefs—including his thoughts and beliefs about morality, religion, and evolution—are strictly predetermined. How can rationality exist in such a world? Thus, there is no point to Dawkins, Dennett, Hitchens, Harris, et al, trying to convince religious people they're wrong, since none of us are free to think any differently than we do. Moreover, if our minds are the result of blind and irrational forces, why trust them to give us the truth about anything, including materialism? Evolution isn't concerned about truth, only preserving the adaptive behavior necessary for survival.

- (d) Why should anyone suppose that religious truth claims don't count as real knowledge? The Declaration of Independence, Martin Luther King's "Letter from the Birmingham Jail," and Abraham Lincoln's Second Inaugural Address all have their roots in the concept of *imago dei* (humans bearing the image of God). Are these documents irrational?
- (e) The "imposing religion" objection is not an argument, but a ramrod used to silence Christians. Leftists appeal to religion when advancing universal healthcare, stem cell research, and anti-war propositions. Mary Ann Glendon is correct: Christians aren't *imposing* their ideas; they're *proposing* them in hopes their fellow citizens will vote them into law. That's called democracy.²⁵
- (f) Arguments for abortion as a fundamental right assume a transcendent grounding point. Where does the right to an abortion come from?" If it comes from the state, the abortion-choice advocate can't complain if the state takes that right away. But if it's a fundamental right that transcends the state, it's got to come from a transcendent source.
- (g) Debates over God's existence are no different in kind from other philosophical arguments. As Ed Feser points out, do secularists demand that those favoring legal abortion and gay marriage refrain from advocating their positions simply because their arguments are not universally accepted? "So why do they demand that religion and politics be separated not just in the constitutional sense that no one ought to be forced to belong to a particular denomination or to accept a particular creed, but also in a the stronger sense that religious considerations, however well supported by rational arguments, ought to get no hearing in the public square and have no influence on public policy?" Why the constant harping on the separation of church and state but not secular metaphysics and the state? Where in the Constitution does it say religious considerations get no hearing in the public square?²⁶

4. *Sentience rather than human nature ground the right to life—*

Response:

- (a) Let me pause to make an observation: Critics can't just string together a list of characteristics that they claim grants personhood. They started with desires but now say it's sentience. This won't work. Each competes with the other and excludes the other.
- (b) Why is sentience value-giving? Wasp and mosquitoes are sentient beings—are they persons?
- (c) Human equality is undermined: Humans are more or less sentient like they are more or less self-aware. Consider CIPA (Congenital Insensitivity to Pain)—some humans feel no pain at all.

5. *Human exceptionalism is inherently religious and harms animals—*

Response:

²⁵ Mary Ann Glendon, "The Women of Roe, *First Things*, June/July 2003.

²⁶ Ed Feser, "How to Mix Religion and Politics," *Tech Central Station Daily*, March 29, 2005.

- (a) Again, arguments are valid/invalid or sound/unsound. Saying an argument is “religious” is a category mistake like saying how tall is the number 5?²⁷
- (b) Pathology: The medical community assumes human exceptionalism in its treatment of pathology: A dog that can’t read isn’t a tragedy. A 12-year old girl who can’t is one because her defect represents a failure to flourish according to her nature.
- (c) If all animals have equal worth, this undermines the right to an abortion. After all, if humans are animals, then embryos and fetuses also have worth.
- (d) Critics simply assert that species doesn’t matter. To cite Kaczor, Is there really no difference between a hit-and-run with a squirrel and one with a newborn? Is there no difference between eating a hamburger and a Harold Burger?²⁸
- (e) Mixed species—we’ll have to decide if they have rational natures, but that in no way undermines the strongly-evidenced claim that embryos, fetuses, and newborns have that rational nature.
- (f) Michael Vick: We expect better of him as a man. That’s why we prosecuted him and not the dogs who tore each other up.

6. *Birth, or perhaps viability, bestows value and a right to life—*

Response:

- (a) How does a change of location from in to out change essential nature of fetus?
- (b) *Discover Magazine*: During fetal surgery (for defective diaphragms), the fetus is removed from the womb, fixed, then placed back in. Does the fetus go from non-human, to human, then back to non-human during the surgery?
- (c) Viability measures our technology not value of fetus.
- (d) Episodic problem—Suppose a pregnant woman flies from the U.S. (where viability is 22 weeks) to 3rd world country (where it’s birth) and then returns. Does her child go from human, to non-human, back to human again?
- (e) Roe and Doe do NOT protect unborn humans after viability. Rather, they say states MAY do so, but only if those protections don’t interfere with woman’s “health” (defined so broadly you can drive a Mack Truck through it).

7. *We don’t allow humans the right to drive or vote before a certain age, so what’s the big deal about denying a fetus rights until a certain age?—*

Response:

- (a) This objection confuses *natural* rights with merely *legal* (positive) ones. The two are not the same! The right to drive or vote is a legal (positive) right you gain through age or achievement. Natural rights flow from your humanity and you have them from the moment you begin to exist, regardless of age or achievement.

²⁷ Beckwith, *Ignatius*, Ibid.

²⁸ Kaczor, *Ethics of Abortion*, p. 21.

- (b) For example, I do not have a right to vote in the next British election, but I do have a right not to be gunned down in the street next time I visit London. Likewise, just because a fetus may not have a positive (legal) right to drive a car or vote does not mean he lacks the natural right not to be killed without justification.

8. *The embryo is parallel to the brain-dead person.* That is, if brain death is the end of a person, brain function marks the beginning of one—

Response:

- (a) Several problems here as the alleged parallel between the brain-dead person and the embryo collapse upon inspection. First, an embryo, unlike more mature humans, does not need a brain to live. Something else integrates the early human's bodily systems so he/she functions as a coordinated, living organism.
- (b) Second, we don't treat brain-dead people as dead because they are living human organisms who are no longer persons. We treat them as dead because they are no longer organisms capable of directing their own internal functioning.²⁹
- (c) Third, as Stephen Schwarz points out, the brain dead person is in the category of "no more" while the embryo is in the category of "not yet."³⁰ That is, the former has suffered an *irreversible* loss of all coordinated bodily function, including brain function. In short, he's dead. Disconnect him from life support and his body will begin decomposing immediately. The embryo, meanwhile, has suffered no such loss but is growing and directing its own internal development. True, the embryo does "not yet" have a brain, but a brain is not needed to sustain its life at this early stage of development.

9. Case study: Katha Pollitt, from *Pro: Reclaiming Abortion Rights*, p.69:

It's hard to see how a fertilized egg qualifies as [a person]. It has no brain, no blood, no head, no organs, or limbs; it cannot think, feel, perceive, or communicate. It has no character traits or relationships and it occupies no social space. It is the size of the period at the end of this sentence. Before it implants in the uterine wall, an usually for quite a while after that, the woman in whose body it exists does not even know it is there. In fact, about half of all fertilized eggs fail to implant and are simply washed out of her body with her menstrual flow. If fertilized eggs are persons, God is remarkably careless about them. They are potential persons, yes, but that is not the same thing as actually being one, any more than my being a potential seventy-year old means I am one now.

Pollitt discussion questions:

- (a) What scientific mistakes does Pollitt make?
- (b) What argument does Pollitt give for why her characteristics for personhood are value-giving?
- (c) What counter-examples challenge her chosen characteristics?
- (d) Why is her miscarriage example particularly fallacious?
- (e) Why is her appeal to potential persons mistaken?

10. Case study: Ron Reagan's speech on embryonic stem cell research at the DNC. Watch the video. The text is here:

²⁹ Ramesh Ponnuru posted this at National Review (The Corner) August 9, 2005.

³⁰ Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990), p. 52.

Thank you very much. That's very kind. Good evening, ladies and gentlemen. A few of you may be surprised to see someone with my last name showing up to speak at a Democratic Convention. Apparently some of you are not. Let me assure you, I am not here to make a political speech and the topic at hand should not — must not — have anything to do with partisanship. I am here tonight to talk about the issue of research into what may be the greatest medical breakthrough in our or any lifetime: the use of embryonic stem cells — cells created using the material of our own bodies — to cure a wide range of fatal and debilitating illnesses: Parkinson's disease, multiple sclerosis, diabetes, lymphoma, spinal cord injuries and much more. Millions are afflicted. And every year, every day, tragedy is visited upon families across the country, around the world. Now, it may be within our power to put an end to this suffering. We only need to try.

Some of you — some of you already know what I'm talking about when I say embryonic stem cell research. Others of you are probably thinking, that's quite a mouthful. Maybe this is a good time to go for a tall cold one. Well, wait a minute, wait a minute. Let me try and paint as simple a picture as I can while still doing justice to the science, the incredible science involved. Let's say that 10 or so years from now you are diagnosed with Parkinson's disease. There is currently no cure and drug therapy, with its attendant side-effects, can only temporarily relieve the symptoms.

Now, imagine going to a doctor who, instead of prescribing drugs, takes a few skin cells from your arm. The nucleus of one of your cells is placed into a donor egg whose own nucleus has been removed. A bit of chemical or electrical stimulation will encourage your cell's nucleus to begin dividing, creating new cells which will then be placed into a tissue culture. Those cells will generate embryonic stem cells containing only your DNA, thereby eliminating the risk of tissue rejection. These stem cells are then driven to become the very neural cells that are defective in Parkinson's patients. And finally, those cells — with your DNA — are injected into your brain where they will replace the faulty cells whose failure to produce adequate dopamine led to the Parkinson's disease in the first place.

In other words, you're cured. And another thing — another thing, these embryonic stem cells, they could continue to replicate indefinitely and, theoretically, can be induced to recreate virtually any tissue in your body. How'd you like to have your own personal biological repair kit standing by at the hospital? Sound like magic? Welcome to the future of medicine. Now by the way, no fetal tissue is involved in this process. No fetuses are created, none destroyed. This all happens in the laboratory at the cellular level.

Now, there are those who would stand in the way of this remarkable future, who would deny the federal funding so crucial to basic research. They argue that interfering with the development of even the earliest stage embryo, even one that will never be implanted in a womb and will never develop into an actual fetus, is tantamount to murder. A few of these folks, needless to say, are just grinding a political axe and they should be ashamed of themselves. But many — but many — many are well-meaning and sincere. Their belief is just that, an article of faith, and they are entitled to it. But it does not follow that the theology of a few should be allowed to forestall the health and well-being of the many.

And how can we affirm life if we abandon those whose own lives are so desperately at risk? It is a hallmark of human intelligence that we are able to make distinctions. Yes, these cells could theoretically have the potential, under very different circumstances, to develop into human beings — that potential is where their magic lies. But they are not, in and of themselves, human beings. They have no fingers and toes, no brain or spinal cord. They have no thoughts, no fears. They feel no pain. Surely we can distinguish between these undifferentiated cells multiplying in a tissue culture and a living, breathing person — a parent, a spouse, a child.

I know a child — well, she must be 13 now — I guess I'd better call her a young woman. She has fingers and toes. She has a mind. She has memories. She has hopes. She has juvenile

diabetes. Like so many kids with this disease, she's adjusted amazingly well. The — the insulin pump she wears — she's decorated hers with rhinestones. She can handle her own catheter needle. She's learned to sleep through the blood drawings in the wee hours of the morning. She's very brave. She is also quite bright and understands full well the progress of her disease and what that might ultimately mean: blindness, amputation, diabetic coma. Every day, she fights to have a future.

What excuse will we offer this young woman should we fail her now? What might we tell her children? Or the millions of others who suffer? That when given an opportunity to help, we turned away? That facing political opposition, we lost our nerve? That even though we knew better, we did nothing? And, should we fail, how will we feel if, a few years from now, a more enlightened generation should fulfill the promise of embryonic stem cell therapy? Imagine what they would say of us who lacked the will. No, no, we owe this young woman and all those who suffer — we owe ourselves — better than that. We are better than that. We are a wiser people, a finer nation.

And for all of us in this fight, let me say: we will prevail. The tide of history is with us. Like all generations who have come before ours, we are motivated by a thirst for knowledge and compelled to see others in need as fellow angels on an often difficult path, deserving of our compassion. In a few months, we will face a choice. Yes, between two candidates and two parties, but more than that. We have a chance to take a giant stride forward for the good of all humanity. We can choose between the future and the past, between reason and ignorance, between true compassion and mere ideology.

This — this is our moment, and we must not falter. Whatever else you do come Nov. 2, I urge you, please, cast a vote for embryonic stem cell research.

Ron Reagan discussion questions:

- (a) In what ways does Reagan *assume* the unborn are not human (that is, beg the question)?
- (b) What does he list as decisive for being human?
- (c) How well does he defend that list as being value-giving in the first place?
- (d) How does Reagan's idea of "faith" differ from the biblical view of faith?
- (e) What is Reagan telling people of faith to do with their convictions? How does he treat those who disagree with him?
- (f) What does his own view of progress logically affirm about things like the Tuskegee Experiments?
- (g) How does Reagan distort the science of embryology as well as the science associated with embryonic stem-cell research in general?
- (h) What role do emotional appeals play in this speech? Given the cultural landscape, does a speech like this play well with the public?

11. Case study—Ann Furedi in *Spiked*, March 2008³¹

To me, the argument for a gradualist approach to the ethical rightness or wrongness of abortion that depends on the gestation of the fetus is weak, lacks intellectual consistency, and seems self-serving...To the 'ethical straddlers' concerned about gestation we must ask: is there anything qualitatively different about a fetus at, say, 28 weeks that gives it a morally different status to a fetus at 18 weeks or even eight weeks? It certainly looks different because its physical development has advanced. At 28 weeks we can see it is human — at eight weeks a human embryo looks much like that of a hamster. But are we really so shallow, so fickle, as to let our view on moral worth be determined by appearance? Even if at five weeks we can only see an embryonic

³¹ Ann Furedi, "A Moral Defense of Late Abortion," *Spiked*, March 2008. <http://www.spiked-online.com/newsite/article/10015#.VcNxXvNVhBc>

pole, we know that it is human. The heart that can be seen beating on an ultrasound scan at six weeks is as much a human heart as the one that beats five months later.

Claims that the fetus has 'evolving potential' make little sense. The potential of the fetus does not evolve; it just is. A fetus may draw closer to fulfilling this potential as it develops and as its birth approaches, but the potential does not change. Indeed, from the time of conception, as soon as embryonic cells begin to divide, an entity with the potential to become a person is created. It is the product of a man and a woman, but distinct from them. It has a unique DNA and, unless its development is interrupted or fails, it will be born as a child...

But it is difficult to see how it can be argued that a fetus should be accorded a moral status that differs at different stages of its development on the grounds of 'evolving potential', since a fetus at 28 weeks is no more or less potentially a person than one at eight weeks.

If it is 'drawing closer' to the fulfilment of the fetus's potential that changes its moral status, then it seems that there is a difficult problem in finding a moral – as distinct from a pragmatic – justification as to when is close enough for the status to change. Since a fetus draws closer to fulfilling its potential from the day it is conceived, and is constantly evolving as it grows, which day - or which developmental change - matters morally? Is it when there is evidence of a beating heart, or fetal movement, or a particular neurological or brain development? Who makes this decision? And why?

It seems to me that the attempt to accord a 'gradualist' moral significance to the development of the fetus is little more than an attempt to disguise a personal reaction as an ethical argument. It exemplifies thinking that starts from an a priori assumption that something is 'bad', and then tries to construct an argument to justify the badness. In this case, the assumption is that later abortions are 'bad' and the arguments about the significance of the evolving potential of the fetus are an intellectually elevated way of justifying an assumption that is, in fact, no more than prejudice...

The moral principle at stake in the debate on later abortions, the one that genuinely matters, has been ignored completely in the recent discussions. This is the principle of moral autonomy in respect of reproductive decisions. To argue that a woman should no longer be able to make a moral decision about the future of her pregnancy, because 20 or 18 or 16 weeks have passed, assaults this and, in doing so, assaults the tradition of freedom of conscience that exists in modern pluralistic society.

The ethicist Ronald Dworkin explains it like this: 'The most important feature of [Western political culture] is belief in individual human dignity; that people have the moral right – and moral responsibility – to confront the most fundamental questions about the meaning and values of their own lives for themselves, answering to their own consciences and convictions.'

If we accept this, it is clear that to deny a woman her capacity to make the moral decision about abortion is to strip away her humanity. It is to take away not just a right but a responsibility to come to a decision that accords with her values. This has profound consequences for how we see individuals and how they see themselves. Are they capable moral agents? Or must their agency be stripped away?...

Either we support women's right to make an abortion decision or we don't. We can make the judgement that their choice is wrong – but we must tolerate their right to decide. There is no middle ground to straddle.

Furedi discussion questions:

- (a) How does Furedi argue in ways similar to pro-lifers? In what way is her argument commendable?

- (b) Why is her case potentially problematic for abortion-choicers who advance a gradualist view of human value (who she calls “ethical straddlers”) or who otherwise hedge their abortion advocacy?
- (c) And yet, Furedi implicitly does posit an event she sees as decisive—birth! Why does that undermine her case?
- (d) While Furedi’s reasons for rejecting a gradualist view of human value is largely consistent, her conclusion is horrific. How so?

Furedi Analysis:

Like Peter Singer, she gets the logic correct, but her conclusions are downright horrific (as is Singer’s.) She uses this logic to defend the view that abortion should be legal at any time during the pregnancy, and we have no right to even ask why a woman would wish to obtain a late-term abortion. The major flaw with her line of reasoning is this: She posits birth as the one special event that bestows full worth and human rights on the developing entity that she was willing to kill in the womb. She does this by mere assertion. If there is something about a human being that gives it special moral worth, then doesn’t it make far more sense to recognize that worth begins when the entity becomes a human being? She argues correctly that the gradualist approach is intellectually dishonest and self serving, but in its place she recommends a position even more intellectually dishonest and self serving—women are entitled to late abortions simply because they want them. No apology needed.

- B. **David Boonin’s** specific challenge to the substance view—Desires rather than human nature ground the right to life. For Boonin, present desires, not future ones, are value-giving. And since a fetus cannot have “present” desires prior to organized cortical brain function—which occurs sometime between 25 and 32 weeks after fertilization—it has no right to life prior to that point.

Boonin concedes I am identical to the embryo I once was. That is, I am the same being now as I was then. I didn’t evolve from an embryo. I once was that embryo. However, just because I’m identical to my former embryonic self, it doesn’t follow that I had the same right to life then as I do now. To say that I do begs the question as to what makes humans valuable in the first place. For example, the fact that I now have the right to own property or to watch anything I want on TV does not mean that I had those same rights when I was a small child. Hence, just because we exist as human beings at the embryonic/fetal stage does not mean we have rights, including a right to life, at every stage.

Moreover, it cannot be the case that we have a right to life simply because we are members of the human species. Therefore, it must be some other property that you and I share that explains why we have the right to life. To quote Boonin directly, “The fact that a human fetus is a member of the same species as you and I cannot ground an argument conferring upon it the same right to life as you and I.” Intrinsic value, as Boonin defines it, is an accidental property that a fetus acquires later in pregnancy, after there is organized cortical brain activity capable of supporting a present desire for something.

In short, human beings come to be at one point, but become intrinsically valuable (as a subject of rights) only at a later stage. Until then, abortion may be morally criticizable, but it’s not morally impermissible. Lest the reader miss the point, Boonin bites the bullet and personalizes his view:

On my desk in my office where most of this book was written and revised, there are several pictures of my son, Eli. In one, he is gleefully dancing on the sand along the Gulf of Mexico, the cool ocean breeze wreaking havoc with his wispy hair. In a second, he is tentatively seated in the grass in his grandparents’ backyard, still working to master the feat of sitting up on his own. In a third, he is only a few weeks old, clinging firmly to the arms that are holding him and still wearing the tiny hat for preserving body heat that he wore home from the hospital. Though all of the remarkable changes that these pictures preserve, he remains unmistakably the same little boy. In the top drawer of my desk, I keep another picture of Eli. This picture was taken...24 weeks before he was born. The sonogram image is murky, but it reveals clearly enough a small head tilted back

slightly, and an arm raised up and bent, with the hand pointing back toward the face and the thumb extended out toward the mouth. There is no doubt in my mind that this picture, too, shows the same little boy at a very early stage in his physical development. And there is no question that the position I defend in this book entails that it would have been morally permissible to end his life at this point.³²

We must not miss the significance of what's just been said. Boonin concedes a major premise of the pro-life argument—namely, that Eli the fetus is the same being as Eli the toddler. This is bound to unsettle many abortion advocates who've insisted for years that the fetus is only a potential human being, not an actual one. Boonin clearly says that won't work. I am the same being now as I was then. But, as he goes on to argue, my right to life wasn't the same then as it is now because my intrinsic value wasn't the same then as it is now. Minus present desires, I have no right to life.

1. Discussion questions:

- (a) Why might abortion-choice advocates be uncomfortable with Boonin's take?
- (b) What fundamental question does Boonin force us to confront?
- (c) How does Boonin summarize our relationship to our former embryonic selves?
- (d) How does Boonin's take on intrinsic value differ from a pro-lifer's?
- (e) What grounds the right to life for Boonin?
- (f) What examples affirm or challenge Boonin's take on intrinsic value?
- (g) How does the concept of inalienable rights square with Boonin's take?
- (h) To borrow from Francis J. Beckwith, suppose a scientist surgically alters the brain of developing human fetus so that it never desires anything. Later, at age 5, the child is killed so its organs can be used to treat disease in others. On what grounds might Boonin say this is wrong? Can he make such a claim given his view?

2. Response to Boonin:

- (a) Why is having an immediately exercisable "desire" value-giving in the first place? That must be argued for, not merely assumed.
- (b) Boonin's argument proves too much: it disqualifies newborns. Having "desires" presupposes belief and judgement, which newborns lack until several weeks (if not months) after birth.
- (c) Human equality is undermined: The desire to live varies from person to person.
- (d) Indoctrinated slave: If he no longer desires freedom, can we enslave him? If Boonin says no because the slave has an "ideal" desire to be free, he borrows from the pro-life view. That is, our common human nature, not having desires, grounds our fundamental rights.
- (e) Buddhists and Stoics may not desire anything. Are they non-persons we may kill?
- (f) Staple gun example (Kaczor): Suppose I shoot myself in the head. I live, but I damage the part of my brain that controls desire so that I no longer want anything. Have I forfeited my right to life?³³
- (g) Nirvana drug example (Kaczor): If a drug is invented that removes all desire, will those who take it cease to be valuable human beings?³⁴
- (h) Surgical example (Beckwith): Suppose a scientist surgically alters brain of a developing fetus so it can never desire anything. Two years later, the child is killed so his organs can be harvested to

³² David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2003) p. xiii-xiv.

³³ Kaczor, *Ethics of Abortion*, p. 59-60.

³⁴ Kaczor, *Ethics of Abortion*, p. 60.

treat disease in others. Given he didn't desire anything when he was killed, was he harmed? If so, what's doing the moral work is the nature of the fetus, not his immediately exercisable desire to go on living.

- (i) Desire accounts of human value conflict with the concept of inalienable rights. That is, if your right to life is inalienable, you can't dislodge it simply because you no longer desire to live. Inalienable rights can't be negotiated away.

C. **Michael Tooley's** specific challenge to the substance view—Species membership doesn't matter. Indeed, being human isn't all that special. At issue is whether you are a rational being. The potentiality of the fetus or infant to become a rational being (person) is irrelevant in terms of saying either has a right to life. Put simply, there is no moral duty to turn potential rational beings into actual ones. He gives the example of a kitten that is injected with a special serum that transforms it into a cat with a rational nature. According to Tooley, although the kittens have the potential to become rational beings if you inject them with the serum, you are not obligated to do so. Tooley then introduces his symmetry principle: If it is not seriously wrong to refrain from initiating a causal process (giving the kittens the rationality serum) it is not wrong to interfere with such a process once it's begun. Similarly, if you have an abortion or destroy a newborn, a rational being will not come to be. According to the symmetry principle, there is no important difference between not starting a process and interrupting one already begun. For Tooley, an organism has a right to life only if it has a concept of itself as a continuing subject of experiences. Rights, in his view, arise from desires, and our rights are not violated if there is no violation of our desires. Fetuses and newborns do not have a desire to go on living, thus abortion (and infanticide) do not rob them of anything they value.³⁵

1. Discussion Questions:

- (a) What fundamental question does Tooley's argument force us to face?
- (b) Is Tooley's kitten "potential" different from fetal potential? If so, how do they differ?
- (c) Define Tooley's "symmetry principle." To what extent is it persuasive on abortion? What counterexamples might challenge it?
- (d) Tooley says being human is nothing special. Are the good reasons to affirm or reject his claim?
- (e) Tooley claims that rights arise from desires. Why might someone think so? Why might they not?

2. Response to Tooley:³⁶

- (a) Counter-examples challenge Tooley's "desires" view, as he admits. Emotionally disturbed individuals may not desire to go on living, but they still have a right to life. Previously conscious individuals who become unconscious (and thus have no conscious "desires") do not forfeit their right to life. Nor do the slumbering or those under anesthesia. Slaves or cult members can be indoctrinated not to desire their lives, but that does not justify killing them.
- (b) Tooley holds that a human being who permanently loses consciousness is no longer a person. But this can be questioned. Consider Clark and Greg, both in comas. Although their comas are otherwise identical, Drug X will cure Clark. But Drug Y, needed for Greg, is not yet available—so his condition is considered permanent. According to Tooley, Clark has a right to life because he is in a temporary coma but Greg does not—even though both of them have been previously conscious. So having consciousness in the past is not decisive. Rather, what matters is the natural potential for future consciousness—which the unborn possess.
- (c) Species membership matters: First, Tooley simply asserts that species membership is irrelevant, but this is a controversial claim. We have powerful intuitions that there's a real difference

³⁵ Summarized from Michael Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs* 2, no. 1(1972).

³⁶ Kaczor, *Ethics of Abortion*, pp. 13-27.

between a hit-and-run with a squirrel and a hit-and-run with a newborn—even if the latter is mentally disabled. Moreover, there’s an important difference between eating a hamburger and eating a Harold burger, even if Harold, due to disability, was no more intelligent than a cow. Second, a mentally handicapped girl and a dog may be equally incapable of exercising rationality and choice, but this condition is tragic for the girl but inconsequential for the dog. That’s why we make heroic efforts to overcome this disability in the girl.

- (d) If all animals have equal moral status, the case for abortion and infanticide is undermined not affirmed. If creatures of mixed origin are manufactured, then we will need to debate about whether they are persons with a right to life. But that debate need not undermine our conviction that all human beings—that is, anyone arising from human parents—should be accorded equal rights. If the mixed species has a rational nature, it should have moral rights.
- (e) If mental properties are shared unequally (as is the case), then human equality—indeed, equality among any kind of living thing—is undermined.
- (f) Tooley confuses *passive* potentiality and *active* potentiality. The kittens have a passive potential for rationality. That is, if an outside agent or force gives them the serum, they can develop rationality. The unborn, in sharp contrast, have the active potential for rationality. His potential for rationality does not come from an external source, but is intrinsic to him. The human fetus does not need outside interference to develop rationality. Rather, he enjoys active self-development towards rational maturity. So, even if a rationality serum existed, it would not follow that killing a kitten would be the moral equivalent of killing a newborn or fetus.
- (g) Reproductive (sex) organs are *actual* reproductive organs (rather than mere *potential* ones) even if they can’t immediately function that way due to immaturity, illness, injury, or sterilization.
- (h) The symmetry principle is *not* self-evidently true. Although it’s not usually wrong to refrain from making a promise, it’s wrong to break a promise one is in the process of carrying out. If I am in the middle of helping you move a grand piano up stairs, it’s wrong for me to leave you stranded while I go for ice cream.
- (i) Tooley ignores the morally important distinction between refraining from making someone better off and acting to make him worse off. If I refrain from giving you five bucks, I’ve refrained from making you better off. But I haven’t worsened your situation. I just left you in the same condition you were already in. But if I take your five dollars, you are indeed worse off. Similarly, if I refrain from giving the cats the rationality serum, all I’ve done is leave them in the condition they were already in. I have not left them worse off. To abort a human fetus or kill a newborn, however, intentionally makes them worse off.
- (j) Unlike the duty to save an innocent human whenever easily possible (contra Rachel’s bathtub example), it is not the case that I must create one whenever possible. This would require every woman of childbearing age to create as many offspring as possible.

D. **Steven Pinker’s** challenge to the substance view—In his article “The stupidity of Dignity,” Pinker argues that the entire concept of human dignity is useless and stupid, as it’s based on highly speculative and metaphysical disputes over the nature and status of human beings. (Metaphysics means the ultimate grounding of things and includes topics like, What is the essential nature of human beings? What is the basis for right and wrong?) Instead, secular bioethics should take a neutral stance on these questions.

Pinker makes three primary claims. First, he alleges that human dignity is a useless and subjective concept given that cultures disagree on what it means. Second, human dignity is unnecessary for bioethics since personal autonomy and consent provide a better foundation. Third, human dignity is a dangerous concept in that it forces a religious view of the human person on a pluralistic culture. Elsewhere, Pinker seem to suggest that instead of speculative metaphysics, the proper grounding for

bioethics is Scientific Materialism—the belief that all knowledge is reduced to things we can measure empirically through the five senses. If it's not physical, it's not real! Thus, immaterial things like souls, human dignity, and objective morals are not items of true knowledge. Fourth, in order to maintain justice and fairness, the state should embrace Enlightenment Liberalism—roughly, the view that a state ought not to embrace one view of the human person as the correct view but instead should remain neutral. Thus, the concept of human dignity has no place in the public square. It puts the state on record as favoring a particular view of the human person to the exclusion of other views.

In short, Pinker argues that the entire concept of human dignity is worthless. Instead of debating the nature and status of human beings, secular bioethics should be neutral. Instead, we should ground bioethics in consent and autonomy.

1. Discussion Questions:

- (a) How successful is Pinker in avoiding metaphysical claims of his own? What metaphysical claims does he make?
- (b) How persuasive is Pinker's claim that because cultures disagree on dignity, it's stupid?
- (c) What is Scientific Materialism and what clues are there that Pinker adheres to it?
- (d) Is Scientific Materialism neutral? Why or why not?
- (e) What is Enlightenment Liberalism and what clues are there that Pinker adheres to it?
- (f) In what sense is Enlightenment Liberalism neutral to overarching worldviews?
- (g) In sum, Pinker and his pro-life critics are both asking the same fundamental (metaphysical) question, which is?
- (h) What does Pinker want us to do?

2. Response to Pinker:

- (a) Setting aside for the moment that Pinker makes his own metaphysical (and highly controversial) claim—namely, that secular bioethics should be neutral—it turns out his view is anything but neutral. Pinker says that scientific materialism (SM) should guide bioethics, but as Beckwith points out, SM is not neutral.³⁷ Rather, it's a comprehensive worldview! Briefly, SM is the view that science best explains reality and that everything that can be known must be explained in terms of strict physical processes and blind, non-rational forces. Thus, non-material concepts like human dignity don't count as real knowledge but are merely subjective, meaning they should never interfere with research and medical progress. Moreover, the idea that humans have an immaterial essence that categorically distinguishes them from animals is pure fiction. Humans differ only in degree, not kind, from other living things. As for the mind (soul), it is nothing more than a physical brain state. Thus, Pinker's secular bioethics is not neutral, but embraces a physical (and philosophical) anthropology that is contested.
- (b) Moreover, how does it follow that because cultures disagree on human dignity that no one view of human value is correct? People once disagreed on whether slaves had value, but this did not mean there were no right answers. The absence of consensus does not mean an absence of truth. At the same time, Pinker's relativism self-destructs. Remember, he said that disagreement about human dignity means there is no truth on the matter. However, many people disagree with Pinker on human dignity, meaning his own relativistic view is defeated.
- (c) Pinker's appeal to autonomy as an adequate foundation for secular bioethics fares no better. Notice that it is not neutral. Rather, it presupposes a metaphysical view of human nature—namely, that the primary project in life is to be independent, meaning I'm free to do with my life as I please as long as I don't hurt others. But is this a good foundation for ethics? Suppose 100

³⁷ Francis J. Beckwith, "Dignity Never Been Photographed: Scientific Materialism, Enlightenment Liberalism, And Steven Pinker," *Ethics & Medicine: An International Journal of Bioethics*; Summer 2010, Vol. 26 Issue 2, p.93. See also Beckwith's similar article here, <http://www.thecatholicthing.org/2015/07/16/dignity-never-been-photographed/>

men form a cult for the express purpose of eating nothing but trans-fatty foods in hopes they will all die of strokes before age 35. As they begin dying one by one, the remaining members double, then triple, their intake of fat until all are dead. Would Pinker consider their lives wasted? After all, these men exercised their autonomy according to their own concept of the universe and their place in it. Pinker's complaint, should he make one, only makes sense if these men failed to live up to their natures as human beings. That is, I suspect Pinker expects better of them precisely because humans are the types of beings who ought to fulfill their natures by living according to their intrinsic purposes. But Pinker's SM rules out any such complaint. Nor does consent provide an adequate foundation for ethics. To borrow an example from Beckwith, suppose the Jews had consented to the holocaust. Would that have made it right? In a 2004 survey, more than a third of Turkish women indicated they deserve to be beaten if they argue with their husbands, deny them sex, neglect children, or burn a meal.³⁸ If the women in question willingly consent to such abuse, how can Pinker say it is nevertheless wrong?

E. Case Study: Peter Singer Interview

<http://www.princeton.edu/~psinger/faq.html>

Q. I've read that you think humans and animals are equal. Do you really believe that a human being is no more valuable than an animal?

A. I argued in the opening chapter of *Animal Liberation* that humans and animals are equal in the sense that the fact that a being is human does not mean that we should give the interests of that being preference over the similar interests of other beings. That would be speciesism, and wrong for the same reasons that racism and sexism are wrong. Pain is equally bad, if it is felt by a human being or a mouse. We should treat beings as individuals, rather than as members of a species. But that doesn't mean that all individuals are equally valuable – see my answer to the next question for more details.

Q. If you had to save either a human being or a mouse from a fire, with no time to save them both, wouldn't you save the human being?

A. Yes, in almost all cases I would save the human being. But not because the human being is human, that is, a member of the species *Homo sapiens*. Species membership alone isn't morally significant, but equal consideration for similar interests allows different consideration for different interests. The qualities that are ethically significant are, firstly, a capacity to experience something—that is, a capacity to feel pain, or to have any kind of feelings. That's really basic, and it's something that a mouse shares with us. But when it comes to a question of taking life, or allowing life to end, it matters whether a being is the kind of being who can see that he or she actually has a life—that is, can see that he or she is the same being who exists now, who existed in the past, and who will exist in the future. Such a being has more to lose than a being incapable of understanding this. Any normal human being past infancy will have such a sense of existing over time. I'm not sure that mice do, and if they do, their time frame is probably much more limited. So normally, the death of a human being is a greater loss to the human than the death of a mouse is to the mouse—for the human, it cuts off plans for the distant future, for example, but not in the case of the mouse. And we can add to that the greater extent of grief and distress that, in most cases, the family of the human being will experience, as compared with the family of the mouse (although we should not forget that animals, especially mammals and birds, can have close ties to their offspring and mates). That's why, in general, it would be right to save the human, and not the mouse, from the burning building, if one could not save both. But this depends on the qualities and characteristics that the human being has. If, for example, the human being had suffered brain damage so severe as to be in an irreversible state of unconsciousness, then it might not be better to save the human.

Q. You have been quoted as saying: "Killing a defective infant is not morally equivalent to killing a person. Sometimes it is not wrong at all." Is that quote accurate?

³⁸ "It's Okay for Men to Hit Us, Says Wives' Poll in Turkey," *U.K. Telegraph*, October 22, 2004.

A. It is accurate, but can be misleading if read without an understanding of what I mean by the term “person” (which is discussed in Practical Ethics, from which that quotation is taken). I use the term “person” to refer to a being who is capable of anticipating the future, of having wants and desires for the future. As I have said in answer to the previous question, I think that it is generally a greater wrong to kill such a being than it is to kill a being that has no sense of existing over time. Newborn human babies have no sense of their own existence over time. So killing a newborn baby is never equivalent to killing a person, that is, a being who wants to go on living. That doesn’t mean that it is not almost always a terrible thing to do. It is, but that is because most infants are loved and cherished by their parents, and to kill an infant is usually to do a great wrong to its parents. Sometimes, perhaps because the baby has a serious disability, parents think it better that their newborn infant should die. Many doctors will accept their wishes, to the extent of not giving the baby life-supporting medical treatment. That will often ensure that the baby dies. My view is different from this, only to the extent that if a decision is taken, by the parents and doctors, that it is better that a baby should die, I believe it should be possible to carry out that decision, not only by withholding or withdrawing life-support – which can lead to the baby dying slowly from dehydration or from an infection - but also by taking active steps to end the baby’s life swiftly and humanely.

Q. What about a normal baby? Doesn’t your theory of personhood imply that parents can kill a healthy, normal baby that they do not want, because it has no sense of the future?

A. Most parents, fortunately, love their children and would be horrified by the idea of killing it. And that’s a good thing, of course. We want to encourage parents to care for their children, and help them to do so. Moreover, although a normal newborn baby has no sense of the future, and therefore is not a person, that does not mean that it is all right to kill such a baby. It only means that the wrong done to the infant is not as great as the wrong that would be done to a person who was killed. But in our society there are many couples who would be very happy to love and care for that child. Hence even if the parents do not want their own child, it would be wrong to kill it.

Q. Elderly people with dementia, or people who have been injured in accidents, may also have no sense of the future. Can they also be killed?

A. When a human being once had a sense of the future, but has now lost it, we should be guided by what he or she would have wanted to happen in these circumstances. So if someone would not have wanted to be kept alive after losing their awareness of their future, we may be justified in ending their life; but if they would not have wanted to be killed under these circumstances, that is an important reason why we should not do so.

Q. What about voluntary euthanasia and physician-assisted suicide?

A. I support law reform to allow people to decide to end their lives, if they are terminally or incurably ill...Why should we not be able to decide for ourselves, in consultation with doctors, when our quality of life has fallen to the point where we would prefer not to go on living?

1. Discussion questions for Singer:

- (a) Is there anything commendable in Singer’s view?
- (b) What characteristics are ethically decisive for Singer when determining personhood?
- (c) How well does Singer support those characteristics as decisive? Does adding “ism” help?
- (d) Why don’t newborns qualify as persons in Singer’s view?
- (e) For Singer, infanticide may be wrong, but what makes it wrong?
- (f) What does Singer mean by speciesism? Can he escape that same charge?
- (g) How does Singer’s view result in savage inequality for all living things?
- (h) How is his view counterintuitive? Why might it dismay abortion-choice activists?
- (i) What problems might Singer have grounding his claim for animal rights?

2. Summary of Singer's view: What primarily matters is not what *kind* of being an entity is, but can it suffer? "The capacity for suffering and enjoyment is a prerequisite for having interests at all," he writes. All (and only) beings that can currently experience suffering or enjoyment have interests and thus moral status (rights). Singer contends that a variety of non-human animals are rational, self-conscious beings that can experience pain or pleasure and thus they qualify as persons in the relevant sense of the term.³⁹ Consequently, it is morally indefensible for humans to value their own species above other sentient animals. As for the doctrine of the "sanctity of human life," it is nothing but "speciesism," an irrational prejudice rooted in outdated religious traditions (i.e. Christianity). Insofar as some human beings are incapable of reasoning, remembering, and self-awareness, they cannot be considered persons. "The embryo, the later fetus, the profoundly intellectually disabled child, even the newborn infant—all are indisputably members of the species *Homo sapiens*, but none are self-aware, have a sense of the future, or the capacity to relate to others."⁴⁰ Put simply, dogs, cats, and dolphins are persons, while fetuses, newborns, and victims of Alzheimer's disease are not.

To the dismay of popular abortion-choice advocates, Singer rejects birth as a relevant dividing line between person and non-person, agreeing with pro-life advocates that there is no ontologically significant difference between the fetus and a newborn. True, there are differences of size, location, dependency, and development, but these are morally irrelevant. "The liberal search for a morally crucial dividing line between the newborn baby and the fetus has failed to yield any event or stage of development that can bear the weight of separating those with a right to life from those who lack such a right."⁴¹

But instead of upgrading the fetus to the status of a person, Singer downgrades the newborn to the status of non-person because newborns, like fetuses, are incapable "of seeing themselves as distinct entities, existing over time."⁴² Nor are they rational, self-conscious beings with a desire to go on living.⁴³ Since personhood hinges on these things, killing a newborn (or fetus) is not the same as killing a person. In fact, some acts of infanticide are less problematic than killing a happy cat. If, for example, parents kill one handicapped infant to make way for another baby that will be happier than the first, the total amount of happiness increases for all interested parties.⁴⁴

For Singer, infanticide may be wrong in some cases, but only for its impact on other interested parties. "We should certainly put very strict conditions on permissible infanticide, but these conditions might owe more to the effects of infanticide on others than to the intrinsic wrongness of killing an infant."⁴⁵ If the parents want the newborn, it is wrong to kill it because the act deprives them of happiness. On the other hand, killing a defective newborn is not morally equivalent to killing a person.⁴⁶ Very often, it is not wrong at all. "When the death of a disabled infant will lead to the birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of the happy life for the first infant is outweighed by the gain of a happier life for the second. Therefore, if killing the hemophiliac infant has no adverse effect on others, it would, according to the total view, be right to kill him."⁴⁷

Parents, of course, need time to calculate pleasures and pains. Singer's solution is a post-birth assessment period of a week or perhaps a month (he isn't sure which), during which parents, in consultation with their physician, may legally kill their handicapped offspring if doing so would increase the total happiness of all interested parties.⁴⁸ In the end, Singer rejects transcendent human

³⁹ Ibid, pp. 110-111.

⁴⁰ Peter Singer, *Practical Ethics*, second ed. (Cambridge: Cambridge University Press, 1993, p. 86.

⁴¹ Peter Singer, *Practical Ethics*, p. 142.

⁴² Ibid, pp. 171,188.

⁴³ Ibid, p.169.

⁴⁴ Ibid, pp. 185-186.

⁴⁵ Ibid, p. 173.

⁴⁶ Ibid, p. 191.

⁴⁷ Ibid, p. 186

⁴⁸ Ibid, p. 172. Of course, fetuses and newborns have no "interests" according to Singer.

rights as a fiction. All sentient beings are equally valuable. It is the *interests* which matter, not the *kind* of being one is.

3. Response to Singer:

- (a) Despite Singer's claim that all animals are equal, his own view results in savage inequality for both humans and *non-human animals*. As Patrick Lee and Robert George point out, the major difficulties with Singer's position follow from the fact that his proposed criterion for personhood (that is, an immediately exercisable capacity for pleasure/pain) involves the possession of accidental attributes that living things have in varying degrees, thus making equality among sentient beings impossible. In short, those beings with greater intelligence and sophistication have a greater capacity to experience suffering and enjoyment, meaning (under Singer's view) they have a greater moral status than their less sophisticated counterparts: "If the moral status-conferring attribute varies in degrees—whether it be the capacity for enjoyment or suffering, or another attribute that comes in degrees—it will follow that some humans will possess that attribute to a lesser extent than some non-human animals, and so inevitably some interests of some non-human animals will trump the interests of some humans. Also, it will follow that some humans will possess the attribute in question in a higher degree than other humans, with the result that not all humans will be equal in fundamental moral worth, i.e., dignity."⁴⁹
- (b) Singer can't escape the charge of specieism. That is, not only is his criterion for personhood arbitrary (he never tells us why certain value-giving properties are value-giving in the first place), it distinctly favors his own species. For example, why are self-awareness and rationality—distinctly human traits—the standards by which we evaluate all individuals, including non-human animals? Why are those things value-giving rather than, say, having traits that favor alligators, such as powerful jaws and tough skin? Singer's own standard is no less specieist than ours.⁵⁰
- (c) Singer's view is counterintuitive. He insists that persons are not valuable in themselves, but are mere carriers of what is truly valuable, i.e., the capacity for pain or pleasure. A basic moral rule, then, would be to maximize those accidental attributes. Thus, it would not be morally wrong to kill a child, no matter his age, if doing so allowed you to replace him with two carrier of what is truly valuable.⁵¹ Absurd. It's far more reasonable to argue that rights-bearing subjects have value in virtue of the kind of thing they are by nature rather than some accidental attribute that may come and go in their lifetimes. At the same time, Singer's claim that "the capacity for suffering and enjoyment is a prerequisite for having interests at all" is deeply problematic and counterintuitive. Given it is *interests* that matter, not the *kind* of being one is, it logically follows that if a juvenile rat has a slightly worse toothache than a human child, the rat deserves priority treatment.⁵² After all, one is not supposed to treat humans above other species.
- (d) Singer lacks consistency in how he applies his ethic. He insists that killing a newborn is not the same as killing a person. Ergo, killing a newborn is morally unproblematic, right? Well, not exactly. Singer hedges with a pronouncement that we should restrict infanticide to severely handicapped infants. But as Peter Berkowitz explains, the restriction derives no support from the logic of his position: "Singer is right that on the basis of his premises there is no relevant difference between abortion and the killing of 'severely disabled infants.' But why does he confine the comparison to newborn infants who are severely disabled? He certainly does not confine abortion to severely disabled fetuses. If newborns, like unborn children, are not persons, and it is permissible to abort unborn children regardless of whether they are afflicted or healthy, then newborns, afflicted or healthy, should be subject to killing too, provided of course that 'on

⁴⁹ Patrick Lee and Robert George, "The Nature and Basis of Human Dignity," *Ratio Juris*, June 2008.

⁵⁰ I can't remember for certain, but I think I heard J.P. Moreland make this point in a lecture.

⁵¹ Lee and George, *Ibid.*

⁵² Lee and George, "The Nature and Basis of Human Dignity," *Ratio Juris*, June 2008.

balance, and taking into account the interests of everyone affected,' their killing will increase the total amount of happiness or satisfied preferences in the world. Singer certainly offers no good utilitarian reason to confine the killing to severely disabled newborns."⁵³

- (e) Singer has grounding problems.⁵⁴ On one hand, his utilitarian ethic suggests that actions are moral if they increase happiness and decrease pain for the greatest number of people. However, some things—rape, slavery, murder—are wrong in themselves, and cannot be justified with an appeal to overall happiness. Common sense dictates that we weigh both the rational intent of an act (deontological ethics) with its foreseen consequences (utilitarian ethics). Even if we modify Singer's utilitarianism beyond pain/pleasure to reflect the greatest good for the greatest number, it still fails to give us clear guidance. What exactly is "the good" we should seek to maximize? Utilitarianism, by itself, is incomplete. It needs some other moral theory to specify the nature of "the good."⁵⁵

On the other hand, Singer equates moral decency with a series of universal shoulds and oughts: Americans ought to renounce material wealth and give liberally to the poor in developing countries.⁵⁶ We ought to increase pleasure and minimize pain for animals as well as humans. We should treat all sentient beings equally, regardless of species membership. Yet how can Singer account for any of these moral obligations given his materialistic worldview? "When we reject belief in a god," he writes, "we must give up the idea that life on this planet has some preordained meaning. Life as a whole has no meaning. Life began [in] a chance combination of molecules; it then evolved through chance mutations and natural selection. All this just happened; it did not happen for any overall purpose."⁵⁷ That single statement undermines Singer's attempt to ground any moral claim, including one that says we should treat animals fairly. How can he account for objective, universally binding morals in a universe that admits no objective moral lawgiver? If his atheistic premise is correct, then to ask me to put other species on equal footing with my own is ridiculous. To the contrary, nothing makes more sense in a Darwinian "survival of the fittest" universe than subjugating other species to *my* use. Ayn Rand is correct: If there is no God, we should live selfishly.⁵⁸

To be clear, Singer can certainly *recognize* moral obligations and *act* according to them. His concern for the world's poor is proof he can be good without God! But Singer's job is not done. He must still explain how a mindless universe furnished us with a set of objective moral truths we are *obliged* to obey. Where did these moral truths come from? If they are the product of blind random chance, why should I obey them? For example, if I'm playing the board game Scrabble and I see the phrase "go home," am I obliged to obey?⁵⁹ I am not. There's no authority behind the accidental arrangement of the letters. For morals to have force, they need grounding in some kind of authority. Evolution can't supply that authority. Only a transcendent moral law-giver can. In short, Singer provides no ontological foundation for his strong moral claims.

Nor does he provide grounding for his rights claims. Singer is well known for his animal rights advocacy. He writes that sentient animals (apes, cats, pigs, etc.) deserve the same moral standing as sentient human beings. Before making this claim, however, he must answer a predicate question: Where do these alleged animal rights come from? Do they come from the state, in which case government is free to grant or withdraw rights (including those for animals), or are they transcendent? The problem for Singer is this: If there is no God, how can there be

⁵³ Peter Berkowitz, "Other People's Mothers," *New Republic*, January 10, 2000.

⁵⁴ The material in the following three paragraphs come from my book *The Case for Life: Equipping Christians to Engage the Culture* (Wheaton: Crossway, 2009), pp.120-121.

⁵⁵ Garrett J. De Weese and J.P. Moreland, *Philosophy Made Slightly Less Difficult: A Beginner's Guide to Life's Big Questions* (Downers Grove: InterVarsity Press, 2005), pp. 91-92.

⁵⁶ See Singer's interview on the Princeton University website, <http://www.princeton.edu/~psinger/faq.html>

⁵⁷ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993) p. 331.

⁵⁸ For an excellent discussion on this problem for atheists, see Paul Copan, "Can Michael Martin Be a Moral Realist?" *Philosophia Christi*, series 2, 1.2 (1999). See also Bill Weaks, "Practically Nonsense," www.firstgen.org.

⁵⁹ Greg Koukl uses this example in his talk "The New Atheism." Order from Stand to Reason: www.str.org

transcendent, universal rights that apply to animals? Singer replies with a half answer: If God does not exist, there is no justification for treating humans as inherently more valuable than other sentient beings. Perhaps so, but neither is there any justification for treating animals humanely. If the government rejects animal rights, to what can Singer the atheist appeal? Certainly not to fundamental moral rights, which by necessity are grounded in the concept of a transcendent creator who grants them. Singer's claim for animal rights therefore appears to exist in a vacuum.

F. Summary of why functionalist (performance) views of human value fail:

- (a) Fail to tell us why value-giving characteristics are value-giving.
- (b) Prove too much
- (c) Result in savage inequality
- (d) Undermine inalienable rights
- (e) Reducing pro-life view to "religious" entails a category mistake.
- (f) Historically, every time we opt for performance view terrible injustices follow.

G. Case study: book review reply to Katha Pollitt's book, *Pro: Reclaiming Abortion Rights* (Picador, 2014)—By Scott Klusendorf, *Christian Research Journal*, 2014.

A Case Not Made

In 1992, Bill Clinton campaigned on the premise that abortion should be "safe, legal, and rare." As to *why* it should be rare, he never told us. Indeed, during his two terms as president, Clinton rejected every attempt to limit the abortion license, even vetoing a bill that said you can't pierce the skull of a partially born fetus and suck out his brain. Abortion, though bad, was necessary to preserve the social health of women.

Politically, he got away with it. For millions of Americans, it was enough that Clinton felt sorry about abortion. As journalist Christopher Caldwell points out, Americans love to condemn abortion with words, but keep the option legally available in case they need it. "Even where Americans claim to disapprove most strongly of abortion, they booby-trap their disapproval so that it never results in the actual curtailment of abortion rights. A pro-life regime is not really something Americans want—it's just something they feel they ought to want."⁶⁰

Feminist Katha Pollitt is sick of the political doublespeak. Why do defenders of abortion need to apologize for anything? Abortion is both a moral right and a social good, a common event in the reproductive lives of women. "Why can't a woman just say, This wasn't the right time for me?" Only those with a deep contempt for the female sex question her saying so. Sure, in American public discourse, the safest place to be is in the middle, lamenting the extremes on both sides. But this concedes too much ground to abortion opponents. If we don't turn over to authority figures a woman's decision to marry or go to work, why turn over her personal choices about motherhood? Even our language gives up ground it shouldn't. For example, the term "pro-life" casts abortion opponents as lifesavers, when in fact many are motivated by a sectarian desire to force their religious views on a pluralistic society. In short, Pollitt insists that it's an affront to women when pro-choice advocates settle for anything less than legal abortion "on demand" and without apology. And she's not the least bit sorry if that offends her opponents.

In fact, Pollitt has no intention of converting pro-lifers. Her stated purpose is to awaken a sleeping giant—namely, the millions of Americans with "pro-choice" sentiments who remain uninvolved and complacent in the abortion debate. At the same time, she hopes "that by laying out the logic—or rather, the illogic—of the anti-choice position," she can persuade a few people in the middle to embrace abortion on demand.

⁶⁰ Christopher Caldwell, "Why Abortion Is Here to Stay," *The New Republic*, April 5, 1999.

Along the way, she gets some things right. Pro-lifers who overstate the physical effects of legal abortion are talking out of both sides of their mouths. On one hand, they argue that illegal abortion did not result in high complication rates once suction machines made those clandestine procedures safe. On the other hand, they argue that legal abortion—performed with those same suction machines—harms many women today. Absurd. And if pro-lifers truly believe embryos are human, they shouldn't use reproductive technologies that put excess embryos at risk.

Beyond that, careful attention to logical reasoning is precisely what's missing in much of Pollitt's book. What exactly is the "anti-choice" position she finds so illogical? Reading through the text, I kept waiting for a decisive blow to the following pro-life syllogism:

P1: It is wrong to intentionally kill an innocent human being.

P2: Abortion intentionally kills an innocent human being.

Therefore,

C: Abortion is wrong.

That blow never came. Instead, Pollitt more or less responds with a mix of ad-hominem attacks, poor science, and assertions masquerading as arguments. Suppose we grant that pro-lifers are anti-woman, against birth control, religiously motivated, insensitive to poor women, and just want to control women's sexuality. Let's further suppose they grieve the loss of five-year-olds more than they do the loss of embryos in fertility clinics. What follows? How do those alleged flaws refute the pro-life argument that the unborn are human and that intentionally killing them is wrong? At best, it shows that pro-life advocates are inconsistently applying their ethic, not that their arguments for the humanity of the unborn are bad.

Pollitt fares no better with science. Again and again she calls embryos "fertilized eggs," when in fact anyone who's ever consulted a standard embryology textbook knows she's substituting a label for an argument. Embryos are not "fertilized eggs" for the simple reason that sperm and egg die in the act of fertilization. That is, each surrenders its constituents into the make up of a new living organism—in this case, the human embryo. T. W. Sadler's *Langman's Embryology* states: "The development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism, the zygote."⁶¹ In short, Pollitt confuses parts with wholes. Sperm and egg are parts of larger human beings while the embryo is a whole (albeit immature) human being at the earliest stages of development.

At times, she simply assumes the unborn are not human, as when she writes that abortion "is a good thing for society" because it's "good for everyone" if women only have the children they want. Are the unborn part of that society? And does "everyone" include the unborn? Meanwhile, after a dozen or so references to "fertilized eggs," I couldn't help but recall a 1970 editorial in *California Medicine* that conceded the scientific ground to pro-lifers. The authors—sympathetic to abortion—note that language can be used to get around inconvenient truths: "The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices."⁶²

Though dismissive of embryos as "pea-sized," "lentil-sized," and "shrimp-like," Pollitt concedes their humanity on page 68: "Obviously, a fertilized egg is human—it isn't a feline or canine—and it's alive and it is a being in the sense that it exists." But she does not think all humans are equal. There's a class of human nonpersons that we can kill and a class of human persons that we can't. Embryos are not "human beings in the ordinary sense of the term" and they are not "persons" in the same way a woman is. Oh? Why should we believe that? Given Pollitt concedes the humanity of the unborn, an inquiring pro-lifer might ask what essential difference exists between Pollitt the

⁶¹ T. W. Sadler, *Langman's Medical Embryology*, 7th ed. (Baltimore: Williams and Wilkins, 1995), 3.

⁶² Malcolm S.M. Watts, "A New Ethic for Medicine and Society," *California Medicine*, September 1970.

embryo and Pollitt the adult that would justify killing her at that earlier stage of development. Her reply: embryos fail to qualify because they are too small (“the size of a pea”), too undeveloped, can’t think or feel, can’t communicate, aren’t conscious, aren’t self-aware, don’t look like children, and don’t function like the rest of us—to name a few.

But why are those characteristics value-giving in the first place? Pollitt presents no argument why any of them are decisive. She merely asserts they are so. Suppose we pick consciousness as decisive. Do we mean one must be able to exercise it immediately, or do we mean something else? As Christopher Kaczor points out, requiring actual consciousness renders us nonpersons whenever we sleep. Requiring immediately exercisable consciousness excludes those in surgery. Requiring the basic neural brain structures for consciousness (but not consciousness itself) excludes those whose brains are temporarily damaged. On the other hand, if having a particular nature from which the capacity for consciousness is present makes a being a person—even if one can’t currently exercise that capacity—then those sleeping, in surgery, or temporarily comatose are persons, but so also is the human embryo, fetus, and newborn.⁶³

Moreover, Pollitt’s functionalist account of human value proves too much. As abortion advocate Peter Singer points out in *Practical Ethics*, if self-awareness determines value, and newborns and fetuses lack it, both are disqualified from the community of persons.⁶⁴ You can’t draw an arbitrary line at birth and spare the newborn. Nor can you adequately account for human equality. If humans have value because of some degreed property like self-awareness, why shouldn’t those with more of that characteristic have a greater right to life than those with less—born or unborn? After all, development does not end at birth.

At the end of the day, the abortion debate is not about a surgical procedure, but a more foundational question: who counts as one of us? Thoughtful defenders of abortion such as David Boonin, Peter Singer, Michael Tooley, and Jeff McMahan—though I disagree with their conclusions—engage pro-life thinkers on that fundamental question and in so doing make a helpful contribution to the debate. In return, pro-life thinkers are crafting scholarly responses that have caught the attention of some of their most vocal critics. In a 2008 *Los Angeles Times* op-ed piece, abortion-choice advocates Kate Michelman and Frances Kissling lament that a new generation of pro-life advocates present “a sophisticated philosophical and political challenge” to what once was considered a settled debate.⁶⁵

Pollitt largely ignores that challenge. She dreams of a day when cleaning out wombs is just another form of housekeeping. Nowhere in her text do you get the sense she’s interacted with leading pro-life thinkers such as Francis Beckwith, Maureen Condic, or Christopher Kaczor. And while Pollitt may indeed fire up like-minded abortion-advocates, she’s no pro when it comes to engaging the best arguments from pro-life apologists.

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⁶³ Christopher Kaczor, *The Ethics of Abortion: Women’s Rights, Human Life, and the Question of Justice* (New York: Routledge, 2011), 53.

⁶⁴ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1997), 169–71.

⁶⁵ Frances Kissling and Kate Michelman, “Abortion’s Battle of Messages,” *Los Angeles Times*, January 22, 2008.