Warren and Marquis on Abortion, part 1

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Moral Standing

• The ‘standard anti-abortion argument’:

\[ \begin{align*}
P1 & \text{ All human beings have a right to life.} \\
P2 & \text{ A fetus is a human being.} \\
& \text{ C1 A fetus has a right to life.} \\
P3 & \text{ It is always impermissible to kill something with a right to life.} \\
& \text{ C2 It is impermissible to kill a fetus.} \\
\end{align*} \]

– In support of P2, authors like Noonan use the following criterion for being human:

\[ \text{Genetic Criterion: } X \text{ is a human being iff } X \text{ is conceived of a human being} \]

– Since fetuses are conceived of human beings, they are human, and P2 is true.

• Warren thinks that the argument *equivocates* in its use of ‘human being.’ Equivocation occurs when the same word is used in two different senses in two different premises of an argument. For instance, the following argument equivocates in its use of ‘nothing’:

\[ \begin{align*}
P1^* & \text{ Something is better than nothing.} \\
P2^* & \text{ Nothing is better than chocolate.} \\
& \text{ C* Something is better than chocolate.} \\
\end{align*} \]

The first premise is only acceptable if ‘nothing’ means ‘having nothing’. Yet the second premise is only acceptable if ‘nothing’ means ‘there is no thing which...’ Once we clarify the equivocation, we see that the argument is invalid:

\[ \begin{align*}
P1^* & \text{ Having something is better than having nothing.} \\
P2^* & \text{ There is no thing which is better than chocolate.} \\
& \text{ C* Something is better than chocolate.} \\
\end{align*} \]
Similarly, Warren believes that P1 of the anti-abortion argument is only plausible and non-question-begging if ‘human’ is used in its moral sense to mean ‘full-fledged member of the human moral community’. However, P2 is only plausible and non-question-begging if ‘human’ is used in its genetic sense to mean ‘life form in possession of human genetic material’.

Warren supplies the following sufficient condition for being human in the moral sense:

\[ \text{Personhood Criterion: } X \text{ is morally human if } X \text{ is a human person} \]

- It doesn’t follow from this sufficient condition that fetuses aren’t morally human, but Warren thinks that we should be hesitant to grant rights to non-persons, especially if so doing conflicts with the rights of persons.

She then says that something counts as a person only if it meets at least one of the following conditions:

- sentience, emotionality, reason, the capacity to communicate, self-awareness, and moral agency

Since the fetus meets none of these conditions, it does not count as morally human in virtue of the Personhood Criterion.

We sometimes decide to extend inclusion in the moral community to creatures—like infants—which are not persons. However, when there is excellent reason to not extend inclusion in the moral community, we should not do so.

- In the case of the fetus: we cannot reserve intercourse between fertile couples to only those instances in which a pregnancy is wanted. We cannot deal with overpopulation. We cannot deal with the harm to women which come from illegal abortions. So we should not extend inclusion in the moral community to fetuses—especially given how little they resemble persons.

**Continuous Development**

- Warren: we should take seriously the suggestion that, just as human development of sentience, emotionality, reason, etc. is continuous, so too is the development of rights continuous—and a third trimester fetus is more deserving of inclusion in the moral community than a first-trimester fetus or a blastula.

- Fortunately, if abortion is legal and available, we may end a pregnancy before a fetus becomes too developed. However, even in the case of third trimester fetuses, if we must choose between the life of the mother and the life of the fetus, the mother should come first.
Potentialities

- Warren: even though the fetus is a potential person, this does not mean that its rights should be respected to the same degree that a full-fledged person’s rights are respected.
  
  – Consider: a space traveler is captured and each of his cells are injected with a chemical which endows them with the potential to develop into persons. If the space traveler does not drink the antidote, then he will die and 1 trillion new persons will come into existence, developing out of each of his cells.
  
  – Warren: the space traveler has the right to drink the antidote, thus denying life to trillions of potential people. So the rights of full-fledged people trump the rights of potential people.
  
  – Nor does the situation change if, rather than killing the space traveler, the aliens are merely going to extract his DNA, and he will be held in captivity for nine months. Still, the space traveler has the right to escape, thus denying trillions of potential people their lives.

The Objection from Infanticide

- But doesn’t Warren’s criterion of moral standing imply that it is permissible to kill infants as well?

- Warren: Given that infants are further along in their development, it would be worse to kill an infant. And, moreover, in this day and age, there’s no need to kill infants. So, it would be impermissible. However, the impermissibility of infanticide is contingent. If there were some dire need to kill infants, then it would be permissible to do so, since they are not persons.

- Though there is no sharp line in the fetus’s moral standing at birth, there is a sharp line in the mother’s right to determine its fate. Once the fetus is born, the mother’s life and health are no longer on the line.