

The Ethics of Abortion: Women's Rights, Human Life, and the Question of Justice. By Christopher Kaczor. New York: Routledge, 2011. 246 pages. \$39.95 (paper).

Those (like the reviewer) seriously concerned with the moral standing of the unborn will benefit considerably from Christopher Kaczor's enlightening tour de force of the ethics of abortion. The project of this book is to develop a systematic and successive defense against the moral justification of abortion. The book refutes all arguments for the claim that abortion is morally permissible (the vast majority of abortions). Kaczor ably applies the analytic tools of philosophy to critically evaluate the various positions taken, pro and con, in this debate. His careful analysis of a wide variety of arguments made by prominent defenders of abortion rights such as Judith Jarvis Thomson, Michael Tooley, Peter Singer, Jeff McMahan, and David Boonin, offers the reader a comprehensive and sophisticated philosophical defense against abortion rights.

Those who defend abortion rights and those who criticize them should be careful how to define abortion. Kaczor defends a non-question-begging definition of abortion as the "intentional killing of the human fetus" (8). This alone does not reveal the wrongness of abortion since intentional killing is not necessarily wrong, as the killing of human beings in cases of self-defense suggests. Kaczor follows the contemporary argument against the moral permissibility of abortion by arguing that abortion is wrong because it is the killing of an innocent human person. That is, because human beings have moral status from the time of conception, and this includes a moral right to life, abortion is impermissible—with few if any exceptions.

Chapter 2, "Does Personhood Begin After Birth?" is given to exposing the problems with views that permit infanticide. Michael Tooley argues for the moral permissibility of abortion throughout pregnancy and up to a week after the child is born. The fundamental reasoning behind this rests on a distinction between "persons" possessing rights on the one hand and mere "human beings" not possessing rights on the other (14). By way of this argument, the human fetus and the newborn are not persons and therefore have no right to life. Kaczor critically responds to this position by showing that infanticide generally rests on highly controversial presuppositions. One specifically is that a difference in species is morally irrelevant. Most people have powerful intuitions that there is an essential distinction in species that is morally important. For example, "there is a moral difference between a hit-and-run involving a squirrel and a hit-and-run accident involving a newborn human being, even if the baby killed were a mentally handicapped and orphaned newborn." Kaczor illustrates this point through a second counter-example:

"Even though many people are vegetarians out of respect for the moral worth of animals there is still an important difference between eating a hamburger and a Harold burger, even if Harold, due to his mental handicap, was no more intelligent than a cow. A condemnation of cannibalism seems to rest, at least in part, on the idea that difference in species is morally relevant" (21).

It is typical for defenders of infanticide to presuppose consciousness as necessary for personhood. Singer's argument established along these lines says that a being is a person if and only if the being has 1) an awareness of his or her own existence 2) over time and in

different places with 3) the capacity to have wants and 4) plans for the future (28). Kaczor evaluates each of these premises and reveals how each is suspect. If Singer's argument were taken literally then the statement would suggest that we cease being persons every time we lose consciousness—when we sleep or when we are under surgery. But intuitively this is absurd. And if the response is that such beings have the potential for self-awareness, then the “same thing could be said of a human newborn, fetus, or embryo” (28). Kaczor stresses the importance of species membership and that all human beings are moral persons. Ironically, Singer's statement of personhood is unsuccessful in part because it is anthropocentric (32). He assumes that in order to count as an adult human being you must possess a normative psychology, practical rationality, and time-space experience typical of healthy adults. But this definition is not merely beyond the rational functioning of newborns, but also the mentally handicapped. As Kaczor says, “needless to say, questions and critical responses have bedeviled defenses of infanticide” (37).

The majority of those who argue that abortion is morally permissible do not extend that defense to infanticide. Many hold that abortion is morally permissible throughout all stages of pregnancy but that infanticide is morally wrong. Chapter 3, “Does Personhood Begin at Birth” evaluates this view and offers possible responses from the perspective of the supporter of infanticide and from the point of view of a defender of prenatal human life. Kaczor assesses Mary Anne Warren's view of personhood and its similarity to Singer's position: “what makes a human being a person according to at least one formulation offered by Warren is consciousness of internal and external events and the capacity to feel pain” (53). Kaczor successfully shows the difficulty of Warren's view. He makes us aware of the worrying consequences of Warren's criteria: “it seems to legitimate much more than abortion. The senile elderly, newborns, and the mentally ill can get in the way of a ‘real’ person's perceived freedom and happiness” (54).

It is not necessary that personhood be thought to arise at the moment of birth. There are at least other possibilities on the table, including “sentience, brain development, viability, conscious desires, recognizable human form, etc.” (55). The 4th chapter, “Does Personhood Begin During Pregnancy” delves into the pros and cons of the most important arguments that personhood arises during gestation. Kaczor maintains that on the pro-life view there is a certain equality in all cases when innocent human beings are intentionally killed. Whether the stage is embryonic or adult, each developmental phase warrants moral status. All such killings violate the right to life; however, Kaczor argues that this does not mean that killing an embryo and killing an adult are equally wrong in all respects. He elucidates this important distinction:

“Often action will be wrong for more than one reason, and killing an older child or innocent adult is wrong not only because it is intentional killing of the innocent but also because, characteristically, such killing unreasonably thwarts the individual's life-plans and induces fear as well as personal loss in those who cared for the deceased. Similarly, killing a regular person and killing the President of the United States are equally wrong as killing. However, unlike killing a regular person, killing the President may also generate global instability, upset millions of people, and perhaps even prompt massive retaliation or world war” (89).

So with respect to the violation of the right to life, killing a regular person and killing the President would be equally wrong. But this is compatible with the view that there is still an

important distinction between the two. Kaczor applies this to the case of the moral status of the embryo: there is no need to “appeal to the developmental view, to differences in fundamental moral status, to explain why it is worse to kill a human adult than to kill a human fetus” (89).

In Chapter 5, “Does Personhood Begin at Conception” Kaczor makes the preliminary case that human beings have a right to life throughout their existence and that we (human beings) originate at conception. He analyzes the important question, “is every human being a person?” and contrasts the *endowment* account of personhood with the *performance* account of personhood (93). The endowment account maintains that every single human being has inherent moral worth simply in virtue of the kind of being that it is. The performance account denies this and holds that a being is granted respect “if and only if the being functions in a given way” (93). The endowment view is inclusive to human beings in that each individual has an inherent fundamental dignity that is not dependent on certain characteristics, and the performance view is exclusive in that not all human beings deserve respect and only some, those possessing particular characteristics (self-awareness, rationality, sentience, etc.), share fundamental dignity. But it is not clear how many characteristics generate personhood on the performance view, nor what the criterion for determining these characteristics is.

One of the main thrusts of Kaczor’s argument in this chapter is his defense that “every single human being is a rational being, even though human beings as individuals do not always function rationally” (98). There is much that is good in this discussion. He makes clear that *membership in a kind* (species) is significantly morally relevant. There are species-specific forms of flourishing. Kaczor follows Martha Nussbaum on this point who argues that, “it gives us a benchmark by which to judge the flourishing of an individual member of a species” (99). For example, a person who lacks the skill to read indicates a failure of that person to completely flourish; whereas a “squirrel can flourish qua squirrel without reading.” Since there are species-specific kinds of flourishing, the “natural kind of being in question matters ethically” (99). However, He criticizes Nussbaum for not extending this line of argument to apply to the moral status of the unborn and follows John Haldane who argues that “her inclusive principles and emphasis on capabilities rather than actual performative excellence would seem to suggest that the unborn should be accorded moral status and protection by law” (99). Kaczor appeals to the authority of science to answer the question, “When do humans begin to exist?” It might be objected that this alone is an oversimplification of the matter. But I think that this would be a misinterpretation of Kaczor’s view. He is not denying that some biologists will wrongly interpret the moral question here. He is simply stating that the nature of the question (“when do human beings begin to exist?”) is a scientific question. And the answer is that conception happens at the meeting of the male and female sex cells that fuse into a zygote (103).

Chapter 6, “Does the Human Embryo Have Rights?” unfolds Kaczor’s defense of the moral status of early embryos and upholds this position by dealing with the most important arguments against the embryo being a human person. One main objection is Thomson’s acorn analogy. She argues that a human zygote is no more a person than an acorn is a full-grown tree (Thomson 1971). There have been many versions of this argument put forth. In his response (and I think it is successful), Kaczor argues that the analogy is faulty in many ways. Unlike an acorn, a human embryo is an “active, self-developing

organism (not a part of an organism) growing towards full maturity.” Kaczor makes it clear that “precisely at issue is whether the human embryo is the same kind of thing, substantially and ethically, as a human being at later developments of life, so we cannot appeal to the acorn analogy without begging the question” (123). To have respect for human life is not to say, “all human beings are equally developed, that acorns are oak trees, or that embryos are adults” (123). The embryo is obviously not an adult, but its lack of development does not of itself provide reason to believe that it lacks a right to life.

Many defenders of abortion argue that the choice to terminate a pregnancy is similar to an act of self-defense; as a kind of defensive action. Thomson’s argument in favor of this view has gotten a lot of play throughout the years; indeed, it is regarded as the most famous piece in the abortion debate. In chapter 7, “Is it Wrong to Abort a Person?” Kaczor spends considerable time trying to show exactly how this argument is unsuccessful. If every human fetus is a person it would seem that abortion is always morally wrong. But Thomson, provocatively, argues to the contrary. This claim is unusual because it has generally been assumed in the abortion debate that what makes abortion morally impermissible is that the embryo has a moral status and therefore a right to life. But according to her, even if personhood begins at conception, and even if the fetus has a right to life, abortion is morally permissible. In paraphrase, the thought experiment goes like this:

“You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type. Last night the violinist’s circulatory system was plugged into yours so that your kidneys can be used to extract poisons from his blood as well as your own. In nine months he can be safely unplugged” (146).

In other words, abortion, the “unplugging” oneself from the fetus, is morally permissible, even though the fetus may have a right to life, but “this right to life does not include the right to make use of a woman’s body. A woman has the right to disconnect herself from the human fetus, and this does not violate the fetus’s right to life” (146). I think that Kaczor navigates through this dialectical terrain and examines it very competently. He analyzes the intuitions fairly on both sides and argues that one criticism of the violinist argument is seen when we view it from the violinist’s perspective. Suppose that the violinist doesn’t like being hooked up to you. Suppose further that in order to be separated from you he would have to cause your death, but he would be able to survive by “being immediately hooked up to the person he likes better.” Kaczor writes on this, “would it be morally permissible for him to detach himself from you, if the only way to do so would involve your death? After all, if you may unplug yourself from the violinist, causing his death, then he should also be able to unplug himself from you, causing your death” (154). This underscores alternative intuitions. I will leave it to the reader to become further acquainted with Thomson’s dialectic.

Following this discussion, Kaczor turns to the crucial question, “Is Abortion Permissible in Hard Cases?” in chapter 8. He believes that these special cases deserve careful consideration because “many people who are otherwise in favor of protecting human life in utero make exceptions in such cases” (177). Cases such as rape, incest, and fetal deformity. Kaczor argues that cases of rape do not justify abortion, but cases in which the woman’s life is in danger do. This is a very serious moral situation especially for those who affirm human

equality. Kaczor appeals to the doctrine of double effect as a possible approach. He makes a distinction between direct and indirect abortion: “it is important to draw a distinction between abortion where fetal death is intentionally brought about and procedures in which the death of the human being in utero is not intentionally brought about but is a side effect of what a person does intentionally bring about” (187). In other words, in cases where the doctrine of double effect is applied, the abortion would be permissible because it would not be considered intentional killing. In these cases, the death of the fetus may be acceptable for a “proportionately serious reason: saving the life of the mother is a proportionately serious reason for allowing a human being in utero to die. Even the staunchest critics of abortion accept this proposition” (187).

The last chapter, “Could Artificial Wombs End the Abortion Debate?” offers a very interesting and new discussion that adds intelligent ingenuity to Kaczor’s overall defense against the moral permissibility of abortion. Kaczor raises the provocative question, “If artificial wombs were made available, relatively affordable and the procedure was no more intrusive than a present day abortion, would abortion defenders be satisfied with abortion extraction, or would they insist on the right to abortion termination?” (215). He contends that if technology makes this a reality then there simply is no good reason that the abortion debate should go on. He assesses certain objections to this and offers good responses. At the end of the day, it seems that the vast majority of critics could reasonably accept the use of artificial wombs in lieu of abortion.

The great virtue of *The Ethics of Abortion* is the depth of argumentation that Kaczor engages in. I cannot do justice to all of Kaczor’s detailed analysis here. The book is intelligent throughout. Kaczor has the necessary knowledge and analytical skill to boldly and imaginatively defend his position while maintaining a fair exposition of the alternative views. Both those just becoming familiar with the issues and those already acquainted with the debate will benefit from careful study of Christopher Kaczor’s clear and knowledgeable treatment of the subject.

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