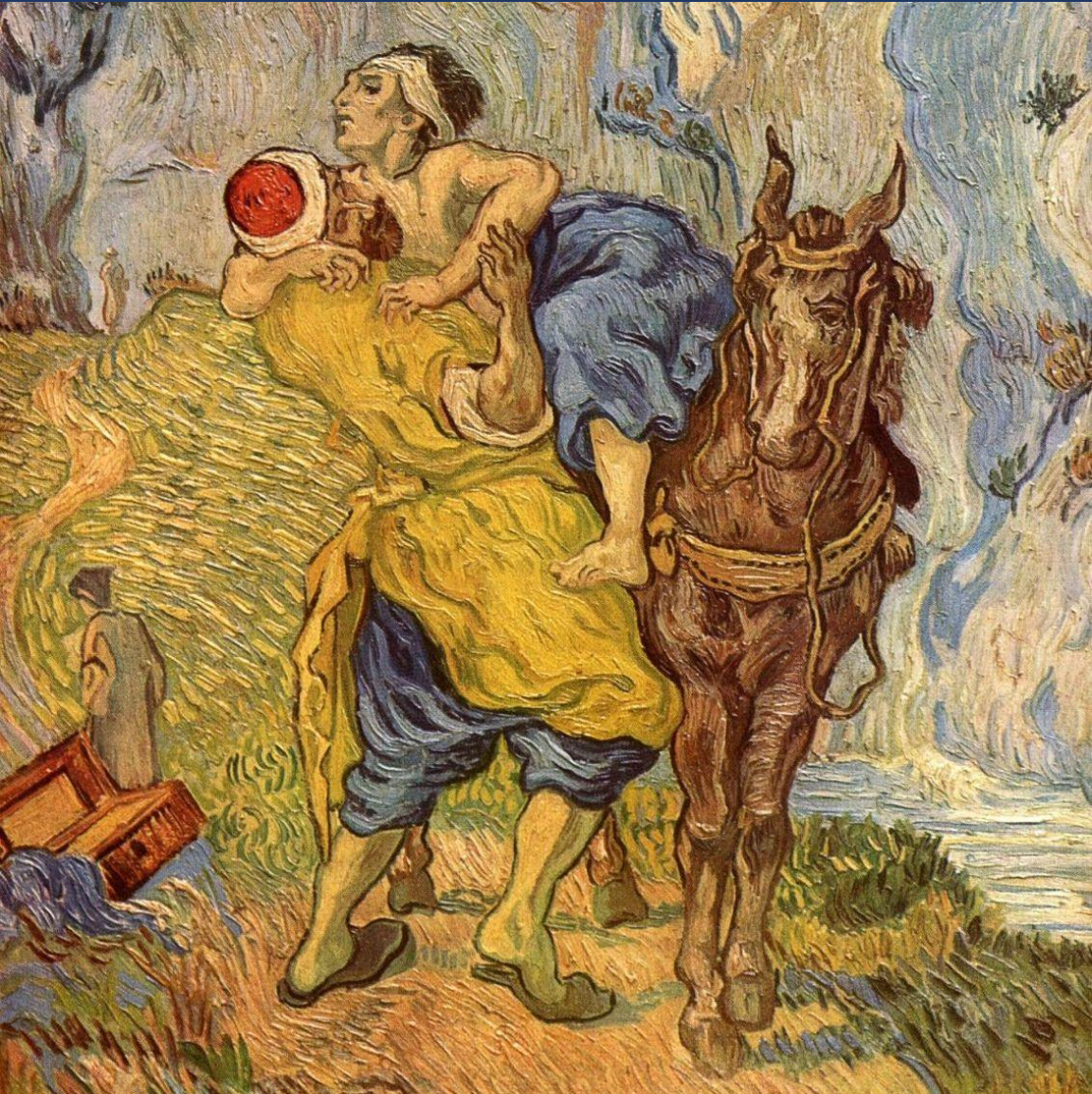


Thinking Critically About Abortion

Why *Most* Abortions Aren't Wrong &
Why *All* Abortions Should Be Legal



Nathan Nobis and Kristina Grob

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&

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Open Philosophy Press
2019

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The Good Samaritan (1890)

ISBN-13: 978-0-578-53263-9
ISBN-10: 0-578-53263-8

PREFACE

We are both philosophy professors who regularly teach ethics classes that cover the topic of abortion. In classes like these, students learn how to better define the issues, develop skills to systematically explain why some arguments are better and others are worse, and practice seriously and respectfully engaging with ideas different from their own. We wrote this book to help make the many goods of philosophical thinking more readily available to everyone, given our society's current *need* for better discussions of abortion.

To many people, abortion is an issue for which discussions and debates are frustrating and fruitless: it seems like no progress will ever be made towards any understanding, much less resolution or even compromise. Judgments like these, however, are premature because some basic techniques from *critical thinking*, such as carefully defining words and testing definitions, stating the full structure of arguments so each step of the reasoning can be examined, and comparing the strengths and weaknesses of different explanations can help us make progress towards these goals.

When emotions run high, we sometimes need to step back and use a *passion* for calm, cool, critical thinking. This helps us better understand the positions and arguments of people who see things differently from us, as well as our own positions and arguments. And we can use critical thinking skills help to try to figure out which positions are best, in terms of being supported by good arguments: after all, we might have much to learn from other people, *sometimes* that our own views should change, for the better.

Here we use basic critical thinking skills to argue that abortion is typically not morally wrong. We begin with less morally-

controversial claims: adults, children and babies *are* wrong to kill and wrong to kill, fundamentally, *because* they, *we*, are conscious, aware and have feelings. We argue that since early fetuses entirely *lack* these characteristics, they are *not* inherently wrong to kill and so most abortions are not morally wrong, since most abortions are done early in pregnancy, *before* consciousness and feeling develop in the fetus.

Furthermore, since the right to life is *not* the right to *someone else's body*, fetuses might not have the right to the pregnant woman's body—which *she* has the right to—and so she has the right to not allow the fetus use of her body. This further justifies abortion, at least until technology allows for the removal of fetuses to other wombs. Since morally permissible actions should be legal, abortions should be legal: it is an injustice to criminalize actions that are not wrong.

In the course of arguing for these claims, we:

- (1) discuss how to best define abortion;
- (2) dismiss many common “question-begging” arguments that merely *assume* their conclusions, instead of giving genuine reasons for them;
- (3) refute some often-heard “everyday arguments” about abortion, on all sides;
- (4) explain why the most influential philosophical arguments against abortion are unsuccessful;
- (5) provide some positive arguments that at least *early* abortions are not wrong;
- (6) briefly discuss the ethics and legality of *later* abortions, and more.

This essay is *not* a “how to win an argument” piece or a tract or any kind of apologetics. It is not designed to help anyone “win”

debates: everybody “wins” on this issue when we calmly and respectfully engage arguments with care, charity, honesty and humility. This book is merely a reasoned, systematic introduction to the issues that we hope models these skills and virtues. Its discussion should not be taken as absolute “proof” of anything: much more needs to be understood and carefully discussed—*always*.

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ACKNOWLEDGMENTS

For helpful comments on this essay, we thank Rebecca Tuvel, Chelsea Haramia, Garret Merriam, Ari Joffe, Jordy Burks, David Brodeur and, especially, Noah Levin, whose invitation to write on this topic for his textbook led to this book. This book is an expansion and development of our “Common Arguments about Abortion” and “Better (Philosophical) Arguments about Abortion” chapters in Noah Levin, ed., [*Introduction to Ethics: An Open Educational Resource*](#) (NGE Far Press, 2019).

1 Introduction

Abortion is often in the news. In the course of writing this essay in early 2019, Kentucky, Mississippi, Ohio, Georgia, Alabama, Missouri and Louisiana passed legislation to outlaw and criminalize abortions starting at six to eight weeks in pregnancy, with more states likely following. Federal law, however, generally permits abortions, so it is unclear what the legal outcome here will be.

Abortion is a political issue—with different political parties *tending* to have different perspectives on the issue—because abortion is a *moral* or *ethical* issue. (These two words, “moral” and “ethical,” mean the same thing.)

Some believe that abortions are typically *morally permissible*, or *not wrong*, and so believe that abortions should be legal. If doing something isn’t wrong, it shouldn’t be illegal: criminalizing actions that aren’t wrong is a form of *injustice*.

Others believe that abortion is morally wrong, that it’s *often* wrong, maybe *nearly always* or even *always*.

Some people argue that even though they believe abortion is wrong, it should remain legal: after all, if every morally wrong action was illegal, we would all be in jail! Seriously though, there are many actions that are morally wrong, even really hurtful, that the government shouldn’t try to prevent or punish. (You can supply the potential examples to make the point.¹) People who think abortion is wrong might also think that, for a variety of other reasons, their personal moral views on the issues shouldn’t be

¹ Some potential examples of wrong actions that you shouldn’t be imprisoned for: lying to your best friend; insulting your mother behind her back; wishing harm on someone who cuts you off in traffic; breaking a promise to mow your neighbor’s lawn; in general, being unkind and discouraging to others in ways that profoundly hurts them.

made into law for all.

Others argue that abortions are wrong and should be illegal. What *types* of wrongdoing should be illegal? This question isn't easy to answer: it's abstract and general. One answer is that *seriously, extremely wrong actions should be illegal*. This might seem plausible, since many illegal actions *are* seriously wrong. But since there are other very wrong actions that shouldn't be illegal, this answer isn't perfect.

We argue, however, that abortion should not be illegal because *most* abortions are not morally wrong (and so they are not *seriously* or *extremely* wrong). So the states above are making bad moral and legal moves, to say the least, in trying to criminalize abortions, at least when they are done early in pregnancy, as they usually are. And if federal law changes towards prohibiting abortions, that would be another, more profound step towards injustice.

There is a lot to discuss. Here's the plan:

1. First, we define "abortion." There are controversies even in stating our topic.
2. Second, we give some brief factual, scientific information about how fetuses develop, in terms of the emergence of consciousness, awareness and feeling, briefly explain the moral significance of these psychological characteristics, and review the evidence on *when* most abortions occur, and *why*.
3. Third, we discuss some common, but bad, arguments. First, we review many common what are called "question-begging" arguments. This type of argument *assumes* the conclusion it is trying to support, instead of giving

genuine reasons to support that conclusion. These arguments are a type of circular reasoning and are no good from the perspective of people who want to think critically and base their beliefs and actions on good arguments.

Next, we discuss arguments that you'd often see as comments on newspaper stories and editorials, and even in those writings themselves. We call these "everyday arguments." Seeing why these arguments are bad will help us all shift the focus to better arguments.

4. Finally, we discuss some of the most important *better* arguments on the issues, focusing on arguments that professional philosophers tend to focus on. Here we argue that the most influential arguments "against" abortion are weak: they don't provide good reasons to believe that most abortions are wrong. And we argue that there are good positive reasons to believe that abortion is usually not wrong. These arguments are based on facts about early fetuses completely lacking any consciousness, awareness or feeling, and the insight that the "right to life" is *not* a right to anyone else's body. So, we argue that there are good arguments to justify a broadly "pro-choice" perspective.

People often begin discussions of abortion with a lot of "what ifs": "*What if* an abortion is wanted because of rape?" "*What if* it's needed to save a woman's life?" "*What if* there are fetal abnormalities?" "*What if* ...?"

We want to initially set aside these "what ifs?" to focus on more "ordinary cases" (if there is such a thing) where abortion is considered, *not* cases like these. We should acknowledge though that even most people who call themselves "pro-life" think that

abortion can be permissible if it is genuinely needed to save the woman's life. This is because if she dies, then the fetus dies also, and so an abortion—which saves one life—would be more “pro-life” than allowing two deaths. We will return to the ethics of abortions due to rape at the end of the essay and briefly discuss the ethics and legality of rare abortions done later in pregnancy, far past the first trimester.

In reading this essay, we encourage trying to think about the issues with an “open mind.” What we mean is to try to consider and evaluate the arguments as if you didn't already have strong views on the issue that you are committed to. (Maybe you are like this, which can be good: you shouldn't have firm opinions on issues if you aren't well-informed on them).

Critical thinking often involves defining words and giving and evaluating reasons: asking questions like “what do you mean?” and “why think that?” It involves stating arguments in their full pattern of reasoning and rigorously evaluating all premises. It involves identifying differing explanations of various moral and scientific facts and trying to determine which explanations are best. It involves thinking about thinking.

Most importantly though, good critical thinking isn't done with an agenda or to support a point of view: it's to find a point of view that's worth supporting. Our perspectives on abortion didn't develop (we hope!) with an “agenda” in mind beyond believing what's supported by good arguments, and neither should yours. And views can and should change, in response to understanding better arguments, so our conclusions here are not “set in stone.” New arguments, including responses to the arguments presented here, might change our minds for the better—and the same should be true for all critical thinkers.

Let's begin!

2 Defining “Abortion”

Abortion might personally affect you or someone you know: you or a partner, spouse, relative or friend may have had an abortion, have considered abortion, or will have an abortion. But what is an abortion? There are a number of common definitions, some of which are better and others which are worse:

- *Definition 1:* An abortion is the *murder* of an unborn *baby* or *child*.
- *Definition 2:* An abortion is the intentional *termination* of a fetus to end a pregnancy.
- *Definition 3:* An abortion is the intentional *killing* of a fetus to end a pregnancy.

Definition 3 is best. We’ll explain why after we show the problems with the first two definitions.

2.1 “Murdering Babies”

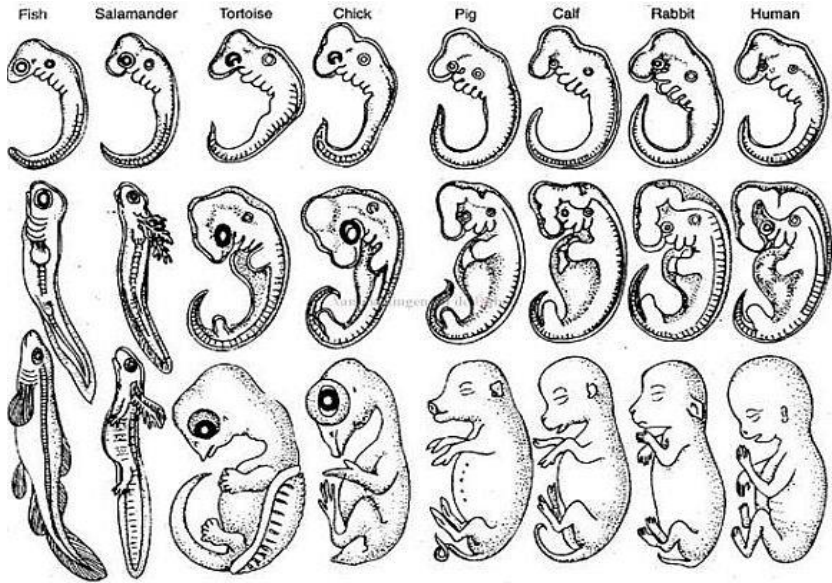
Definition 1 is common with certain groups of people, but even people who believe abortion is wrong should reject it.

“Murder” *means* “wrongful killing,” and so this definition implies that abortion is wrong *by definition*, which it isn’t. This definition implies that to *know* that abortion is wrong, we’d just need to reflect on the meaning of the word, and not give any reasons to think it is wrong. Murder is wrong *by definition*, but to know that any particular killing is murder, we need arguments. (Compare someone who calls the death penalty *murder*: we know it’s killing, but is it *wrongful* killing? We can’t just appeal to the

definition of “murder”: we’d need *arguments* that the death penalty involves wrongful killing.) This definition also means that someone who claims that abortion is *not* wrong says that “Wrongful killing is *not* wrong,” which makes no sense. We can even call this a “question-begging” definition, since it *assumes* that abortion is wrong, which can’t be *assumed*. So this definition is problematic, *even if* abortion is wrong.

Definition 1 also describes fetuses as “babies” or “children.” While people are usually free to use words however they want, people *can* say things that are false: calling something something doesn’t mean it’s really that thing. And the beginnings of something are usually not that thing: a pile of lumber and supplies is not a house; fabric, buttons and thread are not a shirt, and an embryo or early fetus is not a baby or child. To see this, do a Google image search for “babies” and “children” and “fetal development” and “embryonic development.” What (and *who*) you see in these searches, although related and similar in some ways, are *very different*: if someone says they want a baby, they aren’t saying they want a month-old fetus.

And doing a Google image search for “fetuses of different animals” will bring images like this:



“Baby” rabbits and turtles aren’t at the top of images like this, and neither are “baby” humans. So it’s false and misleading to call embryos and early fetuses “babies” or “children.”

Defining abortion in terms of “babies” seems to again result in a “question-begging” definition that *assumes* that abortion is wrong, since it is widely and correctly believed that it’s wrong to kill babies. We understand, however, that it’s wrong to kill babies because we think about *born* babies who are *conscious* and *feeling* and have other baby-like characteristics: *these* are the babies we have in mind when we think about the wrongness of killing babies, *not* early fetuses. Describing early fetuses as “babies” characterizes them either as something they are not *or* assumes things that need to be argued for, which is misleading, both factually (in terms of what fetuses are like) and morally (insofar as it’s assumed that the rules about how babies should be treated *clearly* and *straightforwardly* apply to, say, embryos).

Part of the problem with this definition is that words like “babies” and “children” elicit strong emotional responses. Babies

and children are associated with value-laden terms such as *innocence*, *vulnerability*, *preciousness*, *cuteness*, and more. When we refer to unborn human beings as *fetuses*, people sometimes become defensive because they see the word “fetus” as cold and sterile. But “fetus” is merely a helpful, and accurate, name for a stage of development, as is “baby,” “child,” “adolescent,” and “adult.” Distinguishing different stages of human development doesn’t commit anyone to a position on abortion, but it does help us understand what an abortion *is*.

In sum, defining abortion in terms of “murdering babies” is a bad definition: it misleads and assumes things it shouldn’t. Even those who think that abortion is wrong should not accept it.

2.2 “Termination”

The second definition describes abortion as an *intentional* action. This is good since a pregnant woman does not “have an abortion,” in the sense we are discussing here, if her pregnancy ends because of, say, a car accident. And “spontaneous abortions” or miscarriages are not intentional actions that can be judged morally: they just happen.

Definitions, however, are supposed to be informative, and the vague word “termination” doesn’t inform. If someone had literally no idea what an abortion was, it would be fair for them to ask what’s *exactly* involved in a “termination” of a pregnancy. A discussion between persons A and B, where B knows nothing about abortion, might go like this:

- A. “There is a pregnant woman (or girl) who does not want to have a baby, a *living* baby, obviously. And so we are going to do *something* to something inside her—that is developing into that living baby—so she does not have

that baby. The action we are going to do is the ‘termination.’”

B. “That something inside her, developing into that living baby, is it living?”

A. “Yes. It started from a living egg and sperm cell.”

B. “So you are making something living *not living*, right? That sounds like *killing* something, right?”

Person B’s reasoning seems correct: abortions *do* involve killing. The word “termination” obscures that fact and so makes for an unclear definition. This doesn’t make the definition *wrong*; to “terminate” something means *to end it in some way*, and abortion ends the development of a fetus. But it doesn’t say *how* abortion ends that development and so is not ideal.

Why might someone accept this definition? Probably because they are reasoning this way:

Killing is wrong. So if abortion is killing, then it’s wrong. But I don’t believe that abortion is wrong, or I am unsure that abortion is wrong, so I don’t want to call it a ‘killing,’ since that means it’s wrong.

The problem here is the first step. *Not all killing is wrong*. Lots of killing is perfectly fine and raises no moral issues at all: killing mold, killing bacteria, killing plants, killing fleas, killing random cells and tissues (even ones that are human, say cheek cells or skin cells), and more. We don’t even need to observe that it’s *sometimes* not wrong to kill adult human beings to make the point that not all killing is wrong.

This means that it's *not* problematic to define abortion in terms of "killing." The important questions then are, "Is abortion *wrongful* killing, or killing that's not wrong?" and "When, if ever, might abortion be wrongful killing and when, if ever, might it be permissible killing? And *why*?"

2.3 "Killing"

A final definition understands abortion in terms of *an intentional killing of a fetus to end a pregnancy*.² This definition is *accurate, informative* since it tells us *how* the fetus would be "terminated," and *morally-neutral*: it doesn't assume that the killing involved in abortions is not wrong *or* that it's wrong. This is a good definition.³

² We accept here that contraceptive measures are not abortifacients. Here "contraception" is understood as any measure that prevents fertilization or implantation. Abortion is understood as the killing of an already-implanted, developing fetus.

³ Later, however, we will see that there are reasons to define abortion as *the intentional withholding of what a fetus needs to live to end a pregnancy*. This definition can be developed from some insights into what the right to life seems to involve.

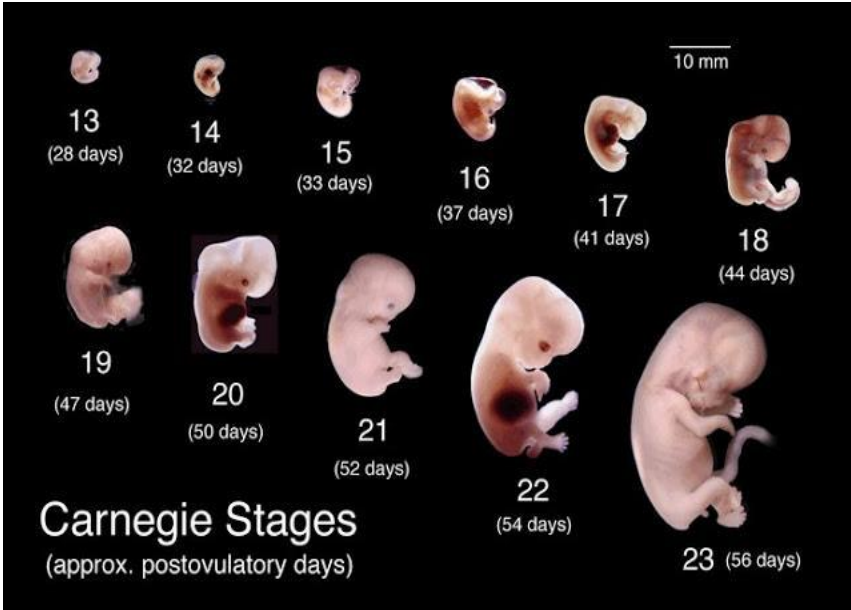
3 Fetal Consciousness & Facts about Abortions

To responsibly discuss any practical moral issue, we need to know factual information about the issue. Here's a brief overview of some of the most relevant information, and some initial discussion of its moral significance.

3.1 Fetal Consciousness

The most important information about the development of fetuses is when they become *conscious* or aware, or when they become able to feel anything. Scientific evidence suggests consciousness likely emerges, at the earliest, *after* the first trimester, *at least* three or four months into pregnancy. (To review this research, search the *US National Library of Medicine* at [PubMed.gov](https://pubmed.ncbi.nlm.nih.gov/) for *fetal pain* and *fetal consciousness*.⁴) Consciousness develops *after* most abortions occur, so most abortions *do not* affect conscious, feeling fetuses.

⁴ It should be acknowledged that although there is a lot of research on fetal pain, there seems to be less direct discussion of when, if ever, fetuses might become conscious yet *without* being able to feel anything pleasurable or painful, or any good or bad feelings. This, however, should be acknowledged as a peculiar form of existence: being in complete darkness, and able to feel things, yet *nothing in any way feels good or bad to you* would be, well, hard to imagine!



Source: Brad Smith at <http://embryo.soad.umich.edu/carnStages/carnStages.html>

Concerns about consciousness and feeling in fetuses are most important for *them* because they are fundamentally what's most important for *us*. Consciousness enables us to have and experience anything good in life, and it is necessary for anything bad to happen to us also: without a point of view, things can't get worse *for us*.

Imagine that someone was born unconscious and lived their entire existence unconscious: they were never aware of anything, ever. They had no perceptions, no awareness, no feelings, and of course no relationships, knowledge, happiness, or even sadness. And then they died. What were they like? Honestly, they never *were*: there was never anyone there. If anything bad ever happened to this body, nothing bad ever happened to *them*, since "they" never existed in a way that matters. No "window to the

world” was opened through them, so to speak.⁵

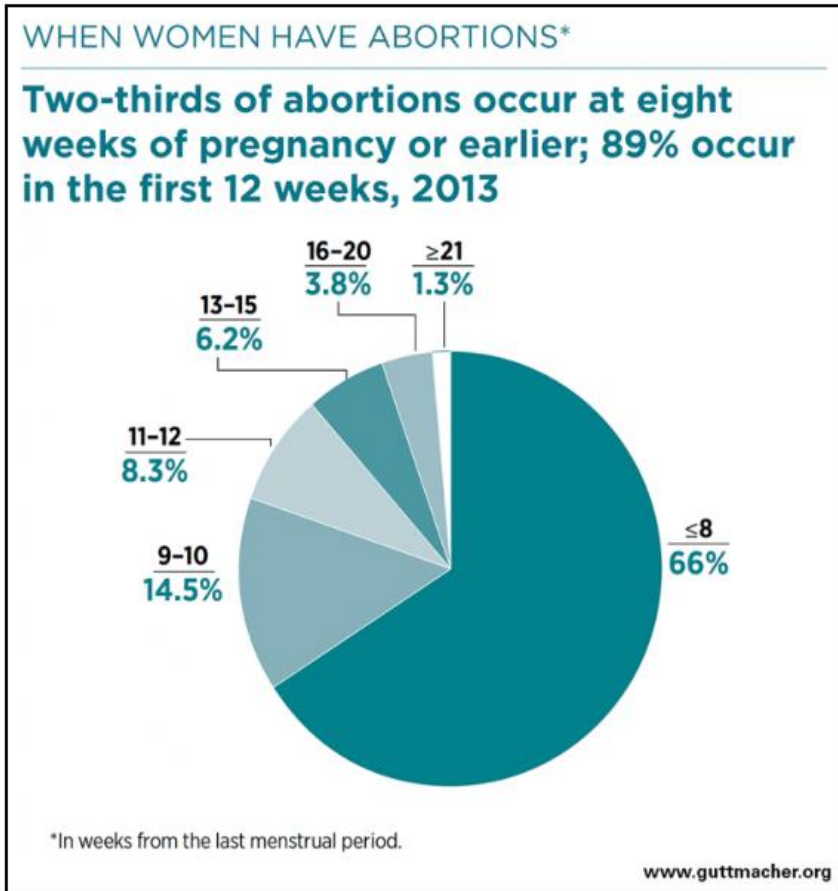
Consider also if you died prematurely, or were killed, or even if you went into a *permanent* coma or vegetative state, perhaps for many years or decades, and then died. Either option is very bad for you: since your consciousness ends, *you* end. (If you believe or hope that you will “live on” after death, you likely believe that your consciousness—your knowledge, your memories, your personality—continues after death, either with a rebuilt body, a new body or no body at all).

If people “end” when their consciousness permanently ends, then it seems that people don’t yet exist before there is a consciousness. Rocks aren’t conscious, plants aren’t conscious, and that’s why they lack rights. *Minds matter*, and so the fact that embryos and early fetuses completely lack minds—due initially to the absence of a brain and nervous system, and later due to these not being sufficiently developed to support consciousness—is what’s morally significant, *not* whether fetuses have heartbeats, or can move, or even respond to stimuli, *if* those responses aren’t genuinely *felt* by the fetus.

3.2 When Most Abortions Occur

Most abortions occur early in pregnancy: two-thirds in the first two months, and around 90% in the first three months. The Guttmacher Institute researches these matters and provides this graph:

⁵ This metaphor comes from Bob Fischer, who presented it in a beautiful and moving eulogy, describing someone’s passing away as *the irreparable breaking of a window to the world*.



Source: <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>

The US’s Centers for Disease Control (CDC) also provides research on the factual circumstances of abortions, which it presents as “[Abortion Surveillance](#)” that is readily available online.

3.3 Why Most Abortions Occur

The Guttmacher “Fact Sheet” provides an overview of the research on why abortions occur and other relevant information:

- The reasons patients gave for having an abortion underscored their understanding of the responsibilities of parenthood and family life. The three most common reasons—each cited by three-fourths of patients—were concern for or responsibility to other individuals; the inability to afford raising a child; and the belief that having a baby would interfere with work, school or the ability to care for dependents. Half said they did not want to be a single parent or were having problems with their husband or partner.
- Fifty-one percent of abortion patients were using a contraceptive method in the month they became pregnant, most commonly condoms (24%) or a hormonal method (13%).
- Fifty-nine percent of abortions were obtained by patients who had had at least one birth.
- Some 75% of abortion patients were poor or low-income. Twenty-six percent of patients had incomes of 100–199% of the federal poverty level, and 49% had incomes of less than 100% of the federal poverty level (\$15,730 for a family of two).

This information suggests, at least, that if women were economically better off, had better access to affordable child-care and other forms of support, and had ready access to more reliable forms of contraception, there would likely be fewer abortions.

Some argue that people who wish to criminalize abortion should support efforts to reduce the numbers of abortions, say by providing these types of support for women so they are less inclined to seek abortions. This is *understandable* (although subject to objections, of course): *if something is wrong, people who can prevent it should try to do so.*

To be fair, however, we should think about why some people might deny this, for this issue. (Abortion is a topic where it seems especially common that many people don't know what people who disagree with them think or why they think that: a goal of this essay is to help with this problem.) Here's an imperfect analogy: burglary is wrong: people shouldn't burgle. Should there be special programs and supports to help people *not* burgle? Some might say 'no': all that's needed to address burglary is for *people to just stop stealing stuff*: nobody else needs to do anything about it. And so, by analogy, some who argue that abortion is wrong might say that women just need to stop having abortions, but nobody else must help make that happen.

While this response is *understandable*, it does not seem to fit with many of the Christian values, as well as *general concerns about doing good for others*, that many who oppose abortion claim to profess: e.g., this attitude is *very contrary* to the messages of "love your neighbor" (*even if you think your neighbor is engaged in wrongdoing*) and the parable of the "Good Samaritan," discussed later in this essay (*perhaps* the priest or Levite in the story thought, "I didn't rob the guy, so I don't have to help him: the problem was *the robbers*, not my *not* helping him!" but that is not an admirable response), and hence the common charge of hypocrisy and arbitrary, unjustified selectivity in moral concern.

While some of the above factual claims are potentially debatable, we still need to use critical thinking to assess the evidence for any contrary claims. And, most importantly, we need to think about what would and would not follow, morally, from different sets of facts, given the moral arguments that are discussed below.

4 Bad Arguments: “Question-Begging” Arguments & “Everyday” Arguments

Now we’ll discuss some often-given arguments about abortion that, unfortunately, we will see are rather poor. We need to engage these arguments first, however, so we are in a better position to productively engage arguments that are at the real core of the issues.

4.1 “Question-Begging” Arguments

Many common arguments about abortion are what’s called “question-begging,” which means the reason given for the conclusion *assumes* that conclusion. This means that you wouldn’t accept the reason as a good reason to believe the conclusion *unless* you already believed that conclusion. This is circular reasoning, and so arguments like this are always bad.

4.1.1 “Against” Abortion:

Many common arguments against abortion are question begging. Here are some:

Abortion—*killing fetuses to end pregnancies*—is wrong because:

- (1) abortion is *murder*;
- (2) abortion is killing *babies* or *children*;
- (3) adoption is a *better* option than abortion;
- (4) pregnant women just *must* keep the pregnancy and give birth;
- (5) abortion *should not* be used as ‘birth control’;
- (6) women who have abortions are *irresponsible*;

- (7) a *good person* wouldn't have an abortion;
- (8) some women who have abortions feel *guilty*, and all *should*.

These often-heard claims all *assume* that abortion is wrong. To explain:

- (1) assumes that killing fetuses is wrong, since “murder” *means* wrongful killing;
- (2) assumes that fetuses are *like babies and children* and so are similarly wrong to kill;
- (3) assumes that abortion is a worse or bad option, since it assumes it is wrong;
- (4) assumes that women *must not* have abortions since it assumes abortions are wrong;
- (5) assumes that abortion is wrong: if abortion is *not wrong*, it *could* permissibly be used as a form of “birth control,” even if is not an ideal form of that;
- (6) assumes that women who have abortions are doing what they are not supposed to do, doing wrong, and so are “irresponsible”;
- (7) assumes that abortion is wrong and so good people, who avoid wrongdoing, wouldn't have one;
- (8) assumes that abortion is wrong and so assumes that *some* women feel guilty *because* they have done something wrong: but since people can *feel* guilty even if they haven't done anything wrong, guilty feelings aren't perfect evidence of wrongdoing (just as *not* feeling guilty doesn't mean you did something that was permissible).

People would believe these claims *only if* they already believed abortion is wrong, so these claims should not sway anyone who

wants to think critically about the topic.

4.1.2 “For” Abortion:

People who believe abortion should be allowed also sometimes give question-begging arguments. Here are a few:

Abortion is *not* wrong because:

- (1) abortion is *a personal choice*; couples *should be able to* make that choice;
- (2) women have *a (moral) right* to have abortions;
- (3) women have the right to do what they want with their bodies;
- (4) well, if you don't *like* abortions, *then don't have one!*
- (5) those who oppose abortions just want to control women.

These commonly-given claims likewise *assume* their conclusions. To explain:

- the idea of a “personal choice” seems to be a choice that's *not wrong* to make: e.g., we wouldn't call a choice to be an ax-murderer a “personal choice” because that's wrong, whereas what color socks to wear *is* a “personal choice.” So claims like (1) *seem* to just *assume* that abortion is not wrong or that it should be legal;
- when people say that they have a moral right to do something, *sometimes* they are merely saying that *it's not wrong for them to do it*. So (2) amounts to saying that abortion is not wrong because it's not wrong, which is

question-begging. (If it's explained *why* women have this right, the argument might cease to be question-begging, however);

- about (3), there are limits to rights, and *sometimes* we don't have the *legal or moral* right to do what's wrong. If abortion were wrong, then *perhaps* women wouldn't have the right to have them, and this claim just *assumes* abortions are not wrong;
- about (4), consider an analogous slogan, "Don't like arson? *Then don't burn down any buildings!*" This is absurd, because arson is wrong, and we don't offer slogans like this about actions that are wrong. "Don't like strawberries? *Then don't eat them!*" makes sense since not eating strawberries is not wrong. Slogan (4) assumes that abortion is not wrong;
- about (5), since *some* wrongdoing *should* be "controlled," those who offer (5) *might* merely *assume* that abortion is *not* a type of wrongdoing that should be illegal. They are also focusing on other people's motives, which is often unwise: people who allegedly wish to "control" women *might* respond or suspect that abortion advocates are often motivated by a desire to "engage in immorality without consequences!" (*Is that true?* No, pro-choice advocates argue.) Accusations about motives are fruitless: it's better to engage the basic questions of whether abortion is wrong or not and *why*, like we are doing here, instead of speculating about motives.

Question-begging arguments are common, on many issues, not just abortion, and they should be rejected, by everyone, always.

4.2 “Everyday” Arguments

Now we will discuss some other common arguments that you might often hear or read about that are also poor, but often *not* because they are question-begging. We’ll begin with some arguments against abortion.

4.2.1 “Against” Abortion

4.2.1.1 “*Abortion ends a life.*”

People often ask, “When does *life* begin?” Some people wonder if fetuses are “alive,” or when they become “life.” Some argue that abortion is wrong because “life begins at conception,” whereas some who support abortion sometimes respond that “fetuses aren’t even alive.” There are a lot of debates here, and to get past them, we need to ask what is meant by calling something *alive, living* or *a life*.

This is often considered a “deep” question, but it’s not. Consider this: are eggs (in women) alive? Are sperm cells alive? Yes to both—they are *biologically alive*—and so when a sperm fertilizes an egg, what results is a *biologically living* thing. Above, we defined abortion as a type of killing and, of course, you can only kill living things. So, yes, fetuses are alive, *biologically alive*, from conception: they are engaged in the types of life processes reviewed on page 1 of any biology textbook.

Some people think that fetuses being alive *makes* abortion is wrong, and so they enthusiastically argue that fetuses are biologically alive. And some who think that abortion is not wrong respond by arguing that fetuses are not even alive. These responses suggest concern with an argument like this:

Fetuses are biologically alive.

All things that are biologically alive are wrong to kill.

Therefore, fetuses are wrong to kill.

The first premise is clearly true: anyone who would deny this knows very little about basic biology, or just misunderstands what's being said.

The second premise, however, is obviously false and uncontroversial examples show that. Mold, bacteria, mosquitos and plants are all *biologically alive*, but they aren't wrong to kill at all. So, just as acknowledging that abortion involves *killing* doesn't mean that abortion is wrong, recognizing that *biological life* begins at conception doesn't make abortion is wrong either.



Now, perhaps people *really* mean something like “morally significant life” or “life with rights,” but that’s not what they say. If that’s what people mean, they should say that, since being clear and accurate is important for thinking about debated issues.

4.2.1.2 “Abortion kills babies and children.”

Classifying fetuses as babies or children obscures any potentially-relevant differences between, say, a 6-week old fetus and a 6-day old baby or 6-year old child. This claim *assumes* that fetuses—and at any stage of development—and babies are the same sort of entity and so have similar rights. So the claim is question-begging, as

was discussed above in the section on definitions, and uses loaded emotional language: it doesn't make for a good argument against abortion.

4.2.1.3 “Abortion is murder.”

Murder is a term for a specific kind of killing. As a moral term, it refers to wrongful killing. As a legal term, it refers to intentional killing that is both unlawful and malicious. Since abortion is legal in the US, most abortions cannot be *legally* classified as murder because they are not illegal or unlawful. Moreover, abortions don't seem to be done with malicious intent. When people claim that abortion *is* murder, what they seem to mean is either that abortion *should be re-classified as murder* or that *abortion is wrong*, or both. Either way, arguments are needed to support that, not question-begging slogans.

4.2.1.4 “Abortion kills innocent beings.”

Fetuses are often described as “innocent,” meaning that they have done nothing wrong to *deserve* being killed or that would justify killing them. Since killing anyone innocent is wrong, this suggests that abortion is wrong.

“Innocence,” however, *seems* to be a concept that only applies to beings that *can* do wrong and choose not to. Since fetuses can't *do* anything—they especially cannot *do* anything wrong that would make them “guilty” or deserving of anything bad—the concept of *innocence* does not *seem* to apply to them. So saying that banning abortion would “protect the innocent” is inaccurate since abortion doesn't kill “innocent” beings: the concept of innocence just doesn't apply: fetuses are neither innocent nor not innocent.

4.2.1.5 “*Abortion hurts women.*”

Some claim that abortions are medically dangerous. This is generally not true, if you look at the medical research: abortions are less dangerous than pregnancy and childbirth, which many women die from, even today. But for this argument to succeed, we’d also have to believe this:

All dangerous activities are morally wrong or should be illegal.

Even if this idea is restricted to medically dangerous activities, this principle is just not true: people are and should be free to choose to accept risks; we all do it every day. So this argument is unsound, even if it overestimates the risks of abortions.

Another concern is that abortions are psychologically or emotionally dangerous. When this is the concern, it is sometimes expressed this way: “Many women regret their abortions.” *When* women regret abortions (some women do; some women don’t), this is sometimes because they believe they have done something wrong and so the argument—which was discussed above—is question-begging since it *assumes* that abortion is wrong. But, again, not everything that’s emotionally harmful is wrong or should be illegal: *not* having children sometimes leads to major regret and depression for some people, but surely not having children shouldn’t be criminalized because of it.

Finally, it’s fair to observe that it is disingenuous to have major concerns about this narrow area of women’s health but be indifferent to or hostile towards other practices and policies that would benefit women’s health in other ways. This is *especially* disingenuous when this abortion-related health concern is

expressed for women who are racial minorities, who already often have increased health inequalities, including many related to pregnancy and childbirth.⁶

4.2.1.6 “The Bible says abortion is wrong.”

People often appeal to religion to justify their moral views. Some say that God thinks abortion is wrong, but it’s a fair question how they might *know* this, especially since others claim to *know* that God doesn’t think that. Some say that “only God should decide who exists and who ceases to exist, who is born and who dies,” yet this phrase lacks meaning and it fails to provide moral guidance. For example, people frequently try to reproduce, which causes people to come into existence, and this is rarely considered immoral. At the other end of the life spectrum, a “hands off” approach to end of life decisions is not just irresponsible, it is sometimes profoundly immoral.

In reply, it is sometimes said that the Bible says abortion is wrong (and that’s how we know what God thinks). But the Bible doesn’t say that abortion is wrong: it doesn’t discuss abortion at all. There is a commandment against *killing*, but, as our discussion above makes clear, this requires interpretation about *what* and *who* is wrong to kill: presumably, the Bible doesn’t mean that killing mold or bacteria or plants is wrong. And there are verses (Exodus 21:22-24) that, on some interpretations, suggest that fetuses lack the value of born persons, since penalties

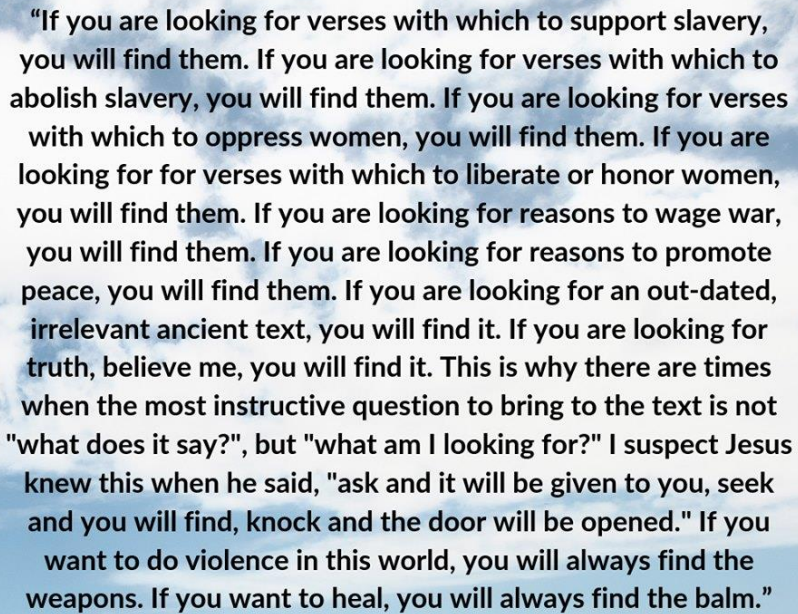
⁶ Readers should search the [medical literature](http://PubMed.gov) (at <http://PubMed.gov>) for research on minority health inequalities, but here is one story from the news media: NBC News’ “[Life-threatening birth complications more common in minorities, study finds](#)” (October 10, 2018). For important general discussion, see NPR’s “[U.S. Has The Worst Rate Of Maternal Deaths In The Developed World](#)” (May 12, 2017), which is part of their series “[Lost Mothers: Maternal Mortality In The U.S.](#)”

for damage to each differ. This coincides with common Jewish views on the issue, that the needs and rights of the mother outweigh any the fetus might have.

However any verses are best interpreted, they still don't *show* that abortion is wrong. This is because the Bible is not *always* a reliable guide to morality, since there are troubling verses that seem to *require* killing people for trivial "crimes," *allow* enslaving people (and beating them), *require* obeying *all* government officials and more. And Jesus commanded loving your neighbor as yourself, loving your enemies and taking care of orphans, immigrants and refugees, and offered many other moral guidelines that many people regard as false.⁷ Simple moral arguments from the Bible assume that *if the Bible says an action is wrong, then it really is wrong* (and *if the Bible says something's not wrong, it's not wrong*), and both premises don't seem to be literally true, or even believed.

This all suggests that people *sometimes* appeal to the Bible, and other religious sources, in selective and self-serving ways: they come to the Bible with their previously-held moral assumptions and seek to find something in the Bible to justify them. A quote from the late Christian author Rachel Held Evans gives insight and wisdom here:

⁷ Appeals to the Bible and any other sources considered to be an *authority*, leads to this dilemma: *either there are good reasons to accept what that authority claims or not*. If *not*, then we should not accept what the authority says. If there are good reasons, then those reasons—which we all can discuss and debate—would be why we should accept what it says, *not* because the "authority" says so. These insights are applied to morally problematic verses of the Bible, since we have good reasons to reject the moral guidance suggested by those verses. For discussion of these issues, which are related to the "Euthyphro dilemma" that Socrates addressed, see Spencer Case's "[Because God Says So: On Divine Command Theory](#)," at *1000-Word Philosophy: An Introductory Anthology* (1000WordPhilosophy.com).



"If you are looking for verses with which to support slavery, you will find them. If you are looking for verses with which to abolish slavery, you will find them. If you are looking for verses with which to oppress women, you will find them. If you are looking for verses with which to liberate or honor women, you will find them. If you are looking for reasons to wage war, you will find them. If you are looking for reasons to promote peace, you will find them. If you are looking for an out-dated, irrelevant ancient text, you will find it. If you are looking for truth, believe me, you will find it. This is why there are times when the most instructive question to bring to the text is not "what does it say?", but "what am I looking for?" I suspect Jesus knew this when he said, "ask and it will be given to you, seek and you will find, knock and the door will be opened." If you want to do violence in this world, you will always find the weapons. If you want to heal, you will always find the balm."

- Rachel Held Evans -

There is an interesting and important Biblical connection here worth mentioning though. Some argue that if women who want abortions are prevented from having them, that *forces* them to remain pregnant and give birth and this is like *forcing* women to be like the "Good Samaritan" from the New Testament who went out of his way, at expense to himself, to help a stranger in great need (Luke 10:25-37). (The analogy is imperfect, as analogies always are, yet imperfect analogies can yield insight.)

The problem is that in no other area of life is anyone *forced* to be a Good Samaritan like a pregnant woman would: e.g., you

can't be *forced* to donate an organ to anyone in need (even to your child or parent⁸); you can't even be forced to donate your organs after you are dead! Nobody other than pregnant women would be *forced* by the government—under threat of imprisonment or worse—to use their body to help sustain someone else's life. (Any “Good Samaritan” laws demand *far, far* less than what pregnancy and childbirth demand.) So it is unfair to require women to be Good Samaritans but allow the rest of us to be like the priest and Levite in the story who go out of their way to help nobody.

Finally, it's important to remember that laws should not be based on any particular religion. If you are not, say, a Hindu, or a Buddhist, or a Rastafarian, you *probably* don't want laws based solely on one of those religion's values. Laws should be religiously-neutral; on that we all should agree.

4.2.1.7 “*Abortion stops a beating heart.*”

This claim, if given as an argument, assumes that *stopping a beating heart is wrong*. The assumption, however, is just obviously untrue: e.g., during open heart surgery, surgeons temporarily stop the patient's heart so that repair can be made to the still heart: they would permanently stop that heart if they replaced it with an artificial heart. If there were somehow an independently beating heart, attached to nobody, that heart wouldn't be wrong to stop. Whether a heart is wrong to stop or not depends on who is around that heart and their value or rights,

⁸ See, e.g., the 1978 court case of [McFall v. Shimp](#). A man with a deadly disease (McFall) sued his cousin (Shimp) to receive a potentially life-saving bone marrow transplant. The judge refused to allow Shimp to be *forced* to give his marrow on the grounds that forcing this “would defeat the sanctity of the individual and would impose a rule which would know no limits, and one could not imagine where the line would be drawn.”

not anything about that heart by itself. Finally, embryos and early fetuses *do not even have hearts*, as critics of recent “heartbeat” bills have observed! (The heart fully develops much later in pregnancy.)

If, however, this widely expressed concern about a heartbeat isn’t meant to be taken literally, but is merely a metaphor or an emotional appeal, we submit that these are inappropriate for serious issues like this one.

4.2.1.8 “How would you like it if. . .?”

Some ask, “How would you like it if your mother had had an abortion?” Others tell stories of how their mother almost had an abortion and how they are grateful she didn’t. Questions and stories like these can have emotional impact, and they sometimes persuade, but they shouldn’t. Consider some other questions:

- *How would you like it if your mother had been a nun, or celibate, all her life?*
- *How would you like it if your mother had moved away from the city where she met your father, and they never met?*
- *How would you like it if your father had decided early in life to have a vasectomy?*

All sorts of actions could have prevented each of our existences—if your parents had acted differently in many ways (perhaps almost *any* ways), *you* wouldn’t be here to entertain the question: at best, *someone else* would be⁹—but these actions aren’t wrong.

⁹ For discussion of this question of what could have been different about the past such that you never existed, see Chad Vance’s “[Origin](#)

Some might reply that if you had been murdered as a baby, you wouldn't be here to discuss it. True, but that baby was conscious, had feelings, and had a perspective on the world that ended in being murdered: an early fetus is not like that. We can empathetically imagine what it might have been like for that murdered child; we can't do that with a never-been-conscious fetus, since there's no perspective to imagine.

In sum, these are some common arguments given against abortion. They aren't good. Everyone can do better.

4.2.2 “For” Abortion

Many common arguments “for” abortion are also weak. This is often because these arguments simply don't engage the concerns of people who think abortion is wrong. Consider these often-heard claims:

4.2.2.1 “*Women have a right to do whatever they want with their bodies.*”

Autonomy, the ability to make decisions about matters that profoundly affect your own life, is very important: it's a core concern in medical ethics. But autonomy has limits: your autonomy doesn't, say, justify using your body to *murder an innocent person*, which is what some *claim* abortion is. The slogan that “women can do what they want with their bodies” does not engage that claim or any arguments given in its favor. As an argument, it's inadequate.

[Essentialism: What Could Have Been Different about You?](#)” at *1000-Word Philosophy* (1000WordPhilosophy.com).

4.2.2.2 “People who oppose abortion are just trying to control women.”

They *might* be trying to do this. But they *might* be trying to ban abortion because they believe that *abortion is wrong and should be illegal*. (Again, critics of abortion *might* respond that abortion advocates *just want to* “engage in immorality without consequences!” *Is that true?* No, pro-choice advocates argue).

Speculations about motives don’t engage or critique any arguments anyone might give for their views, and so are unwise and fruitless. (If you doubt that thinking critically about arguments and evidence here would do any good, do they have any *better ideas* that might do *more good*?)

4.2.2.3 “Men shouldn’t make decisions about matters affecting women.”

Insofar as women profoundly disagree on these issues, some women *must* be making, or urging, bad decisions about matters affecting women: all women can’t be correct on the issues. And *some* men can understand that some arguments (endorsed sometimes by both women and men) are bad arguments. And men can give good arguments on the issues.

In general, someone’s sex or gender has little to no bearing on whether they can make good arguments about matters that affect them *or anyone else*. Furthermore, the existence of transgender men who have given birth further undermines the thought that one sex or gender is apt to have more correct views here.

Finally, discouraging *any* competent people from engaging in reasoned discussion and advocacy is simply unwise: that is not part of a smart and effective strategy for social change.

4.2.2.4 “*Women and girls will die if abortion isn’t allowed.*”

Historically, this has been true, and is likely to remain the case. However, this fact is apt to not be persuasive to some people who believe that abortion is wrong: they will respond, “If someone dies *because they are doing something wrong like having an abortion*, that’s ‘on them,’ *not* those who are trying to prevent that wrong.” Observing that women will die if abortions are outlawed doesn’t engage any arguments that abortion is wrong or give much of a reason to think that abortion is *not* wrong. Again, this type of engagement is necessary for progress on these issues.

In sum, while we argue below that people who believe that abortion is generally not morally wrong and should be legal are *correct*, they *sometimes* don’t offer very good reasons to think this. We aim to provide these reasons below.

5 Better Arguments: Philosophers' Arguments

Finally, we get to arguments that philosophers tend to focus on.

5.1 Arguments Against Abortion

We will begin with arguments for the conclusion that *abortion is generally wrong*, perhaps *nearly always wrong*. These can be seen as reasons to believe fetuses have the “right to life” or are otherwise seriously wrong to kill.

5.1.1 Fetuses are human

First, there is the claim that fetuses are “human” and so abortion is wrong. People sometimes debate whether fetuses are *human*, but fetuses found in (human) women clearly are *biologically human*: they aren't cats or dogs. And so we have this argument, with a clearly true first premise:

Fetuses are biologically human.

All things that are biologically human are wrong to kill.

Therefore, fetuses are wrong to kill.

The second premise, however, is false, as easy *counterexamples* show. Consider some random living *biologically human* cells or tissues in a petri dish. It wouldn't be wrong *at all* to wash those cells or tissues down the drain, killing them; scratching yourself or shaving might kill some biologically human skin cells, but that's not wrong; a tumor might be biologically human, but not wrong to kill. So *just because* something is biologically human, that does not at all mean it's wrong to kill that thing. We saw this same point about what's merely biologically alive.



This suggests a deficiency in some common understandings of the important idea of “human rights.” “Human rights” are sometimes described as rights someone has *just because they are human* or simply *in virtue of being human*.

But the human cells in the petri dish above don’t have “human rights” and a human heart wouldn’t have “human rights” either. Many examples would make it clear that *merely* being biologically human doesn’t give something human rights. And many human rights advocates do not think that abortion is wrong, despite recognizing that (human) fetuses are *biologically* human.

The problem about what is often said about human rights is that people often do not think about what *makes* human beings have rights or *why* we have them, when we have them. The common explanation, that *we have (human) rights just because we are (biologically) human*, is incorrect, as the above discussion makes clear. This misunderstanding of the basis or foundation of human rights is problematic because it leads to a widespread, misplaced fixation on whether fetuses are merely *biologically*

“human” and the mistaken thought that if they are, they have “human rights.” To address this problem, we need to identify better, more fundamental, explanations *why* we have rights, or *why* killing us is generally wrong, and see how those explanations might apply to fetuses, as we are doing here.

It might be that when people appeal to the importance and value of being “human,” the concern isn’t our biology itself, but the psychological characteristics that many human beings have: consciousness, awareness, feelings and so on. We will discuss this different meaning of “human” below. This meaning of “human” might be better expressed as *conscious being*, or “person,” or *human person*. This might be what people have in mind when they argue that fetuses aren’t even “human.”

Human rights are vitally important, and we would do better if we spoke in terms of “conscious-being rights” or “person-rights,” *not* “human rights.” This more accurate and informed understanding and terminology would help address human rights issues in general, *and* help us better think through ethical questions about biologically human embryos and fetuses.

5.1.2 Fetuses are human beings

Some respond to the arguments above—against the significance of being merely biologically human—by observing that fetuses aren’t just mere human cells, but are organized in ways that make them *beings* or *organisms*. (A kidney is *part* of a “being,” but the “being” is the whole organism.) That suggests this argument:

Fetuses are *human beings* or *organisms*.

All human beings or organisms are wrong to kill.

Therefore, fetuses are wrong to kill, so abortion is wrong.

The first premise *is* true: fetuses are *dependent* beings, but dependent beings are still beings.

The second premise, however, is the challenge, in terms of providing good reasons to accept it. Clearly *many* human beings or organisms are wrong to kill, or wrong to kill unless there's a good reason that would justify that killing, e.g., self-defense. (This is often described by philosophers as us being *prima facie* wrong to kill, in contrast to *absolutely* or *necessarily* wrong to kill.) Why is this though? What *makes* us wrong to kill? And do these answers suggest that *all* human beings or organisms are wrong to kill?

Above it was argued that we are wrong to kill *because* we are conscious and feeling: we are aware of the world, have feelings and our perspectives can go better or worse *for us*—we can be *harmed*—and that's what *makes* killing us wrong. It may also sometimes be *not wrong* to let us die, and perhaps even kill us, if we come to completely and permanently lacking consciousness, say from major brain damage or a coma, since we can't be harmed by death anymore: we might even be described as *dead* in the sense of being “brain dead.”¹⁰

So, on this explanation, human beings are wrong to kill, *when* they are wrong to kill, not *because they are human beings* (a circular explanation), but *because* we have psychological, mental or emotional characteristics like these. This explains why we have rights in a simple, common-sense way: it also simply explains why rocks, microorganisms and plants don't have rights. The challenge then is explaining why fetuses *that have never been conscious or had any feeling or awareness* would be wrong to kill. How then can the second premise above, general to *all*

¹⁰ For a brief discussion of this issue, see Nathan Nobis's "[Euthanasia, or Mercy Killing](http://1000WordPhilosophy.com)" at *1000-Word Philosophy: An Introductory Anthology* (1000WordPhilosophy.com).

human organisms, be supported, especially when applied to early fetuses?

One common attempt is to argue that early fetuses are wrong to kill because there is continuous development from fetuses to us, and since *we* are wrong to kill *now*, fetuses are also wrong to kill, since we've been the "same being" all along.¹¹ But this can't be good reasoning, since we have many physical, cognitive, emotional and moral characteristics now that we lacked as fetuses (and as children). So even if we are the "same being" over time, even if we were once early fetuses, that doesn't show that fetuses have the moral rights that babies, children and adults have: we, our bodies and our rights sometimes change.

A second attempt proposes that rights are *essential* to human organisms: they have them whenever they exist. This perspective sees having rights, or the characteristics that *make* someone have rights, as *essential* to living human organisms. The claim is that "having rights" is an *essential property* of human beings or organisms, and so whenever there's a living human organism, there's someone with rights, *even if* that organism totally lacks consciousness, like an early fetus. (In contrast, the proposal we advocate for about what *makes* us have rights understands rights as "accidental" to our bodies but "essential" to our minds or awareness, since our bodies haven't always "contained" a conscious being, so to speak.)

Such a view supports the premise above; maybe it just *is* that premise above. But why believe that rights are *essential* to human

¹¹ Francis Beckwith very much emphasizes this point, and so it might seem to be very relevant to his main argument, in his [*Defending Life: A Moral and Legal Argument Against Abortion Choice*](#) (Cambridge University Press, 2012). For discussion and reply, see Nathan Nobis's "[Abortion, Metaphysics and Morality: A Review of Francis Beckwith's *Defending Life: A Moral and Legal Case Against Abortion Choice*](#)," *The Journal of Medicine and Philosophy*, Volume 36, Issue 3, June 2011, 261–273.

organisms? Some argue this is because of what “kind” of beings we are, which is often presumed to be “rational beings.” The reasoning seems to be this: first, that rights come from being a rational being: this is part of our “nature.” Second, that all human organisms, including fetuses, are the “kind” of being that is a “rational being,” so every being of the “kind” *rational being* has rights.¹²

In response, this explanation might seem question-begging: it might amount to just *asserting* that all human beings have rights. This explanation is, at least, abstract. It seems to involve some categorization and a claim that *everyone* who is in a certain category has some of the same moral characteristics that *others* in that category have, but because of a characteristic (actual rationality) that only these *others* have: so, these others profoundly *define* what everyone else *is*. If this makes sense, why not also categorize us all as *not rational beings*, if we are the same *kind* of beings as fetuses that are actually not rational?

This explanation might seem to involve thinking that rights somehow “trickle down” from later rationality to our embryonic origins, and so what we have *later* we also have *earlier*, because we are the *same being* or the same “kind” of being. But this idea is, in general, doubtful: we are now *responsible* beings, in part because we are rational beings, but fetuses aren’t responsible for anything. And we are now able to engage in moral reasoning since we are rational beings, but fetuses don’t have the “rights” that uniquely depend on moral reasoning abilities. So that an individual is a member of some general group or kind doesn’t tell

¹² Arguments like this are given by Robert George and Christopher Tollefsen in numerous sources such as their [*Embryo: A Defense of Human Life*](#) (Doubleday, 2008). For a reply to more recent similar arguments against abortion from Christopher Tollefsen, see Nathan Nobis’s “[Reply to Christopher Tollefsen on Abortion](#)” (forthcoming in Bob Fischer’s *Ethics: Left and Right*, Oxford University Press, 2019).

us much about their rights: that depends on the actual details about that individual, beyond their being members of a group or kind.

To make this more concrete, return to the permanently comatose individuals mentioned above: are we the same *kind* of beings, of the same “essence,” as these human beings? If so, then it seems that some human beings can be *not wrong* to let die or kill, when they have lost consciousness. Therefore, perhaps some other human beings, like early fetuses, are also not wrong to kill *before they have gained consciousness*. And if we are *not* the same “kind” of beings, or have different essences, then perhaps we also aren’t the same *kind* of beings as fetuses either.

Similar questions arise concerning anencephalic babies, tragically born without most of their brains: are they the same “kind” of beings as “regular” babies or us? If so, then—since such babies are arguably morally permissible to let die, even when they could be kept alive, since being alive does them no good—then being of our “kind” doesn’t mean the individual has the same rights as us, since letting us die would be wrong. But if such babies are a *different* “kind” of beings than us, then pre-conscious fetuses might be of a relevantly different kind also.

So, in general, this proposal that early fetuses *essentially* have rights is suspect, if we evaluate the reasons given in its support. *Even if* fetuses and us are the same “kind” of beings (which perhaps we are not!) that doesn’t immediately tell us what rights fetuses would have, if any. And we might even reasonably think that, despite our being the *same* kind of beings as fetuses (e.g., the same kind of biology), we are also importantly *different kinds* of beings (e.g., one *kind* with a mental life and another *kind* which has never had it). This photograph of a 6-week old fetus might help bring out the ambiguity in what *kinds* of beings we all are:



In sum, the abstract view that all human organisms have rights *essentially* needs to be plausibly explained and defended. We need to understand how it really works. We need to be shown why it's a better explanation, all things considered, than a consciousness and feelings-based theory of rights that simply explains why we, and babies, have rights, why racism, sexism and other forms of clearly wrongful discrimination are wrong, *and*, importantly, how we might *lose* rights in irreversible coma cases (if people always retained the right to life in these circumstances, presumably, it would be wrong to let anyone die), and more.

5.1.3 Fetuses are persons

Finally, we get to what some see as the core issue here, namely whether fetuses are *persons*, and an argument like this:

Fetuses are persons, perhaps from conception.

Persons have the right to life and are wrong to kill.

So, abortion is wrong, as it involves killing persons.

The second premise *seems* very plausible, but there are some important complications about it that will be discussed later. So let's focus on the idea of personhood and whether any fetuses are persons. What is it to be a *person*? One answer that everyone can agree on is that *persons are beings with rights and value*. That's a fine answer, but it takes us back to the initial question: OK, who or what has the rights and value of persons? What *makes* someone or something a person?

Answers here are often merely *asserted*, but these answers need to be tested: definitions can be judged in terms of whether they fit how a word is used. We might begin by thinking about what *makes* us persons. Consider this:

We are persons now. Either we will always be persons or we will cease being persons. If we will *cease* to be persons, what can end our personhood? If we will *always* be persons, how could that be?

Both options yield insight into personhood. Many people think that their personhood ends at death or if they were to go into a permanent coma: their body is (biologically) alive but the *person* is gone: that is why other people are sad. And if we continue to exist after the death of our bodies, as some religions maintain, what continues to exist? The *person*, perhaps even without a body, some think! Both responses suggest that personhood is defined by a rough and vague set of psychological or mental, rational and emotional characteristics: consciousness, knowledge, memories, and ways of communicating, all psychologically unified by a unique personality.

A second activity supports this understanding:

Make a list of things that are definitely *not persons*. Make a list of individuals who definitely *are persons*. Make a list of imaginary or fictional *personified* beings which, if existed, would be persons: these beings that fit or display the concept of person, even if they don't exist. What explains the patterns of the lists?

Rocks, carrots, cups and dead gnats are clearly not persons. *We* are persons. Science fiction gives us ideas of *personified* beings: to give something the traits of a person is to indicate what the traits of persons are, so personified beings give insights into what it is to be a person. Even though the non-human characters from, say, *Star Wars* don't exist, they fit the concept of person: we could befriend them, work with them, and so on, and we could only do that with persons. A common idea of God is that of an immaterial *person* who has exceptional power, knowledge, and goodness: you couldn't pray to a rock and hope that rock would respond: you could only pray to a person. Are conscious and feeling animals, like chimpanzees, dolphins, cats, dogs, chickens, pigs, and cows more relevantly like us, as persons, or are they more like rocks and cabbages, non-persons? Conscious and feeling animals seem to be closer to persons than not.¹³ So, this

¹³ For a discussion of the nature of personhood, written by thirteen philosophers, see Kristen Andrews, *et al*, [*Chimpanzee Rights: The Philosophers' Brief*](#) (Routledge, 2018). This book addresses the general question of what persons are and applies plausible answers to the question of whether any chimpanzees are persons, and its discussion is applicable to questions about fetal personhood. This book grew out of an [*amicus brief*](#), written for judges to help them better understand the issues. For discussion of the relations between arguments about the "moral status" of non-human animals and the "moral status" of human fetuses, see Nathan Nobis's (July 16, 2016) "[Abortion and Animal Rights: Does Either Topic Lead to the Other?](#)" at the University of Colorado's *Center for Values and Social Policy* blog *What's Wrong?*

classificatory and explanatory activity further supports a psychological understanding of personhood: persons are, at root, conscious, aware and feeling beings.

Concerning abortion, early fetuses would *not* be persons on this account: they are not yet conscious or aware since their brains and nervous systems are either non-existent or insufficiently developed. Consciousness emerges in fetuses much later in pregnancy, likely after the first trimester or a bit beyond. This is *after* when most abortions occur. Most abortions, then, do not involve killing a *person*, since the fetus has not developed the characteristics for personhood. We will briefly discuss later abortions, that potentially affect fetuses who are persons or close to it, below.

It is perhaps worthwhile to notice though that *if* someone believed that fetuses are persons and thought this makes abortion wrong, it's unclear how they could coherently believe that a pregnancy resulting from rape or incest could permissibly be ended by an abortion. Some who oppose abortion argue that, since you are a person, it would be wrong to kill you now *even if* you were conceived because of a rape, and so it's wrong to kill any fetus who is a person, even if they exist because of a rape: whether someone is a person or not doesn't depend on their origins: it would make no sense to think that, for two otherwise identical fetuses, one is a person but the other isn't, because that one was conceived by rape. Therefore, those who accept a "personhood argument" against abortion, yet think that abortions in cases of rape are acceptable, seem to have an inconsistent view.

5.1.4 Fetuses are potential persons

If fetuses aren't persons, they are at least potential persons, meaning they could and would become persons. This is true. This,

however, doesn't mean that they currently have the rights of persons because, in general, *potential things of a kind don't have the rights of actual things of that kind*: potential doctors, lawyers, judges, presidents, voters, veterans, adults, parents, spouses, graduates, moral reasoners and more don't have the rights of actual individuals of those kinds.

Some respond that potential gives the right to at least *try* to become something. But that trying sometimes involves the cooperation of others: if your friend is a potential medical student, but only if you tutor her for many hours a day, are you obligated to tutor her? If my child is a potential NASCAR champion, am I obligated to buy her a race car to practice? 'No' to both and so it is unclear that a pregnant woman would be obligated to provide what's necessary to bring about a fetus's potential. (More on that below, concerning the what obligations the *right to life* imposes on others, in terms of obligations to assist other people.)

5.1.5 Abortion prevents fetuses from experiencing their valuable futures

The argument against abortion that is likely most-discussed by philosophers comes from philosopher Don Marquis.¹⁴ He argues that it is wrong to kill us, typical adults and children, *because* it deprives us from experiencing our (expected to be) valuable futures, which is a great loss *to us*. He argues that since fetuses also have valuable futures ("futures like ours" he calls them), they are also wrong to kill. His argument has much to recommend it, but there are reasons to doubt it as well.

First, fetuses don't seem to have futures *like our futures*, since—as they are pre-conscious—they are entirely

¹⁴ See Don Marquis's "[Why Abortion is Immoral.](#)" *The Journal of Philosophy* 86.4 (1989): 183-202.

psychologically disconnected from any future experiences: there is no (even broken) chain of experiences from the fetus to that future person's experiences. Babies are, at least, aware of the current moment, which leads to the next moment; children and adults think about and plan for their futures, but fetuses cannot do these things, being completely unconscious and without a mind.

Second, this fact might even mean that the early fetus doesn't *literally* have a future: if *your* future couldn't include *you* being a merely physical, non-conscious object (e.g., you couldn't be a corpse: if there's a corpse, *you* are gone), then non-conscious physical objects, like a fetus, couldn't literally *be* a future person.¹⁵ If this is correct, early fetuses don't even have futures, much less futures like ours. Something would have a future, like ours, only when there is *someone* there to be psychologically connected to that future: that *someone* arrives later in pregnancy, after when most abortions occur.

A third objection is more abstract and depends on the "metaphysics" of objects. It begins with the observation that *there are single objects with parts with space between them*. Indeed almost *every* object is like this, if you could look close enough: it's not just *single* dinette sets, since there is literally some space between the parts of most physical objects. From this, it follows that there seem to be *single* objects such as *an-egg-and-the-sperm-that-would-fertilize-it*. And these would also seem to have

¹⁵ For discussion of this question of what you *could* and *could not* become, see Chad Vance's "[Origin Essentialism: What Could Have Been Different about You?](http://1000WordPhilosophy.com)" at *1000-Word Philosophy: An Introductory Anthology* (1000WordPhilosophy.com). For an introduction to the issue of how we continue to exist over time, despite the many physical, psychological and moral changes that occur to us, see Vance's "[Personal Identity](http://1000WordPhilosophy.com)" also at *1000-Word Philosophy*. This essay here presumes a *psychological* theory of personal identity and at least *suggests* some arguments in its favor and against *bodily* theories.

a future of value, given how Marquis describes this concept. (It should be made clear that sperm and eggs *alone* do not have futures of value, and Marquis does not claim they do: this is not the objection here). The problem is that contraception, even by *abstinence*, prevents that thing's future of value from materializing, and so seems to be wrong when we use Marquis's reasoning. Since contraception is not wrong, but his general premise suggests that *it is*, it seems that preventing something from experiencing its valuable future isn't always wrong and so Marquis's argument appears to be unsound.¹⁶

In sum, these are some of the most influential arguments against abortion. Our discussion was brief, but these arguments do not appear to be successful: they do not show that abortion is wrong, much less make it *clear and obvious* that abortion is wrong.

5.2 Arguments that abortion is often not wrong

Now we turn to arguments that abortion is generally not wrong.

5.2.1 No good arguments that it is wrong

A first argument depends on the discussion so far. If you are familiar with the most important and strongest arguments given to believe that abortion is wrong, and believe *with good reason* that they are unsound, then that gives a reason to think that abortion is not wrong. In general, a good reason to think that an action is permissible is that *there is no good reason to think it's*

¹⁶ For more advanced discussion of some of the objections considered in this section, see David Shoemaker's "[Personal Identity and Ethics](#)", *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.).

wrong. How this general strategy is applied to this issue depends on your evaluation of the arguments above and any other arguments against abortion worthy of critical evaluation.

5.2.2 Early fetuses aren't conscious & feeling: personhood and harm

The next positive arguments in defense of abortion depend on the scientific facts about early fetuses that we have emphasized over and over: they are not conscious, are not aware of anything, cannot feel anything, and so on: they are and *have been* entirely mindless so far. The proposal is that beings like this are very different from beings like us and babies and children, who are conscious: despite our being the same *kind* of beings in some ways, we are also different *kinds* of beings in other ways that are morally significant.

These observations motivate these principles:

- If a being *is and has always been completely unconscious*, that being is definitely *not* a person.
- If some being is definitely not a person, then it's not wrong to kill that being.

This proposal is supported by, among other considerations and cases, the ideas that if someone permanently ceases to be a person (e.g., permanent, irreversible coma cases) or never becomes a person (e.g., anencephalic newborns) it can be permissible to bring about their death, perhaps even by killing their body, since their being alive is doing them no good. Cases like these are steps *towards* the above principles, which are related to this proposal:

- If a being *is and has always been completely unconscious*, that being cannot be *harmed*, which requires a “turn for the worse” *for that being*. But there is no “for that being” for early fetuses yet, so things can’t get worse for them. So killing them doesn’t harm them or make them worse off, compared to how they were, since they never “were” in a conscious way.

Given the fundamental moral significance of consciousness and all that results from that, the fact that *early* fetuses entirely lack it is arguably highly morally relevant to how they can be treated.

5.2.3 The right to life & the right to someone else’s body

Finally, suppose much of the above is mistaken and that fetuses indeed are persons with the right to life. Some think that this clearly makes abortion wrong. Philosopher Judith Jarvis Thomson famously argued in 1971 that this isn’t so.¹⁷ She observes that people often have a naive understanding of what the right to life is a right to. She makes her case with a number of clever examples, most famously, the “famous violinist”:

You wake up in a hospital, “plugged in” to a famous violinist, who needs to use *your* kidneys to stay alive. You were kidnapped for this purpose. If you unplug, he will die. But it’s only for nine months.

Does the violinist have a *right* to your kidneys? Do you violate his *right to life* if you unplug, and he dies? Most would say “no,” which suggests that *the right to life is not a right to anyone else’s*

¹⁷ See [Judith Jarvis Thomson’s “A Defense of Abortion.” *Philosophy & Public Affairs* 1, no. 1 \(1971\): 47-66.](#)

body, even if that body is necessary for your life to continue.

This suggests that, *even if* fetuses were persons with the right to life, they would not have a right to the pregnant woman's body: only the woman herself has that right. So until there is a way to remove fetuses and place them in other wombs, abortion would be permissible, given women's rights to their own bodies and related rights to autonomy and self-determination, especially about matters concerning reproduction, among other relevant rights. This discussion also suggests another definition of abortion:

- *Definition 4:* Abortion is the intentional *withholding* of what a fetus needs to live, to end a pregnancy.

Thomson's insights are not without controversy, however. Some respond the violinist case is somewhat like a pregnancy that results from rape, since there's no consent involved, but claim that pregnancies that don't result from rape *do* give fetuses the right to the woman's body because, they argue, the woman has done something that she knows might result in someone existing who is dependent on her.

Thomson, however, had other cases that partially address this type of concern: e.g., if someone falls in your house *because* you opened a window, they don't have the right to be there, even though you *did something* that contributed to their being there; and, more imaginatively, if people sprouted from "people seeds" floating in the air, and you tried to keep them out of your house but one managed to get in and became dependent on your carpet for its gestation, that resulting *person* would not have a right to be there, despite your *having done something* that led to that person's existence.

We should also notice that the claim that *doing something that*

results in the existence of something uniquely dependent on you grants that something rights to your assistance might be question-begging. Compare doing something that results in the existence of a new plant or dish or random cells that is *dependent* on you: you wouldn't be obligated to provide for that plant or cells. To assume that things are different with fetuses is, well, to assume what can't be merely assumed, especially if we don't already believe that early fetuses are persons with the right to life. Thomson assumed fetal personhood *for the sake of argument* to illustrate her claims about the right to life, but the facts of the matter—that early fetuses arguably aren't persons or have characteristics that make them have a right to life—is surely relevant to assessing this type of claim when applied to actual cases of pregnancy.

It should be made clear though that even if the fetus doesn't have a *right* to the pregnant woman's body, there *could* be other rights or other obligations that could make abortion wrong nevertheless: e.g., if pregnancy were just 9 hours perhaps women would be *obligated* to be Good Samaritans towards them, even if fetuses didn't have a right to the woman's resources and assistance: ethics isn't just about not violating rights. What's important here is that rights to life and personhood are not the “slam dunk” against abortion, so to speak, that people often think they are: things are more complicated than that.

5.2.4 “What ifs”: rape and later-term abortions

We are now in a good position to address some of the “what ifs” we set aside earlier.

First, rape: if early abortions are generally not wrong, then early abortions due to rape are *especially* not wrong. While people sometimes consider rape a special excuse that justifies

abortion, if abortions generally aren't wrong, no special excuse is needed. (It is worthwhile to again observe that those who think that all fetuses are persons and so argue that abortion is wrong *should* think abortion is wrong in cases of rape also, since a person is a person, irrespective of their origins.)

Second, later-term abortions: these *might* affect conscious and feeling fetuses, who could be persons or close to it. Fortunately, the best evidence suggests that these abortions are rare and done only for justifying medical reasons (Google for harrowing personal stories of women having later abortions due to medical difficulties, including fetal abnormalities incompatible with life). *If* any far later abortions are done for frivolous reasons, they *could* be morally wrong, since it's wrong to cause serious pain for no good reason.¹⁸ The best response here is to ensure that any abortions that *can* be done earlier in pregnancy are done earlier, before the fetus is conscious and feeling.

Should laws be created to *ban* any potential later abortions done for trivial reasons? Again, not all wrongdoing should be illegal, but—most importantly—a ban on these potential abortions would surely have a negative impact on actual later

¹⁸ Some people insist that late term abortions are *never* done for frivolous reasons, that women considering late-term abortions (and abortion providers) would only do them for very weighty, serious reasons. While we can *hope* this is true, we are unsure whether there is excellent evidence to believe this. After all, there are *people* involved here, and people are known to *sometimes* be utterly indifferent to even the worst cruelty and wrongdoing: daily examples of individual actions, and actions done by representatives of governments, confirm this. So although it is unlikely that anyone ever has a very late abortion for trivial reasons, we don't know how unlikely this is. Indeed, if there are some women having late-term abortions for frivolous reasons, they may be doing so secretly. Once the fetus reaches viability, there are many, many more restrictions placed on abortions at both the state and federal levels. Thus, frivolous late-term abortions, if and when they happen, are likely to be done outside of the US or in sub-legal, unofficial settings.

abortions done for legitimate medical reasons. If the justifiability of *any* later abortion had to be proven in court, or people had to go through the criminal justice system to approve an emergency medical procedure, that would have very bad effects, given the speed, inefficiency and occasional incompetence of courts and the criminal justice system. Bringing the police and judges into private medical decisions would be very bad for all, especially vulnerable groups: people of color, immigrants, poor people, and pregnant women generally.

There are, of course, other “what ifs” asked about abortion, and we encourage the reader to identify those and carefully evaluate the arguments given about abortions in those unique circumstances.

In sum, these are some of the more influential considerations given in support of the view that abortion is generally not wrong if done early in pregnancy, as well as reasons to believe that far later abortions *could* be morally problematic. These arguments often involve applications of answers to general moral (and legal) questions, such as: what *makes* killing us wrong, and what makes something (or someone) *relevantly* similar to “us”? What is the right to life a right *to*, and a right *from*? What is to be a person, and what’s the moral significance of personhood? What should be legal and what should be illegal? These arguments are also often developed in response to arguments against abortion and their implications for other ethical issues. Clearly, abortion is a complex issue, and so responsibly-developed arguments about it will engage that complexity with insight and, we hope, wisdom.

6 Conclusion

For important issues, we need well-developed reasons or arguments to decide what to believe and do about the issues. Many people say they just “feel” that abortion is wrong or their “opinion” is that it’s not wrong. But complex issues require informed, fair and honest critical thinking, not just mere “feelings” or “opinions,” and we hope this essay has modeled this type of systematic and serious engagement with the arguments and evidence. We hope that readers’ reflective observations about how we have stated and evaluated arguments will help them improve their own skills at engaging arguments on this and other issues, on their own and in discussion with others.

We have focused on disagreements about abortion, but we want to end on an agreement. Everyone agrees there should be fewer abortions. Even people who believe abortions are generally not wrong don’t think that having an abortion is just a great way to spend time and resources. So everyone *could* agree that we, as a society, *should* do more to reduce the “demand” for abortions: we could address the many causes that lead women to seek abortions.¹⁹ Some other countries don’t have as many abortions as the US does. In many cases this is because of deliberate choices they have made to make their countries more supportive of all of their citizens and make it easier for them to meet their economic, medical and familial needs. We too could be Good Samaritans, in these ways and more. This would be very good, not just for this issue but for who we are as people.

¹⁹ For examples, see this 2012 Washington University Press release “[Access to free birth control reduces abortion rates](#)” and the Guttmacher Institute’s 2016 “[New Clarity for the U.S. Abortion Debate: A Steep Drop in Unintended Pregnancy Is Driving Recent Abortion Declines](#),” and other proposals for what types of efforts would reduce the number of abortions.

THINKING CRITICALLY ABOUT ABORTION

7 For Further Reading

These three widely-reprinted articles are *the* seminal philosophical writings on abortion:

- [Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy & Public Affairs* 1, no. 1 \(1971\): 47-66.](#)
- [Warren, Mary Anne. "On the Moral and Legal Status of Abortion." *The Monist* \(1973\): 43-61.](#)
- [Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy* 86, no. 4 \(1989\): 183-202.](#)

David Boonin's *A Defense of Abortion* provides a comprehensive and systematic critical overview of many arguments about abortion, and argues in defense of abortion:

- [Boonin, David. *A Defense of Abortion*. Cambridge University Press, 2003](#)

And see his more recent book on abortion:

- [Boonin, David. *Beyond Roe: Why Abortion Should be Legal—Even if the Fetus is a Person*. Oxford University Press, 2019.](#)

Richard Feldman's *Reason & Argument* is the best "critical thinking" and argument identification and analysis text available:

- [Feldman, Richard. *Reason & Argument*, 2nd edition. Pearson / Prentice Hall, 1998.](#)

And here are some other introductory readings by Nathan Nobis, and Nathan Nobis and Kristina Grob, on abortion:

THINKING CRITICALLY ABOUT ABORTION

- “[Ethics and Abortion](#)” at *1000-Word Philosophy: An Introductory Anthology* (1000WordPhilosophy.com).
- “[Early and Later Abortions: Ethics and Law](#)” in Bob Fischer’s *Ethics: Left and Right* (Oxford University Press, forthcoming): this is, basically, a shorter, earlier version of this book.
- “[Thinking Critically About Abortion](#)” at Decaturish.com (2019): a philosophical letter to the editor for a Georgia newspaper.
- “[Common Arguments about Abortion](#)” and “[Better \(Philosophical\) Arguments about Abortion](#),” by Nathan Nobis and Kristina Grob, in Noah Levin, ed., *Introduction to Ethics: An Open Educational Resource* (NGE Far Press, 2019) [[both chapters](#)]. This book is a development and expansion of these chapters.

8 Discussion Questions

1. **Better and worse thinking:** a goal of this book is, among other things, to try to help improve the quality of discussion on the topic of abortion.
 - a. What would it look like to think about abortion in better ways? What would it look like to think about abortion in worse ways? What are some examples of each? Who are some people (or arguments) you've encountered that represent "better" and "worse" thinking in the ways you've described? Where are you and your thinking on these concerns, and how might you improve, if you should?
 - b. What knowledge, skills, and attitudes and anything else are apt to make someone a better thinker on this topic? What are apt to make someone a worse thinker about abortion? Can people gain these attitudes or skills? How?

2. **Knowing others' views:** abortion is a topic where people tend to not know or understand the views of people who they disagree with.
 - a. Why are people often unfamiliar with what other people think about these topics and their reasons?
 - b. If you have views on the topic of abortion, do you know what people with different views from you think and say about that topic? If you told them, "Here is what you think, and here are your reasons for thinking it" would they agree that you

understand their view? (Try this, perhaps at home!). If your answer is “no,” is this a problem? Why or why not?

3. **Methods and techniques:** the authors suggest that “critical thinking” involves *carefully defining words, carefully and fully stating arguments*, and thinking about what best explains things, such as some common moral beliefs, to be in a better position to decide whether we should accept some claim or not.
 - a. Are these useful methods? If so, why?
 - b. What *other* techniques or skills or perspectives are useful for critical thinking, especially about abortion?
 - c. What can be done to encourage the use of these types of methods in thinking?

4. **Definitions:** this essay begins by reviewing three definitions of abortion and argues that one definition is best, compared to the others.
 - a. Which definition of abortion do you think is best? Why?
 - b. Later, in the discussion of Judith Thomson and the right to life, the essay presents a fourth definition: is that a good or bad definition?
 - c. Are there other definitions of abortion worth discussing? Are any other definitions good definitions? Are any bad? Why?

5. **Question-begging arguments:** this type of arguments involve circular reasoning and assuming the conclusion that the person is trying to argue for. This type of argument is common on all “sides” of the issue, as well as other issues.
 - a. Why are question-begging arguments so common? Why do people give them? Why don't they realize that these arguments are poor?
 - b. What are some *other* question-begging arguments given about abortion, beyond those discussed in this essay?
 - c. How can question-begging arguments be avoided?

6. **“Everyday arguments”:** this essay reviews many common arguments, given by many people, on the topic, on all sides, and argues that these aren't good arguments.
 - a. What are some *other* common arguments (ideally, not question-begging arguments) that often hear about abortion? Are they good or bad arguments? Why?
 - b. If these arguments are indeed bad, why do people keep giving them? What can be done to help people realize this and “move on” to better arguments?

7. **Abortion and religion:** people's views on abortion are sometimes thought of as *determined* by their religious views.

- a. Is this true, meaning if you are of some religion, *must* you accept a certain view about abortion? Or does each major religion usually have some “internal” disagreements on this issue? How do members of these religions explain this disagreement? Are their explanations convincing?
 - b. Are there any *problems* “linking” the topic of abortion with any particular religious perspectives, morally or legally?
 - c. Are there any *benefits* in “linking” the topic of abortion with any religious perspectives, morally or legally?
8. **“Philosophers’ arguments”**: this essay discusses the main arguments presented by philosophers on the issue. These are the typical arguments addressed in an Introduction to Ethics, Contemporary Moral Problems or even Introduction to Philosophy or Critical Thinking course.
- a. Which of the arguments that this essay reports that philosophers tend to focus on are familiar to you, and which are unfamiliar, if any?
 - b. Are there any that you don’t think you really understand and have questions about?
 - c. Which seem to be good arguments, and what seem to be bad arguments? Why?
 - d. Are there any other arguments that you think are important but were overlooked? If so, are these arguments good or bad arguments? Why?

9. **“Persons” and “personhood”**: many people assume that the question of whether fetuses are persons is the core moral and legal concern about abortion.
- a. If you asked other people what “persons” are, how would they probably answer? Are their answers good answers?
 - b. What are the strengths to the proposal about what persons *are*, what the “essence” of *personhood* is, that is presented in this essay? What are the weaknesses, if any?
 - c. This definition of persons is developed from clear cases of persons or beings that exhibit personhood. Suppose someone says they think embryos and early fetuses clearly are persons and so they will build that into their definition of personhood. Is there any problem with that claim and maneuver? That is, are there any difficulties or challenges in making that claim, if the goal is to determine what, *in general*, persons are? (Is this claim question-begging? Does this claim help explain why *we* are persons? Does it help us understand why *personified* beings exhibit personhood?)
 - d. When, if ever, does someone’s “potential” give them rights to something?
 - e. This is discussed below, but does being a *person* give you a right to another person’s body, or make it such they *must* help you, irrespective of the cost to themselves (and what costs are too high, if any)? In short, how important is fetuses being persons, or not being persons, to the overall debate about abortion?

10. **“Essences” and “kinds”**: some argue that us, say readers of this essay, and embryos and fetuses are the same “kind” of being, that we have the same “essence,” essential characteristics or “nature.” Your *essence* is what it is about you such that, if you “lost” it, you would cease to exist: if you have socks on now, this fact about you is not part of your essence, since you continue to exist even if you took your socks off!
- a. What is *your* essence? What qualities or characteristics *make you you*, and so if these were lost, you would no longer exist? How do you figure this out?
 - b. What, if anything, is the *essence* of human fetuses? How can you tell? How many answers are there to the question, “What *kind* of beings are fetuses?”
 - c. Do us and fetuses have the same essence? Are we the same kind of being? Are we also different kinds of beings? Which “kind” of being(s) determines how something or someone should be treated?
 - d. If you were to die tomorrow, is there anything about “you” or your “essence” that remains? (possibly your reputation, legacy, in other people’s memories, etc.?) Is this the case for a fetus?
11. **The “right to life”**: most people believe they have the right to life, or are otherwise wrong to kill (unless there is a *very, very good reason to do so*, like an exceptional circumstance that they hope to never be in!).

- a. If you asked people *why* they have the right to life, how would they probably answer? Are their answers good answers?
- b. What are the strengths to the proposal(s) about what the right to life is, and why we have it, are that are presented in this essay? What are the weaknesses, if any?
- c. When, if ever, would someone have a *right* to someone else's body? How could they come to have that right? Could someone legitimately give someone else that right? If so, how?

12. **Factual information:** this essay provides some brief factual information about fetal development and when and why abortions occur.

- a. How would the authors' arguments change if this information is *wildly* incorrect? For example, what if fetuses become conscious far, far earlier than current evidence suggests they do? What if most abortions happened far, far later than they do?
- b. What if *all* abortions were done very early in pregnancy, not just most of them? Would that change the nature of the debate in any ways?
- c. Suppose someone thought this information was incorrect and the sources unreliable: how could they try to demonstrate this? What are apt to be the most reliable and accurate sources on these factual matters? If sources disagree on these factual matters, how do we try to figure out which is correct?

13. **The law:** abortion is both an ethical or moral issue, and a question about what laws we should have, what actions should be criminalized, and what we should allow as a society.

- a. Some wrong actions are, and should be, illegal. Other wrong actions are not illegal and should not be illegal. When, in general, should actions be illegal and criminalized? When, in general, should an action be legal?
- b. The authors argue that if later abortions were illegal, that could have bad effects for women who need later abortions for medical reasons. Do you agree? Why or why not? How likely is this potential problem? Do you see any way to make any abortions illegal without having this result?

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