

Phil 108, April 1, 2008
McMahan on Abortion (cont.)

What does the Embodied Mind Account of Identity imply for the permissibility of abortion?

- The Embodied Mind account implies that *we* do not exist until *our organisms* develop the capacity to support consciousness. “Only then is there *someone* present rather than merely *something*.”
- “Early abortion”: an abortion performed before the fetal brain has the capacity to support consciousness. (“Late abortion”=an abortion that is not an early abortion.)
- An early abortion does not kill anyone. It only prevents someone from coming into existence. It is no different from contraception.
- Current neurology suggests that the fetal brain does not develop the capacity to support conscious until at least the twentieth week of pregnancy.
- Approximately 99% of abortions in the USA are performed before the twentieth week, and so are “early abortions.”

Is early abortion still impermissible, because of the sanctity of human life?

An early abortion clearly kills *something*: namely, a developing human organism. Does the fact that it is alive and biological human mean that it has some special value or “sanctity” that makes it impermissible to kill it?

A life can have:

- “personal value” *for* the person who lives it,
- “instrumental value” *for* others persons and things, and
- “intrinsic” or “impersonal value,” like works of art, biological species, and human cultures. That is, its loss can be bad not only for the person who lives it (personal value) and not only for other persons and things (instrumental value), but also bad, period (intrinsic value): bad simply because the world no longer contains it.

Crucially, this concern for the sanctity of human life is *independent of* any concern for the person’s interests, or respect for his or her autonomy. This is why the sanctity of human life is so important to arguments:

- against the permissibility of early abortion, since (if McMahan is right) the early fetus neither has personal interests, nor has any autonomy to be respected.
- against the permissibility of voluntary euthanasia, since it may be in a person’s interests to die, and she may have exercised her autonomy in choosing to die. (More on this next time.)

Those who oppose early abortion usually believe that it is much more wrong than killing a non-human animal. If the appeal to the sanctity of human life is to support this belief, then the intrinsic value of an early fetus must be much greater than that of an animal. What could give the early fetus itself such intrinsic value?

- Capacities, activities and experiences, biological complexity? In none of these ways is the early fetus superior to non-human animals.

- The *potential* to become a person? First, this seems only to account for *instrumental* value. “Even if the outcome of the realization of the potential—that is, the presence of another person—would have impersonal value, it seems that all that would follow about the developed fetus’s potential to become a person is that it would have value insofar as it was *instrumental* in bringing about what would have impersonal value.” Second, some human organisms do not have the potential to become persons.
- Membership in the human species?

Is late abortion permissible?

In a late abortion, *someone* is killed: namely, the “developed fetus.” Is this permissible?

A puzzle:

- Suppose killing someone is wrong just insofar as it deprives them of a future of good things.
- Killing the developed fetus deprives it of *more* of a future than killing an adult.
- Then killing the developed fetus would be *more* wrong than killing an adult, or at very least *no less* wrong.
- But most opponents of abortion accept that killing a developed fetus is *less* wrong than killing an adult.
 - Moreover, unless they accept this, it is not clear why they (i) accept exceptions for rape, deformity, and the health of the mother and (ii) strongly disapprove of attacks on abortionists and abortion clinics.
 - Another *possible* explanation of (i) and (ii) is that they accept Thomson’s argument: that abortion is not like murder, because it is merely a withdrawal of costly aid, the need for which the mother is not responsible. But McMahan thinks it implausible that they accept her argument.

McMahan’s explanation of why killing the developed fetus is less wrong than killing an adult:

- Killing is wrong insofar as it thwarts the victim’s *time-relative interest* in continuing to live.
- Time-relative interest in continuing to live is a function of two factors: not only (1) the amount of future good, but also (2) the degree to which the prudential unity relations hold between the individual now and its future self.
- “[T]he prudential unity relations would hold only very weakly between the fetus and itself in the future. The developed fetus cannot envisage or contemplate its future and hence cannot have future-directed psychological states, such as intentions; it would, if it were to become a person, be unable to recall itself life as a fetus; and it now has no psychological architecture—no beliefs, desires, or dispositions of character—to carry forward into the future. It is, in short, psychologically cut off or severed or isolated from itself in the future.”
- A human being’s time-relative interest in continuing to live is stronger “as a human being’s psychological capacities mature and it becomes more closely related to its future self in ways that ground egoistic concern.”
- This might explain why killing the developed fetus is less wrong than killing an adult.
- It might also imply that *later* abortions are *more* wrong.