

Abortion Debate: A Short Defense of the Pro-Life Position

By Scott Klusendorf

<http://www.prolifetraining.com/abortion-debate.pdf>

Pro-life advocates contend that elective abortion unjustly takes the life of a defenseless human being. This simplifies the abortion debate by focusing public attention on just one question: Is the unborn a member of the human family? If so, killing him or her to benefit others is a serious moral wrong. Conversely, if the unborn are not human, elective abortion requires no more justification than having a tooth pulled.

This is not a debate about privacy or trusting women to make their own responsible choices. For example, does the right to make one's own responsible choices include the rights of parents to abuse children in the privacy of the home? Therefore, if the unborn are human like other children (a point I will argue in a moment), killing them in the name of privacy is a clear moral wrong. Hence, the abortion debate is really about one question: What is the unborn? Is he or she a member of the human family? Everything comes back to that one question.

Let me be clear. I am vigorously "pro-choice" when it comes to women choosing a number of moral goods. I support a woman's right to choose her own health care provider, to choose her own school, to choose her own husband, to choose her own job, to choose her own religion, and to choose her own career, to name a few. These are among the many choices that I fully support for the women of our country. But some choices are wrong, like killing innocent human beings simply because they are in the way and cannot defend themselves. No, we shouldn't be allowed to choose that.

Pro-life advocates defend their claim for the humanity of the unborn with science and philosophy. That is, they offer public reasons for their views, not merely religious ones. Hence, pro-life arguments should not be excluded from the public square, though some would like them dismissed from the abortion debate altogether.

The Stubborn Facts of Science

Scientifically, we know that from the earliest stages of development, the unborn are distinct, living, and whole human beings. Leading embryology textbooks confirm this.¹ Prior to advocating abortion, former Planned Parenthood President Dr. Alan Guttmacher was perplexed that anyone, much less a medical doctor, would question these basic scientific facts. "This all seems so simple and evident that it is difficult to picture a time when it wasn't part of the common knowledge," he wrote in his book *Life in the Making*.²

Ronald Bailey of *Reason* magazine insists that we gain no real knowledge from these scientific facts. Bailey argues that embryonic human beings are biologically human only in the sense that

¹ See T.W. Sadler, *Langman's Embryology*, 5th ed. (Philadelphia: W.B. Saunders, 1993) p. 3; Keith L. Moore, *The Developing Human: Clinically Oriented Embryology* (Toronto: B.C. Decker, 1988) p. 2; O'Rahilly, Ronand and Muller, Pabiola, *Human Embryology and Teratology*, 2nd ed. (New York: Wiley-Liss, 1996) pp. 8, 29.

² A. Guttmacher, *Life in the Making: the Story of Human Procreation* (New York: Viking Press, 1933) p. 3

every cell in the body carries the full genetic code, meaning that each of our somatic (bodily) cells has as much potential for development as any human embryo. Put simply, Bailey would have us believe that there is no difference in kind between a human embryo and each of our cells.³

This is bad biology. Bailey is making the rather elementary mistake of confusing parts with wholes. The difference in kind between each of our cells and a human embryo is clear: An individual cell's functions are subordinated to the survival of the larger organism of which it is merely a part. The human embryo, however, is already a whole human entity. Robert George and Patrick Lee say it well. It makes no sense to say that you were once a sperm or somatic cell. However, the facts of science make clear that you were once a human embryo. "Somatic cells are not, and embryonic human beings are, distinct, self-integrating organisms capable of directing their own maturation as members of the human species."⁴

Three common objections

1) *Twining*. Cloning advocates sometimes claim that because an early embryo may split into twins (up until 14 days after conception), there is no reason to suppose that it's an individual human being prior to that time. Hence, early embryo research (prior to day 14) is morally permissible. The flaw in this argument is easy to spot. How does it follow that because an entity may split (or even recombine) that it was not a whole living organism prior to the split? We can take a Flatworm, cut it in half, and get two flatworms.⁵ Would advocates of destructive embryo research argue that prior to the split, there was no distinct flatworm? I agree that twining is a mystery. We don't know if the original entity dies and gives rise to two new organisms or if the original survives and simply engages in some kind of asexual reproduction. Either way, this does nothing to call into question the existence of a distinct human organism prior to splitting.

2) *Miscarriage*. Cloning advocates cite the high number of miscarriages as proof that a) embryos are not individual human organisms, and b) destructive research is morally permissible. Suppose miscarriages are common: How does this fact refute the claim that embryos are human beings? Many Third-World countries have high infant mortality rates. Are we to conclude that those infants who die early were never whole human beings? Moreover, how does it follow that because nature may *spontaneously* abort an embryo that I may *deliberately* kill one? Admittedly, these miscarriages are tragic events. But as journalist Andrew Sullivan points out, just because earthquakes happen doesn't mean massacres are justified.⁶

3) *Ignorance*. David Boonin discounts the pro-lifer's claim that the newly conceived zygote is a distinct, living, and whole human organism. How can this be, he argues, when we don't know the precise moment during the conception process at which the new zygotic human being comes into existence? Here Boonin is both right and wrong. True, we don't know exactly when during the conception process that the zygote comes to be. Some embryologists argue that it happens when the sperm penetrates the ovum while others point to syngamy, when the maternal and parental chromosomes crossover and form a diploid set.

³ Ronald Bailey, "Are Stem Cells Babies? *Reason*, July 11, 2001.

⁴ Robert George and Patrick Lee, "Reason, Science, and Stem Cells," *National Review On-Line*, 7-20-01.

⁵ Illustration taken from Patrick Lee, *Abortion and Unborn Human Life* (Washington, D.C. Catholic University Press in America, 1996) p. 93

⁶ Andrew Sullivan, "Only Human," *The New Republic*, July 19, 2001.

But as Francis Beckwith points out, although Boonin raises an important *epistemological* question (When do we know that sperm and egg cease to be and a new organism arises?), he's mistaken that his skepticism successfully undermines the pro-lifers strongly supported *ontological* claim that the zygote is distinct, living, and whole human being. "It may be that one cannot, with confidence, pick out the precise point at which a new being comes into existence between the time at which the sperm initially penetrates the ovum and a complete and living zygote is present. But how does it follow from this acknowledgment of agnosticism that one cannot say that zygote X is a human being?"⁷ Boonin, writes Beckwith, commits the fallacy of the beard: Just because I cannot say when stubble ends and a beard begins, does not mean I cannot distinguish between a clean-shaven face and a bearded one.

Moreover, Boonin's skepticism cuts both ways and serves to undermine his own case. Abortion advocates typically claim that until a fetus has value-giving properties such as self-awareness, rationality, and sentience, it does not have a right to life. But since when can we know the precise moment that those properties come to be in the fetus? That is, at what *exact* point in the pregnancy does the unborn become rational enough to warrant a right to life? No one can say, though abortion advocates suggest that it's somewhere between 24 weeks to 30 weeks. Despite their lack of certitude on these questions, few abortion advocates are willing to surrender their views. However, if the pro-life position is refuted by a lack of certitude, so is the pro-abortion one.⁸

Philosophy: Are humans valuable by nature or function?

Philosophically, pro-life advocates argue that there is no morally significant difference between the embryo you once were and the adult you are today. Differences of size, level of development, environment, and degree of dependency are not relevant in the way that abortion advocates need them to be. The simple acronym **SLED** can be used to illustrate these non-essential differences.⁹

Size: True, embryos are smaller than newborns and adults, but why is that relevant? Do we really want to say that large people are more valuable than small ones? Men are generally larger than women, but that doesn't mean they deserve more rights. Size doesn't equal value.

Level of development: True, embryos and fetuses are less developed than you and I. But again, why is this relevant? Four year-old girls are less developed than 14 year-old ones. Should older children have more rights than their younger siblings? Some people say that the immediate capacity for self-awareness makes one valuable. But if that is true, newborns do not qualify as valuable human beings. According to the scientific journal *Nature*, infants do not acquire conscious memories until nine months *after birth*.¹⁰ Best case scenario, infants acquire limited self-awareness three months after birth, when the synapse connections increase from 56 trillion to 1,000 trillion. In short, any plausible pro-choice theory will have to deny newborns a full right to life. Leading abortion-advocate philosophers like Michael Tooley and Mary Anne Warren concede this.

⁷ Francis J. Beckwith, "Defending Abortion Philosophically," unpublished as of October 2004.

⁸ Beckwith, *Ibid*.

⁹ SLED test initially developed by Stephen Schwarz but modified significantly and explained here by Scott Klusendorf. Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990) pp. 17-18.

¹⁰ Conor Liston & Jerome Kagan, "Brain Development: Memory Enhancement in Early Childhood," *Nature* 419, 896 (2002).

Environment: Where you are has no bearing on *who* you are. Does your value change when you cross the street or roll over in bed? If not, how can a journey of eight inches down the birth-canal suddenly change the essential nature of the unborn from non-human to human? If the unborn are not already valuable human beings, merely changing their location can't make them so.

Degree of Dependency: If viability bestows human value, then all those who depend on insulin or kidney medication are not valuable and we may kill them. Conjoined twins who share blood type and bodily systems also have no right to life.

Put simply, although humans differ immensely with respect to talents, accomplishments, and degrees of development, these differences are non-essential to their being.

Human rights: Are there humans without them?

Abortion advocates like Mary Anne Warren claim that a "person" is a living entity with feelings, self-awareness, consciousness, and the ability to interact with his or her environment. Because a human fetus has none of these capabilities, it cannot be a person with rights.¹¹ Warren makes two assumptions here, neither of which she defends. First, she doesn't say why should anyone accept the idea that there can be such a thing as a human being that is not a human person. What's the difference? I've never met a human that wasn't a person, have you? Second, even if Warren is correct about the distinction between human being and human person, she fails to tell us *why* a person must possess self-awareness and consciousness in order to qualify as fully human. In other words, she merely *asserts* that these traits are necessary for personhood but never says why these alleged value-giving properties are value-giving in the first place.

In his article "Why Libertarians Should be Pro-Choice Regarding Abortion," Libertarian philosopher Jan Narveson makes points similar to Warren.¹² His larger purpose is to tell us who is and is not a subject of libertarian rights. He argues that humans have value (and hence, rights) not in virtue of the kind of thing they are (members of a natural kind or species), but only because of an acquired property, in this case, the immediate capacity to make conscious, deliberate choices. Because fetuses lack this acquired property, they have no rights. A woman's choice to abort, then, does not negatively effect the fetus or deny it any fundamental liberties.

But this can't be right. Newborns, like fetuses, lack the immediate capacity to make conscious, deliberate choices, so what's wrong with infanticide?¹³ What *principled* reason can Narveson give for saying, "No, you can't do that?" Peter Singer in *Practical Ethics* bites the bullet and says there is none, that arguments used to justify abortion work equally well to justify infanticide.¹⁴ For example, if the immediate capacity for self-consciousness makes one valuable as a subject of rights, and newborns like fetuses lack that immediate capacity, it follows that fetuses and newborns are both disqualified. You can't draw an arbitrary line at birth that spares newborns. Hence, infanticide, like abortion, is morally permissible.

¹¹ Mary Anne Warren, "On the Moral and Legal Status of Abortion," in *The Problem of Abortion*, Joel Feinberg, ed. (Belmont, CA: Wadsworth, 1984).

¹² Article is posted on Narveson's website at <http://www.arts.uwaterloo.ca/~jnarveso/abortion.htm>

¹³ Conor Liston & Jerome Kagan, "Brain Development: Memory Enhancement in Early Childhood," *Nature* 419, 896 (2002). See also O'Rahilly, Ronand and Muller, Pabiola, *Human Embryology and Teratology*, 2nd ed. (New York: Wiley-Liss, 1996) p. 8.

¹⁴ Peter Singer, *Practical Ethics* (Cambridge, UK: Cambridge University Press, 1997) pp. 169-171.

Abraham Lincoln raised a similar point with slavery, noting that any argument used to disqualify blacks as subjects of rights works equally well to disqualify many whites.

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

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

But you say it is a question of interest, and, if you can make it your interest, you have the right to enslave another. Very well. And if he can make it his interest, he has the right to enslave you.¹⁵

In short, if humans have value only because of some acquired property like skin color or self-consciousness and not in virtue of the kind of thing they are, then it follows that since these acquired properties come in varying degrees, basic human rights come in varying degrees. Do we really want to say that those with more self-consciousness are more human (and valuable) than those with less? As Lee and George point out, this relegates the proposition that all men are created equal to the ash heap of history.¹⁶ Philosophically, it’s far more reasonable to argue that although humans differ immensely with respect to talents, accomplishments, and degrees of development, they are nonetheless equal because they share a common human nature. Humans have value simply because they are human, not because of some acquired property that they may gain or lose during their lifetimes. If you deny this, it’s difficult to say why objective human rights apply to anyone.

Natural rights versus legal rights

Put differently, pro-life advocates, echoing Lincoln, argue that we must distinguish between *natural* rights and *legal* ones. Natural rights are those rights that you have simply because you are human. They are grounded in your human nature and you have them from the moment you begin to exist.¹⁷ For example, you have a natural right not to be harmed without justification as well as a natural right not to be convicted of a crime without a fair trial. Government does not grant these basic rights. Rather, government’s role is to protect them. In contrast, legal (or positive) rights are those rights you can only acquire through accomplishment or maturity. These rights originate from the government and include the right to vote at your eighteenth birthday and a right to drive on your sixteenth. But your *natural* right to live was there all along. It comes to be when you come to be.

To cash this out further, I do not have a legal (positive) right to vote in the next Canadian election for the simple reason that I am not a Canadian citizen. But just because I lack the right to vote in Canada does not mean I lack the right to basic protections whenever I visit that country. Likewise, just because a fetus may not have the positive right to drive a car or vote in the next election does not mean he lacks the *natural* right not to be harmed without justification. Elective abortion unjustly robs the unborn of his or her natural right to life, as Hadley Arkes explains:

¹⁵ *The Collected Works of Abraham Lincoln* (Rutgers University Press, 1953) vol. II, p. 222.

¹⁶ Robert P. George, “Cloning Addendum,” *National Review on-Line*, July 15, 2002; Patrick Lee, “Human Embryos and Fetuses are Subjects of Rights.” (See note #2 above.)

¹⁷ Hadley Arkes, *Natural Rights and the Right to Choose* (Cambridge: Cambridge University Press, 2002) pp. 13-14.

No one would suggest that a fetus could have a claim to fill the Chair of Logic at one of our universities; and we would not wish quite yet to seek its advice on anything important; and we should probably not regard him as eligible to vote in any state other than Massachusetts. All of these rights and privileges would be inappropriate to the condition or attributes of the fetus. But nothing that renders him unqualified for these special rights would diminish in any way the most elementary right that could be claimed for any human being, or even for an animal: the right not to be killed without the rendering of reasons that satisfy the strict standards of “justification.”¹⁸

Do women have a natural right to abort?

Secular liberals insist that abortion is a fundamental human right the State should not infringe upon. In reply, I borrow a question from Hadley Arkes and ask, “Where did that right to an abortion come from?” In other words, is it a natural right that springs from our nature as human beings or is it a positive (legal) right granted by government? If the latter, the abortion advocate cannot really complain that she is wronged if the State does not permit her to abort. After all, the same government that grants rights can take them away. On the other hand, if the right to an abortion is a natural right—a right one has in virtue of being human—then the abortion-advocate had that right from the moment she came to be, that is, from conception!¹⁹ Thus, we are left with this amusing paradox: According to the logic of many abortion-advocates, unborn women do not have a right to life while in the womb but they do have a right to an abortion! Absurd! In short, liberals cannot tell us where rights come from or why anyone should have them. As Arkes points out, they have talked themselves out of the very natural rights upon which their freedoms are built.

Conclusion

Sadly, opponents of the pro-life view believe that human beings that are in the wrong location or have the wrong level of development do not deserve the protection of law. They assert, without justification, the belief that strong and independent people deserve the protection of law while small and dependent people do not. This view is elitist and exclusive. It violates the principle that once made political liberalism great: a basic commitment to protect the most vulnerable members of the human community.

We can do better than that. In the past, we used to discriminate on the basis of skin color and gender, but now, with elective abortion, we discriminate on the basis of size, level of development, location, and degree of dependency. We’ve simply exchanged one form of bigotry for another.

In sharp contrast, the position I have defended is that no human being, regardless of size, level of development, race, gender, or place of residence, should be excluded from the moral community of human persons. In other words, the pro-life view of humanity is inclusive, indeed wide open, to all, especially those that are small, vulnerable and defenseless.²⁰

¹⁸ Hadley Arkes, *First Things: An Inquiry into the First Principles of Morals and Justice* (Princeton: Princeton University Press, 1986) p. 366.

¹⁹ Hadley Arkes develops this paradox in detail in *Natural Rights and the Right to Choose*. I owe the observation to his excellent analysis.

²⁰ I’m indebted to Frank Beckwith for the wording of this paragraph.