

Katie Curtin

Denis

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Critical Response Essay

Even though *Roe v. Wade* made abortion legal in the United States in 1973, people still debate the morality behind someone ending their pregnancy and the implications for the fetus. In her essay *Abortion and the Concept of a Person*, Jane English mentions the two prevalent sides of this debate and assigns the anti-abortion view to conservatives and the pro-abortion view to liberals¹. English rejects both of these arguments because she argues that there is no singular criteria that defines a person, and therefore there is no clear answer to whether or not abortion is morally justifiable. She also feels that even if there were an answer to the personhood argument that the debate around abortion should not depend solely on that factor. English makes a deductively valid case for her position that “our concept of a person cannot and need not bear the weight that the abortion controversy has thrust upon it” (377).

English states that there is no one agreed-upon definition of what defines a person, but that the morality of terminating a pregnancy should not depend on that factor alone. She then outlines five prominent theories to give the reader background and provide insight as to what criteria could define a person. From these theories, English puts forward her own criteria for personhood: biological factors set in the human genotype and phenotype; psychological factors,

¹ Lewis Vaughn, *Bioethics: principles, issues, and cases*, 3rd ed. (New York: Oxford University Press, 2017) 377-383.

including sentience, self-awareness, and the capacity to utilize tool and language; rationality factors that allow the person to draw conclusions and extrapolate from past experiences; social factors that allow the person to see themselves as part of a whole; and legal factors that allow the person to be protected, governed, and acknowledged by the laws of their land. However, English almost immediately notes that these are not rules that can be used as a checklist to determine what is or is not a person, instead noting that these are only features that are typical of persons. English continues on to discuss the differences in people's perception of when personhood begins. She says that since development is gradual, determining an explicit point of personhood appearing isn't feasible. She then analyzes abortion through the lens of Judith Jarvis Thomson's self-defense model. In this model, killing a person as a mechanism for self-defense is only morally justifiable if the assailant is putting the victim at risk for serious harm and if no less lethal option is available. As the only option to free a woman from an unwanted pregnancy is abortion, this is morally justified if continuing the pregnancy would cause the mother either physical or psychological harm.

In the final section of her essay, English switches to arguing that a fetus is not, in fact, a person. She notes that non-people still have a place in our code of ethics, and describes the treatment of animals as an example². She admits that there is no person who has the right to decide what is moral or immoral to do to animals. She emphasizes that our current code of ethics relies on a system of sympathy and empathy that, in allowing person-like non-people to be mistreated, would be viciously undermined. She concedes that foes of abortion are using their strongest argument by comparing the fetus to a newborn and causing us to sympathize with it.

² I personally was unable to adhere to Tooley's argument that drowning kittens is a justification for infanticide. His discussion ignores the possibility of any other option for the kittens besides death (either by drowning or starvation) or continuing to live in the house of the owner of the mother cat.

English states that her belief is that abortion in its early stages when the fetus is barely anything more than a set of genes is justifiable, but grows closer and closer to murder as the pregnancy progresses. In her concluding statement, English reaffirms that a concrete concept of a person does not exist and therefore cannot be applied to a fetus.

English's argument boils down to the following: [A] If there is there is no concrete and universally accepted set of criteria that a person must meet in order to be considered a person, then the personhood of the fetus does not carry as much of a weight as abortion advocates and opponents seek to give to it (379). [A1] There is no clear set of factors that must be present or absent for a being to be considered a person, and [A2] the perceived development into "personhood" is a gradual process that is not the same for all infants (378). [A3] Therefore, the personhood status of the fetus is not as critical to the argument as those on both sides of the debate describe it. The second part of her argument says that [B] if abortion is sometimes morally acceptable even if the fetus has been designated a person, and sometimes unacceptable even without a designation of personhood, then the personhood status is less crucial to the argument surrounding abortion than discussed. [B1] Abortion is morally justifiable in certain cases, such as when the life of the mother (who is often recognized as a full person) is at risk (379-381). [B2] Abortion, regardless of personhood status, is sometimes morally unjustifiable, such as in the instance that the mother wants to abort the pregnancy simply to avoid rescheduling a trip abroad (382, see also p. 381) Premise [A] stems from English's analysis of five prominent theories and by rejecting the requirement of her own proposed criteria for personhood. Her proposed sub-premises [A1 and A2] affirm the antecedent to lead to the conclusion put forth in sub-premise [A3]. Premise [B] proposed that the personhood status is less central to the abortion

debate than opponents and proponents place it. Sub-premises [B1] and [B2] again affirm the antecedent to come to the conclusion presented in [B3]. When these two arguments come together, they allow one to come to the conclusion that “our concept of a person cannot and need not bear the weight that the abortion controversy has thrust upon it” (377).

English supports herself firmly by summarizing and building on six prominent theories; Warren’s, Tooley’s, Brody’s, Ramsey’s, and Noonan’s proposed criteria for personhood and Thomson’s self-defense model. She also supposes that all abortions are equal, regardless of how the mother found herself pregnant. The essay is well-structured, providing theories before arguing from the dichotomous perspectives wherein a fetus is and is not a person.

However, premise [B] requires the reader to accept that there are times when abortion is morally justifiable. Some people may be firmly rooted in their faith and claim that personhood begins at conception. These people may feel that, upon fertilization of the egg, the zygote carries the same rights as a person. Conversely, there are people who believe that abortion is always justifiable regardless of the gestational age of the fetus. This party may feel that denying the mother the opportunity to abort violates her autonomy, which outweighs the rights of the unborn child. To both parties, premise [B] is untrue and makes the argument deductively invalid. To this, I would argue that their religion and politics have swayed their morals and that the abortion controversy rages on. However, English does not seek to establish either the morality or immorality of abortion, but to prove that the weight ascribed to the personhood of the fetus should not have as much bearing as it does on the debate around abortion.

In light of this argument, I feel that the most people accept that the believed personhood (or lack thereof) given to the fetus is an aspect of the debate surrounding the morality of

abortion, but recognize that it is an issue that has many different components that carry different weights for each pregnancy. I feel that English makes a strong case by suggesting that we do not completely ignore the proposed personhood status of the fetus, but make it less pivotal to the abortion argument. Even with the contested premise [B], English roots herself firmly in the facts that human development is gradual and has no clear set of rules that must all be satisfied to be fully recognized as a person. Her moderate stance allows for much more flexibility in responding to raised objections than taking a rigid stance in saying that abortion is always either permissible or impermissible.

English did not set out in this essay to settle the debate surrounding the morality of abortion. She only sought to note that the concept of personhood often ascribed to fetuses and newborns is impossible to define. She also does not propose completely removing the concept of personhood from the debate, only making it less central to arguments surrounding the issue. However, I still wonder how people who believe that personhood begins early in the pregnancy reconcile their opinions with the fact that 50-75% of all pregnancies and 10-25% of clinically recognized pregnancies end in miscarriage³.

³ "Miscarriage: Signs, Symptoms, Treatment and Prevention." American Pregnancy Association. December 05, 2017. Accessed February 24, 2018. <http://americanpregnancy.org/pregnancy-complications/miscarriage/>.

References

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