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Explanation, Slippery Slopes, Absurd Examples, and Abortion

§1: Explanation

The abortion issue contains two separate but related questions. First, is abortion morally permissible? There are a variety of secondary questions, of course, concerning the circumstances under which abortion might be morally permissible. Secondly, should abortion be legal? The answers to these questions do not need to be the same, but our concern here is the first question.

It's easy to fall into a trap, when considering this issue, of relying on platitudes: Abortion is murder. Killing is wrong. It's the mother's right to choose. Who am I to judge? I think it's wrong, but everyone has the right to choose. Abortion shouldn't be used as birth control. One should take responsibility for one's actions. The fetus is life from the moment of conception. No one has the right to tell me what to do with my body.

All of these are wrong, or at least there are some strong considerations against each. Abortion is murder, only if the fetus is a person, for one can only murder people, and it's open to debate whether a fetus is a person. Abortion is killing, but killing isn't always wrong. For example, most people regard killing in self-defense as justifiable, even if unfortunate. And even vegetarians kill living enzymes and bacteria when eating. We often hear opponents of abortion relying on the assertion that the fetus is a life from the moment of conception, but what is a life? If we define life in a broad way that unquestionably includes the fetus, then we may include other living things like plants. If we define life narrowly so that we exclude the things we deem acceptable to kill, then we may eliminate the fetus.

Most everyone agrees that abortion shouldn't be used as birth control, and that one should take responsibility for one's actions, but these are often wrongly used as arguments against abortion. Using abortion as birth control is imprudent, dangerous and self-destructive, but we have very few laws against such imprudence. This is not so much a reason to criminalize abortion as it is good advice. As for taking responsibility for one's actions, this is exactly what having an abortion is. The question is whether this is the appropriate way of taking responsibility. Should one be forced to have a baby as punishment for having an unwanted pregnancy?

On the other side of the debate, as if there were only two sides and not many, we hear that it's the mother's right to choose. But it's not her right to kill her children, even if they are hers. The question reverts to whether a fetus is a child. Similarly, some people, perhaps frustrated with the intricacies of the debate, respond, "I think it's wrong, but everyone has the right to choose." Again, we don't have the right to choose immoral acts. But there's another problem with this response. As a practical matter, it is of course true that everyone has the ability to choose what to do with their lives, within the realm of what is physically possible. This doesn't mean that whatever they choose is right. Every one has the ability to choose to, say, rob a bank. This does not make it their right to do so. This position, which seems pluralistic, live and let live, actually entails that one has given up on morality. A similar response applied to those who ask, "Who am I to judge?" We are all in position to judge the acts of others, and we must do so, in order to learn which acts we wish to perform ourselves, and which we want to avoid. Often, we don't fully understand the decisions that others make, the factors which led to that decision, the full context of the situation. This means that we may change our minds, when we get more information. And our judgments are fallible. Perhaps we should not be judgmental, for these reasons, when interacting with others. This, though, is a matter of communication and politeness. We judge because that is how we learn.

If these platitudes don't resolve the question, then what does? In philosophy, as well as in science, we try to answer the question, "Why?" Why do objects fall down? Why does the Earth move around the sun? Why is abortion permissible, or impermissible? In answering such questions, we seek reasons, and not just platitudes or positions.

In general, when looking for an explanation, we appeal to broad, general principles. These principles are general, in that they are more abstract, and more simple. They must apply to a variety of cases. The more cases these principles apply to, the more explanatory power these principles have.

For example, consider the question of why an object, such as these keys in my hand, fall down when I let go of them. The ancient Greek explanation, from Aristotle, said that objects near the Earth fall toward their natural resting place, fulfilling their natural goal. (This is called teleological explanation - appealing to the goal of something to explain why it does that thing.) So the keys fall toward the Earth because, as a physical object, its natural resting place was at the center of the Earth and they fall towards the center.

While this explanation seems less than wonderful, now, it had significant explanatory merit at the time. It explained why the keys fall to the Earth, as well as why rocks, animals, people, trees, and a whole host of other objects also fall toward the Earth. Of course, it failed to explain other phenomena, like the tides and the motion of the planets, but these seemed different, and so no one expected that they would have the same explanations. And it was consistent with Aristotle's general account of scientific explanation, which was partly teleological in nature, anyway. Historically, teleological explanations were popular until the pure physical mechanism of Galileo and Newton in the 16th and 17th centuries replaced the old Aristotelian picture, and they remained unpopular in large part (though there were often appeals to God's will) until Darwin, when evolution put the teleology back into scientific explanation, though mainly as a heuristic, with underlying mechanisms actually doing the work.

The teleological explanation was quite helpful, and remained so for about a millennium and a half, until a more explanatory theory came along. When Galileo, and Newton, appealed to gravity to explain why these keys fall from my hand, they had a better scientific theory, because their theory explained not only why all these objects fall toward the earth, but also why the tides occur and why the planets move around the sun, and other phenomena, as well. So their explanations were better because they explain more. They're simpler and more general at the same time.

Regarding abortion, if you assert that it is wrong, then you should be prepared to explain why it is wrong. When you say 'Abortion is murder', you are appealing to a more general explanatory principle, that murder is wrong. But this begs the question of whether murder is in fact always wrong. To answer this question, we have to examine all the different types of cases to which this general principle applies. If there are cases in which murder is, in fact, not wrong, then we can't accept that principle. (Just as we have to reject Newtonian mechanics because it doesn't work at high speeds or for very large objects, as Einstein showed.) Thomson's violinist example is just one such example of where murder isn't wrong. So she's urging you to reject your general principle because it doesn't apply everywhere.

Claims about the absurdity of examples aren't good criticisms. Both Thomson and Warren employ these examples in order to test our general principles in ways we don't normally test them. If they're good general principles, they must work in all cases - absurd or normal. Newton's principles fail only in absurd cases, when objects are traveling so close to the speed of light that they increase their mass close to the entire mass of the universe. Still, we reject his theory in favor of Einstein's. The 'absurd' examples help test our principles in ways in which we don't normally get to test our principles. For example, we don't normally have to ask ourselves whether an object is a person. Most of the time, we easily answer this question. For example:

A: Is this rock here a person?

B: No.

A: Why not?

How could B answer this question? Normally, B would appeal to some considerations like Warren's. It doesn't move, it doesn't communicate, it doesn't seem to have any self-awareness. It just sits there. Maybe you could argue that these aren't the real criteria, that the real criteria are something more physical, like hearts, lungs and brains. But that would miss the point. We need some general principles now to explain what it means for something to be a person. Physical criteria fail because they don't apply in all cases. They don't explain what we would be faced with this question in other situations, when faced with non-genetically human persons, like Martians. Warren's criteria are more broadly applicable, and so have more explanatory power.

We don't normally have to ask whether something is a person. If we did have to ask this question, we would need some explanation for our answers. Looking to the 'absurd' examples helps test our principles for their explanatory power. They are among the most important tools the philosopher (and the scientist) has in her arsenal.

This reliance on general principles is a general feature of explanation and argument, and not about the particular positions taken. To argue that such considerations are justified by (or unjustified because of) the particular positions they support or undermine would be to ignore, in the most fundamental way, the nature of philosophical and scientific argumentation. Thomson's example is compelling, not because it supports a particular position, but because it demands general explanation of broad principles.

§2: Slippery Slopes and Absurd Examples

Another general principle of argument which arises when discussing abortion is the Fallacy of the Slippery Slope. Simply put, a slippery slope argument is one where a first step is alleged to entail a chain reaction which results in a repugnant conclusion. Slippery slope arguments urge one not to take the first step, but it is often possible to discern intermediate positions, between taking the first step and the end of the chain. Here's a nice discussion of that fallacy, from a CUNY graduate:

The phrase "slippery slope" dates from the mid-nineteenth century, around the same time that people started to talk about "letting the camel's nose into the tent." That's an allusion to a fable about a camel who asks if he can put his nose into a workman's tent to keep it from the cold, and winds up inserting first his shoulders, then his legs, and so on, until he dispossesses the inhabitant... Then there's the domino effect, an analogy that Dwight Eisenhower used in 1954 to justify US intervention in Vietnam. Or people talk about the thin end of the wedge, the snowball effect, the doomsday scenario, or opening the floodgates. One way or another, it always comes down to "God knows where will it all end."

The rhetoric textbooks usually describe the slippery slope as a logical fallacy, but that depends on how it's used. When you say that A puts us on a slippery slope to B, for example, you might mean only that A will create political momentum for B, or that A would make B cheaper or easier to implement. The UCLA law professor Eugene Volokh gives the example of installing video cameras at every intersection. That may make it easier to deter street crime, but it also provides the government with the means to perform more sinister forms of surveillance.

Or sometimes the slippery slope is invoked in the course of making an argument about the impossibility of drawing clear moral distinctions - if you can't draw the line between A and B, then how can you accept one and reject the other? That's an argument you always hear from abortion critics - where does a fetus end and a child begin? It's an instance of what Greek philosophers called the fallacy of the heap, or the Sorites Fallacy. If you start with a heap of sand and take one grain away, you're still left with a heap, but if you keep repeating the process you wind up saying that a single grain of sand is a heap all by itself. The mistake is in assuming that if a distinction isn't clear-cut it can't be drawn at all. (Geoff Nunberg, <http://www-csli.stanford.edu/~nunberg/slipslop.html>)

Now, consider the morality of war. A pacifist may present a slippery-slope argument: we must not fight war at all since war entails all sorts of awful atrocities. On the other hand, one might argue for

moral nihilism in respect to war. Both the pacifist and the nihilist have given up on finding a middle ground, a moral defense of war, with limitations based on moral reasoning. But this is the right position for anyone who agrees that when attacked, or fighting moral atrocities, we must abandon pacifism, while at the same time is, or can be, morally critical of the conduct of combatants; at times this is what makes war justified.

The general Moral here is to beware of slippery slope arguments: when presented by opponents of gun-control legislation, or genetic engineering, or abortion. The easy choice in theory is to avoid finding middle ground, but this is hard in practice. We have to make the distinctions. We don't want people running around with nuclear warheads; we may be able to fight famine and disease with genetic advancements.

In the case of abortion, the slippery slope argument arises when considering when life begins. 'Life begins at conception' is the easy answer. The proponent of the slippery slope argument urges us not to go down the slippery slope to infanticide. If we allow abortion in the first trimester, we'll have to allow baby-killing. It's hard, in practice, to hold this line for a variety of reasons. A small clump of cells, the fetus in early stages of pregnancy, doesn't seem like a person. There are many unwanted pregnancies. But it's hard to find another place to make the distinction. The Court uses trimesters, but this is really just a rough guideline.

Thomson avoids the issue, granting full right to life for fetus from conception, but she doesn't really believe this. She's using it to understand the right to life and its limitations. Once you grant that the person attached to the violinist has the right to detach, you've established that the classic argument against abortion is faulty, and faulty because the right to life does not outweigh the right to choose. Abortion may still be immoral in some cases, but not just because of the right to life.

Clearly, the analogue to Thomson's violinist example is a pregnancy which results from rape. But we don't want to make the origins of the fetus an issue. We don't discriminate among people from genetic origins. In part, this is because we feel that people do not chose their parents. We consider such distinctions heinous. This is just bad, and does not rest on a slippery slope fallacy.

How could abortion be permissible in the case of rape, but not otherwise? The classical anti-abortion argument says a fetus has a right to life, the right to life outweighs the right to choose what happens in and to one's body, and so abortion is impermissible. Since the fetus which is conceived during rape still has the right to life, the right to life must not be strong enough to generate the anti-abortion conclusion. This argument just fails, though this says nothing about the conclusion. It just means that we need another argument if we are to oppose abortion.

For example, we could argue that murder is wrong, abortion is murder, and so abortion is wrong. This is a new argument, but now we need to know if abortion is murder. Let's define murder as causing the unjustified death of another person. We are back to considering the question of whether the fetus is a person. The Court declined to define 'personhood', but maybe we can explore this.

Abortion is surely a destruction of something. Is it a person? What is a person? Is this desk a person? Why not? Our definition of person seems to break down around the case of a fetus. Perhaps it's an incomplete concept. We have to try to round out our intuitions, by appealing to other cases where we have to ask this question, cases which may be a bit less contentious. The hope is that once we are clear on those other, perhaps absurd cases, the question of whether the fetus is a person will become clearer. This is why we try to imagine we are space travelers, and come across a new substance, and want to know if it is morally permissible to eat it? We are trying to complete our concept of 'person'. We are back to the issue of absurd examples. Recall that we prefer explanation which are broader and simpler. We want broad criteria which will help us answer this difficult question of whether the fetus is a person.

A good argument is one where your point is supported my reasons. Consider the claim that abortion is murder. This only holds if the fetus is a person. If we are to believe that the fetus is a life from the moment of conception, we must have reasons. Marquis tries to provide some, by arguing that a person is anything that is likely to have a future like ours. This definition is circular, because we have to know what a future like ours will be, and this will rely on knowing who we are, and thus what a person is.

Warren gives a more plausible, or at least logically acceptable, set of reasons. The fetus isn't conscious, does not have a developed capacity for reasoning, does not perform self-motivated activity or communicate, and is not self-aware, in any significant way.

If these are the correct criteria for personhood, then the fetus is not a person, and the argument against abortion on the basis of murder is also faulty. But again, this doesn't resolve the issue; it just means that this argument doesn't establish its conclusion. Perhaps another one will.

For now, though, perhaps a different approach will be worthwhile. Let's consider a more practical side of the issue.

§3: Practical Issues

One way to approach the practical side of the issue is to consider the ramifications of criminalization. The protagonist of John Irving's *The Cider House Rules*, for example, was convinced that abortions were practically acceptable since the choice, as he saw it, was between abortions and orphans. In fact, of course, there are other practical factors. Criminalizing abortion increases the danger of the procedure, for those who will seek them anyway. The rich will continue to have access to adequate health care, even if it means seeking legal abortions in other countries. So, criminalization weighs more on the poor. It is likely that we would have more unwanted children in the world, and a higher mortality rate for mothers. If abortion were truly immoral, these consequences of criminalizing it would not be good moral reasons to favor abortion rights, though.

Perhaps practical considerations would help us formulate a pragmatic solution, informed by the moral issues, but independent of them. What possible positions are there?

Most restrictively, we can say that abortion is always impermissible. If we base this on the immorality of killing another human being, to be consistent we would also have to take a position of complete pacifism. This would rule out justifications of killing persons even in self-defense, or in the case of war. This is fairly implausible. Very few of us really believe in pacifism when attacked. Most people believe that war is sometimes permissible, in the case of WWII, for example.

Slightly less restrictively, we might make an exception for cases where the life of the mother is at stake. The right to choose has no relevance, here, but only the right to self-defense. That is, a position which says that abortion is impermissible except when carrying to term threatens the mother's life is compatible with accepting a full and strong right to life for the fetus. These are situations in which one has to choose between a mother and a fetus. It's not obvious that one should choose the mother over the fetus, though. For example, if we base our opposition to abortion on Marquis FLO theory, on which the fetus has a right to life because it has a future like ours, the fetus has more of a future than the mother, probably, since the mother has already lived a significant portion of her life. Still, an argument for preferring the life of the mother over that of the fetus seems plausible.

A common pragmatic solution which seems fundamentally confused is that which prohibits abortion except in cases of self defense, as above, and in cases of pregnancies which arise from rape or incest. The latter exceptions demand support, but what could justify this position? Is it that the babies are really unwanted? Surely, there are many other times when a baby is unwanted which are not due to rape or incest. There are accidents, like faulty birth control, and just lack of access to birth control. This is more of a problem in impoverished countries than in the United States, but it is also a significant problem in places, here. We might look to defend these exceptions by arguing that the mother isn't responsible in these cases. But again, the mother isn't responsible when the birth control fails, or when she lacks access to it, or when her boyfriend tells her he'll pull out, or when he threatens to leave her if she carries to term. Notice the asymmetry between the mother and the father here. As a practical matter, the abortion decision depends directly on the mother and only indirectly on the father. But, in terms of responsibility, both parents are equal. More importantly, if the fetus has a right to life, and this is the basis for our general prohibition of abortion, then how it got there should not matter. We do not make distinctions among people's rights to life which are dependent on their genetic origins. The fetus which arises from a rape

didn't ask to be conceived, has no responsibility for his own existence, and should not be punished for his father's criminality.

If rape or incest does form the basis of an exception, it seems that it must be because we do admit that the mother's right to choose what happens in and to her body is sometimes stronger than the right to life. Thomson explains this by exploring the right to life. Her Henry Fonda example, that my right to life doesn't give me the right to demand Henry Fonda's presence, even if that's the only thing which would keep me alive shows that the right to life is not a right to anything it takes to sustain life. Another consideration to that point is how we distribute funding for medical research. It seems pretty clear that we could put all the money and energy we now use for art and use it for research into AIDS treatment. It's likely that this would result in the extension of life for various AIDS patients. But their rights to life don't entail that we have to do everything we can to sustain their lives.

Once we have admitted rape and incest as exceptions to a general prohibition on abortion, we have opened the door for other exceptions. We have certain considerations which favor protecting the fetus, and other considerations which favor a pregnant woman's autonomy. Balancing these is tricky, and requires a certain amount of subtlety and individual consideration. These are difficult to legislate. There is something of a slippery slope here, and the solution, as I argued before, is to find distinctions where none are obvious.

One way to avoid having to legislate the specific considerations is to allow all abortions up to a certain point in the pregnancy. This, essentially, is what the Court decided. This may assume that everyone has equal access to health care, up to that point. One consideration which may favor an abortion is the presence of serious fetal defects or deformities. These may not be discovered until late in a pregnancy, especially in situations where mothers lack access to good prenatal care. If our considerations have to do with the health and welfare of the mother and the fetus, then a policy which permits abortion up to a certain date in a pregnancy, and prohibits abortion after that date will fit uneasily with our moral position.

Recently, a law was passed that assumed the position that the permissibility of abortion depends on the procedure used. The ban on an abortion procedure seems based on the unpleasantness of the procedure, but many things that happen in surgery are distasteful, and perhaps some of them are horrifying. As a matter of fact, childbirth is pretty unsettling. This seems to be a decision best left to health care professionals.

The least restrictive position, of course, is total legalization for any reason at any point. In some places, mothers have abortions because they want to have boys. The worry here is that this permits abortions when they are morally unjustifiable. Is it morally permissible to abort in order to have a child with different eye color? Here, the abortion questions abuts the complex and interesting questions about genetic engineering, which are far too complicated to tackle here. The main question to keep in mind, with this kind of objection, is whether it is an objection to abortion or whether it is a problem with the culture, or the individual who would make such an imprudent and unsupportable decision.

All the positions have difficulties. That's what makes this an interesting moral question. The job for the ethicist is to discern the position which is most morally defensible. This requires balancing subtle points, avoiding slippery slope arguments, and having reasons and explanations for the preferred position.