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Lecture Notes, December 6

I. The Good Samaritan vs the Minimally Decent Samaritan

Thomson argues that the fetus doesn't have rights to the mother's womb, since the mother's right to her body is stronger.

One response to her position is to concede that the fetus doesn't have rights, but argue that the mother should carry to term anyway.

Thomson replies that since carrying to term is not required, we can't outlaw abortion, p 202.

Carrying to term would be like good samaritanism.

We do not have laws enforcing even minimally decent samaritanism.

Consider Kitty Genovese.

II. Introduction to Warren and Marquis

Imagine you are space travelers, and you come upon a new substance.

Is it morally permissible to eat it?

Or is it a life form worthy of protection?

How would you decide?

Thomson's defense of abortion rests on denying premise four in the classic anti-abortion argument, which asserts that the right to life for the fetus outweighs the woman's right to choose what happens in and to your body. She provides us with a series of examples which attempt to show that whatever the right to life is, it doesn't give you the right to use another person's body.

What would give you the right to use another person's body? Surely, their consent would. So, if a woman consents to getting pregnant, then, according to Thomson's argument, she has no right to abort. The question thus becomes, 'What constitutes consent in cases of pregnancy?' Thomson clearly thinks that a reasonable use of birth control constitutes denial of consent. An opponent might argue that any consensual sex, with the knowledge that birth control does sometimes fail, is a kind of consent to pregnancy. Here, Thomson's examples of intruders and specks of dust are relevant, p 201.

Warren argues that Thomson has shown a clear right to abortion in cases of rape, where consent is clearly absent. But if the fetus has full moral rights, she's not so sure that the premise which Thomson denies doesn't in fact hold. Warren holds that Thomson's argument doesn't work for cases in which the woman has some responsibility for the pregnancy. If the fetus were a full-fledged human being with moral rights, then abortion, as murder, would not be defensible. Thomson is too quick in assuming that the fetus is a life from conception.

III. The gulf between human beings (biological) and persons (social, moral)

'Human being' is a biological term.

'Person' is a social, or moral, term.

Genetic humanity is not sufficient to establish moral personhood, p 206

Some humans aren't persons: brain dead, dead.

We might protect them anyway.

But that stems from our sympathy, rather from their rights.

Some persons aren't humans.

For example, aliens and sentient machines could be persons, without being humans, p 208.

IV. Warren's Criteria of Personhood

We need criteria to determine in all cases what is a person.

These criteria would cover all the cases of things we take to be persons, but not any of the things we take to be non-persons, even if they are human.

Warren argues that we use these five central concepts of personhood:

- 1) Consciousness, ability to feel pain
- 2) Developed capacity for reasoning
- 3) Self-motivated activity
- 4) Communication
- 5) Self-awareness

V. Applying the Criteria

Warren doesn't claim that we need to have all of the criteria to be considered a person.

A creature who was conscious, reasoned, and performed self-motivated activity, but had no racial concepts would probably be considered a person.

The paradigms for the criteria are adult humans.

The fetus has none of the criteria, so can not be a person, p 207.

A fish is more like a person, according to these criteria, than is a fetus.

Even an eight-month old fetus is not a lot more like a paradigmatic human than an embryo.

It's not conscious.

It can't really reason or communicate, etc., p 208.