

Phil 108, November 1, 2012
McMahan on Abortion

Is abortion permissible? Thomson argued that it is (at least often) permissible, even if the fetus is a person. But *is* the fetus a person? If not, then perhaps abortion is permissible, even if Thomson's argument should fail.

Were we fetuses?

This is, roughly, McMahan's question: Is the fetus a person? More precisely: Is the fetus the same kind of being that you and I are?

- Why the qualification? McMahan does not want to prejudice the issue by assuming that we are persons. A "person" is usually understood as an entity with a sufficiently sophisticated mental life, including self-consciousness. Perhaps, for all we know, we can continue to exist even after we cease to be people.

Put another way: You developed from one fetus, I from another. Are you numerically identical with that fetus, and I numerically identical with the other? The answer depends on the question of "personal" identity: Under what conditions am I numerically identical with something existing at a different time?

Put yet another way:

- *Phase sortal:* a kind to which an individual *can* belong for *only part* of its history, e.g., "adolescent."
- *Substance sortal:* a kind to which an individual *must* belong for *all* of its history, that is, for as long as it exists, e.g., "plant."

Substance sortals determine necessary, but not sufficient, conditions for the continued existence of an individual. (Why not sufficient? Recall the example of a male golden retriever surgically replaced, part by part, by a female German shepherd. Always a dog, but not always the same individual.)

Is "fetus" a *phase sortal* of the *substance sortal* to which we belong?

What starts to exist at conception?

It is true that a living thing begins to exist at conception, and that this living thing has human genes. But are *we* numerically identical with this living thing?

An argument that *we* must come into existence at conception:

- Coming to existence is not a gradual process, but a discrete event, that is neither variable nor extrinsic.
- No event after conception seems to fit the bill. Either the events are too gradual (like development), or too variable and extrinsic (like quickening, viability, or birth).

What must we be like in order to come into existence at conception?

- (1) We are, or are something that has, a soul, and the zygote has a soul.
- (2) We are human organisms, and the zygote is a human organism.

Does a soul, or something with a soul, begin to exist at conception? Are we souls, or things with souls?

The hylomorphic conception of the soul

Soul is to the body as the shape is to the bronze. The soul is the present organization of the body, in virtue of which it is a distinct individual.

- We are not hylomorphic souls, but composites of hylomorphic soul and body.

- A hylomorphic soul cannot exist without a body; it is just an aspect of body, like the shape of the bronze.
- The hylomorphic soul at conception does not have the capacity for rationality. So, the hylomorphic soul at conception does not seem different from the hylomorphic souls of many lower animals. So, the impermissibility of abortion would imply the impermissibility of killing many lower animals.

The Cartesian soul

A purely mental substance, or “thinking thing.”

- The soul interacts causally with the body—receiving perceptual inputs, and directing action—but it is not dependent on the body for its existence or functioning (i.e., thinking).
- The soul is indivisible.
- The soul can also continue to exist in the absence of psychological connections (e.g., memory).

Argument that the Cartesian soul does not begin to exist at conception:

1. The soul begins to exist whenever consciousness begins, and it is not plausible that this happens at conception.

Arguments that we are not Cartesian souls:

2. Why should drinking, which impairs the functioning of the brain, also impair thought?
3. Many animals have consciousness. Do they also have souls? If so, the impermissibility of abortion seems to imply the impermissibility of killing lower animals.
4. *Monozygotic twinning*: Do both twins keep the old soul? Then they are the same individual. So at least one twin must either become a soulless automaton, or get a new soul.
5. *Hemispheric commissurotomy* (hemispheres divided) and *Division* (one hemisphere put in one twin, another hemisphere put in another twin). Similar options to 3. Either one twin is a soulless automaton, or surgery creates new souls.

What kind of soul could exist at conception?

- Neither something conscious, nor something with the capacity for consciousness. (What would be holding it back? That it is missing a brain?)
- So what can this “soul” be?
- Even if we can form a conception of what it is, doesn’t it seem “entirely too thin and insubstantial a thing to be what we really and most deeply are”?
- Why believe that conception is when such a thing begins to exist? Why not long before? Why not suppose that your soul was once Abraham Lincoln, and before that Genghis Kahn? This soul seems entirely featureless; anything seems possible.

Does a human organism begin to exist at conception? Are we human organisms?

The idea would then be that “human organism” is a substance sortal, and “person” is a phase sortal.

Arguments that human organisms do not begin to exist at conception:

1. Even if monozygotic twins are human organisms, they do not begin to exist at conception. Otherwise, twins would be the same organism.
2. Consider non-twinning zygotes. Two interpretations of what happens in the first fourteen days, when every cell is capable of developing, if separated from the others in the zona pellucida, into an organism.
 - (1) Each cell division is a stage in the history of a single organism.
 - (2) Each cell division involves the ceasing to exist of one individual and the coming to be of two individuals. Then the zygote is never the same individual as an adult human.

No way of deciding between (1) and (2). Whether the cells within the zona pellucida are sufficiently integrated to be a single organism is underdetermined by our concept of “organism.”

Arguments that we are not human organisms

1. *Reverse Development*: Grant for the sake of argument that what we have at fourteen days is a human organism. Suppose that you were to undergo “development in reverse”: you get younger and younger, eventually becoming that cluster of cells. When would you cease to exist? Before you became that cluster of cells?

2. *Brain Transplant*: It seems that your organism would continue to exist (in a persistent vegetative state), while you would wake up inside a different organism.

- What if you had the choice of having your brain being transplanted, which would give you thirty years, or remaining in your present body, which would die in a year?
- *Objection*: The brain *is* the human organism.
- *Reply*: But isn’t it instead a part that has been removed from the organism? What do we make of the rest of the body, which continues to function in an integrated way? (Moreover, the brain does not begin to exist until long after conception.)

3. *Dicephalus*: Two persons, but only one organism.

What we are: embodied minds

The Embodied Mind Account of Personal Identity: “the continued existence and functioning, in nonbranching form, of enough of the same brain to be capable of generating consciousness or mental activity.”

The Embodied Mind Account of Egoistic Concern: “that which is both necessary and sufficient for [minimal] rational egoistic concern... is the physical and functional continuity of enough of those areas of the individual’s brain in which consciousness is realized to preserve the capacity to support consciousness or mental activity.”

- What matters is *physical* continuity (same organ) and *minimal functional* continuity (same ability to support consciousness or mental activity),
- rather than *organizational* continuity (same pattern, arrangement of neurons), which supports psychological unity (roughly, same mental states).

What is the relation between ourselves—who are embodied minds—and our organisms?

- I am a *part of* my organism.
- *Objection*: “It is curious, nonetheless, that one tends to ascribe all of the properties of one’s organism”—such as freckles—“to oneself. For typically a part does not have all of the properties of the whole to which it belongs...”
- *Reply*: “although I am only part of this organism, I am the conscious and controlling part and therefore tend to regard its other parts as extensions of myself.”

How psychological unity matters: time-relative interests

Although organizational continuity is not *necessary* for egoistic concern, the *rational degree* of egoistic concern varies with the degree of organizational continuity—or rather, with the degree of *psychological unity*, which depends on organizational continuity.

Psychological unity in a life between different times is greater to the extent that:

- (i) more of the mental states at one time also occur at the other time,

- (ii) more of the mental states at one time that refer to mental states at the other time (e.g., memories of experiences, intentions that are fulfilled by actions at a later time), and
- (iii) these mental states make up a richer or denser mental life.

“The extent to which one ought now to be egoistically concerned about [some event in one’s future life, as determined by physical continuity] is a function of two factors:

- first, the value, positive or negative, that the event would have for one at the time when it would occur, and
- second, the extent to which the prudential unity relations would hold between oneself now and oneself at the later time when the event would occur.

This discounting operation... determines the strength of what I will call one’s present *time-relative interests* in the possibilities of one’s own future life.... One’s present time-relative interests are what one has egoistic reason to care about *now* (or in the case of a non-self-conscious being incapable of being egoistically concerned about the future, its present time-relative interests are what a third party would have reason to care about for the being’s own sake now).”

“Imagine a sentient creature whose mental life consists of a stream of consciousness without any psychological connections.... Not only does it have no memory or foresight, it also has no psychological architecture to carry forward: no structure of beliefs, desires, attitudes, dispositions, or traits of character... Would there be reason to care, for this creature’s own sake now, whether it would continue to live?... Its future, were it to continue to live, might contain a considerable sum of good in the form of unalloyed physical pleasure. But the creature is not related to itself in the future in anything like the way that you and I are related to our future selves... Thus while we may think that the experiences have value individually, it is less plausible to attribute independent value to them as a collection or aggregate.... Thus we can see, by contrast, that the psychological unity within the lives of persons such as ourselves gives our lives as whole a moral and prudential significance that the mere sum of our experiences lacks—or, to put it differently, that makes our lives as wholes significant *units* for moral and prudential evaluation. Because the experiences of this merely sentient creature fail to form a significant unit, it may seem that what matters is mainly that experiences of this sort should continue to occur... It does not much matter whether the experiences occur within this same life.”

The questions for next time:

- Does an embodied mind begin to exist at conception?
- If not, then when does it begin to exist?
- What does this imply for the permissibility of abortion?

Review Questions:

1. Would McMahan put money away to be cared for after suffering amnesia or Alzheimer’s? Explain.
2. Would McMahan be willing to use one of those [transporters](#) on Star Trek? Explain.
3. McMahan writes:

Consider a late-term human fetus. Assume that the amount of good that lies in prospect for it is very great: the amount of good in the whole of a normal human life. How much does it matter, for the fetus’s own sake now, that it should live to have that good? If the extent to which it matters is commensurate with the magnitude of the good in prospect, it seems that it would be terribly bad if the fetus were to die instead. But most of us believe that the death of a human fetus is not a terrible tragedy, at least not for the fetus itself...

How does his notion of “time-relative interests” help to explain this belief?