Phil 108, March 4, 2014
McMahan on Abortion (cont.)

What does the Embodied Mind Account of Identity imply for the permissibility of abortion?

• The Embodied Mind account implies that we do not exist until our organisms develop the capacity to support consciousness. “Only then is there someone present rather than merely something.”
• “Early abortion”: an abortion performed before the fetal brain has the capacity to support consciousness. (“Late abortion”=an abortion that is not an early abortion.)
• An early abortion does not kill anyone. It only prevents someone from coming into existence. It is no different from contraception.
• Current neurology suggests that the fetal brain does not develop the capacity to support consciousness until at least the twentieth week of pregnancy.
• Approximately 99% of abortions in the USA are performed before the twentieth week, and so are “early abortions.”

Is early abortion still impermissible, because of the sanctity of human life?

An early abortion clearly kills something: namely, a developing human organism. Does the fact that it is alive and biologically human mean that it has some special value or “sanctity” that makes it impermissible to kill it?

A life can have:
• “personal value” for the person who lives it,
• “instrumental value” for others persons and things, and
• “intrinsic” or “impersonal value,” like works of art, biological species, and human cultures. That is, its loss can be bad not only for the person who lives it (personal value) and not only for other persons and things (instrumental value), but also bad, period (intrinsic value): bad simply because the world no longer contains it.

Crucially, this concern for the sanctity of human life is independent of any concern for the person’s interests, or respect for his or her autonomy. This is why the sanctity of human life is so important to arguments:
• against the permissibility of early abortion, since (if McMahan is right) the early fetus neither has personal interests, nor has any autonomy to be respected.
• against the permissibility of voluntary euthanasia, since it may be in a person’s interests to die, and she may have exercised her autonomy in choosing to die.

Those who oppose early abortion usually believe that it is much more wrong than killing a non-human animal. If the appeal to the sanctity of human life is to support this belief, then the intrinsic value of an early fetus must be much greater than that of an animal. What could give the early fetus itself such intrinsic value?
• Capacities, activities and experiences, biological complexity? In none of these ways is the early fetus superior to non-human animals.
• The potential to become a person? First, this seems only to account for instrumental value. “Even if the outcome of the realization of the potential—that is, the presence of
another person—would have impersonal value, it seems that all that would follow about
the developed fetus’s potential to become a person is that it would have value insofar as it
was instrumental in bringing about what would have impersonal value.” Second, some
human organisms do not have the potential to become persons.
• Membership in the human species?

**Is late abortion permissible?**
In a late abortion, someone is killed: namely, the “developed fetus.” Is this permissible?

*A puzzle:*
• Suppose killing someone is wrong just insofar as it deprives them of a future of good
  things.
• Killing the developed fetus deprives it of more of a future than killing an adult.
• Then killing the developed fetus would be more wrong than killing an adult, or at very
  least no less wrong.
• But most opponents of abortion accept that killing a developed fetus is less wrong than
  killing an adult.

**McMahan’s explanation of why killing the developed fetus is less wrong than killing an adult:**
• Killing is wrong insofar as it thwarts the victim’s time-relative interest in continuing to
  live.
• Time-relative interest in continuing to live is a function of two factors: not only (1) the
  amount of future good, but also (2) the degree to which the prudential unity relations hold
  between the individual now and its future self.
• “[T]he prudential unity relations would hold only very weakly between the fetus and
  itself in the future. The developed fetus cannot envisage or contemplate its future and
  hence cannot have future-directed psychological states, such as intentions; it would, if it
  were to become a person, be unable to recall its life as a fetus; and it now has no
  psychological architecture—no beliefs, desires, or dispositions of character—to carry
  forward into the future. It is, in short, psychologically cut off or severed or isolated from
  itself in the future.”
• A human being’s time-relative interest in continuing to life is stronger “as a human
  being’s psychological capacities mature and it becomes more closely related to its future
  self in ways that ground egoistic concern.”
• This might explain why killing the developed fetus is less wrong than killing an adult.
• It might also imply that later abortions are more wrong.

**Review Question:**
1. I show my daughter an image from an ultrasound taken eight weeks into the pregnancy
  that resulted in her birth. I point to the image and tell her: “That was you!” If McMahan
  overheard this, and was in a literal mood, how might he correct me and why?
2. Many opponents of late abortion strongly disapprove of attacks on abortionists and
  abortion clinics, whereas they would not strongly disapprove of defensive attacks on
  child murders. How might McMahan try to explain the consistency of this position?
3. Many opponents of late abortion grant an exception for rape, whereas they would not
  permit the murder of children conceived in rape. How, by appealing to a distinction
between killing and withdrawing aid, might one try to explain the consistency of this position?