

Does the Fetus Have a Stronger Claim to Life?

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Abstract

In Practical Ethics, Peter Singer refutes an arguments from anti-abortionists that tries to justify the claim to life of the fetus by appealing to its potential for becoming a human. While Singer argues that this mere potential doesn't count against killing, his argument fails because it assumes, wrongly, that the dividing line between "persons" and "merely conscious beings" is the sole criterion for determining whether it's worse to kill a being. And I'll argue that with the addition of another reasonable dividing line, we'll be justified in according a stronger claim to life to the fetus.

Keywords

Abortion; Fetus; Persons; Merely conscious beings.

1. Introduction

Do you agree to abortion? Anti-abortionists always hold an oft-asserted idea: "Life" - only human life, though - "is sacred". However, when we say that "human life is sacred", what exactly are we claiming? Or, in what sense are we justified in claiming this? This is an important question that I hope you all bear in mind. By the end of this part, we will be able to figure out a possible answer to this question offered by Singer. In Practical Ethics, Peter Singer rejects the arguments of anti-abortionists who sought to prove their claim to the life to fetus by calling for the potential of the fetus to become persons[1-3].

2. Wrong to Kill & Worse to Kill

A discussion of the wrongness of killing is offered by Singer as a theoretical preparation for addressing the abortion issue, where he discusses when it's wrong and worse to kill a being.

2.1. Wrong to Kill

Singer begins with his stance on the conception of ethics: "[e]thics takes a universal point of view"(2011:11). This universality requires us of equal consideration of "preferences" — the "wants, needs and desires" of a being (2011:12) — whoever's preferences they might be. Since "sentient creatures have wants and desires"(2011:248), i.e. preferences, he comes to a general principle of equality that any sentient beings should be accorded equal consideration in moral decision making. Therefore, in terms of killing, it's wrong to kill any sentient being because its preference for not suffering pain is thwarted.

2.2. Worse to Kill

However, when conflict between different beings' preferences sets in, we are forced into prioritizing them with justifiable criteria. In terms of killing, Singer argues that while it's wrong to kill any sentient being, "there are four possible reasons (These four reasons, as Singer puts it, are as follows: "the hedonistic utilitarian concern with the effects of the killing on others; the preference utilitarian concern with the frustration of the victim's desires and plans for the future; the argument that the capacity to conceive of oneself as existing over time is a necessary

condition of a right to life; and respect for autonomy"(2011:84). These will be further discussed in next section.) for holding that it is especially serious to take a person's life"(2011:84). Therefore, when killing is inevitable, it's worse to kill a person than a non-person sentient being, or as Singer puts it, a "merely conscious being"(2011:85); in another word, the person has a stronger claim to life. By the term "person", Singer refers to a being that possesses qualities included in the "Indicators of Humanhood", e.g. "self-awareness" (2011:73). By contrast, "member of the species Homo sapiens", the other meaning of the term "human", is a mere bio-fact irrelevant to moral significance.

The above divisions regarding moral considerations in killing can be encapsulated into this figure:

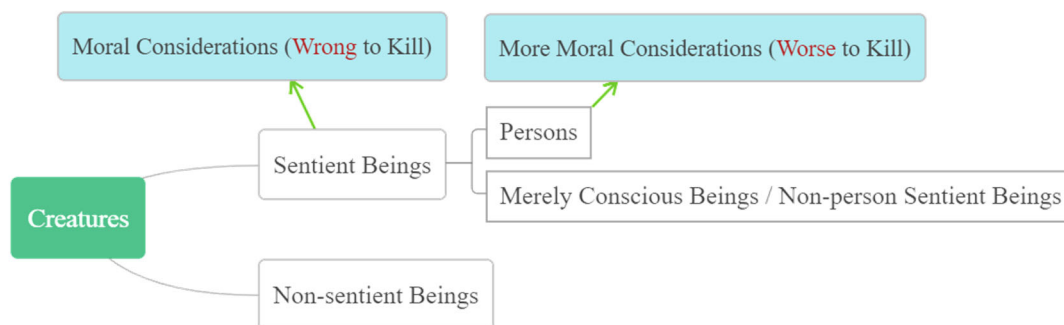


Figure 1. The Division of Moral Considerations of Killing

3. Singer's Argument Against Anti-abortion

3.1. Argument from Anti-abortionists

When it comes to abortion, an instance of killing, one of the defending arguments from anti-abortionists is stated as follows:

P1: It is wrong to kill an innocent human being.

P2: A human fetus is an innocent human being.

C: Therefore it is wrong to kill a human fetus. (2011:125)

The important terminological clarification applies to the scrutiny into these arguments. It is necessary to examine the definition of "human": If "human" is equal to "person", P2 will be false; If "human" is equal to "member of the species Homo sapiens", P1 will be false. Given that human fetus is not a person, there is no reason in giving fetus more moral consideration than other non-person beings with preference. Rather, we should give moral consideration to human fetus only on the same scale as to other non-person being with preference that have actual characteristics similar to human fetus. This objection to arguments from anti-abortionists is plausible.

The other arguments from anti-abortionists is to justify the claim to life of the fetus by appealing to its potential for becoming a human. The other argument is stated as follows:

P₁) It is wrong to kill a potential human being.

P₂) A human fetus is a potential human being.

C) Therefore, it is wrong to kill a human fetus.(2011:138)

Strictly speaking, P₁ should be modified according to Singer's preparatory clarifications: firstly, since the bio-fact "member of the species Homo sapiens" isn't morally significant, P₁ only makes sense when "human being" is defined as "person"; secondly, while killing any sentient being is wrong, what can be especially serious is the killing of a person; therefore, P₁ should be interpreted as "it's worse to kill a potential person (than a merely conscious being)", i.e. "a potential person has a stronger claim to life".

3.2. Singer's Objection

3.2.1. Invalid General Inference

Singer's disagreement with P₁ is as follows:

P_a) The person has a stronger claim to life.

P_b) A human fetus is a potential person.

P_c) A potential X doesn't equal to an X.

C₁) A potential X doesn't necessarily have the same value nor rights as an X.

C₂) A human fetus doesn't necessarily have the same claim to life as a person.(2011:138)

This argument is reasonable. While in some cases a potential X does have the same rights as an X, in others, it doesn't. Since we cannot generally infer the rights of a potential X from those of an X, but rather it depends on cases, closer scrutiny into the particular case of "a potential person" is needed.

3.2.2. Specific Analysis of "Potential Person"

As noted in section 1, there are four reasons that count against killing a person, i.e. that justify a person's stronger claim to life, and they "are all based on the fact that persons see themselves as a distinct entities with a past and future"(2011:139). This capacity originates from the following qualities of a person which are among the most crucial ones of "Indicators of Humanhood": self-awareness, rationality, and a sense of the past and future(2011:73). Therefore, the underlying cause why a person deserves a stronger claim to life lies in these morally significant qualities, rather than the superficial identity/status as a person itself; and because a fetus's potential for becoming a person involves none of them, "the mere potential for becoming a person doesn't count against killing", i.e. no fetus has a stronger claim to life.

4. My Analysis and Objection

4.1. Formal Fallacy

Although Singer's objection to the original argument is inspirational, his own argument is flawed likewise. Back to Singer's argument:

(hidden premise: It is wrong to kill a person.)

P: X is a person.

Q: It is wrong to kill X.

¬P: X (in this case, a fetus) is not a person.

¬Q: It is not wrong to kill X (again, a fetus).

It is committed by reasoning in this form:

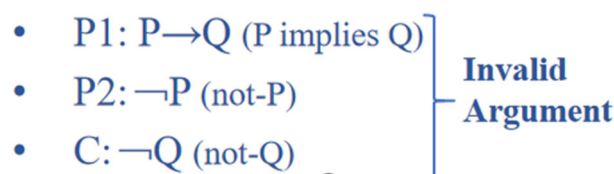


Figure 2. Form of reasoning

In a sufficient hypothetical proposition, when the antecedent is false, the truth value of the consequent is indefinite, instead of false.(2013:284) Whether or not "it is wrong to kill a potential person like fetus" is true remains to be examined.

4.2. A Dogmatic Dichotomy

While there's no denying that persons deserve a stronger claim to life, it's questionable why "a stronger claim to life" should only be defined as that of a person. This can be discussed more clearly from the opposite side, i.e. the wrongness of killing. Singer argues that the wrongness of killing a fetus doesn't equal to that of killing a person, but to that of killing a merely conscious being which has "similar characteristics"(2011:135). Its implicit prerequisite is that "the wrongness of killing" is divided by only one line — the possession of the aforementioned three qualities — into two classes: the wrongness of killing a person and that of killing a merely conscious being, with the former being worse than the latter.

Singer's fatal flaw lies in that while right and wrong are a pair of binary opposite concepts, there's respectively a successive sequence in better and worse; and this is because the former are qualitative concepts whereas the latter quantitative ones intended for describing the degrees. Therefore, although we can with good reason explicitly divide creatures into two classes when determining "whether it's wrong to kill", whether a similar dichotomous approach applies to determining "whether it's worse to kill" is to be examined. Without giving any empirical substantiation that "the wrongness of killing" can only be divided into two classes, instead of three, four or even more, such a division turns out to be dogmatic, and moreover, fails to convincingly forbid any endeavor to supplement the division with other dividing line(s). Consequently, despite the fact that the division between persons and merely conscious beings serves well as a reasonable dividing line, it's still compatible with the possible existence of other fellows.

4.3. A Tentative Trichotomy

Since the addition of dividing line is now justified, I argue that we can accord a stronger claim to life to the fetus by further dividing "the wrongness of killing a merely conscious being" into two classes. When considering the wrongness of killing such a being, utilitarians take into account the loss of its future existence and experience(2011:246–247). Specifically, when it come to preference utilitarians, the preferences this being can have in the future should be estimated. The fetus, due to its potential for becoming a person, is capable of having such preferences — in the future as those of an actual person in the present; on the contrary, other merely conscious beings that will never ever have such potential, is incapable of having such preferences at all. Therefore, taking the life of a fetus violates its preferences that are to be generated in the future, a time when the fetus will become an actual person and thus "highly future-oriented" in its preferences; in another word, it violates its right to have "a wide range of the most central and significant preferences" in the future (2011:80). In conclusion, the fetus as a potential person does deserve a stronger claim to life compared with other merely conscious beings.

4.4. Response to A Possible Objection

Singer might respond that human fetus is by no mean the only kind of creature to have the potential for becoming a person; and if a being of certain species, when endowed with unique aptitude and trained properly, can become a person, then this species should also be viewed as potential persons; then, the fetus still shouldn't be accorded that much moral considerations. My response is that even so, human fetus remains the most advantageous among its competitors and therefore deserves most moral considerations: firstly, the fetus has in average the highest aptitude for becoming a person, thanks to its biological structure; secondly, the fetus is the easiest to be trained to become a person and the training is also most easily accessible to it; therefore, human fetus has the most promising potential for becoming a person, and thus deserves most moral considerations among its competitors.

5. Conclusion

In conclusion, how to under the assertion "human life is sacred" is the subject of this essay. In singer's view, it can only be justified in being interpreted as: a) It is wrong to kill any being with preference; b) But in comparison, it will be worse to kill a person than to kill a non-person being that has preference. However, that "a potential X has neither the same value nor rights as an X" is compatible with that "it is still WORSE to kill a potential person than to kill a being that will never have the potential to become a person". There is the formal fallacy in Singer's argument. In addition, I have argued that there's no substantiation that the wrongness of killing can only be divided into two classes; therefore, Singer's argument against a stronger claim to life of the fetus fails.

References

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