

Phil. 1100

Notes #12: Defense of Abortion & Infanticide (Tooley)

I. Abortion & Infanticide

- *Two extreme positions:*
 1. *'Conservative' (anti-abortion) position:* Abortion is permissible only to save the life of the mother (and perhaps not even then (see fn. 3)).
 - a. A fetus is a person.
 - b. Killing a person is seriously wrong (murder).
 - c. Abortion kills a fetus.
 - d. Therefore, abortion is seriously wrong (murder).
 2. *'Liberal' (pro-abortion) position:*
 - A fetus is not a person.
 - There is nothing particularly wrong with destroying it.
- *The problem:* What constitutes a 'person'?
 - There is a continuous change from a zygote, to a baby, to an adult human being.
 - Problem: to find a *morally relevant difference* between a zygote and an adult human being.
 - * Required to justify liberal position.
 - * Some *irrelevant* cutoff points: 'quickening', viability
- People have a strong, non-rational, *emotional* reaction against infanticide.

II. Terminology

- *Person:* Something that has a serious right to life. *Note:* "person" is an *evaluative* term.
 - Note: Later, the idea is changed to that of a right to continue as a subject of experiences.
- *Human being:* A member of the species *homo sapiens*. *Note:* "human" is a *non-evaluative* (descriptive) term.
- "person" should not be confused with "human":
 - There may be persons who are not human. (Space aliens? Chimpanzees?)
 - There may be humans who are not persons. (Fetuses? Brain-dead humans?)
- Distinguish: evaluative/moral vs. descriptive/'factual'/non-evaluative disputes.
 - Evaluative question: What properties must an entity have to be a person?
 - Descriptive questions: Is a fetus a human being? What properties does a fetus have?

III. When Is Something a Person?

Thesis: X is a person *only if* X has a conception of itself as a continuing subject of experiences. This requires self-consciousness.

Argument

1. X has a right to continued existence as a subject of experiences, only if X can desire to continue, etc.
 - a. In general, you can violate someone's right to A only if they wanted A.
 - b. Therefore (?), X has a right to A if and only if: X is capable of desiring A, and if X desires A then others are *prima facie* obligated not to deprive X of A.
 - c. Therefore, if it is impossible for a given individual to desire A, then he lacks a right to A.
2. X can desire to continue, etc., only if X has a concept of itself as a continuing subject of experiences.

3. Therefore, X has a right to continued existence, etc., only if X has a concept of itself as a continuing subject of experiences.

Objections

- A. Against 1a: Suppose a person in a temporary state of depression says (sincerely), "I wish I were dead." Would it then be permissible to kill him?
B. Against 1a: Suppose X is asleep and so cannot desire anything. Is it permissible to kill him?

Reply

- We must modify (1a), perhaps like this: You can violate X's right to A only if X *would* want A if X were not asleep, unconscious, drugged, deceived, or conditioned not to want A.
- X must still have the conceptual *capacity* to desire A.

IV. Alternative Proposals

Alternative cutoff points:

a. Conception

Problem: how is a human zygote different from a cat zygote?

b. The attainment of human form

This is obviously morally irrelevant. (Your rights can't be dependent on your shape or physical appearance.)

c. The ability to move about spontaneously

Problem: Why would this be relevant? Does this mean all animals & some machines have rights?

d. Viability

Problem: (i) Suppose a superintelligent fetus learned to talk in the womb. Would it be permissible to kill it? (ii) Is it permissible to kill Siamese twins?

e. Birth

Problem: See (i) above.

V. Refutation of the Conservative Position

- Conservative position depends on the *potentiality principle*: If property P endows a thing with a right to life, then the *potential* to develop P also endows a thing with a right to life.
 - Hence, fetuses would have a right to life by virtue of their potential to become adult human beings.
- Objection: the potentially-intelligent kitten example
 - It is not seriously wrong to refrain from injecting the kitten and kill it instead.
 - The kitten is a potential person.
 - So potential persons lack the rights of persons.

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Notes #13: Why Abortion Is Immoral (Marquis)

I. Initial Review of the Dispute

- Do fetuses have a right to life?
- An argument here needs a *moral* premise and a *descriptive* (non-moral) premise.

Anti-abortion

(1) Fetuses: are alive from the moment of conception, have a human genetic code, look like babies, and/or are human beings.

(2) It is wrong to: destroy human life, kill babies, and/or kill a human being.

(3) So abortion is wrong.

Problems:

- Is it wrong to destroy a human cancer-cell culture?
- Not clear that a fetus is *a human being*

Pro-abortion

(1) Fetuses: are not persons, are not rational agents, are not members of society.

(2) A being has a right to life only if: it is a person/rational agent/member of society.

(3) So fetuses have no right to life.

Problems:

- Is it alright to kill infants? Retarded people? Mentally ill people (not rational)? Hermits (not members of society)?

II. Why Is It Wrong to Kill You?

Bad answers

- Because it 'brutalizes' the killer.
- Because it makes your family & friends sad.

Good answer

- Because it inflicts one of the greatest possible losses on the victim: it "deprives one of all the experiences, activities, projects, and enjoyments that would otherwise have constituted one's future."
 - This explains why we think killing is one of the worst crimes.
 - This is consistent with the fact that people who are dying prematurely regard their death as a very bad thing.
- Some implications:
 1. It would also be wrong to kill intelligent aliens (who have futures like ours).
 2. It *might* be seriously wrong to kill some nonhuman animals. Depends on how valuable their futures are.
 3. Does *not* imply that euthanasia is wrong.
 4. It is wrong to kill infants and children.
- *Why Abortion is seriously wrong*
 1. What makes murder wrong is that it deprives the victim of a future like ours (FLO).
 2. Therefore, any action that deprives a victim of a FLO is similarly prima facie wrong.
 3. Abortion deprives the fetus of a FLO.
 4. Therefore, abortion is prima facie wrong (in a way similar to murder).
 - Note: This does not presuppose that a fetus is a person (in the normal sense).
 - It *does* argue that merely potential persons have a right to life.

III. Rival Theories

- The desire account: It is wrong to kill people because people strongly desire to continue living.
 - Note: The claim must be that a strong desire to live is a *necessary* condition on the wrongness of killing a being (not merely a sufficient condition).

Problems:

1. This implies that it is ok to kill people who don't have a strong desire to live: unconscious people, people who are asleep, people who are tired of life, depressed people.
 2. The whole *reason* why people desire to continue living is *because of* the value of their future life.
- The discontinuation account: It is wrong to kill people because it discontinues (cuts off) their valuable experiences.
 - The only difference between this and the FLO account is that in the discontinuation account, the being must have had valuable experiences in the past.
 - But this addition seems arbitrary. It seems to be wrong to deprive someone of their valuable future, regardless of whether their *past* is valuable (what does that have to do with it?)

IV. Other Objections: Additional Conditions Required for a Future to Be Valuable

- In order for X to be of value to Y, Y must value X.
 - Reply:* A person's future can be valuable (to them) even if they do not presently value it. Consider a person who attempts suicide, but is rescued and later goes on to have a productive and valuable life.
- If Y is incapable of apprehending X as a benefit, then X is not a benefit to Y.
 - Reply:* A person might stand to benefit from a medical procedure, even if they cannot understand it and do not know it would benefit them. People who are indoctrinated, drugged, or unconscious may also fail to recognize what is in their interests.
- Only sentient beings can be 'victims.' Non-victims cannot be wronged.
 - Reply:* "Of course embryos can be victims: when their lives are deliberately terminated, they are deprived of their futures of value, their prospects."
 - It is also wrong to kill unconscious people.

V. Is Contraception Wrong?

- No. Why: there is no subject of the would-be loss (there is no actually-existing thing which loses its FLO). Candidates:
 - 1) A sperm cell loses its FLO.
 - 2) An ovum loses its FLO.
 - 3) Each of them (individually) loses its FLO.
 - 4) The pair of them (jointly) lose their FLO.
- Note why each of these seems to be false.

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Notes #14: Defense of Abortion (Thomson)

A Common Argument against Abortion

- The development of an entity from conception through birth to childhood is continuous. There is no natural place to draw a line.
- Therefore, we should say that a fetus is a person from the moment of conception.

Reply:

The development from an acorn into an oak tree is continuous. It does not follow that an acorn is an oak tree.

Thomson's Main Argument

- Abortion is permissible *regardless of whether a fetus is a person*

The Violinist Example

A famous violinist has a fatal kidney disease. The only way he can be saved is if he is hooked up to your body for nine months, so that your kidneys can be used to extract poisons from his blood as well as your own. During the night, a society of music lovers has kidnapped you and hooked you up to him. If you unplug yourself, he will die. Is it permissible to disconnect yourself?

Argument:

1. You are not morally obligated to remain hooked up to the violinist.
2. A fetus in a mother's body is relevantly like the violinist.
3. Therefore, you are not obligated to remain hooked up to the fetus.

The irrelevance of personhood: The violinist is clearly a person. Still, you are not obligated to give him the use of your body. So, *even if* a fetus is a person with full rights, you still are not obligated to keep it alive.

The Extreme View

Some say that abortion is impermissible even to save the life of the mother. For:

- 1) Directly killing an innocent person is wrong. (Even to save someone else's life.)
- 2) Abortion directly kills an innocent person (the fetus).
- 3) So abortion is wrong, even to save someone's life.

Reply:

- Compare the violinist case again. "If anything in the world is true, it is that you do not commit murder, you do not do what is impermissible, if you reach around to your back and unplug yourself from that violinist to save your life."
- People have a right of self-defense. If a person is posing a grave threat to your life (even unintentionally), you may kill him to save yourself.
- "A right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body—even if one needs it for life itself." (Note: negative vs. positive rights.)
- Do third parties have a right to intervene? Yes, on the side of the mother, because the body the fetus is occupying is *hers* (the mother's).

Objection #1

- Perhaps the mother gave the fetus a right to use her body, by getting pregnant. Analogy: what if you had *hooked yourself up* to the violinist initially? Perhaps then you granted him a right to the use of your kidneys.
- Note that this argument would not apply to rape victims.
- What about accidental pregnancies? Probably does not apply here either.

The People-Seeds Example

There are people-seeds that drift around and periodically come into someone's house through the window and take root in the carpet. They grow into people. Suppose you have taken every reasonable precaution to prevent them from coming into your house, but somehow one got in and took root in your carpet. Have you now given it the right to use your house?

Good Samaritanism

- *Good Samaritan*: Person who goes out of his way to help others, at significant cost to himself.
- *Minimally Decent Samaritan*: Person who undergoes small costs to help others—the minimum required of a decent human being.
- Suppose you only had to stay hooked up to the violinist for 1 hour to save his life. Then you should agree—any Minimally Decent Samaritan would help.
- But the 9 month commitment is too much of a sacrifice to *require* of someone. Only a very Good Samaritan would accept this.

Objection #2

- Perhaps the mother has a special obligation to the fetus because she is *its mother*: Not like the violinist.

Reply:

- “Surely we do not have any such ‘special responsibility’ for a person unless we have assumed it, explicitly or implicitly.”
- If the mother took reasonable precautions against having a child, she did not assume any such obligation.
- Compare objection #1 above. The upshot seems to be that a woman has a right to abort in cases of either rape or accidental pregnancy where she used a (normally) reliable contraceptive—but perhaps not in other cases.

Objection #3 (not in the paper)

- Perhaps the violinist analogy is not fair, since you are not the cause of the violinist's presence, but the mother is the cause of the fetus' presence in her body (excluding rape cases).

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Notes #15: Equality for Animals? (Singer)

Speciesism: The attitude or practice of discounting the interests of other beings *merely* because they belong to a different species from oneself, and not because of any morally significant difference. (Compare to racism, sexism.)

I. Background Facts

- Human beings routinely ignore or severely discount the interests of animals. Examples: animal experiments, factory farming, fur/leather.
 - Costs for animals: Enormous suffering and death. *PETA* estimates 8 billion animals in the U.S. are slaughtered for food every year (www.goveg.com/).
 - Benefits for humans: Small amounts of money, temporary pleasure/entertainment. Not necessary to sustain human life or health.
 - Most human beings say they are against animal cruelty, but continue to enjoy animal products.

II. Singer's View

- *The Principle of Equal Consideration of Interests*: Holds that all interests should be counted, regardless of whose interests they are, for moral decision-making; no one's interests should be ignored or discounted [unless there is a reason for doing so]. (See "important point" below.)
 - *Note* Does *not* mean that any interest is of equal weight to every other interest; some interests are greater than others, e.g., my interest in living > your interest in having a donut.
- This implies that our treatment of animals (see above) is seriously wrong. We should:
 - (a) Adopt a mostly vegetarian diet (possibly excepting 'free range' animals).
 - (b) No experimenting for cosmetics, shampoos, food colors, & other frivolous purposes.
- Cruelty to animals is caused by *speciesism*
- *Important point*: The proponent of animal cruelty must find a *morally relevant difference* between humans and animals, that justifies treating them cruelly. I.e., Why should one discount the interests of animals?

III. Objections

(*Note* With each of these, ask how they might apply to slavery or cannibalism, and then ask whether these arguments are motivated by speciesism.)

1. "How do we know that animals can feel pain?"
2. "Animals eat each other, so it's ok for us to eat them."
3. "Humans are superior to other animals, so it's ok to torture them."
 - A) "Humans have souls."
 - B) "Humans have free will."
 - C) "Humans are smarter." Replies:
 - ✗ Does greater intelligence give one greater rights? Does Einstein have the right to torture you for amusement?
 - ✗ Some animals are more intelligent than some humans. Would it be ok to use retarded

humans in painful experiments to test new cosmetics? How about infants?

iii Even if greater intelligence gives one more rights, it would be surprising that

- a) The greater intelligence of humans over animals means we may torture & kill thousands of animals in our lifetimes for minor increments of pleasure, but yet
- b) The greater intelligence of geniuses over retarded people does *not* mean they have any greater rights *at all*

4. "I'm not inflicting the pain on the animals directly, so I'm not responsible for it."
5. "The animals would not exist in the first place if there weren't a market for their meat. So it's good for them that people eat them."
6. Slippery slope argument: "If we accept this argument, then next we'll have plant rights!"

IV. Why do people discount the interests of animals? Possible explanations:

- Speciesism (as Singer says). Possibly inborn.
- Social conventions. Other people ignore animal interests; I can too.
- Self-interest. It is not in my interest to recognize Singer's argument; I don't want it to be true.

I. Why We May Use Animals

Central claim: Humans are more important/valuable than (non-human) animals.

- Even animal rights advocates recognize a hierarchy of value in nature.
 - None advocate rock rights.
- There are 3 kinds of things:
 1. Inanimate objects: Subject to no (intrinsic) evaluation.
 2. Living things: Subject to evaluation but not moral responsibility.
 - ⊃ There are “good” and “bad” trees, animals.
 - ⊃ But they are not subject to moral praise/blame.
 3. Moral agents (human beings): Subject to evaluation, including moral responsibility.
 - ⊃ Even animal rights advocates recognize this.
- Moral agency makes beings more *important* or valuable. Why? M doesn't explain this, but may have in mind:
 - Moral agency makes possible development of *virtue* which is valuable.
 - ⊃ Question: what about human beings who don't exercise virtue? Are they open to being experimented on or eaten?
 - Exercise of free will is intrinsically valuable.
 - Human beings have more sophisticated emotions and experiences, some of which are valuable. (Ex.: Appreciating the beauty of Beethoven's Ninth Symphony.)
- ⊃ Q: If all this is true, does it justify using animals?

II. Why Individual Human Rights?

- Main aim of human life: Acting morally. “we have as our central task in life to act morally.” (169)
- This requires freedom of action: “we require a reasonably clear sphere of personal jurisdiction.” (169)
- This freedom of action is provided by “rights”.
- Animals have no need for such rights, since they lack moral agency.

III. Where Is There Room for Animal Rights?

- Some say that animals do exhibit moral behavior. (Dog stories)
Reply: But this is just anecdotal.
- Evolution is compatible with (“superficial” [?]) differences in kind between species.

IV. Closing Remarks

- This doesn't mean animal cruelty is ok.
 - Animals experience pain/pleasure.
 - Cruelty is morally bad.
- Killing is the way of nature, so don't sweat it. (Hospers quote)
 - It's unavoidable.
 - It's natural.
 - But don't kill people, because people are special.

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Notes #17: Feed the Poor (Singer)

Basic Issue

Many people are suffering/dying of starvation, disease, and other hardships in the Third World. We have many luxuries. We could assist them by giving up these luxuries, but we choose not to. Q: what is the correct moral assessment of our decision?

Singer's Position

- We (each, individually) have a *positive obligation* to give money to help people in the Third World.
- There is no morally significant difference between killing and allowing to die one whom one could easily save.
- How much money should one give away? How much would be required to save everyone one can? (Lots.)
- Singer thinks that *any* reasonable moral theory will have to agree with this.

Argument for the Obligation to Assist

1. If we can prevent something very bad without sacrificing anything of comparable significance, we ought to do so.
2. Absolute poverty is very bad.
3. We can prevent some absolute poverty without sacrificing anything of comparable significance.
4. Therefore, we ought to do so.

The Shallow Pond example (supports (1))

You are walking to class, when you notice a small child drowning in a shallow pond. You could wade in and save the child, but if you did so, you would waste some of your time and get your clothes muddy. What should you do?

Singer thinks this is comparable to the people in the Third World whom you could save from malnutrition & disease.

Possible differences between Shallow Pond & Third World poor:

1. It is not certain that my money will really save the people in the 3rd world.
 2. There are so many starving people in the 3rd world, and it's impossible to save all of them.
 3. There are many other people who could help.
 4. People in the 3rd world have such bad lives that it's hardly worth preserving them.
 5. Sending food will just cause them to increase the population, until the same level of starvation is restored. (Hardin)
- None of these replies seem good.

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Notes #18: Please Don't Feed the Poor (Hardin)

The Lifeboat Analogy

- The lifeboat has room for 60 people. There are 50 people in it. There are 100 people in the water. Should we let more people on?
- The Christian / Marxist ethics lead to “complete justice, complete catastrophe”: i.e., everyone is equal, and everyone drowns. This is worse than letting 100 people drown.
 - └ [Does he really mean “complete justice”?]

Multiplying the Rich and the Poor

- People in the poor countries reproduce much faster than people in rich countries.
- Therefore, if we agree to assist the poor, we will find ourselves supporting exponentially increasing numbers of them as time goes on.
 - └ [Discuss: Hardin does not ask *why* these countries are poor, or what could be done to make them not-poor. Singer doesn't consider this either.]

The Tragedy of the Commons

- When grazing land is owned privately, each farmer cares for his own land.
Why: He receives both the costs and the benefits of his actions.
- When land is held in common, everyone overgrazes and destroys the land.
Why:
 - Each receives the benefit of his own grazing, but only a fraction of the costs.
 - A system of voluntary restraint requires unanimous compliance.
- Important concepts from economics:
 - *Positive externalities:* Benefits of an action that the agent does not receive; benefits he confers on others that he can't/doesn't charge them for.
 - *Negative externalities:* Harms of an action that the agent doesn't bear; harms he inflicts on others that he doesn't have to pay for.
 - The problem with externalities: Actions with positive externalities that 'should' be performed often aren't. Actions with negative externalities that 'should not' be performed often are.

The World Food Bank

- This was a proposal for countries around the world to share food. Countries with surpluses contribute; countries with famines withdraw.
- Problem: this is a *tragedy-of-the-commons* situation.
 - Countries will have no incentive to plan ahead to avert or be able to deal with emergencies on their own.
 - These countries will continue to expand their populations, creating ever greater strain on the contributing countries.
 - This will continue til everyone is poor.
 - Also, the increased population will destroy the natural environment.

Against Immigration

- Immigration increases our population. This will “speed up the destruction of the environment of the rich countries.”
- Also, we'll run out of land/resources.

Conclusion

- We have no right to give away our descendants' resources.
 - Conclusion: Let the poor die.
- About Hardin's moral perspective:
 - He grants the *altruistic* ethic.
 - But he argues that the best way to help humanity is *not* to give to the poor.

Why Garrett Hardin Is Completely Wrong

- Is he right about the moral philosophy?
 - Apply the argument to the Shallow Pond.
- Hardin *is* right about the economics:
 - Commons don't work.
- Hardin is wrong about the population facts:
 - Hardin echoes (partly) a theory of *Thomas Malthus*' (1798):
 - * Population naturally increases exponentially.
 - * Food supplies can only increase arithmetically.
 - * Hence, population will increase to maximum capacity of the environment.
 - * Result: population will be controlled by death (starvation).
 - Reality:
 - * Development aid *decreases* fertility rates, not increases. This is true at all income levels.
 - └ Wealthier countries have *lower* fertility rates than poor countries. (Hardin recognizes this)
 - Why?*
 - └ Infant mortality ÷ higher fertility
 - └ Economic insecurity ÷ higher fertility
 - └ Education (esp. female) ÷ lower fertility
 - * People do *not* reproduce to the maximum capacity of their environment.
 - * Contemporary starvation has *nothing* to do with limitations on the Earth's physical capacity to provide food.

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Overview of Unit 3

At the end of unit 3, students should know:

These concepts:

Speciesism
Positive/negative rights
Externalities, positive/negative

The main positions of these people:

Tooley
Marquis
Thomson
Singer
Machan
Hardin

These examples & what they show:

The potentially intelligent kitten (Tooley)
Killing depressed person (Marquis)
The Violinist
People seeds
Eating retarded people
Einstein torturing you
Shallow Pond
The 'Tragedy of the Commons'
The World Food Bank

These theories and principles:

Principle of Equal Consideration of Interests
Malthus' theory of population
Criteria for moral consideration: Singer's
Criteria for right to life:
 Tooley's, Marquis'
Thomson on rights (negative vs. positive)

These arguments:

Tooley's argument for infanticide/abortion
Marquis' FLO argument
 - & why contraception is not wrong
Thomson's violinist argument
Machan's argument against animal rights, incl.
 - Why rights exist
 - How animals differ from humans
Singer's argument for the obligation to assist
Hardin's reason for opposing food aid
 + Why he's wrong about population