

# **A CRITICAL ANALYSIS OF ABORTION**

by: John D. Ferrer, 8 March 2013. Last Updated 9 April 2016

## I. Medical/Scientific Analysis

<p style="text-align: center;"><b>A. What is Pregnancy?</b></p> <p>Having a child/offspring developing in the body</p>		<p style="text-align: center;"><i>Conception/Fertilization View</i></p> <p>Strictly speaking, pregnancy starts at <b>the fertilization of the egg and sperm gametes</b> in mother's fallopian tube.</p> <p>A.K.A., conception. The new human life first begins. This stage is a radical break from other life, a new organism is formed, genetic and biological individuation occurs, and all the functions of a living human organism are begun. The majority of medical doctors agree on fertilization as the start of new human life and thus, the technical start of pregnancy. <b>But they disagree about</b> when to date "pregnancy" since the mother's body may not have changed yet, fertilization is often unknown/invisible to the mother, and practically they are <b>better served by allowing</b> a range <b>for</b> where pregnancy begins, i.e., estimating due-dates.</p>	
1. <i>Last Menstruation</i>	Doctors often date pregnancy at 1st day of most recent menstrual cycle. This dates pregnancy up to 2 wks before conception. Practically useful for projecting due-dates, etc.		
2. <i>Ovulation</i>	Release of the egg to travel down the fallopian tube. During this stage pregnancy happens if there is fertilization.		
3. Conception/Fertilization →			
4. <i>Implantation</i>	Pregnancy begins when zygote implants in the uterine wall. This definition is used for justifying abortion pills as "contraception" (i.e., prevention of pregnancy)		
5. <i>Chemical Detection</i>	Mother now tests positive on pregnancy tests. Practical method of determining <i>whether</i> one is pregnant but not <i>when it began</i> .		
6. <i>Quickening</i>	Detection of fetal movement. Classical method of determining pregnancy. This view has become outdated, falsified by way of modern fetology.		
<p style="text-align: center;"><b>B. What Is the Preborn/Unborn?</b></p> <p><i>Through every stage of fetal development, from conception to birth, the fetus is . . .</i></p>		<p style="text-align: center;"><b>C. What Is a Conceptus?</b></p> <p>The fetus at earliest developmental stage, termed "conception." Also called, the zygote or blastocyst.</p> <p>Conception is the moment of fertilization where the male sperm and the female egg meet and first mingle DNA. The 23 chromosomes of the mother and the father pair up, making 46 chromosomes that constitute a genetically distinct living human organism.</p>	
1. Biological life—has all features of life: environmental response, self-direction, digest., excretion, reproduction			
2. Organism—distinct from homogenous or unorganized cells (organs, tissues, tumors, follicles, etc.).			
3. <i>Homo Sapiens</i> —member of the genus <i>homo</i> and species <i>sapiens</i> .			
4. Human—genetically and biologically human			
5. Human being—from conception to birth it is developing member of the human race. <i>homo sapiens</i> . See below			
5. Distinct individual—it's a genetically distinct individual, different from the mother potentially having different blood type, gender, etc.			
6. Child-in-utero—"Child. Progeny; offspring of parentage. Unborn or recently born human being" ( <i>Black's Law Dictionary</i> , 5 <sup>th</sup> ed.; "Unborn Victims of Violence Act of 2004" , a.1. )			
7. Legally Innocent—having no legal offense that can rightly be attributed to it.			
8. Morally Neutral—having no active moral ability, much less moral culpability (guilt).			
9. At a particular developmental stage—Zygote/Blastocyst/Embryo/Fetus. * "Fetus: a human being or animal in the later stages of development before being born" Merriam-Webster [On-line], 2015.			
10. <i>The preborn organism is a genetically distinct individual living human being. A child-in-utero, legally innocent, and morally neutral.</i>			
11. Regarding arguments for fetal "personhood" see below, " <b>H. The Child-in-Utero and Personhood</b> ". Fetal PersSome argued that the fetus is a person, thus having/deserving full rights of personhood (i.e., life, liberty, pursuit of happiness, etc.). This route may be possible, but "person" is a legally/philosophically defined term whereas biological humanity is in the domain of science. It can be objectively defended. Since human rights are			

predicated on humanity, and the original rights of “life, liberty, pursuit of happiness” are met w/ “all men are created equal”—these “men” (i.e., humans) are equal from creation onward, i.e., at conception.

#### **D. Quotes Supporting the Conception Definition of Human Life**

1. “[It is] a scientific fact, which everyone really knows, that human life begins at conception.” California Medical Society, in *California Medicine: The Western Journal of Medicine*, 113, no. 3 (1970), 67-68.
2. “A zygote is the beginning of a new human being (i.e., an embryo).” And “Human development begins at fertilization, the process during which a male gamete or sperm (spermatozoa development) unites with a female gamete or oocyte (ovum) to form a single cell called a zygote. This highly specialized, totipotent cell marked the beginning of each of us as a unique individual.” Keith L. Moore, *The Developing Human: Clinically Oriented Embryology*, 7th ed. Philadelphia: Saunders, 2003. p. 16, 2.
3. “Development begins with fertilization, the process by which the male gamete, the sperm, and the female gamete, the oocyte, unite to give rise to a zygote.” T.W. Sadler, *Langman's Medical Embryology*, 10th ed. Philadelphia: Lippincott Williams&Wilkins, 2006. p. 11.
4. “[The zygote], formed by the union of an oocyte and a sperm, is the beginning of a new human being.” Keith L. Moore, *Before We Are Born: Essentials of Embryology*, 7th edition. Philadelphia: Saunders, 2008. p. 2.
5. “Although life is a continuous process, fertilization (which, incidentally, is not a 'moment') is a critical landmark because, under ordinary circumstances, a new genetically distinct human organism is formed when the chromosomes of the male and female pronuclei blend in the oocyte.” Ronan O'Rahilly, & Fabiola Müller, *Human Embryology and Teratology*, 3rd ed. NY: Wiley-Liss, 2001. p. 8.
6. “Human embryos begin development following the fusion of definitive male and female gametes during fertilization... This moment of zygote formation may be taken as the beginning or zero time point of embryonic development.” William J. Larsen, *Essentials of Human Embryology*. New York: Churchill Livingstone, 1998. pp. 1, 14.
7. “It is the penetration of the ovum by a spermatozoan and resultant mingling of the nuclear material each brings to the union that constitutes the culmination of the process of fertilization and marks the initiation of the life of a new individual.” Clark E. Corliss, *Patten's Human Embryology: Elements of Clinical Development*. NY: McGraw Hill, 1976. p. 30
8. “The term *conception* refers to the union of the male and female pronuclear elements of procreation from which a new living being develops.” And “The zygote thus formed represents the beginning of a new life.” J.P. Greenhill, & E.A. Friedman, *Biological Principles and Modern Practice of Obstetrics*. PA: W.B. Saunders, 1974. pp. 17, 23.
9. “Every time a sperm cell and ovum unite a new being is created which is alive and will continue to live unless its death is brought about by some specific condition.” E.L. Potter, & J.M. Craig, *Pathology of the Fetus and the Infant*, 3rd edition. Chicago: Year Book Medical Publishers, 1975. p. vii.
10. “Every baby begins life within the tiny globe of the mother's egg . . . . It is beautifully translucent and fragile and it encompasses the vital links in which life is carried from one generation to the next. Within this tiny sphere great events take place. When one of the father's sperm cells, like the ones gathered here around the egg, succeeds in penetrating the egg and becomes united with it, a new life can begin.” Geraldine Flanagan, *Beginning Life*. New York: DK, 1996. p. 13.
11. “Biologically speaking, human development begins at fertilization.” *Biology of Prenatal Development*, Nat. Geo, 2006.
12. “The two cells gradually and gracefully become one. This is the moment of conception, when an individual's unique set of DNA is created, a human signature that never existed before and will never be repeated.” *In the Womb*, National Geographic, 2005.

13. 1981 U.S. Judiciary Subcommittee on Separation of Powers, to Senate Judiciary Committee S-158, Report 97<sup>th</sup> Congress, 1<sup>st</sup> Session 1981.

- a. "It is incorrect to say that biological data cannot be decisive...It is scientifically correct to say that an individual human life begins at conception." Prof. Micheline Matthews-Roth, Harvard University Medical School.
- b. "I have learned from my earliest medical education that human life begins at the time of conception." Dr. Alfred M. Bongioanni Professor of Pediatrics and Obstetrics, University of Pennsylvania.
- c. "The beginning of a single human life is from a biological point of view a simple and straightforward matter – the beginning is conception." Dr. Watson A. Bowes, University of Colorado Medical school
- d. "By all the criteria of modern molecular biology, life is present from the moment of conception." Hymie Gordon, Mayo Clinic
- e. "After fertilization has taken place a new human being has come into being. [It] is no longer a matter of taste or opinion...it is plain experimental evidence. Each individual has a very neat beginning, at conception." Dr. Jerome LeJeune, Genetics, University of Descartes
- f. Conclusion of the Senate Report? "Physicians, biologists, and other scientists agree that conception marks the beginning of the life of a human being - a being that is alive and is a member of the human species. There is overwhelming agreement on this point in countless medical, biological, and scientific writings." (1981, p. 7)

## E. Arguments and Quotes Supporting the Fetus as "Human Being"

1. The "human" status of the child-in-utero is already established scientifically (see above), yet since it's an organism it is an individual being instead of just a partial or potential being (a tire isn't a "car" but a car part. Neither is a blueprint of a car the same thing as a car, is only a potential car). As such it is literally a "human" and a "being" a human being.
2. "Human being" is the normal title for any member of the genus and species *homo sapiens*.
3. "Human being" is the normal title for any member of the human race. And all members of the genus and species *homo sapiens* are in the human race.
4. Human beings go through developmental changes, without sacrificing humanity or individual "being" status. "Human being" status can accommodate a wide variety of changes including maturation, growth, and actualizing genetic potencies. A fetus can look very different from another stage of human development without necessarily sacrificing any humanity in the process.
5. "Human being" distinguishes the human animal from other animal species. Human being does *not* distinguish stages of development *within* the human species.
6. "Human being" can be used to refer to things like, "citizen" or "adult" yet those would be human beings by extensional definition (i.e., examples of a "human being") without exhausting the intentional definition (i.e., all the essential properties, relations, or states that characterize a human being). Just as adults exemplify "human being" at an adult stage, so fetuses exemplify "human being" at a pre-natal stage.
7. Defining "human being" in a radically exclusive sense, where developing humans do not even count as "human being" raises unnecessary challenges to inclusive definitions found in, for example, transhumanism and other bioethical fields like bionics, cloning, genetic engineering, etc.
8. **Oxford English Dictionary**—"a man, woman, or child of the species *homo sapiens*, distinguished from other animals by superior mental development, power of articulate speech, and upright stance." And the fetus is a "child-in-utero" by legal and common definition.

## F. What Is Abortion?

1. Medical Definition	2. Common Language Definition	3. Legal Definition
<p><i>Dorland's Medical Dictionary</i> (2007): Expulsion from the uterus of the products of conception before the fetus is viable.</p> <p><i>Center for Disease Control</i> (2013): Induced abortion is defined as an intervention performed by a licensed clinician . . . that is intended to terminate an ongoing pregnancy.</p>	<p><i>Merriam-Webster</i> (2013): “The termination of a pregnancy after, accompanied by, resulting in, or closely followed by the death of the embryo or fetus.”</p> <ul style="list-style-type: none"><li>a. Natural or Spontaneous Miscarriage</li><li>b. Induced Therapeutic Abortion</li></ul>	<p><i>Webster's New World Law Dict.</i> (2010)</p> <ul style="list-style-type: none"><li>a. The premature termination of a pregnancy.</li><li>b. The intentional &amp; artificial termination of a pregnancy that destroys an embryo or fetus.</li><li>c. The spontaneous expulsion of an embryo or fetus before it is capable of living outside the womb.</li></ul>
4. Broadly, abortion is the termination of a pregnancy but since child-birth also terminates a pregnancy, that aspect alone is insufficient to distinguish abortion. Abortion is passively understood as expelling the fetus before it is viable. Actively understood, abortion is the termination of pregnancy including any active measures which halt pregnancy. Natural abortion, that is, miscarriage, is not at issue here. Induced abortion is the relevant sense nationally legalized with <i>Row vs. Wade</i> (1973) and <i>Doe vs. Bolton</i> (1973).		
<p>5. <b>Natural abortion</b>, also known as spontaneous abortion or miscarriage, is indeed a kind of abortion but it's not typically at issue in the debate over abortion.</p> <ul style="list-style-type: none"><li>a. These two kinds of abortion, natural and human-caused abortion, do begin to blur, however, when the causal factors involved in an (otherwise) natural abortion are not <i>purely</i> natural but are partly or completely “human-caused.”</li><li>b. Examples of human-causes that blur with natural causes might include some contraceptives, maternal alcoholism or drug addiction, assault on the mother, or voluntary physical stress known to be harmful to children-in-utero.</li><li>c. Moreover, some worldviews consider mankind to be just another facet of nature so “human caused” and “naturally caused” is an artificial distinction. A more apt distinction, in that case, would be human-caused and nonhuman caused.</li></ul>		

## G. Medical and Philosophy Ethics Regarding Abortion

1. Relativism v. Objectivism	Is the moral weight of abortion merely relative to individuals and/or groups or are there objective grounds for judging abortion to where moral facts still apply regardless of relative judgments.
2. Freedom of Religion	Abortion is widely condemned in world religions (exceptions permitted), yet there is separation of church and state. Are ethical judgments over abortion religious? If so, how so? Violates separation of church and state?
3. Informed Consent	To what extent does consent to sex count as consent to pregnancy and child-birth? What about rape? Does the fetus have “consent” rights—wherein abortion is unethical for lack of consent?
4. Viability	Technology is always improving, pushing age of viability back, yet viability factors into many views on abortion.
5. Fetal Development	Much dispute rages over the ethical implications of particular developmental markers in fetuses, such as heartbeat, brain waves, pain sensations, etc. These, potentially, can affect the ethical weight of abortion at those stages.
6. Bodily Autonomy	To what extent are we masters of our own bodies? Are there relevant duties we have in, to, and through their bodies such that other people or groups can have a say in how one uses his/her own body.
7. Beneficence/ Non-malefeasance	How might medical ethics staples of “Beneficence” and “Non-maleficence” apply when the mother and/or society stand to gain (beneficence) by the loss or harms (maleficence) towards the fetus?
8. Active vs. Passive	Abortion can actively or passively kill the fetus; but, some would argue, the ethical weight differs depending on whether it was actively killed or just “allowed” to die out of the womb.
9. Dilemmas	Abortions often involve a restricted choice between two (or more) ethically weighted options. How is one to account for the phenomenon of dilemmas, and how is one to judge within a dilemma?
10. Realism versus Nominalism	Are human beings entities endowed with a rights-bearing “human nature” (realism) or is “human nature” (and perhaps other things) an illusory convention (i.e., nominalism)? If “human nature” is hollow, then it would be of questionable legal/ethical status and the “right to life” might have to be reconfigured or abandoned.
11. Definition of “personhood.”	Does the child-in-utero qualify as a person? There exists a long-standing debate across the history of philosophy over what it means to be “human” and, subordinate to that, what qualifies as a “person.” Legal personhood was decided in Roe v. Wade, and the child-in-utero has been denied this status. But since legality is distinct from morality and reality (i.e., the law may fail to recognize a moral truth, or a natural fact), one cannot safely assume the legal definition of “person” resolves the larger question of the what is personhood.

## H. The Child-in-Utero and Personhood

Does the human fetus qualify as a person or not? In the eyes of abortion rights advocates, this question may seem settled (via the decision of *Roe v. Wade*), or trivial and irrelevant to the prochoice position (via the Violinist Argument). But to pro-lifers the human fetus either is a person, or its personhood is inconclusive such that the pro-life position has failed to establish a conclusive right to kill the child-in-utero. Both sides can admit that there is a juridical sense of “personhood” addressed in *Roe v. Wade* and then there’s a metaphysical sense of “personhood”, and the latter is unbound by practical issues of knowability (how would we know when a particular conception has occurred?), and public rights, and enforcement.

**Philosophical Personhood**—“what constitutes a person?” an abstract historical debate overlapping heavily with the deeper question of “what does it mean to be human.” It also overlaps with philosophy of biology insofar as animals (might) have personhood; and it overlaps with philosophy of religion regarding the nature of angels, god, or other spiritual beings. Typical responses to the question of personhood include: “rational animal,” “mind, will, and emotions,” or some combination of consciousness, goal-directedness, etc. This issue appears irresolvable and so it is problematic to base any legal policy any degree of resolution here (ex., for or against abortion).

**Legal Personhood**—“what constitutes a legal-rights bearing person as regards the interests of governing bodies.” This subject, as it regards abortion, has been answered—by case law—in the negative: children-in-utero are not legal persons. This area is relevant to the abortion debate in regards to the ethics of legal policy, and the administration and enforcement of abortion laws. Legal personhood is not entirely irrelevant to philosophical personhood, but they aren’t identical either. It could be that a person exists but without any means governing bodies to acknowledge, defend, or enforce their human rights.

### 1. Potential Biological Markers for when “personhood” begins

- a. **Conception/Fertilization**—when the mother’s and father’s DNA first join. The scientific consensus agrees that humanity begins at this point, even if onset “personhood” remains disputed. This view is the least palatable to pro-choice advocates, yet scientifically it makes great sense. The distinct human being has already begun at this point, and so it’s the same being that we would later call a “person.”
- b. **Gastrulation**—after this point, the developing human is no longer able to “twin”. This view has the advantage of distinguishing number of human beings, i.e., it’s odd/disordered for one person to be able to become two persons. However, it could be that human persons have this unique ability at early stages to twin, but they lose that ability in later stages.
- c. **Implantation**—When the embryo implants on the uterine wall. This is where it will stay for the rest of the pregnancy. This definition might be useful for prenatal medicine, since the survival rate improves drastically after this point. Natural abortions are much more common before implantation than after; however, it could be that human persons have a high mortality rate prior to implantation.
- d. **Blood/Heartbeat**—the circulatory system has begun to function, including a heartbeat. Identifying legal personhood at this point, is somewhat arbitrary, with the possible exception that survival statistics might improve after this point. The potential and capacities of the child, however, are unchanged before and after this point. Hence this milestone does not clearly differentiate one kind of being from another; instead it is the same being at two different stages of development. If it was a human being after, then this marker fails to show that it lacked “human-being-status” beforehand.
- e. **Pain**—the nervous system is sufficiently developed to where, the child-in-utero can feel pain. This point is difficult to quantify, however, because pain is a subjective sensation that defies objective quantification or observation even with adults, much less with children-in-utero. Plus, it’s not clear exactly what level of development in the nervous system would qualify.
- f. **Brainwaves**—human beings are distinguished from the rest of the animal kingdom, in large part, by their prefrontal cortex and higher reasoning abilities, including consciousness, higher order cognition, and goal-directed behavior (as opposed to mindless instincts). As such, the first appearance of brainwaves is thought, by some, to be the point at which distinct person status begins for a developing human.
- g. **Viability**—the child-in-utero can survive outside of the womb. This definition, however, is relativistic since it depends on medical technology and that is changing all the time. Plus, its nature hasn’t necessarily changed just because its relational dependence is different. Also, its nature is a different matter from its neediness/dependence. All of us lack viability outside of the environment for which are developmental stage is suited.
- h. **Breath/Birth**—the fetus is now born, is outside of the womb, and can breathe (supposing it is healthy). This point makes some sense for legal and civil matters, since the child is now a physically and locationally distinct individual, publicly accessible, having a birth certificate, citizenship status and so on. However, this point is fairly arbitrary at least when compared to a fetus at the same gestational stage but which is in-utero. Its nature and substance are the same in-utero versus ex-utero. It seems odd/arbitrary for the same child to be protected against illegal infanticide but could have been legally killed through abortion 1 minute earlier.

### 2. Legal/juridical personhood has been decided in *Roe v. Wade*: the child-in-utero does not qualify as a legal person (1973). This ruling was based on several factors.

- a. (1) No US state, at the time had a ban on all abortions. Instead, the norm was for exceptions in the case of fetal deformity, rape, incest, and mortally dangerous pregnancies. Yet, such exceptions presuppose the “potential human” is not a rights bearing person.

b. (2) Disputations and contradictions in the historic literature. The Blackmun decision considered religion and history to argue that history was quite friendly to abortion. Ex., it was once thought that human life begins at quickening, hence killing fetuses before then does not kill a person. Also, religion often defined life at the fusion of “soul” and body, again, thought to occur at the quickening.

c. (3) Denying the conception definition of onset Human life. (VII)—admits relation (if not identity) of human life and personhood. The consistent reference in the Blackmun decision is “potential human.”

d. (4) Asserting “strong support” that life does not begin till birth (IX, B). This follows the notion that child-law presupposes birth before, for example, rights of inheritance, state protection, or citizenship can qualify.

2. But, personhood could abide in spite of that legal decision if the child-in-utero is a person. In that way “person” would be a physical, metaphysical, or ethical fact regardless of its legal standing.

3. Evidences for Fetal Personhood

a. Personal Continuity over time

- 1.1 You were once a single celled organism, but that means a single celled organism was a “you” and not merely an “it.”
- 1.2 You were never a sperm or an egg, since those gametes were a different organism from the zygote thus they were substantially and genetically different from you.
- 1.3 Personal continuity over time is the usual default when people look at a kindergarten picture of “themselves.”
- 1.4 Denying personal continuity leads to the odd conclusion that the entity identified as you died at some point & was replaced by something else. After some of these transfers “you” came to exist w/o organic continuity between you and the other things previously thought to be “you.”

b. Latent Personhood

- 1.1 The fetus has all the capacities of personhood, even if they aren’t yet expressed.
- 1.2 It’s capacities are natural and organic, as opposed to artificial/induced (such as with induced pluripotent adult stem cells/cloning).
- 1.3 Attributes of personhood vary by degree and expression in adults, so one need not have them all nor have them fully expressed to be a person. One’s personhood could be unexpressed, or partly expressed without any loss of personhood.

c. Known persons fail to manifest some commonly accepted features of personhood, yet we acknowledge that they are still persons.

- 1.1 Comatose patients and sleepers lack consciousness
- 1.2 Paralyzed people lack full bodily autonomy
- 1.3 Deformed people lack the normal physical appearance of human persons.

d. One’s developmental stage isn’t itself sufficient evidence to broadly/universally disqualify less-developed human beings as persons.

- 1.1 Newborns/toddlers/adolescents aren’t disqualified from “personhood” status even if they’re less developed than adults.
- 1.2 If personhood isn’t strictly contingent on developmental stage, by itself, then developmental stage isn’t itself sufficient to disqualify an entity from personhood. Something else must be added such as a particular attribute or lack thereof which disqualifies an entity from personhood.

e. Burden of Proof favors personhood—life receives the benefit of the doubt if there is indeed a reasonable doubt.

- 1.1 Supposing personhood isn’t discredited beyond a reasonable doubt but a known human life still depends on whether to judge it a person or not, then the ethical burden of proof leans against abortion for supposing that we can/should be allowed to kill what may turn out to be a person.
- 1.2 If we did not give life the benefit of the doubt then we run the risk of (permitting the) killing of an innocent person.
- 1.3 The broiling popular debate about “fetal personhood” shows that this matter remains unsettled at the level where the widest spectrum of opinions (informed or not) are found.
- 1.4 Neither is there a settled conclusion in philosophy, metaphysics, or ethics regarding what qualifies as a person.
- 1.5 Matters of life and death merit a reasonably high degree of certainty, i.e., “beyond a reasonable doubt” before concluding that we are ethically permitted to kill the living individual in question.
- 1.6 In philosophy it’s increasingly popular to identify consciousness w/ lots of things not otherwise thought to be persons. Panentheism, pantheism, and panpsychism are coming back. These assert consciousness as an innate/normal property of matter. Ex., Hartshorne, Plotinus, Sallie McFague, Whitehead, Process Philosophy/Theology, Bergson, William James, Ramanuja’s school of Hinduism, Schelling.
- 1.7 Even Bertrand Russell, avowed atheist, showed settled sympathy for panpsychism saying, “My own feeling is that there is not a sharp line, but a difference of degree [between mind and matter]; an oyster is less mental than a man, but not wholly un-mental” (*Outline of Philosophy*, 1927, pg. 209), and “we cannot, on this ground [of memory], erect an absolute barrier between mind and matter. ... [I]nanimate matter, to some slight extent, shows analogous behavior” (*Ibid.*, 306). And, “[t]he events that happen in our minds are part of the course of nature, and we do not know that the events which happen elsewhere are of a totally different kind. The physical world...is perhaps less rigidly determined by causal laws than it was thought to be; one might, more or less fancifully, attribute even to the atom a kind of limited free will” (*Ibid.*, 311). Russell goes so far as to assert that memory applies to all physical objects and systems (*Portraits from Memory* 1956, pgs. 153-5).
- 1.8 RvW, Blackmun Opinion, IX., B refuses to speculate on when life begins, saying “Texas urges that, apart from the Fourteenth Amendment, life begins at conception and is present throughout pregnancy, and that, therefore, the State has a compelling interest in protecting that life from and after conception. We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer.”
- 2.1 Blackmun concedes the issue isn’t resolved—this suffices shows the pro-choice position hasn’t disposed of its burden of proof.

2.2 It also shows that the courts conclusion on fetal personhood was *intentionally* uninformed by the best science of the time, and the vindicated conclusions of science since then (i.e., human life begins at conception).

2.3 It also implies that Blackmun and the majority opinion justices acknowledged a critical association between fetal personhood and human life. The rest of the opinion consistently treats the fetus as only “potential” life.

f. The fetus is literally categorized as *homo sapiens*, normally and often called a “baby,” a “child” and a “human being” all of which are consistent with and predicted by the “fetal personhood” position.

g. The fetus has a “future like ours” which is what we would expect if it is a person, since all human persons share in a comparably human and personal future.

h. The RvW decision suggests close identity if not strict identity between “human being” and “personhood.”

1.1 The RvW decision opts against conclusive positioning on the humanity of the fetus saying, “We need not resolve the difficult question of when life begins” and they are “not in a position to speculate as to the answer.” (IX, B)

1.2 Were they able to distinguish person and human clearly, they could have conceded the human status of the fetus for the sake of argument and maintained non-personhood. It’s unclear why they spend many pages arguing against its humanity if that’s not closely identified w/ personhood.

1.3 The RvW decision bases its non-personhood argument heavily on the phrase “potential human.” But this phrase is scientifically outdated, misleading, and wrong. Without this supporting pillar, however, it’s not clear that the Roe decision could have stood

#### 4. The Evidence Against Fetal Personhood Is Inadequate

a. “Legal personhood has already been denied in Roe v. Wade, and that indicates a high degree of well-informed scrutiny.”

1.1 But legal personhood should not rule over ethical, metaphysical, and philosophical personhood. Rather it should be subordinate to and informed by whatever the facts may be. That is, the law should be informed by reality at least as much as reality should be informed by the vindications of law.

1.2 Legality isn’t morality, laws can be ethically unjust or evil. For all the good of our legal system, it’s imperfect. It has been wrong before and will be wrong again. This may be another case of legal error.

1.3 Legality isn’t reality. Laws can reflect errors in judgment, false claims, or bad science (as Roe v. Wade does in its “potential human” characterization of the fetus).

b. “The fetus is physically very different from a birthed child.”

1.1 But personhood can admit differences of expression so long as necessary conditions of “personhood” are met.

1.2 This proves different developmental stages but would need to show that only some developmental stages qualify as “persons.”

1.3 Particular differences vary in evidential force, depending on whether human persons (after birth) can lack those attributes.

1.4 If a human adult lacked brain waves, that individual may be dead, but even then he/she would be a dead *person* having lost the ability to think. Meanwhile, the fetus has the latent ability for brain waves but is denied that future by the abortionist.

c. “The pro-life position has failed to prove that it is a person.”

1.1 But the burden of proof is on the pro-choice side to show that it’s *not* a person.

1.2 The pro-life position has shown, though imperfectly, that the fetus should be considered a person. Just because the conclusion is disputed doesn’t necessarily mean it’s logically incomplete, evidentially inadequate, or unsatisfying to objective and reasonable onlookers. The evidences given above suggest the fetal human is a human being and should be considered a person.

d. “‘Reasonable Doubt’ criterion fails by disanalogy, for example, it’s legal/ethical to kill a potentially thieving intruder even if you have reasonable doubt about their intentions, whether they are a mortal threat on your life or not, and even about whether they are “intruders” or instead a mistaken bystander who took a wrong turn.”

1.1 But, abortion is rarely ever a matter of self-defense but of convenience.

1.2 A thieving intruder has willful intent, the child-in-utero does not.

1.3 The thief had no natural invitation into the house, the child was naturally invited in-utero.

1.4 The homeowner-thief relation does not entail the kind or quality of ethical duties that the mother-child relation does.

e. “‘Reasonable Doubt’ criterion fails by disanalogy: it’s legal/ethical to kill in war even with reasonable doubt.

1.1 But the war context changes everything. War contexts are categorically separate from peacetime settings because it suspends practical access to many civilized ideals that we otherwise acknowledge as good, true, and right.

1.2 Even the “war on women” isn’t literally a *war* when it comes to abortion access in the U.S.

I. DIFFERENT VIEWS WITHIN THE ABORTION DEBATE					
1. Spectrum of Views on Abortion					
a. Pro-life: Abortion should not be allowed			b. Pro-Choice: Abortion should be allowed		
1.1 Strong Prolife/ Abolitionist:	1.2 Moderate Prolife:	1.3 Weak/Soft Prolife:	1.1 Weak/Soft Prochoice:	1.2 Moderate Prochoice:	1.3 Strong Prochoice:
2.1 No exceptions	2.1 Few exceptions	2.1 Many exceptions	2.1 Many restrictions	2.1 Few restrictions	2.1 No Restrictions
--	2.2 Ex.: rape, incest, life-threatening pregnancies	2.2 Ex.: rape, incest, Life-threatening pregnancies, rape, incest, dangerous pregnancies, fetal deformity, mental handicap (whether fetus or mother)	2.2 Ex.: Late term limits, bans on sex selection, Parental consent, spousal consent, mid-term limits, botched abortions reg's, clinic regulations, sonogram mandates, etc.	2.2 Ex.: Late term limits, bans on sex-selection	--
2. Abortion Repeal					
a. Abolitionism			b. Incrementalism		
1.1 Repealing abortion policy is best achieved immediately through urgent legislative, judicial, and societal efforts.			1. 1 Repealing abortion policy is best achieved gradually through incremental legislative, judicial, societal efforts.		
1.2 Strong prolife only			1.2 Strong, Moderate, and Soft/Weak Prolife		
1.3 Defenses:			1.3 Defenses:		
2.1 Slavery wasn't abolished "incrementally," nor will/should abolition be gradual.			2.1 Abolitionist rhetoric risks escalating things unnecessarily, causing more strife and even bloodshed.		
2.2 Quicker abolition can start saving children quicker.			2.2 Many times abolitionism has been tried and failed		
2.3 Like ripping off a bandaid, immediate abolition can be safer and more effective to get rid of abortion quickly			2.3 Rising tensions and "John Brown" methodology commit utilitarian fallacy—"ends justify the means."		
2.4 The instances of mortally dangerous pregnancy are too few to justify keeping abortion legal			2.4 Incrementalism is currently working—it's practicality and plausibility is on public display.		
2.5 Even with our best medicine, it's common to misdiagnose—so dangerous pregnancies might not kill either the mother or child.			2.5 Mortally dangerous pregnancies still constitutes an ethical excuse for abortion.		
2.6 If moderate/weak forms are allowed, that leaves more ways to accommodate abortion throughout and after abortion is repealed. Whichever cases are considered excused will then be the claim, even falsely, to justify a given abortion.			2.6 Incrementalism allows for the prolife cause to join forces with moderates and use their collective force together for repeal.		
2.7 The incremental permissions extended prior to RvW became part of the argument for repealing abortion bans 1973. Justice Blackmun argued that if the fetus is not universally protected by the law then it shouldn't be locally protected by the law. Incrementalist mindsets led to the legalization of abortion.			2.7 The circumstances surrounding RvW were unique, charged by the sexual revolution, and even if Blackmun argued for abortion on the basis of exceptions, those did not amount to a sufficient or necessary cause for legalization. The key of his argument was women's rights, anti-sexism, and the right of privacy.		
2.8 No amount of "adjustment" time would suffice.			2.8 Society would need time to adjust.		
2.9 Murder is murder; wrong in small or large doses, hence incrementalism tolerates murder where it should not.			2.9 Murdering less children-in-utero is better than murdering more, and that's what incrementalist pragmatics while abolitionist ideals fail.		

## J. Abortion Numbers Compared

### 1. Introduction

a. In an effort to make objective comparisons, the focus here is on death tolls. Surely, each disaster mentioned below has an immeasurable fallout, with untold subjective suffering. No effort is made to compare these since the very comparison risks insulting the individuals who suffered, died, and left family and friends behind in their suffering. Pain and suffering are unique, individual, and whatever may come of the abortion debate we should be careful not to insult or demean the pain and suffering involved in these tough cases.

b. As of today, 28 May 2015, the US Abortion Clock, reports exactly 57,938,608 abortions since it was legalized in 1973 (stat recorded at 10:13pm EST on 28 May 2015). Worldwide that number grows to 1,336,390,870 since 1980. That's over 1.3 billion abortions in 35 1/2 years, or 37.6 million abortions yearly. These numbers are rounded off below for the sake of simpler comparisons.

### 2. Wars, Democides and Genocides

*In terms of willful killing, abortion is more deadly than every known war, genocide, or democide on record.*

<b>a. 58,000,000 Recorded US Abortions since 1973</b>	<b>b. 1,300,000,000 Recorded Worldwide Abortions since 1980</b>
i. <a href="#">800,000</a> killed in the Rwandan Genocide. <ul style="list-style-type: none"> <li>• But Americans intentionally abort more human beings than that <b>yearly</b>.</li> </ul>	i. As many as <a href="#">258,327,000</a> in all the wars in the 20th century. <ul style="list-style-type: none"> <li>• But abortions worldwide still surpass that number 5x's over.</li> </ul>
ii. <a href="#">1.7 million</a> killed by the Kmer Rouge from 1975-79. <ul style="list-style-type: none"> <li>• But America killed <a href="#">2,907,270</a> children-in-utero in that same period.</li> </ul>	ii. About 1.5 Billion killed in all the communist revolutions in the 20th century. <ul style="list-style-type: none"> <li>• But if that includes the rest of the 20th century (1900-1979), the number of abortions number would likely surpass that total, for the same period. The U.S. alone reports 9.4 million abortions (<a href="#">9,384,723</a>) between 1960-1979--not counted in that 1.3 billion. "The Pill" (oral contraceptives) was introduced around 1960, and liberal abortion practices typically follow soon after in places like Western Europe and Australian. Russia legalized abortion in 1920, and has consistently "boasted" the highest abortion rate in the world. Not to mention, sex selective abortion has long been fashionable in China, India, and other Asian countries.</li> </ul>
iii. <a href="#">3-9 million</a> killed in the Crusades <ul style="list-style-type: none"> <li>• But the Crusades lasted almost 200 years. U.S. abortion numbers easily surpass this total in yearly averages.</li> </ul>	
iv. About <a href="#">11 million</a> killed by Nazis in the third Reich, between 1933-1945 <ul style="list-style-type: none"> <li>• But in the same amount of time (12yrs), the US averaged almost 16.8 million abortions (1.4 million, yearly average since 1973; stats derived from <a href="#">US Abortion Clock</a>).</li> </ul>	

### 3. Diseases and Epidemics

*Abortion is deadlier, by far, than the deadliest diseases.*

i. 1.2 million yearly—deaths from heart disease and cancer (the top two medically cited, causes of death). 611,105-heart disease; 584,881-cancer). <ul style="list-style-type: none"> <li>• But Abortion has been killing 1.4 million annually (on average). That makes abortion more than 2x's more deadly than the deadliest, most concentrated epidemic.</li> </ul>	i. 50-100 million deaths--The Influenza Epidemic of 1918 <ul style="list-style-type: none"> <li>• Global abortion totals (since 1980) surpass this 13-26x's over</li> </ul>
ii. The Black Death (about <a href="#">50 million</a> deaths) <ul style="list-style-type: none"> <li>• U.S. abortions alone surpass this by 8 million.</li> </ul>	ii. 2 Million deaths yearly—Tuberculosis <ul style="list-style-type: none"> <li>• The Yearly death-toll for abortion, globally, is about 19x's greater</li> </ul>

### 4 Natural disasters

i. The deadliest natural disaster on record (not counting the Great Flood which is widely denied) is the *Central China floods* (1931), where the Zangtze river overflowed and killed [3.7 million](#) in drowning, starvation, and associated diseases. Compared to U.S. abortions, that number is surpassed about every 3 years. Globally, the death toll from abortion is worse by 3 orders of magnitude (361 time larger or 3,610%).

ii. The next largest natural disaster was the *Yellow River Flood* (1887), which killed as many 2 million. The U.S. surpasses this death toll, in abortions, about every two years. And global abortion counts surpass this number about every 3 weeks.

iii. *Hurricane Katrina*, considered one of the worst natural disasters in U.S. history, killed [1,833](#) people. The highest death toll from any natural disaster on U.S. soil is the Galveston Hurricane of 1900 which killed as many as 12,000 people. The U.S. surpasses that number in abortions every 4 days. The world surpasses that number, in abortions, every 3 hours.

iv. Abortion easily dwarfs the worst natural disasters.

v. At 1.3 billion, the global numbers surpass even the Great Flood (Genesis 6-11), since the World Population did not likely surpass one billion after 1800 AD. See: [https://www.census.gov/population/international/data/worldpop/table\\_history.php](https://www.census.gov/population/international/data/worldpop/table_history.php)

### 5. Other Points of Comparison: The Number of U.S. abortions . . .

i. Is about the same size as the combined populations of California and New York, or about 2x's the number of Texans.

ii. Is about 50x's more than the total number of U.S. war casualties in U.S. history.

iii. Is roughly 1/6<sup>th</sup> the size of the current population

iv. At 1.36 million yearly average, is currently 4<sup>th</sup> in the world behind China (7.93 million), Russia (2.29 million), Vietnam (1.52 million), but about 2x's as much as the next on the list, Ukraine (635,600). Source: <https://top5ofanything.com/list/eafb416e/Countries-with-the-Highest-Total-Number-of-Abortions>

v. If it a country, it would be the 24<sup>th</sup> largest country in the world—between South Africa and Italy.

## II. Case History of Abortion in America

### A. ≤ 19<sup>th</sup> Century

1. Ancient Law (5 <sup>th</sup> BC-4 <sup>th</sup> Cent. AD)	Ancient Greeks via Aristotle thought of the “soul” as “mover” of the body. This substance dualist view treated the quickening as the point at which distinctly human life begins. Abortion is taboo/ condemned in several ancient sources ( <i>Sibylline Oracles</i> [6 <sup>th</sup> BC], <i>Hippocratic Oath</i> [5 <sup>th</sup> cent. BC], <i>Sentences of Pseudo-Phocylides</i> [50BC-50AD], <i>1<sup>st</sup> Enoch</i> 1–2 cent BC, Josephus [1 <sup>st</sup> cent. AD].
2. Medieval Law (5 <sup>th</sup> -16 <sup>th</sup> cent.)	Christian, Jewish and Muslim standards agreed on the quickening view.
3. British Common Law (17 <sup>th</sup> -mid. 18 <sup>th</sup> century)	Abortion is legal in all states prior to the quickening, as fetology at the time was not clear about when human life began. It was widely thought life began only when mother detects fetal movement. [May be disputed by Marvin Olasky ( <i>Abortion Rites</i> ). His original historical sourcing shows enough exceptions to raise a stiff challenge this widely held view about British Common Law.]

### B. 20<sup>th</sup> Century

1. Lochner v New York (1905)	NY Worker's Union case. Court ruled for individual liberty on basis of “substantive due process.” This ruling was decried by later Supreme Court verdicts (1937>) for reading economic theories into the constitution; instead, civil rights are the more proper domain for these kinds of rulings.
2. State courts (1850-1960)	All states pass laws banning abortion. A common exception is in case of mortal threat to the mother.
3. Sherri Finkbine (1962)	<b>Unwittingly taking Thalidomide (A.K.A., “monster maker”), Finkbine carries a deformed child in utero. Seeking legal abortion she’s denied in U.S. raising sympathy for abortion in the U.S.</b>
4. State Courts (1962-1973)	17 states pass/amend laws opening abortion to cases of rape, health risks, and fetal damage. Four states, AK, HI, NY, WA, allow it at woman's and doctor's discretion. Only PA kept full abortion ban.
5. Griswold v Conn. (1964)	<b>Married couples have a right to use contraceptives. Privacy is an implied constitutional right.</b>
6. Eisenstadt v Baird (1971)	<b>Singles (non-married &amp; non-couples) have right to contraceptives. Right to privacy is extended.</b>
7. Roe v. Wade (1-22-1973)	<b>Legalized Abortion on demand by way of right to privacy. Fetus's are declared “non-persons,” not covered by the 14<sup>th</sup> Amendment of the Constitution.</b>
8. Doe v. Bolton (1-22-1973)	<b>Expands abortion legally to include any distress as a health reason, incl. “Psych. Distress”</b>
9. Planned Parenthood v Danforth (7-1-1976)	<b>Supreme court overturns a Missouri law requiring husband's consent for abortion.</b>
10. Beal v Doe (1-11-1977)	<b>States aren't required to pay for non-therapeutic (medically unnec.) abortions by Medicaid</b>
11. Belotti v Baird (7-2-1979)	MA ruling striking down parental consent
12. Harris v McRae (6-30- 1980)	<b>Supreme court upholds Hyde Amendment (Social Securities act) restricting Medicaid funding for abortion to cases of life endangerment, rape, or incest.</b>
13. H.L. v Matheson (3-23-1981)	States may require doctors to inform the parents of a teenager's planned abortion.
14. Thornburgh v Amer. Coll. Of Obst. & Gyn. (6-11-1986)	Supreme court strikes down the PA Abortion Control Act (1982) which required two consenting doctor's opinions and reading of informational packets before abortion would be granted.
15. Webster v. Reproductive Health Services (7-3-1989)	<b>Affirmed that, “The life of each human being begins at conception.” States have regulatory rights but can't outlaw abortion. These include banning use of public facilities and employees to perform abortions. Also states must test for viability at 24 weeks of gestation.</b>
16. Hodgson v MN (6-25-1990)	Minnesota law is upheld requiring parental consent for abortion.
17. Planned Parenthood v Casey (6-29-1992)	<b>State rights extended to include making laws requiring counsel, parental consent, and waiting periods so long as they do not involve “undue burden” or “substantial obstacle” to the mother.</b>

### C. 21<sup>st</sup> Century

1. Stenberg v Carhart (6-28- 2000)	Nebraska ban on partial birth abortion is struck down invalidating similar laws in 30 other states.
2. Partial-Birth Abortion Act (11-5-2003)	<b>GW Bush signs law prohibiting certain abortion procedures, namely, partial birth abortion.</b>
3. McCorvey v Hill (2-22-2005)	Norma McCorvey (Jane Roe) sought to overturn the ruling of Roe v. Wade. The Supreme Court upheld the decision of Roe v. Wade.

4. Gonzalez v Carhart, & v Planned Parent. (4-18-2007)	The ban on partial birth abortion is upheld, departing from past rulings that struck down any such bans if they did not carry exceptions for protecting women's health (generally).
5. Ultrasound Act (2007-pending)	Passed in various forms in 12 states. This act requires ultrasound before giving an abortion.
6. Protect Life Act (10-13-2011)	Prevents federally funded hospitals from having to provide abortions and prevents insurance providers from covering abortions.
7. Pain Capable Unborn Child Protection act (2012)	Passed in several states including GA, NE, AL, KS, and ID banning abortion after the 20 <sup>th</sup> week of pregnancy but it's allowed if the mother's life is in danger.
8. Arkansas Human Heartbeat Protection act (1-31-2013)	Arkansas law which states that a test must be done and if a fetal heartbeat is detectable the abortion cannot be done. Puts fetal protection between 6 and 12 weeks.
9. Human Heartbeat Detection Act (3-27- 2013)	North Dakota law which states the child cannot be aborted once fetal heartbeat is detectable and identifies this as 6 weeks. Most time/development restrictions set the cut-off at 20 wks or later.
10. Gosnell vs. PA (5-13-2013)	Kermit Gosnell convicted of 3 counts of murder aborting late term babies <i>ex utero</i> . Touted as an ex. of media bias: He is the most prolific mass murderer in US history yet major media barely reported it
11. Born Alive Bill (4-30-2013)	Bill passes in FL protecting babies against infanticide who were born alive in botched abortions.
12. HB2/SB5 Omnibus Abortion Bill (7-13-2013)	TX abortion bill passed which banned most abortions after 20 wks, requires oversight for the 2 <sup>nd</sup> dose of RU486. Also requires abortion service providers to have admitting privileges with a local hospital and to meet certification requirements for emergency care. Allegedly, its implementation would close all but 8 providers in TX. It's currently being litigated federally.
13. Fetal Dismemberment Bill (4-17-2015)	Bill passed in Kansas which bans dismemberment abortions (typical of 2 <sup>nd</sup> and 3 <sup>rd</sup> trimester).

#### D. Kinds of "Pro-life" Regulations

Roe v. Wade allows states to regulate abortion provided that they do not impose an "undue burden" on pregnant mothers or a "substantial obstacle" to acquiring an abortion. This stipulation is variously interpreted by the different states. But the different kinds of regulations can be categorized into a handful of different types.

1. Consent	2. Procedural/ Kinds of Procedures	3. Humane Treatment	4. Regulations on Abortion Clinics
a. Parental Consent Bills Minors seeking abortion must acquire parental consent. From one or parent or both.	a. Partial-Birth Abortion Bans Bans late-term abortion procedures which partially deliver the baby before killing it from halfway out the womb.	a. Fetal Pain Bills Bans mid/late term abortions which would cause, supposedly, pain in the developing fetus.	a. Hospital Admitting Privileges Clinics must have admitting privileges to a local hospital in the event of a medical emergency.
b. Spousal/Father Consent Wives must secure husband's consent before abortion. Or the pregnant mother must secure the father's consent.	b. Born Alive Bills Children born through botched abortions are to be protected from infanticide "completing" the abortion.	b. Human Heartbeat Detect. Act Bans abortions after 6 weeks, once the heartbeat is detectable. So far, passed only in ND so far.	b. Ultrasound Bills Requires mothers see, or in some cases be offered a chance to see, an ultrasound as part of "informed consent" to abortion.
c. Conscientious Objection of Doctors Doctors cannot be forced to perform abortions against their will. Allowed religious and otherwise conscientious objections. Doctors cannot be coerced to perform abortions without their consent.	c. Fetal Dismemberment Bill Bans dismemberment abortions (D&E, D&C) typical of 2 <sup>nd</sup> and 3 <sup>rd</sup> trimester. Passed on in Kansas so far.	c. Fetal Remains Regulates disposal of fetal remains. Concerns desecration, hygiene, diseases, and vermin.  See also, "Fetal Dismemberment Bill"	c. Second Opinion Patients must get a doctor's 2nd opinion before an abortion.  e. Licensure Clinics must get state licensing for the right to perform medical/ outpatient surgery.  d. Emergency Care <i>Abortion clinics must have resources and staff to provide basic emergency care.</i>  f. Waiting Period Patients must wait a specific time period (1-3 days) before having an abortion.

## E. STATE LATE-TERM ABORTION POLICIES

(as of June 1, 2015)

<b>1. No Restrictions on Late Term Abortion</b>	<b>2. Restrict Abortion After 24 Weeks or 3<sup>rd</sup> Trimester</b>	<b>3. Restrict Abortion after 22 Weeks or Viability</b>	<b>4. Restrict Abortion After 20 Weeks</b>
Alaska	Florida 1,3,6,7	Arizona 1,3,7,11	Alabama 1,2,6,7
Colorado	Iowa 1,3	California 1,3,11	Arkansas 1,2,7,9,10
<i>*District of Columbia</i>	Massachusetts 1,3	Connecticut 1,3,11	Indiana 1,2,6,7
New Hampshire	Nevada 1,3	Delaware 1,3,11	Louisiana 1,2,7,8
New Jersey	New York 1,7	Georgia 1,4,8,11	Mississippi 1,2
New Mexico	Pennsylvania 1,3,6,7	Hawaii 1,3,11	Nebraska 1,2
Oregon	Rhode Island 1	Idaho 1,6,11	North Carolina 1,3
Vermont	South Carolina 1,3,6	Illinois 1,3,6,7,11	North Dakota 1,2
	South Dakota 1,3	Kansas 1,2,6	Oklahoma 1,2,7
	Virginia 1,3,6	Kentucky 1,3,11	Texas 1,2,8
		Maine 1,3,11	West Virginia 1,4,5,8
		Maryland 1,3,11	
		Michigan 1,11	
		Minnesota 1,3,7,11	
		Missouri 1,2,7,11	
		Montana 1,3,6,11	
		Ohio 1,3,6,7,11	
		Tennessee 1,3,11	
		Utah 1,3,8,11	
		Washington 1,3,11	
		Wisconsin 1,3,11	
		Wyoming 1,3,11	
Total: 8	Total: 10	Total: 22	Total: 11

### *Criteria for Restricting Abortion*

<sup>1</sup>Life, <sup>2</sup>Physical Health, <sup>3</sup>Health, <sup>4</sup>Physical Health of the Woman, <sup>5</sup>Nonmedically viable Fetus, <sup>6</sup>Requires second physician approval (affirming that the abortion is needed), <sup>7</sup>Requires second physician attend for treating born-alive cases, <sup>8</sup>Fetal abnormality, <sup>9</sup>Rape, <sup>10</sup>Incest, <sup>11</sup>Restrict abortion after viability

\*Henry J. Kaiser Family Foundation, “State Late Term Abortion Policies,” as of 1 June 2015, accessed 8

September 2015 at: <http://kff.org/womens-health-policy/state-indicator/later-term-abortions/>

\*[http://www.guttmacher.org/statecenter/spibs/spib\\_PLTA.pdf](http://www.guttmacher.org/statecenter/spibs/spib_PLTA.pdf)

#### IV. Arguments Against Abortion

By: John D. Ferrer, Last updated 13 October 2015

A. Introduction to Arguments Against Abortion		
1. The “pro-life” case stands on two pillars, broadly speaking, namely, positive and negative arguments. The positive line of argument demonstrates that it is an overall superior position compared to the pro-choice case. The negative line of argument include evidence and argument which injure the pro-choice case. Put simply, the positive case builds one side up, the negative case tears the other side down. Both sides are necessary because it could be, for example, that the abortion-advocate’s position is riddled with holes and faulty assumptions and is overall immoral, <i>but</i> if the pro-life case seems to have more holes, faulty assumptions, etc. then the <i>negative case</i> against the abortion has failed to vindicate the pro-life case. In reality, one pressing challenge against abortion, i.e., summarizing the negative case, is that advocating for abortion on demand entails egregious concessions that would be openly immoral or illegal if applied consistently throughout the entire world of law and ethics (i.e., harms-benefits calculations, natural law ethics, constitutional law, civil law, bioethics, etc.)		
2. The Overall Argument	Premise1) Legality, where possible, should align with morality. Premise2) Abortion-on-demand is immoral yet can be banned. Conclusion) Therefore abortion-on-demand should be banned.	<b>Comments</b>
<b>B. Dehumanization Arguments</b>	1) Objectification Argument  P1) Human beings should be treated as subjects, not objects. P2) Abortion treats human beings as objects Conc.) Therefore abortion is wrong.	a) Exceptions <i>might</i> be permitted for deadly cases: ectopic/tubal pregnancies, or, perhaps, non-consensual cases like rape, pedophilia, or for incest.
	2) Desecration Objection  P1) Human beings, living or dead, should be treated with a manner of respect such that not even a corpse should be torn apart or bathed in acid without consent or an overriding medical purpose P2) Abortion, as currently practiced, does such things to living human beings without an overriding medical purpose or consent Conc.) Therefore abortion should not be done	a) Addresses legal precedent where there is an apparent inconsistency between what’s illegal to do to corpses and yet legal to do to living innocent fetuses. b) May not address all forms of abortion; some forms might be gentler. c) Alludes to “Sanctity of Life” view (16) in much of our legal precedent.
	3) Animal Abuse Argument  P1) It is immoral to abuse higher-order animal life for convenience. P2) Abortion abuses higher order animal life for convenience. Conc.) Therefore abortion is immoral.	a) Ex., Endangered species and pets b) Even animals for consumption are protected by abuse laws.
	4) Cruel and Unusual Means Argument/ A.K.A., Torture Argument  P1) By legal precedent barring “cruel and unusual” punishment, even death row convicts shouldn’t be dismembered or bathed in acid. P2) Abortion, as currently practiced, kills human beings in such ways though no punishment is deserved. Conc.) Therefore abortion should not be done	a) Addresses legal precedent in apparent inconsistencies between what’s illegal on death row convicts and yet which are legal to do to living innocent fetuses. b) May not address all forms of abortion; some forms might be gentler. c) Alludes to “Sanctity of Life” view (16) in much of our legal precedent.
	5) Innate value arg.  P1) Abortion implies human life as such is not innately valuable to the point of having a life-worth-protecting. P2) All human beings, adults too, partake of that same humanity. Concl.) Therefore, abortion implies all members of the human race lack any such innate value (i.e., life-worth-protecting status).	a) Modest but strong arg. showing how abortion diminishes everyone’s value. If the fetus human isn’t worth protecting innately then human beings, <i>per se</i> , aren’t innately worth protecting. b) Any “right to life” would be acquired later, or as an extrinsic value.
<b>C. Legality &amp; Constitutionality</b>	6) Death Penalty Argument  P1) It is immoral to issue a death penalty in cases of a morally innocent or neutral party. P2) Abortion is a death penalty to morally innocent/neutral parties. Conc.) Therefore abortion is immoral.	a) Neutral on whether the actual death penalty is ethical or not. b) The preborn could be non-moral (like rocks or cats), and this still works.
	7) “Created Equal” Argument  P1) The Declaration of Independence recognizes that “all men are created equal” and they are “endowed by their creator with certain unalienable rights . . . Life, liberty and the pursuit of happiness.” P2) Conception is the point of creation for every human being. Conc.) Therefore, all men are “equal” and “endowed” with the right to “life” from conception onward.	a) Draws on the founding documents for legal/judicial support. b) Needs clarification: “men” is generic reference to “humanity” c) The laws of the land however are largely phrased towards legal citizens (and preborns are not that).

<b>D. Legality &amp; Constitutionality, cont.</b>	8) Right to Life Argument	P1) Human rights, including right to life, extend to every “member of the human family” from creation onward (i.e., conception). P2) Abortion militates against human life from conception to birth. Conc.) Therefore, abortion militates against a human right.*	a) See preamble of Universal Declaration of Human Rights (1948); Decl. of Indep. (1776); and Declaration of the Rights of the Child (1959).
	9) Non-Dilemma Argument	P1) Only in certain dilemma contexts can someone morally and rightfully infringe on another human being’s body/bodily sovereignty. P2) Most abortions are not such dilemmas. Conc.) Therefore, most abortions are immoral.	a) Moral dilemmas must have only evil options, even if one is considered “less evil” than the other.
	10) Life Dilemma	(P1) The right to life should be honored except in cases of a moral dilemma where an equal or greater moral value is at stake. (P2) Liberty is not an equal or higher moral value than life. (Concl.) Therefore the right to life should be honored above the right of liberty	a) This includes the broad category of “mother’s autonomy,” as that would be an instance of “liberty.”
	11) Legal Inconsistency	P1) Law code should be internally consistent where possible. P2) Current U.S. law is inconsistent regarding the protection of children in utero (see, Unborn Victims of Violence act). P3) to reconcile this problem either the statutes protecting such children should be stopped or the statutes endangering such children should be stopped. P4) it is ethically better to continue to protect such children. Conc.) Therefore, statutes endangering children in utero should be stopped.	a) Complex arg. Lots of background info. Vulnerable to many objections. b) However, premise 1 & 2 are defensible. One can’t enforce contradictory law code consistently; rule of law would break down. Plus, there are many laws inconsistent w/ the legal justifications & rule of RvW, etc. c) Premise 3 is tough because there’s no limit to stop-gap measures attempting to reconcile conflicting laws.
	12) Legal Modernization	P1) Roe v. Wade (and possibly other related cases) have been justified on outdated or bad science (i.e., calling the human fetus a “potential human” when it is known to be a human from conception forward). P2) Law code should comport with science. Conc.) The ruling of Roe v. Wade (and possibly other related cases) should be revised, suspended, or thrown out pending its demonstrated potential for reconciling with modern scientific findings pertaining to embryology, fetology, obstetrics, gynecology, and any relevant scientific/medical field.	a) This threatens to pit law code against science, potentially castigating pro-choicers who claim authority in both. b) Science isn’t clearly prescriptive, so this arg. doesn’t introduce new ethical values that aren’t already in our law code. At most, this demands that the scientific variables in ethical equations be up to date in informing our laws.
	13) Baby Lottery	P1) Contracts are morally binding. P2) In cases of pregnancy from consensual sex, the mother has implicitly agreed to a natural contract (to be a mother to that baby insofar as she is able) by entering the baby lottery even if she did not know she’d “win” that lottery. Conc.) Therefore, such mothers are morally bound not to abort.	a) Knowingly, willingly entered, not concerning illegal/immoral such as aid and abet a criminal, lie under oath, etc. b) Refers to a “natural” contract, once pregnant, to bring that child to term insofar as she’s capable.
	14) Parental Duty	P1) Parents have a natural right and duty to care for their children. P2) Pregnant women are mothers/the conceptus is a “child in utero.” Conc.) Therefore parents have natural right to care for the conceptus.	a) Most family law on child abuse/neglect hinges on innate duties of parents to child and child to parent.
	15) Mother-love	P1) Mothers should love their children (“will the good of another”). P2) Abortion involves having the mother will the harm of her child. Conc.) Therefore, Mothers should not have abortions.	a) Doesn’t require a “natural law” ethic so long as one grants that there is a general duty of mothers to love their children.
	16) Sanctity of Life	P1) Human beings being endowed with sanctity of life should not be harmed where possible. P2) Abortion unnecessarily harms human beings Conc.) Therefore abortion should not be done	a) Doesn’t address therapeutic & dilemma cases where saving both lives isn’t possible. In such cases abortion protect the greater claim (i.e., 1 vs. 0 lives).
	17) Consistency Check/ Irresponsibility	P1) If abortion is ethical, then so is a pregnant mother who knowingly drinks alcohol, smokes, or misuses prescription. P2) Those acts are not ethical for a pregnant mother. Conc.) Therefore, neither is abortion ethical.	a) The pro-choicer who affirms abortion on grounds of “privacy” must also affirm any mother’s right to harm her own body, child included.
<b>E. Natural Law</b>	18) Burden of Proof Arg.	P1) We should give life “the benefit of the doubt” meaning that, the prochoicer has the burden of proof in justifying abortion “beyond a reasonable doubt” (95%+ certainty). P2) Prochoicers fail to satisfy this high burden of proof. Concl.) Therefore, the pro-choice position fails.	a) Burden of proof normally favors life, lest we wrongfully kill a human being. b) This is the presumption in the judicial basic: “guilty until proven innocent.”

F. Philosophical Ethics	19) Unwanted Baby	<p>P1) It is conventional wisdom that a pregnant woman who is planning to bring that child to term is carrying a baby.</p> <p>P2) One's natural status doesn't change w/ another one's desires/beliefs</p> <p>Conc.) Therefore, lacking a desire to be pregnant/"keep the baby" does not change the fact that it is a baby.</p>	<p>a) Ex., if I don't think you're American, that has no affect on your citizenship.</p> <p>b) Implies that (1) Intentionally killing babies for convenience is immoral. (2) Abortion does tha, (3) and is immoral.</p>
	20) Slippery Slope	<p>P1) Defining morally relevant "personhood" as starting at birth is arbitrary when distinct human life had already begun at conception.</p> <p>P2) Arbitrary definitions commit the "slippery slope" fallacy wherein the starting point for personhood is interchangeable across different (and disputed) definitions for lack of a clear, biologically consistent, and universalizable criteria for "personhood."</p> <p>Conc.) Therefore, defining morally relevant "personhood" as starting at birth is interchangeable with other definitions (i.e., birth, adolescence, 18 years old, etc.).</p>	<p>a) Points out trouble w/ various starting points for human life after conception.</p> <p>b) R. Reagan, "I should like to know if taking this old Decl. of Indep. , which declares that all men are equal upon principle and making exceptions to it, where will it stop." (<i>Abortion and the Conscience of the Nation</i>, Thomas Nelson, 1984), 28.</p>
	21) Future Like-Ours (Marquis, 1989)	<p>P1) Children in utero have a "future like ours" (a future which they would value had they the chance to value it)</p> <p>P2) Having this "future like ours" suggests a right to life in that it constitutes sufficient commonality between the human fetus and other test cases, like comatose victims, toddlers, a depressed teenagers, or us.</p> <p>Conc.) Therefore, children in utero have a right to life.</p>	<p>a) Doesn't require essentialism/realism/formalism (i.e., human nature is a real &amp; singular thing shared by all <i>h. sapiens</i>).</p> <p>b) Requires granting a <i>right</i> to life in test cases. One can deny right to life for the preborn if he denies it for others too.</p>
	22) Corrupted Character	<p>P1) One should not corrupt his or her own character.</p> <p>P2) It corrupts one's character to comply with killing morally-innocent/morally-neutral human beings apart from a true dilemma context (see, "non-dilemma arg." And "death penalty arg.")</p> <p>Conc.) Therefore one shouldn't comply with abortion on demand.</p>	<p>a) "Comply" needs to be defined carefully to admit different qualifying cases (acting under coercion, ignorance, mistaken judgment, good intent., etc.)</p>
	23) Gradations of Evil	<p>P1) Pro-choice advocates widely admit that that abortion should be rare (all else being equal)</p> <p>P2) If abortion "should be rare" then it would be more evil were it in larger quantity and less evil in smaller quantity.</p> <p>P3) But gradations of evil can only occur if there is a present evil.</p> <p>Concl.) Therefore abortion is evil</p>	<p>a) Uses Clinton-era pro-choice trope of "keep it safe, keep it rare, keep it legal."</p> <p>b) The mantra itself suggests abortion is evil. But, this argument needs the dilemma argument above to show that it's not a "necessary evil"</p>
G. Social/Political	24) Discrimination Argument	<p>P1) Abortion discriminates (a) against a defenseless class of people for (b) the convenience of another class of people (c) on the basis of size, level of development, environment, and degree of dependence.</p> <p>P2) Discrimination on such bases is immoral.</p> <p>Conc.) Therefore abortion is immoral.</p>	<p>a) Not all discrimination is evil, but that which involves a basic right to life and selects between preferred sizes, handicaps, and convenience is evil.</p>
	25) Ownership Argument	<p>P1) It is unethical for one human being to own another.</p> <p>P2) Abortion, in treating the fetus as the mother's bodily property, constitutes ownership of one human being by another.</p> <p>Conc.) Therefore, abortion is unethical.</p>	<p>a) Ownership is a kind of objectification, and thereby unethical.</p> <p>b) Parent-child relations are not ownership but wardship.</p>
	26) Burden Analogy	<p>P1) If children can be aborted strictly because they're burdens, then so can born infants (or teenagers, or adults) be aborted.</p> <p>P2) Infants cannot rightfully be killed for being burdensome.</p> <p>Conc.) so children in utero should not be aborted for that reason either</p>	<p>a) Works equally well for any other people group that's burdensome.</p> <p>b) Risks disanalogy. Needs help to show preborn and born aren't radically diff.</p>
	27) Trade-offs	<p>P1) It has proven practically impossible to legalize/normalize abortion on demand w/o a net loss (morally) given the severe, unnecessary, and countervailing evils therein—ex., sex-selective abortion, death-profiteering (i.e., Kermit Gosnell), irresponsibility &amp; indiscretion, etc.</p> <p>P2) The alternative (banning abortion-on-demand, restricting it to therapeutic cases (i.e., 1971-2 policies) did not incur such net losses.</p> <p>P3) Only such policies which constitute a net gain in trade-offs should be implemented as law/legal (when they are in a dilemma relation/exclude each other). Conc.) Therefore abortion should be illegal.</p>	<p>a) Allows anecdotal and "real world" evidence, instead of just abstractions.</p> <p>b) Allows quantitative analysis via inductive reasoning</p> <p>c) Difficult case to make given its scope.</p>
	28) Mercenary/Profiteering Objection	<p>P1) Abortion is a mercenary/profiteering act since it puts surgeons in a position to be paid to kill morally innocent humans at another's behest.</p> <p>P2) Mercenary/profiteering work is generally unethical.</p> <p>Concl.) Therefore abortion is generally unethical.</p>	<p>a) Identifies an ethical conflict whenever doctors are getting paid to kill innocent human beings.</p>
	29) Medical Self-defeat	<p>P1) It is broadly the role of medicine to cultivate health. P2) Abortion cannot be clearly and broadly identified as "cultivating health" since killing is the opposite of healthcare. P3) Abortion does not satisfy the</p>	<p>a) Abortion is classified as med. practice but perhaps it shouldn't be so labeled given its problems in phil. of medicine,</p>

	broad requirement needed to be classified as medical. Concl.) Therefore, abortion, being non-medical cannot be ethically justified on the grounds of being medicine.	medical ethics and given how it defines healthcare to include willfully killing healthy human beings.
30) Culture of Death	P1) Society should not be a “culture of death” P2) Abortion-on-demand fosters a culture of death Concl.) Therefore abortion-on-demand is bad social policy	a) Similar to the “character arg.” above, but at a societal level. b) “Culture of Death” can be propaganda unless explicated and defended well.

#### IV. BIBLICAL EVIDENCE

##### A. Biblical Arguments Against Abortion

		<b>Tricky Texts: Exodus 21:22-23</b>
1. Life of the unborn is legally protected	Exod 20:13	“22When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, the one who hit her shall surely be fined, as the woman’s husband shall impose on him, and he shall pay as that judge determines. 23 but if there is harm then you shall pay life for life.” (ESV)
2. “thou shalt not murder”	Exod 21:23; Dt 19:21	Pro-choicers use the KJV to where miscarriage doesn’t count as “harm” and is punished by fine. Other translations suggest premature birth not miscarriage, so the fine is for assault but death is punished w/ death. Either way the baby is a legally relevant character. If it is harmed the assailant should be punished. The diff. punishments could be over diff. legal status rather than differences in humanity/personhood. The era was pre-civil rights so equally human/personal characters could be treated unequally before the law (See: <a href="http://www.etsjets.org/files/JETS-PDFs/37/37-2/JETS_37-2_169-184_Fuller.pdf">http://www.etsjets.org/files/JETS-PDFs/37/37-2/JETS_37-2_169-184_Fuller.pdf</a> ). Gleason Archer, however asserts, “There is no ambiguity here whatever. What is required is that if there should be an injury either to the mother or to her children, the injury shall be avenged by a like injury to the assailant. If it involves the life . . . of the premature baby, then the assailant shall pay for it with his life. There is no second class status attached to the fetus under this rule; he is avenged just as if he were a normally delivered child or an older person: life for life.” ( <i>New Intern. Encyc. of Bible Difficulties</i> [Grand Rapids: Zondervan, 2011]).
3. “Life for life” but children are alive at conception.	Exod. 1ff.	
4. Hebrew midwives are commended for protecting Hebrew babies	Pr. 6:16-19; Matt 19:18	
5. God hates “hands that shed innocent Blood.”	Dt. 12:29-31; Ps 106:35-38; 2 Kings 17:17-18	
6. Child Sacrifice is an abomination	1 Sam 2:6; Job 14:5; Ecc 8:8; Ps 31:15.	
7. Only God has a right to take life since only God makes/owns life.	Ex 21:22; Lk 1:41,44; 2:12-16	
8. Unborn babies are called “children”	Ps. 139:13; Gen. 1:27	
9. Unborn are created by God just as Adam and Eve are created, all in God’s image	Matt. 1:20-21; Luke 1:26-27	
10. Christ was human from the point of conception.	Gen 16	
11. Children who will be born out of wedlock are precious to God and worth protecting	Ps 51:7; Ps 22:10-11; Gal 1:15; Ps. 139; Jer. 1:5 LXX; Matt. 1:20-21	
12. Child-in-utero is described with 1 <sup>st</sup> person pronoun “Me” and “I”—indicating personal continuity with the adult later in life.	Pr. 24:10-12	
13. Protect those in harm’s way	Ps 17:7,12; Pr. 31:8-9; Isa 1:13-17	
14. Advocate justice for the mute/helpless/disadvantaged	Mk12:19-21; Lk10:30-37; Mt 7:12; John 5:17	
15. Golden Rule/Love neighbor as yourself [Jesus gave a “liberal” reading of “neighbor”]		<b>Tricky Texts: Psalm 139 (see also, Jer 1:5)</b>
16. The unborn are said to be known intimately and personally by God		
17. We ought not even slander other human beings.	James 3:9	“13 For you formed my inward parts; you knitted me together in my mother’s womb. 14 I praise you, for I am fearfully and wonderfully made. 15 My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. 16 Your eyes saw my unformed substance; in your book were written, every one of them, the days that were formed for me, when as yet there were none of them.” (ESV)
18. Defies love/compassion mandate	1 Jn 3:11-12, 17	
19. We don’t have a right to our own lives, much less to the life of another.	Job 2:9-10	
20. The unborn are called by God before birth	Ge 25:22-23; Jdg 13:2-7; Isa 49:1,5; Gal 1:15	
21. Unborn children have personal characteristics distinctive of humans.	Ps. 51:5—sin; Luke 1:44—joy	
22. <i>Imago Dei</i> incl. male and female but gender is determined at conception	Gen. 1:27	God is deeply involved in creating human life. God knows the unborn before birth. But be careful, this text also indicates that God knows the unborn before <i>conception</i> too, if conception is when human life begins (i.e., “when as yet were none of [my days],” NIV) then this verse suggests that we should value and protect human life even before conception, and that is practically untenable/impossible. This passage is useful in establishing that God as the author and sovereign over human life. It isn’t our right to assault and kill the life God so carefully constructs.
23. Children are a Blessing	Ps 126:3-5; Mat 18:10; Prov 7:6	
24. Moral duty to protect those who can’t protect themselves (widows/orphans)	James 1:27	
25. Making Babies (part of general “fruitfulness”) is a good thing	Gen 9:7; 15:5	
26. It’s not what Jesus would do—he looks after the weak and afflicted.	Matt 19:13-15; 20:29-34; 21:40-46; Mark 2:16; Jn 4:9,27; Lk 17:11-19.	
27. Scripture rebuts discriminatory prejudice (“neither Jew nor Greek . . . ”)	Gal 3:28	

28. Abortion defies the ideal, “life”	Jn 10:10; Isa 25:8	
24. Abortion has no Biblical permission.	--	
<b>B. Biblical Arguments For Abortion, With Critique</b>		
1. Abortion kills a pre-human body, prior to ensoulment. It's not killing a person/human being.	Job 27:3; Isa 42:5; Gen 2:7; et al.	*This understanding of life is distinctly theological/religious with no consensus from science or secular avenues. One cannot safely base political policy on it without violating (or nearly violating) the separation of church and state. *The animating force imparted to Adam in Genesis 2:7 happened only once, and is unique. No one else received that same direct “life force” as Adam did. *The “breath of God” is used in various ways in scripture to describe a “living” thing, the Holy spirit, or an “inspired” individual, and should not be taken too literally. For example, angels are alive, but having no bodies they don’t have a circulatory system for breathing. *Even if humans take on a sort of “life” upon breathing/ensoulment, they are already alive in another medical/scientific sense. Abortion-choice advocates would need to show that this <i>other</i> sense of “life” (i.e., ensoulment, spiritual endowment, etc.) is necessary before that living individual should be protected. *This confusion traces back to a few terms in the Greek and Hebrew: Gk: <i>pneuma</i> —“spirit,” or <i>psuche</i> —“soul;” Hb: <i>ruach</i> —“breath/spirit,” <i>nephesh</i> —“soul.” But it’s the Etymological Fallacy—assumes a word’s origins/history dictates its current meaning. **“Soul” does not typically mean “breath,” though there’s a natural reason for associating the two—biological breathing things are alive. *Substance dualism could still apply without interpreting “soul” as “breath,” i.e., soul could be the animating feature, the ‘form,’ the life itself, the seat of experience/self-awareness, the spirit, etc.
2. God kills people anyway, so abortion is “being Godly.”	Gen. 6-11; 19; Joshua; Deut 20:16-17; 1 Sam 15; Cf. Exod 20:13	*No it’s playing God, “vengeance is mine, I will repay” says the Lord.” (Rom 12:9). *Godliness describes rightful reflections of God’s character, not just any effort to do what God does. Partaking in behaviors that are strictly God’s prerogative is evil. *Lacking God’s authority, we thereby lack his privilege to judge the souls of men. *This is distinct from capital punishment, which <i>might</i> be biblically justified as an expression of God’s authority on earth, since abortion kills an innocent human being while capital punishment kills the guilty (Gen 9:6). *Disanalogy: we can’t take life just because God does; He first gave life so it’s his to reclaim, not ours to steal. *Miscarriages are natural evils, not moral evils. It’s not clear that God <i>does</i> these but rather that God allows these as part of nature since the Fall. *OT War contexts are disanalogous since abortion isn’t a war context. *Capital punishment is for the guilty, not for the innocent (babies). *Corporate guilt is God’s to dole out, not for us. It’s prohibited for us (Jer 31:29-32; Eze 18:1-13). *God’s good intentions, good outcomes, good manner, and good nature spell a different moral justification than when humans try to execute justice. He can administer fierce justice with divine exactitude while we cannot.
3. Bible is silent on abortion.	--	*If true, then it’s a fallacious argument from silence. *Meanwhile, the abortion-choice advocate needs to show why that silence (supposing it is silent) translates into ethical permission to kill one’s offspring in-utero. *If false, and the Bible supports abortion—that would only make it “okay” on a religious or perhaps antiquated basis, and an inconsistent one at that. *If false, and the Bible condemns abortion implicitly or explicitly, then that adds religious and historical weight to the already consistent historical case against abortion. *Until recent times abortion was crude, dangerous to the mother, and inconsistent. Historically, abortion was aberrant so prohibiting it on top of the laws and mores opposing it would have been superfluous. *More importantly, this is just false. Scripture has plenty to say in favor of children, not sacrificing them for our convenience, the importance of advanced planning, the sanctity of human life and not shedding innocent blood (see Biblical case above).

## V. Answering Pro-choice Objections

By: John D. Ferrer, Last updated 13 October 2015

### A. Introduction

1. This section constitutes a *negative case* against abortion in that it exposes faults and failings within abortion choice advocacy.
2. *Begging the Question*: one primary response to the pro-choice objections is that they beg the question (circular reasoning, *petition principii*) by assuming the fetus is not a rights-bearing human life and so lacks any innate right to protected life. Consequently, other reasons help show abortion as worthwhile in some cases. But assuming it's not a rights-bearing human being is precisely the problem at issue. If it does have the right to life then these problems should be endured because of its higher value (human life).

3. Summarizing The Negative Case Against Abortion (on-Demand)	<p>P1) Abortion on demand entails egregious concessions that would be openly immoral or illegal if applied consistently throughout the world of law and ethics (including harms-benefits calculations, natural law ethics, constitutional law, civil law, bioethics, etc.). For example, abortion on demand entails unnecessary harm, oppression/discrimination, objectifying human beings, torture, dehumanization, irresponsibility, desecration, injustice, etc.</p> <p>P2) Such concessions are wrong in nature/degree and unnecessary.</p> <p>P3) Being wrong and unnecessary they should not be done.</p> <p>Concl.) Therefore, abortion on-demand should not be done.</p>	<p>a) The positive case is listed above.</p> <p>b) Argument is valid as a sorites</p> <p>c) Some of the objections that follow do not neatly fit this summary being objections and not necessarily arguments, implicit or otherwise.</p> <p>d) P1 &amp; P2 are most subject to dispute, i.e., contesting the notion of “unnecessary” or particular “egregious concessions,” but if even some of these objections fail and the positive case above prove valid that can vindicate prolife.</p>
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Objection	Answer
B. Scientific/Natural Status of the fetus	<p>1. Fetus is Non-life/Non-human/Potential Human</p> <p>*Genetically/biologically it is indisputably a distinct living human organism of the species <i>homo sapien</i> from the moment of conception onward. In fetology it is normally termed a baby or human being, a boy/girl. *As a member of the human race it's literally a human being. *It is also, by legal precedent, a “child-in-utero” (terminology used in the Laci and Connor law; AKA: unborn victims of violence act 2004). *It's not a potential human, but a human with potential. *True, it is not a <i>rational</i> animal, nor is it clearly endowed with mind/will/emotion, nor with “spirit,” but neither is it necessarily the case that a human must satisfy such philosophical or theological criteria before it can shift the burden of proof onto pro-choicers who assume it ‘guilty’ until proven innocent (i.e., we can kill it unless it's proven unethical)</p>
	<p>2. Fetus isn't wanted/Trespasser</p> <p>*Parent's duty to child is an ethical fundamental. *She entered the baby-lottery/sent out baby invitation when she had sex. *Buyer's remorse is her problem, not the child's. *She has no reason for surprise at a baby appearing in her “house” if she left the door open and invited it in. *Doesn't change child's nature.</p>
	<p>3. Fetus is a Parasite</p> <p>*Technically false since parasites are of a different species but children in utero are of the same species. The more precise term is symbiosis. *Inverts medical practice by dehumanization and neglecting to care for humans, even though abortion is supposedly a “medical” procedure. *In a non-technical sense, all humans are parasites, so if that fact justified killing human fetuses then it works for killing toddlers. *Developmental discrimination, it's not the baby's fault. *The mother brought on pregnancy.</p>
	<p>4. “Unplugging the Violinist” Argument</p> <p>Also called the “Good Samaritan Argument,” (Boonin) wherein agreeing to the pregnancy is a supererogatory act and not an ethical mandate. Judith Jarvis Thompson's 1971 Article, “A Defense of Abortion,” proposed that one is not obligated to comply after she is secretly attached to a world-class violinist so he can overcome his failing kidneys by sharing hers. Thus abortion is justified. *But, it's a disanalogy since the violinist argument fails to parallel the parental relation. Parents have <i>prima facie</i> obligation to their children and they to their parents. Parental abuse/child neglect laws hinge on this. *Diff. between active killing and passively permitting death, i.e., violinist dies of the kidney disease while the child dies at surgeon's hand. *Disanalogy: (1) no consent to link with the violinist whereas in sex, consent to let sperm and egg mingle is, for reasonably informed people, consent to pregnancy, (2) maternal relation is natural, violinist relation is artificial, (3) Sex <i>is</i> an entry into the baby lottery (see above) meanwhile the hypothetical victim in JJT's argument did nothing which is a lottery entry to “link with a violinist.” (4) A stronger analogy would be if the woman plugged into the machine linking her to the violinist because she received physical pleasure from it (maybe it involved a morphine shot as part of the procedure) and not intending to help the violinist; but she knew that there was a good chance that the machine rejects her. As it turns out, it didn't reject her and she is now hooked up to the violinist. In that case she has consented and JJT's example is a disanalogy.</p>
	<p>5. Fetus is “clump of cells”</p> <p>*False, this is a functioning organism, with discrete organelle operations cooperating to sustain all the features of life for this genetically distinct individual. It is not a mere cell mass or somatic cell clump. *At conception it has all the unique features of a distinct human life (as opposed to nail clippings or a kidney). *See #1. Above—this is a human with a potential.</p>
	<p>6. What about “morning after” pills?</p> <p>*Methods which prevent conception are contraceptives, and not abortions. But whatever kills zygote/conceptus/fertilized egg is literally an abortion, killing individual human life. *Hinges on a loose sense of “pregnancy,” instead of the clearer conception definition. *Conception can occur 3 minutes to 3 days after sex, “morning after” can be too long. *Abortifacient: Morning-After pills are designed to prevent conception, but some make fallopian tube hostile to zygote thus killing it.</p>

B. Scientific/Natural Status of the fetus, cont.	7. In Vitro fertilization clinics destroy embryos	*But they shouldn't. *Hypocrisy among pro-lifers does nothing to excuse killing the child-in-utero. *In Vitro clinics should treat each embryo as a baby, i.e., changing policies to halt any wanton loss of life.
	8. Fetus is a Non-person (legal sense & moral sense)	*Our bias should favor life even when personhood isn't certain. *Personhood is a philosophical notion, not a biological one, and can't be solved with medical/scientific facts. *Even if one grants this precedent, via RvW, it doesn't follow that legally/morally human fetuses can be (rightfully) destroyed for convenience nor that the fetus is inconsequential/ disposable. *The fetus remains a genetically distinct organism of the species <i>homo sapien</i> properly classified as a unique human being and child-in-utero. The burden of proof is on the abortion-advocate to show that "personhood" must be added to that before it is a protected kind of human being. *Personhood isn't needed to establish the dignity and value of human life since "all men are created equal" and "men" are "equal" from creation (conception). *It's an argument from ignorance to assume that ambiguity/uncertainty about its personhood justifies abortion.
	9. "Conception" isn't specific enough/It's unclear when, in conception process, new life occurs. (D. Boonin)	*Fallacy of the beard (when does scruff become a beard? Ambiguity over details doesn't disqualify clear cases). *This blurs epistemology and metaphysics—not knowing when in conception new life occurs is no disproof that new life occurs at conception. *Where there's mystery, we should err on the side of life. *Every "marker" for pro-choice views on when legal personhood begins is equally or more vague. *The "moment" of conception can be admitted as vague (is it legally/medically relevant only at completion or inception? Is it the whole process or just some point in it?) yet it remains the onset of distinct human life, such that destroying the unfertilized gametes is negligible while destroying the conceptus is killing.
	10. Sperm & Egg are alive→pro-lifers should treat them as equally protected	*This is biologically confused. They aren't <i>homo sapiens</i> , nor living human organisms. They're haploid gametes with half the genetic identity of the individual, and lacking biological features of life: digestion, excretion, cellular division. *Human beings have the capacity for multicellular stages of development, but a sperm and egg, as such, do not. They must become a different entity (a zygote) before they have that capacity. *They fit only some stream-lined definitions of life (same as viruses) they do not fit other more robust definitions of life. *They are part of a human, not a whole human. *The sperm and egg, separately, lack the capacity to develop as a self-directed genetically distinct human being. *Neither constitutes a stage of development for the individual human being. *The zygote is a stage of a distinct human life, the egg and sperm are not. *The zygote is a distinct organism, whereas the sperm and egg are gametes functioning as part of the reproductive system of a parent organism. *Haploid vs. Diploid: The sperm and egg are haploid—having genetic identity with the donor male or female respectively. Yet the zygote is diploid having the mingled genetics of both the male and female sources. *Innate capacity for distinct life: the zygote has the full and natural capacity to develop into another human being. The sperm or egg have no such capacity, by themselves. They would need fringe/cutting edge science, dabbling in ethically questionable realms, to generate new life (a clone).
	11. Burning Research Lab argument (E. Goodman)	*Non-sequitur: it does not follow that saving the full-grown human over the dozens of embryos in vials is proof that the embryos aren't human. *Disanalogy: the debate is not about saving humans from an accidental fire, it's over whether it's ethical to <i>intentionally kill</i> humans. The burning lab illustrates a true dilemma but abortions are not a dilemma context where one <i>must</i> have a human killed. *Human beings can be equally deserving of life, yet <i>relatively</i> valued (i.e., loving your kids over another's)
	12. Twinning (since the conceptus can twin, it is not a single human life)	*Non-sequitur: it doesn't follow that a thing that becomes 2 humans was not human beforehand. *By analogy, a flatworm becomes 2 flatworms if cut in 2, but that's no disproof of the original flatworm. *This raises a question over when soul infuses the body (religious anthropology), but not even that view is required for religious views (see, Traducianism—soul and body could both be produced by parents)
	13. Acorn Argument	Also in Judith Jarvis Thomson's "A Defense of Abortion" (1971), this argues that an acorn isn't an oak tree, hence destroying an acorn is not ethically comparable to destroying an oak tree. Likewise, killing the child in utero isn't unethical like it would be to kill a toddler. *Disanalogy: (1) Oak trees can reproduce sexually or asexually, hence the seed is not necessary to the furtherance of the species of Oak Trees. (2) Oak Trees are substantially less valuable than humans, this much is recognized by countless laws and legal precedents—only in some cases would "murdering" an oak tree be problematic; whereas murdering a human being is always problematic. (3) Oak Trees reproduce through hundreds and thousands of acorns (and acorns are more akin to the zygote than to gametes) with most of these being eaten, washed away, crushed, dried out, or relying on external features if it is to "implant" and have a chance to grow. (4) One can grant that killing an acorn is killing an early stage oak tree without that changing anything. Since each oak tree can reproduce itself ten-thousand times over, a loss of one dumb/non-conscious oak tree is natural, normal, common, and ethically uninteresting. (5) Human rights have a hard-fought history against which "Oaken rights" can't compare. (6) Oak tree reproduction, overall, is too disparate to serve as a useful parallel to human reproduction. For example, "enslaving" a tree is no crime since that does not devalue the tree as it would if it were a person enslaved.
	14. Cloning (all our cells are potential people; since it's ridiculous to	*Natural vs. Artificial means—one must discredit natural law ethics for these 2 modes of generating life to be treated as equals. Yet our legal history pays great deference to natural law ethics wherein certain rightful states, such as motherhood, procreation, etc. are endowed with natural duties "having skin" does not entail a duty to preserve and protect all one's skin cells. *Appealing to cloning complicates the

	protect all our skin cells abortion can be justified)	matter since cloning is also ethically controversial. You wouldn't want to prop your car up on a broken jack; nor would you want to prop your ethical argument up with another questionable line of ethics.
C. Rights of the Mother	1. Bodily Sovereignty-- Mother has Bodily sovereignty incl. right to terminate pregnancy.	*Practical limits: my right to swing fist ends at your nose. *There are bodily duties to which we are bound (i.e., legal/work contracts, family law) which limit how we can rightly handle our own bodies—sovereignty has legal and contractual limits. This can parallel natural law if the sex act is a submission to a natural “contract” entailing certain subsequent behaviors. *Our bodies aren't entirely ours. We've bodily-duties to God, family, and others. *Human beings aren't objects to be owned like disposable property. *Location doesn't make possession. If I swallowed your ring, it's still yours. *Conceptus isn't mother's body since (a) mother and child are interchangeably separable (mom may live and baby die, baby live and mother die), (b) conceptus is attacked by mother's immune system, (c) it's genetically distinct from mother, (d) it's a biologically distinct and separate organism.
	2. Right to privacy	*Private evil is still evil. *Offset by public duty. *Child's right to privacy. *Privacy is less important life. *The Roe V. Wade case, identified the right of privacy (i.e., <i>Griswold v. Conn.</i> ) as applying to abortion yet this ruling was based, in part, on a scientifically confused view of the fetus as a “potential human.” This basis is factually wrong. The child is already a human being. As such, the “right of privacy” doesn't clearly apply if RvW had admitted, what scientists knew at the time. The child would thus have a potential (or actual) claim to a right of life and privacy. *Abortion interferes in the child's privacy.
	3. Childbirth is a choice	*But motherhood is a duty once a woman becomes a mother. And from conception to birth, she is a mother-with-child. We would not excuse fathers of fatherly duty just because they want to dissociate from the child. *Actions have consequences, and sex is an entry into the baby lottery. Morality requires we face natural consequences of our actions, especially if we'd otherwise hurt/kill others.
	4. What about rape & incest?	*“How should civilized society treat human beings who remind us painful events?” [Klusendorf]. *It's unjust to punish someone for the crimes of another, yet the child is innocent. *Abortion adds trauma. *It doesn't unrape anyone. *Abortion displaces guilt (the state of guilt) treating the child as if it's guilty and deserving punishment when it is the rapist who should be punished. *Abortion adds injustice to injustice. *We should prefer to suffer evil than generate more of it. *Abortion accommodates the rapist by silencing the key witness, hiding the event and its consequences, and by destroying evidence. *New life can be redemptive. *Celebrate the life but not the act. *Many rape victims don't terminate the pregnancy, though the way it's told one can hardly imagine how a sane person would do so. *This is a small percentage of abortion cases, and exceptions should not make the rule.
	5. Pro-life merges church & state	*Immoral is still immoral. *Religious people are also citizens, and can act, speak, and advocate as citizens in a “secular” way. Likewise, non-theists can advocate religiously or adhere to non-theism religiously. *Church is a corrective against immorality in society (see abortion). *Pro-life position is not uniquely religious. *Church and state are interactive and can serve each other well so long as they don't try to replace or displace each other (i.e., utopianism).
	6. Abortion-choice needed for equality w/ men.	*This says men and women are not naturally equal, but need access to a surgical procedure to be equal in their human rights. *Equality is not “imparted” to women by Gov't, they have equality already whether Gov't recognizes it or not (i.e., “created equal”). *Discriminates by standardizing customarily masculine approach to sex over and above a typically feminine approach. *Many women consciously prefer and advocate for pro-life as the morally superior position which better aligns with femininity, equality, and human dignity.—i.e., it is more womanly to embrace motherhood, use one's body to care for others, foster life, etc. than to militate against these uses for one's self-interests. *Motherhood exalts women since it is the more uniquely feminine privilege, not abortion. Men could mimic abortion procedures but not pregnancy. *Men can't have abortions, why should women be able to—that's “unequal” and “discriminates against men. *Pro-choice harms women since at least half of aborted fetuses are female; abortion mothers are the “second victim,” and abortion, as an unnatural action, can be very traumatizing in a way that is more morally charged than the potential trauma of dangerous pregnancies.
	7. Pro-life Discriminates Against Women	*All active agents involved consented (except in cases of rape). *Biological Consent--pregnancy & sex are biologically interwoven, so it would be like eating a pound of cake but not consenting to the weight gain—the eating is the consent. *They consented to the causes of pregnancy. *Acts of consent can betray one's words or intentions. *Since men consent to fatherhood by having sex, equal rights suggest women consent to motherhood by having sex. *This argument would absolve dead-beat dads of any responsibility (which is immoral). *Motherhood as a duty to one's child trumps consent.
	8. Consent to Sex Isn't Consent to Pregnancy	*Disanalogy: (1) the child isn't an intruder, it is where it's supposed to be at that stage of development. (2) Neither is the child a parasite (see above), (3) Nor an aggressor. (4) The mother stands to benefit from pregnancy at least as much as she stands to lose—that would be an odd attacker who benefits his victim. (5) The mother's body is designed and equipped for pregnancy, it's natural, but McDonagh treats the relation like it's unnatural and strange. (6) Pregnancy isn't immoral nor criminal like theft or assault. (7) Pregnant women can operate just fine at work and at home; so characterizing it as an ‘attack’ is a stretch. *If pregnancy is such a handicap, as McDonagh suggests, then nature has made mothers unequal to man—denying rightful equality.*Consent can/does include accidents and unforeseen consequences;
	9. Abortion is self-defense [Non-mortal threat] (Eileen McDonagh, <i>Breaking the Abortion Deadlock</i> , '96)	*Disanalogy: (1) the child isn't an intruder, it is where it's supposed to be at that stage of development. (2) Neither is the child a parasite (see above), (3) Nor an aggressor. (4) The mother stands to benefit from pregnancy at least as much as she stands to lose—that would be an odd attacker who benefits his victim. (5) The mother's body is designed and equipped for pregnancy, it's natural, but McDonagh treats the relation like it's unnatural and strange. (6) Pregnancy isn't immoral nor criminal like theft or assault. (7) Pregnant women can operate just fine at work and at home; so characterizing it as an ‘attack’ is a stretch. *If pregnancy is such a handicap, as McDonagh suggests, then nature has made mothers unequal to man—denying rightful equality.*Consent can/does include accidents and unforeseen consequences;

		<p>consent allows for accidents that were foreseeable as possible outcomes. If you consent to sex, you accept the possible consequence of a sexually transmitted disease, falling in love, or getting pregnant. You still have to pay for the window if you consented to playing baseball but not to breaking your neighbor's window (see Klusendorf, 192). "You only consent to what is within your control" (Ibid.).</p> <p>*Sex is the material cause of pregnancy; the woman is the efficient/agent cause—not a 2<sup>nd</sup> or 3<sup>rd</sup> party as her arg. seems to suggest. The child didn't cause its own existence. The sexually active mother is the one who caused her pregnancy, hence she is the culpable party not the victim. *If she doesn't want an intruder she shouldn't materialize one, becoming its mother, by her willful and informed actions.</p> <p>*Passive abstention ≠ active killing—its fine to refrain from donating blood, but it's not fine to slit someone's throat for needing your blood donation. *It's illegal to take certain drugs (thalidomide, or Accutane—with restrictions) for medical benefits which also cause birth defects in the child—yet that contradicts her "bodily autonomy." *Moral obligations can trump consent.</p>
D. Health/Medical	1. Abortion is Self-defense [Mortal Threat].	<p>*Yes, if tubal pregnancy, etc. No, if it's a normal/non-mortally dangerous pregnancy. *Life over limb.</p> <p>*Pregnancy/baby isn't a disease or crime/criminal * Only if imminent mortal danger since that pits life against life, and one death can prevent two deaths.</p>
	2. What about Ectopic Pregnancy/Mortal threat to mother?	<p>*[see above] Abort. is non-obligated option as self-defense. *If dilemma is "mom &amp; baby die" vs. "baby dies," then 1 death is better than 2. *Justified not as abortion but a dilemma-charged rescue effort for the mother's life. *The abortion is still regrettable since that child's life should otherwise have been saved.</p>
	3. What about if the child is handicapped?	<p>*Discrimination. Handicapped humans are just as human, having the same equality under the law.</p> <p>*Discrimination of human/legal status on the basis of ability is evil. *Misdiagnosis is a real possibility.</p>
	4. It's established law, so deal with it.	<p>*Non-sequitur: legal≠moral. *Laws can change. *Abortion was legalized in the 1st place against prior "established law"; by this standard abortion wouldn't have been legalized. *Slavery was law for longer.</p>
	5. "Coat-hanger" argument (see "international objection" below)	<p>One of the most prominent arguments in the pro-choice repertoire is that laws against abortion do not stop abortion but instead drive women to illegal and unsafe means of abortion, i.e., "back-alley" abortions. However, *The numbers don't compare, (millions babies vs. dozens mothers) *CDC stats: 411 women died from <i>legal</i> abortion between 1973-2009, but even that number may be suppressed and biased (David Reardon, "The Cover-Up: Why U.S. Abortion Mortality Statistics Are Meaningless" 3 June 2000). The estimated "10's of thousands" of back-alley abortion deaths are baseless/unverified.</p> <p>*Illegal or "unsafe" abortion is equally good evidence that abortion itself is wrong—killing humans is bad, risking another life in the process is worse. Women aren't forced to have illegal abortions. *It's not clear that women would pursue illegal abortion in any great numbers if abortion were banned. *Non-sequitur: just because some women will pursue back-alley abortions does not make abortion ethical or deserving of legalization. *Of course the law can't stop all abortions, so long as it stops many abortions or contributes to a culture of greater responsibility and less death it can be worthwhile. *Legalizing abortion skyrocketed the abortions from about 90,000 to roughly 1 million yearly. *Abortion was a relatively safe procedure by 1957 (260 died in the U.S.). 24 died in 1972 from legal abortions and 39 from illegal abortions. *84-90% of abortions in 1958 were performed by licensed medical professionals (Calderone 1960). *Legalization may have heightened maternal deaths since public opinion about abortion and extra-marital pregnancy shifted, since 1973, toward more unplanned pregnancies as women still pursued abortions by legal and illegal means (Kermit Gosnell). *</p>
	6. Doctors, not governments, should make medical recommendations	<p>*Abortion isn't a medical issue since it deals in suffering and death instead of health and life. *Everyone should have a moral interest working to promote human rights whether gov't, doctors, or individuals.</p> <p>*Gov't is a proper domain for (1) laws about social ethics and societal epidemics and for (2) protecting basic human rights. *This argument would also oppose the Affordable Care Act and its contraceptive mandates (w/ abortifacients). [I.e., "Get out of my womb" means don't have employers be forced by government to have a financial say in one's private bedroom and medical decisions].</p>
	7. Adoption is more traumatic than abortion	<p>*Not likely, since the trauma of death is uncalculable. * Plus abortion victims widely report trauma. The pregnant mother has an ordeal either way, but at least she can go without the guilt of a felt sense of murder. *The right thing is often painful. *Theoretically possible, but can't be known—one can't abort &amp; orphan same child to compare them.</p>
E. Social/Societal	1. Men should stay out of it, it's a woman's issue	<p>*Human rights are an everybody issue. *Boyfriends, Dads, Hubby's, &amp; Docs are all affected by it. *That child is half his. *This objection discourages compassion and moral legislation (i.e., all legislation should be morally guided/morally correct). *Men should care if evil is being done. *It is broadly unethical to let people harm themselves or others. *Abortion was legalized by a court of 9 white male justices, so men started it. *Treated as a "women's issue" this ignores the heavy influence of men on abortion (<a href="http://www.theunchoice.com/coerced.htm#5.">http://www.theunchoice.com/coerced.htm#5.</a>; <a href="http://www.deveber.org/text/chapters/Chap16.pdf">http://www.deveber.org/text/chapters/Chap16.pdf</a>).</p>
	2. Stillbirth/ Miscarriages	<p>(1) They're common</p> <p>*Common does not equal good. *We should redeem the parts of nature we can, including advancing medical technology and awareness to reduce miscarriages. *Miscarriage are ethically distinct from abortion just as dying of natural causes is different from killing someone for being in your way.</p>

E. Social/Societal,	(2) God aborts babies	*Maybe not. It could be that nature aborts babies since nature is fallen. *Even if God did this, God can do things righteously that we cannot. God has a right to reclaim lives he's given. *Miscarriage seems to be a product of the Fall (Gen 3) and not part of God's ideal.
	3. Adoption nowadays is a poor option	*Even if this were true it's still secondary. Adoption policies should be reformed, just as abortion should be banned. *Unethical is still unethical. *An orphan's hard life is better than killing children.
	4. No one would want to adopt a child of a rapist	*False, there are many pro-life groups that could and would arrange for an adoption of a rape-baby if given the chance. *Adoption agencies aren't allowed to disclose the details of the mother/father.
	5. Abortion eases family/social burdens	*Utilitarian Fallacy. *Some burdens should be carried: military service, parenthood, etc. taxes. *More babies equal bigger families—greater social support system over time. *Babies are also a blessing.
	6. Helps solve teen pregnancy	*Utilitarian Fallacy—killing children is still evil, regardless of results. *This is better addressed in other ways such as abstinence, safe sex, stronger families, family values, stronger faith communities, etc. and these don't involve killing children. *Keeping abortion legal implicitly affirms sex outside of marriage since the consequences of sex are legally separated from the act of sex.
E. Social/Societal, cont.	7. Abortion helps bring equality for women [compared to men]	*Twisted “equality.” The most unique distinguishing ability of women (motherhood) shouldn't be attacked. *Equality needn't be in every/most sense to be true in the relevant sense. *Women treat sex differently, equalizing them harms uniqueness of their sexual nature—i.e., separating sex from marriage, commitment, & procreation. *Sex-selective abortion hurts women (i.e., girl babies aborted more often).
	8. Abortion brings economic gains	*Utilitarian Fallacy—there are other ways to achieve this without killing. *This unethically objectifies human life. *Unethical to create incentives for killing humans. *Broadly unethical to profit off of killing. *Some burdens should be dutifully carried: military service, parenthood, etc. taxes. *More babies equal great workforce, long term economic benefit. *Babies are also a blessing. *Countries with high birth rates and high poverty tend to have many causes of poverty—government corruption, civil strife, war, terrorism, plague, tribalism, etc. *Birth rates correlate with poverty but are known to “self-correct”, without legalizing abortion, so long as the economies improve.
	9. Abortion curtails overpopulation	*Utilitarian fallacy. *Increased affluence does same thing for birthrate. *Food production/infrastructure adjusts according to need. There's no known upper limit to these. *Overpopulation's mostly a myth ( <a href="http://www.realclearscience.com/articles/2011/07/20/the_world_is_not_overpopulated_106247.html">http://www.realclearscience.com/articles/2011/07/20/the_world_is_not_overpopulated_106247.html</a> ).
	10. Mother'd be rejected by friends/family	*Killing a human being is still worse. *There are other social support networks (churches, community centers, counseling, etc.). *Get new friends. *Family are legally obligated to care for minor children.
	11. Pro-lifers force their beliefs on others	*Abortion <i>always</i> forces one's views on another (i.e., killing the child). * Mistakes subjective opinion for objective fact. If abortion is wrong, then we all should adjust to the fact. *Fails by analogy: abolitionists are forcing their abolition on slave owners/suffragists are forcing their voting rights on anti-suffragists. *Abortion is a public matter where other human beings are involved.
	12. Pro-lifers are too “single-issue”	*Red herring: one can admit this, and abortion still be evil deserving prohibition. *Abortion itself is a multi-faceted issue: abuse, family, health, jobs, economy, etc. *Fails by analogy with slavery (i.e., “abolitionists in 1860 were too ‘single issue’”). Yet abortion is far worse (>0.5mill vs. 57mill). *Too impractical. Widely dividing one's interests (financially) would ruin the effort. The pro-life cause is already underfunded compare to the pro-choice side, since it's more profitable to kill babies at a price than the raise them at an expense. *Pro-lifers can still contribute responsibly towards adoption, pro-family groups, sex-education, and crisis counseling while focusing their main sights on abortion.
	13. International Objection (see, “coat-hanger” objection above).	It is true that some international settings show that banning abortion generates dangerous/illegal abortions. *However, legalizing abortion still increases the death rate since lots more babies die even if (supposedly) fewer mothers die. *Family law, rape laws, and patriarchy may also need to change/evolve to support a higher ethical ideal of banning abortion. In those cases, pro-life ideals need to be phrased with respect to the particular causes for unplanned pregnancy (such as sex-slavery, forced marriages, and rape) as well as addressing the need for alternatives to abortion. *Western libertarian views of sex might be too much for traditional 3 <sup>rd</sup> world countries to handle.
	14. Appearance/Mother didn't want to get fat	[I know someone who claimed this reason, but I would not imagine a pro-choice <i>advocate</i> would say this.] *Trivial/superficial/selfish reasoning. *It's evil to grade appearances over human life.
F. Judicial/Legislative	1. If we banned abortion mothers and doctors would be put on trial.	*False, the law doesn't work retroactively; they acted legally at the time. *Irrelevant, it's still unethical even if the consequences are odd/difficult to accept. *For many of them, that sense of justice might be more refreshing and “right” than getting off scot free from the known immorality of killing children. *Even before abortion was legal, the mothers are the “second victim” and are rarely/mildly punished.
	2. Abortion can be done with good intentions	*It's still malicious against the baby and mother, despite good intentions ( <a href="http://www.frc.org/content/how-abortion-harms-womens-health">http://www.frc.org/content/how-abortion-harms-womens-health</a> ) *Abortion isn't clearly “better” than birthing a child. *So what? The road to hell is paved with good intentions. *Intentions aren't enough, good actions are still required.
	3. Hypocritical to affirm Pro-life & death penalty	*Preborns aren't criminals so abortion is injustice to preborns. *Red herring/Distraction. *One can be inconsistent on death penalty and still right on abortion. *These are separable.
	4. It's legal so it's moral.	*Legal doesn't equal moral. *Society/Majority/Courts can be wrong (i.e., slavery) *Roe v Wade might not be rightfully legal but an abuse of judicial power, grossly immoral, or conducted errantly.

	5. Abortion is common in international law and in other countries.	<p>*Ad populum/consensus gentium—majority and popularity don't make a thing good. *Many other countries have an ethically and legally inferior socio-cultural system such that we would be worse if we adopted their respective policies for ourselves. **"Civilized" (1<sup>st</sup> world) countries may legalize abortion hypocritically, in a way that betrays their otherwise "high" view of human life. Again, that sets a bad standard for us to follow. *Since fetuses are humans then they are potential victims of "crimes against humanity," and "human rights violations," and that identifies evil at a transcultural level—violating a human being's innate rights, regardless of federal or state law. *the scale of human deaths involved in the abortion trade make it the most deadly action man has ever committed against fellow human beings. That would seem to qualify abortion as, at least a candidate, for the claim "crime against humanity" and that would trump other federal, state, or international permissions.</p>
F. Judicial/Legislative, cont.	6. Abortion was legal until the 19 <sup>th</sup> century—antiabortionism is a modern backlash	<p>*False. This point mistakes a spike in legal bans on abortion for the first/only bans on abortion. Wherever abortion was explicitly addressed, it was overwhelmingly taboo and/or illegal. *The historical norm was to prohibit abortion in keeping with the best medical knowledge of the time. As knowledge advanced, the terms of the ban advanced; hence there was a spike in anti-abortion laws when modern embryology began to overturn the medieval/ancient view (i.e., life begins at the quickening). *The Hippocratic Oath demonstrates an ancient anti-abortion standard (5<sup>th</sup>-3<sup>rd</sup> cent.). *Abortion is condemned/taboo in other ancient sources: <i>Sibylline Oracles</i> (6<sup>th</sup> BC), <i>Sentences of Pseudo-Phocylides</i> (50BC-50AD), <i>1<sup>st</sup> Enoch</i> (1-2 cent BC), Josephus (1<sup>st</sup> cent. AD). *In the medieval era, Christian, Jewish and Muslim standards agreed on the quickening view. *The quickening view was standardized in British Common law, and was adopted into U.S. law. Ex., James Wilson makes this point clear in "Of the Natural Rights of Individuals," (1790-1792). *Equivocation. An explicit legal ban can clarify what was already prohibited previously. *Argument from silence—lack of explicit bans, naming abortion, do not constitute proof that murdering preborns was legal. *According to the prior "quickenings" view, "abortion" prior to that point was not an abortion. Abortion prior to quickening wasn't known to be abortion, hence it satisfies a pro-life norm given the science of the time. *In late 19<sup>th</sup> century medical science was advancing in its understanding of genetics and embryology—this made "abortion" a moving target, difficult to pin down since later medical standards were liable to import new facts and data.</p>
G. Religious	1. Islam allows abortion	<p>*Not quite. Islamic scholars disagree. Shari'ah law was crafted before modern fetology/genetics showed that the human being begins at conception. It said life began at Quickening (w/ movement, the classical view), hence it wouldn't be "abortion" before that point. Islamic scholars can now identify start of life at conception. **"The Shari'ah allows abortion only when doctors declare with reasonable certainty that the continuation of pregnancy will endanger the woman's life." ("Abortion," by Dr. Ibrahim B. Syed, Louisville, KY: Islamic Research Foundationa Intl. Inc., N.D. (&lt;2012), para. 10), accessed 29 March 2013 at: <a href="http://www.irfi.org/articles/articles_101_150/abortion.htm">http://www.irfi.org/articles/articles_101_150/abortion.htm</a>. *Even if, conception view were disputed, and dualistic view retained (i.e., it's human life only when soul infuses body), abortion would still be prohibited since Islam only allows abortion before that point (before 5 mo. or the quickening).</p>
G. Religious	2. Jews, Liberal Christians, "Black" Church, and other often affirms abortion	<p>* Only hypocritically so, and not for theological reasons so much politically liberal affiliations (Black churches and Western Jews are overwhelmingly Democrat/Liberal leaning). *Religion need not antagonize science and science identifies human life as beginning at conception, thus any Biblical and natural law injunction against abortion would apply from conception onward (see, Gen 9:6; Ex. 20:13).</p>
G. Religious	3. Wicca, Unit./Univ., & other non-biblical relig's often support abortion.	<p>* Freedom of religion undermines any distinctly religious justifications for abortion insofar as they are offered as legal cause to "keep it legal." * Natural law, history, and modern science serve very well in the case against abortion. *Whole groups can be wrong: this is a Consensus Gentium/Ad Populum Fallacy if these are given as direct proof that abortion is permissible. *Religions can be wrong.</p>
H. Religious	4. Separation of Church and State: Banning abortion favors Christianity	<p>*It cuts both ways: some religions/denominations affirm abortion-choice. *Falsely assumes there aren't secular reasons to reject abortion. *Religions can be right for religious or non-religious reasons (i.e., a religion may teach that we should wash our hands as that is ceremonially pure, but it's also hygienic).</p>
H. Religious	5. God kills people anyway, so abortion is "being Godly."	<p>*Disanalogy: we can't take life just because God does; He first gave life so it's his to reclaim, not ours to steal. *Miscarriages are natural evils, not moral evils. It's not clear that God <i>does</i> these but rather that God allows these as part of nature since the Fall. *OT War contexts are disanalogous since abortion isn't a war context. *Capital punishment is for the guilty, not for the innocent (babies). *Corporate guilt is God's to dole out, not for us. It's prohibited for us (Jer 31:29-32; Eze 18:1-13). *God's good intentions, good outcomes, good manner, and good nature spell a different moral justification than when humans try to execute justice. He can administer fierce justice with divine exactitude while we cannot.</p>

H. Religious, cont.	6. Biblically, human life begins when it first breaths ( <i>nephesh</i> --soul)  *This applies to the first human life (Adam), not necessarily to subsequent human life. *Etymological Fallacy—assumes a word's origins/history dictates its current meaning. *”Soul” does not typically mean “breath,” though there's a natural reason for associating the two—biological breathing things are alive. *Substance dualism could still apply without interpreting “soul” as “breath,” i.e., soul could be the animating feature, the ‘form,’ the life itself, the seat of experience/self-awareness, the spirit, etc.
	7. Bible is silent on abortion.  *If true, then it's a fallacious argument from silence. *If false, and Bible supported abortion—that would only make it “okay” on a religious or perhaps antiquated basis, and an inconsistent one at that. *If false, and Bible condemns abortion implicitly or explicitly, then that adds religious and historical weight to the already consistent historical case against abortion. *Until recent times abortion was crude, dangerous to the mother, and inconsistent. Historically, abortion was aberrant so prohibiting it on top of the laws and moors opposing it would have been superfluous. *More importantly, this is just false. Scripture has plenty to say in favor of children, not sacrificing them for our convenience, the important of advanced planning, the sanctity of human life and not shedding innocent blood (see Biblical case above).
H. Philosophical	1. “Human being” is too imprecise/can't be defined  *False, there are countless medical and biological textbooks which acknowledge a medically and legally sufficient sense of “human being” which includes every stage of development from germinal stage to geriatric stage, from conception to extinction. *Peter Singer, “It is impossible to give ‘human being’ a precise meaning. We can use it as equivalent to ‘member of the species of <i>Homo Sapiens</i> .’ Whether a being is a member of a given species is something that can be determined scientifically, by an examination of the nature of the chromosomes in the cells of living organisms. In this sense, there is no doubt that from the first moments of its existence an embryo conceived from human sperm and egg is a human being.” ( <i>Practical Ethics</i> , 2d ed. [Cambridge: Cambridge, 1993], 85-6).
	3. Slippery Slope (if they ban abortion then what's next? Forced Marriage? Banning Contraception?)  *Fear-Baiting/Politispeak *Burden of proof is on the pro-choicer to establish a principled case for why those other things would follow if abortion were banned. *Non-sequitur: wanting babies to live ≠ wanting to control women's bodies/relationships/sex-lives. *Slippery Slope Fallacy—just because one can imagine fearful outcomes sequentially does not amount to causal relation or a proof. *There's no “party line” in the pro-life movement identifying anti-abortion with anti-contraception. *Contraceptives that cause abortion would still be opposed either way.
	4. Difference between causing someone's neediness vs. causing their existence and neediness results (Boonin, 133ff).  According to David Boonin, maternal duties shouldn't be wielded with too much legal force since mothers may cause the existence of the fetus but that doesn't equate to causing their neediness as such. *Distinction without a difference. In this case, the relevant cause is still her agency and it's not clear or indisputable that her relation to the child is merely a supererogatory sustenance, as opposed to dutiful care. She caused another human being to exist in an imperiled position, and it would not have been so without her knowing activity. Hence she's still morally culpable. *Patrick Lee rebuts that if you drive a motorboat near the pier and knock three people into the water you are still responsible for helping them, even if you only caused their submersion not their inability to swim and impending fate (“A Christian Philosopher's View of Recent Directions in the Abortion Debate,” <i>Christian Bioethics</i> 10, no. 1 [April 2004], 7-31). *if the mother's milk was the only food the child could get/handle, and she was “stuck” with the born child for weeks, she would be morally responsible for feeding that child—contrary to what Boonin might say. *The mother is still a mother, with all the normal rightful freedoms and duties therein—and it seems to be her natural and normal role, as mother, to protect and care for her children (duty) however one sees fit (freedom).

## VI. The Burden of Proof Argument, Elaborated

John D. Ferrer, 13 October 2015

### A. Introduction:

1. The Burden of Proof Argument, mentioned above (IV., E., 18), proposes that the pro-choice position shoulders a heavier burden of proof than does the pro-life position. This idea merits some defense.
2. In short, this idea asserts that it is the responsibility of whoever is advocating for killing human beings to show that that act of killing is somehow justified. It is assumed, therein, that killing human beings is a “heavy” matter and should not be wielded lightly or with insufficient evidence to justify the act. Meanwhile, there is *prima facia* ethical duty to treat human life, even contentious forms of it, with non-malfeasance (i.e., “do no harm”).
3. This idea is analogous to the legal standard of, “innocent until proven guilty.” The child-in-utero is not considered to be worthy of a death sentence unless the pro-choice advocate can show, beyond a reasonable doubt, that this child is either deserving of a death sentence (should the mother so desire) or it is otherwise unworthy of protection against the killing.

B. The Burden of Proof Argument	<ol style="list-style-type: none"> <li>a. Premise 1: When in doubt, we should “err on the side of life,” meaning that, regarding abortion, the overwhelming burden of proof is on the pro-choice advocate to prove beyond a reasonable doubt (95%) that the fetus is so clearly unworthy of protection that we are ethically permitted to kill it.</li> <li>b. Premise 2: This particularly high burden of proof isn’t met by pro-choicers.</li> <li>c. Conclusion: Therefore, the pro-choice position fails by not satisfying its burden of proof.</li> </ol>
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### C. Why think that abortion-choice advocates have a particularly high burden of proof?

1. It’s not <i>prima-facia</i> exempt as an ethical basic	<ol style="list-style-type: none"> <li>a. It’s not clearly and for all concerned parties Beneficence           <ol style="list-style-type: none"> <li>1.1. Beneficence (to will and do good towards others) is a basic of medical ethics.</li> <li>1.2. And beyond medicine, it is an ethical default, a cultural universal.</li> <li>1.3. It’s a facet of the golden rule, which is (quite nearly) a cultural universal.</li> <li>1.4. Yet abortion does not satisfy this ethical default in regards to the child-in-utero.</li> </ol> </li> <li>b. Nor of non-malfeasance           <ol style="list-style-type: none"> <li>1.1 Non-malfeasance (to not will or do harm towards others) is a basic of medical ethics.</li> <li>1.2 And it’s another ethical default in other cultures and other fields of ethics (business ethics, philosophical ethics, biblical ethics, religious ethics, etc.).</li> <li>1.3 Yet abortion fails to satisfy this ethical default, as well, in regards to the child-in-utero.</li> </ol> </li> <li>c. Nor does its history or spread suggest it is intuitive or “obviously” good/excused.           <ol style="list-style-type: none"> <li>1.1 Ex., the Hippocratic Oath (original versus) prohibits abortion.</li> <li>1.2 U.S. courts didn’t legalize it till 1973; English courts in 1967. Other countries show the same liberal shift in the same, mid-to-late 20<sup>th</sup> century period: China (1957); Cuba (1965) Singapore (1970); India (1971); Zambia (1972); Tunisia (1973); Vietnam (1975); Turkey (1983); Taiwan (1985); and others. (see: Susan A. Cohen, “Facts and Consequences: Legality, Incidence, and Safety of Abortion Worldwide,” <i>Guttmacher Policy Review</i> 12, no. 4 (Fall 2009), accessed 12 October 2015 at: <a href="https://www.guttmacher.org/pubs/gpr/12/4/gpr120402.html">https://www.guttmacher.org/pubs/gpr/12/4/gpr120402.html</a></li> <li>1.3 Abortion may have been practiced in different ways for most of human history, and law codes varied in precision regarding what practices are legally protected. Yet only recently has abortion become an explicit legally defended social norm.</li> <li>1.4 Nor can one say that recent legalization merely reflects improved technology, thus safer standards for women. Those are factors, but are not the normal stated reasons for the ban. The typically stated for bans on abortion regarded its threat to the child, and/or its implications for human rights/human dignity/sanctity of life, or even religious protections for children.</li> </ol> </li> </ol>
2. The huntsman analogy	* “if you don’t know [what’s in the bush], don’t shoot. It might be a deer (and killing is ethical at least for food or self-defense). Or it might be your hunting partner (whom, it is unethical to kill).
3. It’s life or death	* Mortally threatening acts, generally speaking, should be broached carefully if at all.
4. Legal and ethical precedent establish this level of proof, incl. Capital Crime trials	<ol style="list-style-type: none"> <li>a. Killing humans is treated with more legal/ethical weight than, say, killing a pet or potted plant.</li> <li>b. Before administering a death sentence, the U.S. judicial system has many checks and balances (diff. levels of appeals, trial, by a jury, of peers, federal and state reprieves, etc.). Each of these testifies that our legal system is designed to protect human life from wrongful killing. Altogether, this constitutes the highest required level of proof in U.S. law—“beyond a reasonable doubt” (also, explained as 95%+ certainty; where only absurd and unreasonable doubts remain).</li> </ol>
5. Potential crime against humanity	<ol style="list-style-type: none"> <li>a. Crimes against humanity are as serious as crimes can get, yet they can be legal in federal/national/ state law. This crime can be legal by federal standards yet violate intrinsic human rights.</li> <li>b. Meanwhile, abortion kills a member of the order and species <i>homo sapiens</i> hence it is a human being. And the scope and distribution of abortion, if it were unethical, would make it unrivaled in scale comparable to many war crimes and genocides put together. As such, abortion satisfies minimal criteria to <i>potentially</i> be a crime against humanity.</li> </ol>
6. Legal consistency	<ol style="list-style-type: none"> <li>a. Under different circumstances—which pose no substantial difference to the nature of the child itself—the same act would be treated as murder (the Unborn Victims of Violence Act 2004)</li> <li>b. Presumably, our legal code should be internally consistent and should align with ethical ideals insofar as those are within reach and would not incur greater harms.</li> </ol>
7. Human dignity	<ol style="list-style-type: none"> <li>a. Human dignity/sanctity/rights are a hard fought set of ideas in world history; intuitively powerful yet tough to prove. Dehumanization (like slavery) sprouts where ever expediency trumps decency.</li> </ol>

## VII. The Violinist Argument: Development and Rebuttals

By: John D. Ferrer, 11 January 2015

### A. Introduction

AKA, the “Good Samaritan Argument,” (Boonin, *A Defense of Abortion* [Cambridge: Cambridge Univ., 2003], 133ff) wherein agreeing to the pregnancy is a supererogatory act and not an ethical mandate. The violinist argument, in particular, is from Judith Jarvis Thompson’s 1971 Article, “A Defense of Abortion” (*Philosophy and Public Affairs* 1, no. 1 [Fall 1971], 47-66). She proposes that one is not obligated to comply after she is secretly attached to a world-class violinist so he can overcome his failing kidneys by sharing hers. Thus abortion is justified.

### B. The Argument:

“I propose, then, that we grant that the fetus is a person from the moment of conception. How does the argument go from here? Something like this, I take it. Every person has a right to life. So the fetus has a right to life. No doubt the mother has a right to decide what shall happen in and to her body; everyone would grant that. But surely a person’s right to life is stronger and more stringent than the mother’s right to decide what happens in and to her body, and so outweighs it. So the fetus may not be killed; an abortion may not be performed.”

“It sounds plausible. But now let me ask you to imagine this. You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist’s circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, ‘Look, we’re sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it’s only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you.’”

“Is it morally incumbent on you to accede to this situation? No doubt it would be very nice of you if you did, a great kindness. But do you *have* to accede to it? What if it were not nine months, but nine years? Or longer still? What if the director of the hospital says, “Tough luck, I agree, but you’ve now got to stay in bed, with the violinist plugged into you, for the rest of your life. Because remember this. All persons have a right to life, and violinists are persons. Granted you have a right to decide what happens in and to your body, but a person’s right to life outweighs your right to decide what happens in and to your body. So you cannot ever be unplugged from him.” I imagine you would regard this as outrageous, which suggests that something really is wrong with that plausible-sounding argument I mentioned a moment ago.” (Thomson, 47).

### C. Strengths/Pros:

1. This argument is one of the strongest for the pro-choice camp because it can, purportedly, survives while granting the main claims of the pro-life camp (i.e., that the fetus is a human being with an innate right to life).
2. It’s relatively easy to understand.
3. It’s pathos and presumed response are nearly universal.
4. It helpfully distinguishes acts which are erogatory (required) versus supererogatory (good, but not required).

### D. Weaknesses/Cons:

1. Opponents consider this argument to be a disanalogy and/or logically fallacious.
2. It’s not yet proven to be persuasive to opponents.
3. It’s contrived and strange, making it difficult to conceptualize in its finer details and thus empathize with its protagonist. (i.e., it’s a science-fiction).
4. It does not analogize the parent-child relation that might be needed for a strong thought experiment

### E. Rebuttals:

1. It’s a disanalogy because in the violinist scenario the persons’ involvement was wholly non-consensual while in pregnancy the person consented to sex wherein she then became a mother-with-child.
2. It’s a disanalogy because the violinist scenario is ad hoc/artificial while the parental relation is fundamental/natural
3. It’s a disanalogy because the violinist scenario lacks the legal precedent and natural-law jurisprudence fortifying one’s duty to non-family medical dependents whereas there *is* a bounty of legal precedent and natural-law jurisprudence fortifying duties to one’s children.
4. It’s a disanalogy because the violinist scenario has a passively victimized woman, whereas normal sex relations actively invites pregnancy—whether that invitation is unintentional or intentional—so the woman is not victimized; she is getting the natural, normal, and known consequences of her actions.
5. It’s a disanalogy because the violinist scenario is passive killing while abortion is active killing—to fix this, Thomson would need to have the woman invite the doctor to actively dismember or poison the violinist.
6. It’s a disanalogy because in the violinist scenario the disease, not the doctor, is the killer.
7. It’s a disanalogy because the child is not an intruder, while the violinist is.—The child is “precisely where he or she belongs at that stage of development.” (Klusendorf, *The Case for Life*, 188).
8. It’s a disanalogy because going to sleep is not as ethically weighted as “sleeping with” someone.
9. “That a woman looks upon her child as a burglar or an intruder is already evil.” (Stephen Schwarz, *The Moral Question of Abortion* [Chicago: Loyola Univ., 1990], 118).
10. Sex *is* an entry into the baby lottery (see above) meanwhile the hypothetical victim in JJT’s argument did nothing which is a lottery entry to “link with a violinist.”
11. It can be rebutted by analogy: what if the violinist was instead the woman’s own 2 year old child? (see Koukle, “Unstringing the Violinist,” Stand to Reason Ministries, [Signal Hill, CA: STR, 4 Feb. 2014], para. 25-28).—The parental relation would be maintained

making it a stronger analogy—but then the presumed outcome (ethical detachment) would be questionable, and we should be biased towards life in such cases.
12. Children have a <i>prima facie</i> right to be protected by their parents, whereas violinists—even great ones—have no <i>prima facie</i> right to be sustained artificially by strangers.
13. Parents have a <i>prima facie</i> duty to protect their children, not to protect strangers.
14. Abortion does not merely “withhold support” as Thomson suggests, abortion actively kills a human being. The child’s right to life is not simply ignored, it’s actively violated with willful and malicious intent.
15. The relevant part of the analogy can be maintained without drawing the same conclusion: One may “throw out” an unwanted intruder to your house, who is entering only for the sake of medical attention (i.e., akin to parental dependence) but not if that means killing them. That general right of autonomy is not a free-pass to maim, mutilate, and murder another human being.
16. The violinist scenario lacks consent, and to that extent is more akin to rape. The sex act itself is natural consent to pregnancy (though it can be admitted that a woman may have sex and still try to contradict that natural invitation by desiring non-pregnancy and using contraception). If rape is understood as “unnatural” (defying the natural law principle of informed consenting adults) and normal sexual relations are understood as “natural” (being nature’s mode of reproduction) then the violinist scenario parallels rape, not consensual sex.
17. The expansion from 9 mos. to 9 yrs to a lifetime is a stretch; the time frame isn’t arbitrary—one could reacquire his or her old job after 9mos. but not after 9 yrs. All her remaining birthing years could be sacrificed in those 9 years.
18. Even if the whole argument is granted, it fails to show that abortion is “good” or even “ethical” preferable but only that it’s ethically permissible. The argument admits the greater action would be to stay connected to the violinist.
19. Hypothesis contrary to fact: by suggesting expansive time-frames—9 years/lifetime—that are dissimilar from the normal 9 mo. gestation, she’s dealing in a relevantly different hypothetical scenario which, if it were the case, would radically reorient biology and practical ethics. Hence she errs by trying to use the rules of a different “game” to judge this “game.” That is, she’s committing a fallacy of hypothesis contrary to fact by imagining a counterfactual that would stipulate a radically different ethical landscape and then using it to judge the present facts.

#### **F. Rejoinder—What about rape?**

Perhaps, Thomson’s argument doesn’t work for pregnancy generally, but it still works in cases of rape. There was no consent, so the “baby lottery” characterization breaks down. In this way, the parallel between the violinist scenario and a rape case are strengthened.

1. However, there remain too many points of disanalogy to maintain that this is a valid argument by analogy. (1) The parental role is left out, (2) active vs. passive distinction is left out, and (3) natural death vs. manslaughter/murder/killing.
2. It’s just/fair to decline the violinist but unjust to punish someone for another’s crimes, as with rape pregnancies.
3. Plus, being harmed is no excuse to harm another, especially if that other person is morally/legally innocent.
4. Abortion is not how civilized society should treat human beings who remind us painful events? [Klusendorf].
5. Abortion adds trauma without necessarily resolving any prior trauma.
6. Abortion doesn’t unrape anyone.
7. We should prefer to suffer evil than generate more of it.
8. New life can be redemptive.
9. We can celebrate the life without celebrating the act.

10. Many rape victims don’t terminate the pregnancy, though the story is *told* as if no sane person would do so.

11. This is a small percentage of abortion cases, and exceptions should not make the rule.

#### **G. Rejoinder II—Imperfect Drug Analogy (Boonin)**

According to David Boonin the “Good Samaritan” Argument, specifically the violinist argument, can be recast in terms of a thought experiment about an imperfect drug. In this thought experiment, a doctor prescribes a necessary drug to a patient though both know that there’s a chance for that person to develop, as a side effect, a kidney condition in seven years (the same kind the “violinist” had) and if that happens, the doctor is the only one who can give the life-saving kidney sharing treatment (i.e., the analogy begins to overlap the violinist argument again here). Now, Boonin argues that if the doctor had an alternative medicine, a “perfect drug” which had no such side effect, then the doctor would be ethically responsible for the kidney sharing treatment 7 years later. But if there was no “perfect drug” and the imperfect drug was the only option, then the doctor is not ethically obligated for kidney-sharing because even though he generated the person’s existence (i.e., by giving a life-saving imperfect drug) he did not generate the person’s specific neediness (since he did not directly cause the side-effects; the drug caused that). Boonin argues that abortion is akin to the imperfect drug scenario and not the perfect drug scenario.

1. However, by extending an analogy with another diff. analogy Boonin’s “Imperfect Drug” loses explanatory power for being awkward and convoluted. It is for philosophy what mixed metaphors are for English.
2. Since sex remains the natural route to motherhood and pregnancy, whereas obscure diseases are not the natural route to drugs and kidney-sharing technology, there remains a critical disanalogy at the point where natural law ethics enters the conversation. Natural relations can issue in duties where otherwise comparable but non-natural relations do not.
3. Disanalogy: the initial disease, in the story, isn’t paralleled in reality. Pregnancy is not a “cure” for a disease, nor does abortion cure any “disease” (neither pregnancy nor the child’s life is a “disease”) hence there’s a causal relation generating added tension/crisis in the illustration which is not paralleled found in pregnancy.
4. The doctor-patient relation, while similar to a parent relation, is still different from parent relations in ways that undermine the analogy. Doctors tend to the patient’s health, parents tend to the patient’s health and well-being. Doctor’s give of their service, whereas parents give of themselves. The patient’s dependence on the doctor is unfortunate/tragic while the child’s need of its parent is normal/healthy/good.

5. By treating the child's need the same as the patient's, the analogy blurs neediness as if the kind and source doesn't matter (when it does matter). The child's need is intrinsic, normal, and healthy; patient's need is extrinsic, abnormal, and sick.
6. Human nature (which generates child-to-parent dependence) carries established/intrinsic norms and values while medicines (which generate the kidney-sharing dependent relation) have only fabricated/extrinsic values.
7. By appealing to an unrealistic scenario, it's difficult to imagine what *real* moral duties might have ensued for the Doctor.
8. With these points of disanalogy, the doctor may or may not be ethically obligated in the "perfect drug" or "imperfect drug" scenarios without that counterfactual informing us about whether (factual) pregnancy issues in the same ethical obligation.
9. As such, Boonin may have identified a real difference (between causing people's existence vs. causing their neediness) that is relevant in some scenarios but has not been conclusively or strongly shown relevant in pregnancy.
10. At best, this argument shows that it's ethically better for the mother not to abort, but ethically excusable to abort. In other words, abortion isn't "good," it's just (at best) allowed. But for the reasons above, this assessment of the arg. is questionable.

#### **H. Summary of the Objections**

Overall, the argument is seriously undercut by accusations of disanalogy and rebuttals with stronger analogies that fail to generate the same, sympathetic, response for which Thomson is aiming.

#### **I. Improving the Violinist argument?**

A stronger argument from analogy would be if the woman plugged into the machine linking her to the violinist because she received physical pleasure from it (maybe it involved a morphine shot as part of the procedure) and she was not intending to help the violinist; but she knew that there was a good chance that the machine rejects her, even if there is also the chance that it accepts her and she'll be locked into a 9 month contract to share kidneys with this violinist. As it turns out, it didn't reject her and she is now hooked up to the violinist. In that case she has consented and Thomson's example could be made more analogous. Unfortunately, that scenario would not be so compelling towards a pro-choice answer. As such, it's not clear that the violinist argument can be much improved without weakening or ruining Thomson's pro-choice objective.

## VIII. MEDICAL OATHS

By: John D. Ferrer, Last updated 13 October 2015

<b>A. Hippocratic Oath (Classic Form)</b>	<b>B. Hippocratic Oath (Modern Form)</b>
<p>By: Hippocrates (5<sup>th</sup> cent. BC) in L Edelstein, <i>The Hippocratic Oath: Text, Translation, and Interpretation</i>, Baltimore: Johns Hopkins 1943.</p> <p>[1] I swear by Apollo Physician and Asclepius and Hygieia and Panacea and all the gods and goddesses, making them my witnesses, that I will fulfil according to my ability and judgment this oath and this covenant:</p> <p>[2] To hold him who has taught me this art as equal to my parents and to live my life in partnership with him, and if he is in need of money to give him a share of mine, and to regard his offspring as equal to my brothers in male lineage and to teach them this art - if they desire to learn it - without fee and covenant; to give a share of precepts and oral instruction and all the other learning to my sons and to the sons of him who has instructed me and to pupils who have signed the covenant and have taken an oath according to the medical law, but no one else.</p> <p>[3] I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.</p> <p>[4] I will neither give a deadly drug to anybody who asked for it, nor will I make a suggestion to this effect. Similarly <b>I will not give to a woman an abortive remedy</b>. In purity and holiness I will guard my life and my art.</p> <p>[5] I will not use the knife, not even on sufferers from stone, but will withdraw in favor of such men as are engaged in this work.</p> <p>[6] Whatever houses I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief and in particular of sexual relations with both female and male persons, be they free or slaves.</p> <p>[7] What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about.</p> <p>[8] If I fulfil this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot."</p>	<p>[1] I swear to fulfill, <i>to the best</i> of my ability and judgment, this covenant:</p> <p>[2] I will respect the hard-won scientific gains of those physicians in whose steps I walk, and gladly share such knowledge as is mine with those who are to follow.</p> <p>[3] I will apply, for the benefit of the sick, all measures which are required, avoiding those twin traps of overtreatment and therapeutic nihilism.</p> <p>[4] I will remember that there is art to medicine as well as science, and that warmth, sympathy, and understanding may outweigh the surgeon's knife or the chemist's drug.</p> <p>[5] I will not be ashamed to say "I know not," nor will I fail to call in my colleagues when the skills of another are needed for a patient's recovery.</p> <p>[6] I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know. Most especially must I tread with care in matters of life and death. If it is given me to save a life, all thanks. But it may also be within my power to take a life; this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play at God.</p> <p>[7] I will remember that I do not treat a fever chart, a cancerous growth, but a sick human being, whose illness may affect the person's family and economic stability. My responsibility includes these related problems, if I am to care adequately for the sick.</p> <p>[8] I will prevent disease whenever I can, for prevention is preferable to cure.</p> <p>[9] I will remember that I remain a member of society, with special obligations to all my fellow human beings, those sound of mind and body as well as the infirm.</p> <p>[10] If I do not violate this oath, may I enjoy life and art, respected while I live and remembered with affection thereafter. May I always act so as to preserve the finest traditions of my calling and may I long experience the joy of healing those who seek my help."</p>

### C. Compare and Contrast

Religio-Theological Context (1,4, 8)	Secular/Non-Theological Context (1)
Ascribes loyalty to the craft and teaching of med. and reverence to one's mentor/educator. (2)—Apprenticeship model of education	Ascribes reverence to one's scientific and educational forebears (2)—University model of education
Principles of Non-malevolence (3,4,5,6) and Beneficence (6)	Notes the importance of personal/care-oriented medicine. (4, 7) Readily admit ignorance & need for consultation and cooperation (w/ other med. professionals) for greater patient care. (5) Principle of Personal Care (care should be person-centered) (7) Principle of Prevention (preventive med. > curative med.) (8)
Principle of Justice (3, 6)	--
<b>Prohibits Abortion/Euthanasia/Assisted Suicide/Murder (4)</b>	<b>"Be careful" in life/death matters. Allows Assisted Suicide/Murder/Euthanasia/Abortion; just don't "play at God." (6)</b>
Prohibits Unnecessary Surgery and Mingling w/ those who do it (5)	Expressly opposes overtreatment & "therapeutic nihilism" [treatment is futile] (3)
Prohibits Sexual Liaisons with Patients (6)	--
Principle of Integrity (6, 7, 8)	Integrity Princ. implied throughout. Societal role is now added (9)
Principle of Doctor Patient Confidentiality (7)	<b>Affirms doctor-patient confidentiality as "privacy" (7)</b>
Legacy is the Blessing for Obedience/Adherence to this Oath (8)	Reduces ambition from "legacy" to "respected" and "well remembered" status. (10)
Successful Medical Practitioner is to be Proud/Ambitious/Exalted (8)	

Notes: \* “First do no harm” (*primum non nocere*) doesn’t appear in the Hippocratic Oath. It first appears in Thomas Inman’s *Foundation for a New Theory & Practice of Med.* (London: Churchill, 1860). \*The new version shift emphasis to person-centered wholism as well as a weakening the ban on killing people (as a *medical option*). \*The newer version explicitly states not to “play at God.”

## IX. Abortion Vs. Slavery: Arguments and Evidence

By: John D. Ferrer, 9 October 2015

A. Introduction: Abortion is sometimes argued by analogy or continuity with the admittedly evil practice of slavery (i.e., chattel slavery of the antebellum south). For example, Reva B. Seigel argues that abortion is justified in part because women have been marginalized through sexism within institutionalized views of family; likewise black people were marginalized through institutional slavery, “Concurring,” pgs. 63-82 in *What Roe v. Wade Should Have Said*, Jack M. Balkin, ed. [NY: New York Press, 2005]). Abortion is for women, therefore, what abolition was for black people. The stronger analogy, however, seems to go the other direction. Abortion submits to even more direct parallels with slavery when interpreted from a prolife position. One should be careful, however, since all analogies are limited. And one risks an informal fallacy of emotionalism, potentially overriding facts and evidence with emotional appeals.

B. Abortion Lobby	C. Slavery Lobby
<p>1. The fetus isn’t a person/human</p> <ul style="list-style-type: none"> <li>• Roe V. Wade (1773) concluded that the “potential human” is not a person in the legally relevant sense.</li> </ul>	<p>1. Slaves are subhuman/not fully persons</p> <ul style="list-style-type: none"> <li>• 3/5 of a person (“3/5<sup>th</sup> compromise,” 1787)</li> </ul>
<p>2. The fetus doesn’t know any better (unintelligent/no brain waves)</p> <ul style="list-style-type: none"> <li>• Arguing for abortion-choice, Yashna Peerthum says the fetus “only starts to emit electric [neural] signals at 12 weeks and the [sic] EGG’s recorded are comparable to that of a sea slug” (Yashna Peerthum, “Abortion: Fact, Fiction, and Humanity,” <i>Lemauricien.com</i> [19 September 2011])</li> </ul>	<p>2. Slaves are unintelligent and don’t know any better than to be slaves</p> <ul style="list-style-type: none"> <li>• Slaves “lack rationality” (Aristotle, <i>Politics</i> 1.5, 1254b 20-23)</li> </ul>
<p>3. The fetus is developmentally inferior</p> <ul style="list-style-type: none"> <li>• Blastula, Embryo, and Fetus are all early developmental stages lacking the full expression of adult abilities</li> </ul>	<p>3. Slaves are developmentally inferior</p> <ul style="list-style-type: none"> <li>• See “Scientific Racism,” for example: Francis Galton, <i>Inquiry into Human Faculty and Its Development</i> (1878)</li> </ul>
<p>4. Economic benefits—fewer mouths to feed, tax burdens, job retention (by not taking maternity leave), etc.</p> <ol style="list-style-type: none"> <li>a. “The public costs of unintended pregnancy amounted to \$21 billion in 2010” (“Medicaid and Women,” Planned Parenthood Action Fund [2015], accessed 8 October 2015 at: <a href="http://www.plannedparenthoodaction.org/issues/medicaid-and-women/">http://www.plannedparenthoodaction.org/issues/medicaid-and-women/</a>)</li> <li>b. Other sources argue that abortion access would help curb the poverty rate (see articles at: <a href="http://culturecampaign.blogspot.com/2015/03/abortion-access-would-reduce-poverty.html">http://culturecampaign.blogspot.com/2015/03/abortion-access-would-reduce-poverty.html</a>)</li> <li>c. Sally Lee, “Have You Considered An Abortion? Report Reveals HALF of Pregnant Women Discriminated Against At Work,” <i>DailyMail.com</i> (24 July 2014)</li> </ol>	<p>4. Economic Benefits—cheap labor</p> <ul style="list-style-type: none"> <li>• “Slavery in the American South was a lucrative industry for plantation owners.” See: C.W., and A.J.K.D., “Did Slavery make Economic Sense,” <i>The Economist</i> (27 Sept 2013), accessed 7 October 2015 at: <a href="http://www.economist.com/blogs/freeexchange/2013/09/economic-history-2">http://www.economist.com/blogs/freeexchange/2013/09/economic-history-2</a></li> </ul>
<p>5. Protect against Inferior life (as unwanted newborn/in poverty/etc.)</p> <ul style="list-style-type: none"> <li>• “There’s no excuse for forcing children to be born unwanted, sentencing them to a probable life of dysfunction.” Joyce Arthur, “Legal Abortion: The Sign of a Civilized Society,” <i>ProchoiceActionNetwork</i> (1999), accessed 8 October 2015 at: <a href="http://www.prochoiceactionnetwork-canada.org/civilize.html">http://www.prochoiceactionnetwork-canada.org/civilize.html</a></li> </ul>	<p>5. Protect Against an Inferior life (In Africa)</p> <ul style="list-style-type: none"> <li>• John C. Calhoun said, “Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually.” (“The Positive Good” [Speech] 1837).</li> </ul>
<p>6. Other Nations are Doing It</p> <ul style="list-style-type: none"> <li>• Prochoice advocates often note the ubiquity of abortion-choice policy among other nations, implicitly arguing that it is <i>should</i> widely legalized. Ex., “In Central and South America, abortion is illegal in every country except Cuba and Guyana, but it’s widely practiced by all social classes.” (Arthur, para. 17-18)</li> </ul>	<p>6. Other Nations Were Doing It</p> <ul style="list-style-type: none"> <li>• “Slavery is a universal phenomenon” (“Slavery and Racism,” UNESCO Press (2001) para. 3, Access 7 Oct 2015 at: <a href="http://www.unesco.org/bpi/eng/unescopress/2001/01-91e.shtml">http://www.unesco.org/bpi/eng/unescopress/2001/01-91e.shtml</a>)</li> </ul>
<p>7. It’s a historical commonplace</p> <ul style="list-style-type: none"> <li>• “Abortion has been generally legal throughout history.” (Arthur, para. 11-12)</li> </ul>	<p>7. It’s a historical commonplace.</p> <ul style="list-style-type: none"> <li>• It can be found, in some form, in most every historical period (Hindi, Jewish, Greek, Rome, Persia, Babylon, etc.)</li> </ul>
<p>8. Abortion protects against worse barbarism (coathanger arg., chauvinism, second-class status)</p> <ul style="list-style-type: none"> <li>a. Coathanger abortion (Jen Gunter, “Anatomy of a Coat hanger Abortion,” <i>DrJenGunter.wordpress.com</i> [13 July 2013],</li> </ul>	<p>8. Slavery protects against worse barbarism such as African cannibalism.</p> <ul style="list-style-type: none"> <li>• George Fitzhugh, “Cannibals, All!” or “Slaves without Masters,” 1857. Accessed 7 October 2015 at: <a href="http://">http://</a></li> </ul>

accessed 8 October 2015 at: <a href="https://drjengunter.wordpress.com/2013/07/13/anatomy-of-a-coat-hanger-abortion/">https://drjengunter.wordpress.com/2013/07/13/anatomy-of-a-coat-hanger-abortion/</a> ) b. Antiabortionism fostered “hatred of women” and “belittled the monstrous crime of rape” (“Abortion On Demand Statement,” StopPatriarchy.org [2014], accessed 8 October 2015 at: <a href="http://www.stoppatriarchy.org/abortionondemandstatement.html">http://www.stoppatriarchy.org/abortionondemandstatement.html</a> ).	americanainclass.org/wp-content/uploads/2011/04/Fitzhugh-excerpt.pdf
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### **Abortion vs. Slavery, cont.**

D. Besides the arguments and purported evidence mentioned above, other potential parallels can be drawn. No assumption is made here, however, that these parallels would be widely touted or widely believed. Instead, they are proposed here for the sake of comprehensiveness, admitting that these prospective parallels are not necessarily popular or appreciated among these respective groups.

<b>E. Abortion Lobby</b>	<b>F. Slavery Lobby</b>
1. Women are going to get abortions anyway, it might as well be regulated by the government to keep it safer.	1. People are going to get slaves anyway, it might as well be regulated by the government to keep it safer and more humane.
2. It's Legal	2. It [was] Legal
3. Right of Privacy Justifies Abortion (i.e., Roe v. Wade, 1973).	3. Right of property (and Privacy implicitly) justified Slavery
4. Abortion is necessary to correct against Patriarchy—the right of privacy allows women the freedom to establish themselves against patriarchal oppression	4. Slavery is necessary to correct against political/cultural tyranny—i.e., the “right of property” allows people the freedom to establish themselves against an oppressive government.
5. Equality demands abortion-access	5. Equality demands access to slavery—i.e., the perceived economic advantages of slavery in other countries would create a functional inequality with America. Slavery would be needed (or so they thought) to stay economically competitive, and put free citizens on equal footing.
6. Emphasizes the rights and interests of the mother (deemphasizing the role and actions of abortion providers, doctors).	6. Emphasizes the rights and interests of the Slave-owner (deemphasizing the role and actions of slave traders).
7. Abortion is a necessary evil—i.e., admits that the abortion itself can be insightful, and harsh, but so is war. And war is sometimes necessary.	7. Slavery is a necessary evil—i.e., admits that some abuses or barbarism may happen in the course of slave-trade and slave-ownership. But it still prevents worse evils.

### **X. Abortion vs. Slavery, Objections**

A. Slavery and Abortion have some parallels in their respective arguments and alleged evidences, similar parallels can be drawn with regard to rebuttals. Both can be rebutted in roughly parallel ways. Below, is a sample of these parallel rebuttals

<b>B. Rebuttals to Abortion-Choice</b>	<b>C. Rebuttals to Slavery</b>
1. Abortion dehumanizes a particular class of human beings	1. Slavery dehumanizes a particular class of human beings
2. Abortion commits injustice and oppression by a ruling class	2. Slavery commits injustice and oppression by a ruling class
3. Just because it's legal doesn't make it moral	3. Just because it's legal doesn't make it moral
4. Abortion discriminates against a class of human beings	4. Slavery discriminates against a class of human beings
5. Abortion-policy denies human beings “person” status	5. Slavery denies human beings “person” status
6. Abortion excuses sexism, in the form of sex-selective abortion	6. Slavery excuses sexism, in the form of slave rape
7. Abortion excuses racism, via racially discriminatory abortion	7. Slavery excuses racism
8. Abortion empowers a dominant class to further objectify women—i.e., men can more readily use women for sex	8. Slavery empowers a dominant class to objectify a slave race—i.e., white people can more readily use slave races; forced labor.
9. Abortion trades human dignity and human lives for (alleged) economic gains	9. Slavery trades human dignity and human lives for economic gains.
10. Abortion lacks consent from the victim (the child)	10. (Chattel) Slavery lacks consent from the victim (the slave)
11. The costs outweigh the benefits	11. The costs outweigh the benefits
12. Abortion is “playing God”, that is, it wrongly positions man to wield God's prerogative over life and death	12. Slavery is “playing God”, that is, it wrongly positions man to wield God's privilege to “own” a human being or determine the details of their whole life and death.
13. Abortion denies the sanctity of human life	13. Slavery denies the sanctity of human life
14. Abortion treats human beings like property	14. Slavery treats human beings like property

- See also, “Understanding the Slavery-Abortion Analogy,” The Witherspoon Institute: Public Discourse, 13 December 2013. Accessed 7 October 2015 at <http://www.thepublicdiscourse.com/2013/12/11683/>

## Scattered Research Notes

There is no more dangerous place to be in the United States of America than in the womb. The warm embrace of the mother's body should be a place of safety, security, and love. For many mothers this is still the case, motherhood is just as special and important as it's ever been. And many many children are nurtured from conception to adulthood by loving parents. But for at least 58million other children, the mother's womb became a place of deliberate danger and death.

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Abortion is no small matter. Its scope is so vast and lurid it's difficult to conceive of how dark are the depths of this abyss. According to the numbers from (pro-choice friendly) Guttmacher institute, the United States has seen over 57,000,000 legal abortions since 1973. [more recent numbers exceed 58.1 million]. To appreciate how big that number is consider how that is:

- About 1/6 the entire U.S. population (approx. 319 million).
- About 1.5x's more than the population of Canada
- About 145x's more than all the slaves shipped to North America, and over 4.5x's more than all the slaves shipped to the New World (North America, Central America, Caribbean, and South America).<sup>1</sup>
- Almost the same as the populations of California and Texas, *combined*.
- Almost 10x's as many as the Jews that were killed in the Holocaust.
- Over 43x's as many as the U.S. casualties of war in American history (1,321,343)<sup>2</sup>
- About 19 million more than all the war casualties in all the world in the 20<sup>th</sup> century.

To put it another way, if the total number of U.S. abortions were a country it would be the 24<sup>th</sup> largest country in the world, ranking just below Italy and just above South Africa. If we expanded that tally to include abortions worldwide since 1973 it would rank #1 surpassing China's 1,366,220,000.

There are about twice as many U.S. abortions per year (1.2 mill.) as there are deaths from heart disease—the leading cause of death in adults. Abortion claims more lives yearly than does heart disease and cancer *combined*. Fully 1/3<sup>rd</sup> of U.S. deaths yearly are from abortion. Abortion is about 30% as common as live births (3.95 million). When those numbers are combined about 1/4<sup>th</sup> of pregnancies end in abortion.<sup>3</sup> As a medical procedure it is more than twice as common as appendectomies and three times as common as tonsillectomies.

There are about half as many restaurants in the U.S. restaurants as there are yearly U.S. abortions. There is about 1 abortion for every 3 square miles of space in the United States (3.8 million).

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Abortion opponents have been struggling long and hard for decades to raise awareness, pique people's hearts, and generate change in favor of protecting unborn children. But the struggle has not crested; there is no clear down slope where public opinion exponentially shifts towards pro-life causes and politicals follows the votes and sympathies of the masses to eventually repeal abortion on demand. Pro-lifers can dream, but that's only a dream so far. The pro-life voice's familiarity and it's well-worn history can mute the ethical outcry. Broken records seldom rally troops. And incessant repetition can trail off into become background noise, local color that's more decorative than effective. Countless pioneers have fought against legalized abortion, and lost. Any successful opposition through political and social avenues have mixed, ineffective, and many times quite meagre. And, as with most any divisive issue, there is always a popular voice seeking peace at any cost.

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<sup>1</sup>There were 388,000 and 12,500,000 estimated U.S. slaves and New World-bound slaves according to the [Transatlantic Slave Trade Database](#), [Webpage] David Eltis and David Richardson, eds. (Atlanta: Emory University, 2009).

<sup>2</sup>As of May 24, 2014 according to [http://www.militaryfactory.com/american\\_war\\_deaths.asp](http://www.militaryfactory.com/american_war_deaths.asp)

<sup>3</sup>Not counting natural abortion (miscarriages).

The battle over abortion is fought on home and foreign soil. Yet as big as it is, it is but one theatre of the larger culture war where human nature, human sexuality, gender, and family are all pressured to shed their classical and traditional trappings for revisionary, progressive, and libertine molds.

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"The tenth anniversary of the Supreme Court decision in *Roe v. Wade* is a good time for us to pause and reflect. Our nationwide policy of abortion-on-demand through all nine months of pregnancy was neither voted for by our people nor enacted by our legislators—not a single state had such unrestricted abortion before the Supreme Court decreed it to be national policy in 1973. But the consequences of this judicial decision are now obvious: since 1973, more than 15 million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number of Americans lost in all our nation's wars." (Reagan, "Abortion and the Conscience of the Nation," in *Human Life Review* [Spring 1983], reprinted in *Abortion and the Conscience of the Nation* [Nashville: Thomas Nelson 1984], 15).

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"As a nation today, we have *not* rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not." (Reagan, 30)

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The 1980's saw some backlash against *Roe v. Wade* including the Human Life Bill (1981), Respect Human Life Act 1983.

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"The 'dreaded complication' referred to in the article—the complication feared by doctors who perform abortions—is the *survival* of the child despite all the painful attacks during the abortion procedure. . . . Is there any question that those who *don't* survive were living human beings before they were killed?"<sup>32</sup>

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Pro-choicers would seem to lack the safe proximity possible to advocate for child-protection, or for bills against infanticide, or bills against child-abuse as these bills can only be as strong as their language is arbitrary—identifying defensible human life as occurring only after birth, and the human life as somehow becoming morally different after birth than what it was before birth, even if a child killed at 9 months is not a "person" but a child born in the 7<sup>th</sup> month and 1 month old at her 8<sup>th</sup> month. But what about botched abortions where the child lives? Or children born early when the mother was planning a late abortion?

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Zyklon B (eugenics drug in Nazi Germany) was produced by the same company that produces the Plan B pill

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"Malcom Muggeridge, the English writer, goes right to the heart of the matter: 'Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one and in some the other.'" <sup>34</sup>

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\$528.4 million to Planned Parenthood is from Federal Grants; 86% of their revenue is from abortion services. They have accepted earmarked donations towards "aborting black babies."

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"If you don't want that unborn child, give him to me." Mother Teresa, quoted by Reagan <sup>36</sup>

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"Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My administration is dedicated to the preservation of America as a free land, and there is no cause more

important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.” Reagan, 38

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The abortion-advocacy position typically called “pro-choice” is highly problematic on several fronts and ultimately disqualifies itself in regards to scientific integrity, legal consistency, and philosophical coherency. The pro-life position, meanwhile, remains scientifically, legally, and philosophically sound. Abortion advocacy permits several evils which are widely admitted wrongs including: 1) ageism, 2) racism, 3) objectifying human beings, 4) animal abuse, 5) desecration of the human form, and of course 6) willful and even celebrated killing of legally and morally innocent living human beings.

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Beware of efforts to draw fine distinctions between which human beings have basic rights to life and which do not. Historically, there is a very ugly track record when the court of law attempted to arbitrate *against* science and base ethical inferences on those assessments. Women have been judged less intelligent than men and on that basis were denied the right to vote for centuries. Black people were deemed only partly “human persons” and were thus denied equal protection under the law. Women and black people are indeed human beings and it is in that shared quality of humanity that we have since come to recognize that *human* rights are based. Human rights cannot be based in qualities that vary among people since men are generally stronger than women and black people are generally darker than white people. If human rights adhered in brain waves than people who have more brain waves have a greater right to life. Or people who are more conscientious would have a greater right to life. Similarly, people who were more religious once had more of a right to vote, or people who had more land had more of a right to contribute to local politics. But when we treat basic rights in this “spectrum” we realize a dangerous possibility: we grade people’s human rights. That is exactly what we would expect on a broadly discriminatory model instead of the broad equality model on which our nation was founded.

