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Exploring Philosophy - Audio

Philosophers on abortion

Winifred

Hello. I'm Winifred Robinson. In this audio recording I am going to talk with two philosophers about the morality of abortion. They are John Cottingham, Professor Emeritus of Philosophy at the University of Reading and Jennifer Saul, Professor of Philosophy at the University of Sheffield.

Now we don't expect to be able to settle everything in the time we have available but at least we hope to show how it's possible to discuss extremely contentious topics in a productive and philosophical way.

So I'd like to begin by asking you both what role you think that emotion should play in a philosophical discussion about a controversial topic like abortion. Many of us know how we feel about it and some people will feel quite passionately in favour or against

Jenny, feelings, where do they come in?

Professor Jennifer Saul

Well first quite generally I think it's a mistake to think that reasoning can or should be done in isolation from the emotions. I also think emotions can be a source of knowledge in their own right. So for example a woman listening to discussions of abortion that focus just on the foetus and whether the foetus is the sort of thing that one should be allowed to kill might find herself feeling uncomfortable or even angry and not sure why that is. Have some sense that there's something gone wrong here something being left out. And that emotional response if pressed further can be very illuminating because then you can come to realise that actually these discussions are leaving out the fact that a foetus is a thing that's inside a woman's body and that the woman needs to be part of that as well in these discussions. But you wouldn't get that illumination if you didn't press on beyond the initial emotional reaction to further reflection and I think just working from emotions especially on a topic like this can be incredibly unproductive because emotions run so high that you wind up with crowds of people waving foetuses and coat hangers at each other and no progress is made in thinking about anything from doing that.

Winifred

John

Professor John Cottingham
I think the emotions play a very big part. Philosophers I think sometimes tend to think that philosophical debate is a matter of pure abstract discussion cut off any human involvements or passions. And that's an ancient prejudice of philosophers going back to some of the strands in Plato. But actually I agree. I think that emotions can deepen our perceptions. That's to say they are not merely noise but they enrich our sensibilities.

Winifred
So knowing how I feel that's not a bad place to start?

Professor John Cottingham
It perhaps can be the first word which should never be the last word in philosophy

Winifred
Well how about the language that we are going to use then because it seems hard when you hear people arguing about abortion even to agree a common vocabulary before you can start with the big questions.

Professor Jennifer Saul
Yeah I think that's very important. I mean if you start the discussion off by saying we are going to be talking today about whether or not it's okay for a mummy to murder the baby in her tummy. You're not going to have a very productive discussion because that's already prejudicing the discussion in lots of ways as referring to the woman as a mother before she's given her birth. It's referring to the foetus as a baby while it's still in the womb and it's referring to abortion as murder and murder is generally understood as wrongful killing. So you've already built in that this is something that's wrong and so that's a terrible way to start the discussion which is why I would want to use neutral vocabulary and talk abut a woman and foetus and abortion or killing rather than murder.

Winifred
John

Professor John Cottingham
I think one of the problems here is that there are many different discourses involved. There is the legalistic discourse of rights and duties. There's the Christian or Christian derived discourse, which stresses things like love and sacrifice. There's the utilitarian discourse about maximising the interests of all concerned. And negotiating through these different areas of discourse I think is very – can be very difficult. I don't think there's any neutral Olympian perspective from which we as philosophers can adjudicate between them.

Nonetheless I think we have to try to find the right answers and I do think the more we look at these things the more certain ways of talking about them start to compel our allegiance.

Winifred
The abortion debate is usually divided into two components. A question about whether the interests of the pregnant woman trump those of the foetus and a question about whether the foetus even has interests of a kind that we need to take seriously. Let's start then with the first of these questions.

Jenny, a philosopher thinking about the relative importance of the woman's preferences and the interests of the foetus might start with Judith Jarvis Thomson's violinist analogy. Could you briefly outline that for us?

Professor Jennifer Saul
Sure. Thomson put forward this analogy at a time when the debate over abortion consisted largely of discussions of the status of the foetus and whether it would be acceptable to kill such a thing whether it was a full person or not. And these discussions seemed to be at a sort of impasse. And her goal was to show that even if you settled the status of the foetus and even if you pre supposed that the foetus was a person abortion might still be moral legitimate. So Thomson asks you to imagine that you wake up in bed in a hospital with a famous violinist attached to you using your kidneys and your told that you were kidnapped and brought here because this violinist has a kidney ailment and will die unless he is able to make use of precisely your kidneys. You are the only person who matches perfectly. And he must do this for nine months and then he will be fine and go on about his life and you can go on about yours. And if you disconnect yourself from the violinist he will die. Thomson argues that well she expects you to have the response that it would be morally acceptable to disconnect yourself from this violinist even though without question he is a fully fledged person and not only a fully fledged person but a talented and clearly valuable one. So she takes this to show that sometimes it can be acceptable to kill someone even if they are a fully-fledged person dependent upon you for life. She also takes it to be the case that abortion is relevantly analogous to this so that just as it's acceptable to disconnect yourself from the violinist despite the fact that he is a fully fledged person it would be acceptable to have an abortion even if we assume for the sake of argument that the foetus is a fully fledged person.

Winifred
Do you think this analogy works?

Professor Jennifer Saul
No. Not really.

Winifred
Why not?

Professor Jennifer Saul
Well I think the first point it's meant to show is surely right that it can be morally acceptable to kill someone who is a fully-fledged person. That's surely true. We think that about the case of self-defence. Most of us do anyway. We even think that about innocent people in some cases so imagine that an innocent person is launched at you by a cannon and the only way to save yourself is to you know knock that innocent person aside in a way that will kill them. I think most people think that would be morally acceptable. So I think that point's right but I don't think you need a violinist analogy to show that point. And I think if you are not already convinced that it's sometimes acceptable to kill an innocent person in self-defence you're unlikely to be convinced by her analogy. I have had students w ho have insisted that you are morally obligated to stay in bed for nine months with a violinist and if you say well it's for a year they'll say yes a year. And you say well what if it's twenty years they'll say yes twenty years. And you say what if it's a whole orchestra and they say yes a whole orchestra, as many as you want for as long as you want. You have got to do it. And I think if thats the way you look at these issues it's not going to convince you. But I also think perhaps partly the analogy fails because it isn't as analogous to abortion as it needs to be. So most people respond to the analogy by noticing very quickly that you've been put in the bed without your knowledge, against your consent and had the violinist plugged up to you and in the case of consensual sex you've entered into an act which has resulted in the pregnancy and you've done so consensually and this is a disanalogy between the cases. I think people often take that point too far because I don't think consent has the effect that they take it to have. So I think a lot of objectors on these grounds think that because you've consented to sex you've therefore consented to have a child. I think that's a mistake. I think if you have consented to sex you've consented to an act which in some small fraction of cases results in a pregnancy but you haven't made any decision at all about what you will do if that pregnancy occurs. The act of consenting to sex doesn't commit you to anything on those grounds. If you engage in a behaviour that has some risk it doesn't necessarily commit you to any particular action should that risk be realised. So if you smoke you haven't committed yourself to not getting treatment if you get lung cancer. If you have sex consensually you haven't committed yourself to what you will do if a pregnancy occurs.

Winifred
John Cottingham how does the analogy work or not work for you?

Professor John Cottingham
Well, analogies can be useful but I we need to be wary of them. They are often constructed to get the result you were aiming for in the first place. Thomson's argument really hinges it

seems to me on the idea of independent adult citizens in the first instance. Here's you. Here's this violinist. He's hooked up to you. You're within your rights to unplug. That's clearly true I think. But what if you are within your rights but you still ought to make sacrifices for that person as a Good Samaritan? And what if the relationship makes a difference? I mean the violinist is someone you don't – you've never seen before. What if it's a friend? What if it's a relative? I know people who have given up a kidney for a child. They were within their rights not to but they felt they ought to and arguably we would agree. They ought to make that sacrifice. Parenthood involves all sorts of sacrifices, which we weren't legally obliged to make, but which arguably we ought to make. So the analogy doesn't I think settle things or rather it has lots of dimensions which you can start to explore.

Winifred
Jenny is there an analogy that works better for you?

Professor Jennifer Saul
Well I'm pro choice but I think these issues are tremendously complicated and there isn't any one argument that I think is you know the knock down perfect argument that settles things. But I've been very impressed by the work of the American philosopher Margaret Little. She points out that to be pregnant is to be in a state of great intimacy with another being. That they're living inside your body, using your blood, using the food you take into your body, using the oxygen you take into your body. Inhabiting you in a way that never occurs in any other situation. This is actually a very intimate relationship and as an intimacy it can be a beautiful and wonderful and meaningful thing if you want to be in that state of intimacy. Just as sexual intimacy can be. But just as with sexual intimacy to be forced into an intimacy that you don't want to be in is a grave violation. So she thinks that it's precisely the intimacy of pregnancy which renders forced gestation such a morally problematic thing. And she takes that to be a reason that abortion has to be legally permitted so that women are not forced into this intimacy against their will.

Professor John Cottingham
The intimacy point is – is very important I think and clearly Thomson's argument is strongest in the rape case. I mean it's a direct analogy with an act, which has been done to you against your will. It's progressively less strong I think as we move away from that involuntary case to cases which are either voluntary or cases where the pregnancy is a consequence of an act undertaken without complete consent to all it's consequences. So forced intimacy clearly is something which most people recoil from as jenny rightly says. But I think it should be added to that the pregnancy is not viewed by most, by the great majority of pregnant women in that way. On the contrary it's viewed I think psychologically as a growing involvement which might have started perhaps without it being part of the project and the plans and the consented to

arrangements but which gradually as it were assumes the dimension of commitment as time goes on. And that's clearly true of parenthood as well.

Professor Jennifer Saul
I just want to clarify I didn't mean to suggest that all or even most pregnancies are experienced as unwanted intimacies. I was solely concerned with the cases where the woman genuinely does not ant that pregnancy and therefore experiences it as an unwanted intimacy.

Professor John Cottingham
Yes. I think that's very fair point but even there I think we need to be careful about genuinely does not want'. In the violinist case there's been a definite violation analogous to rape. In the case of most pregnancies that isn't the case. And that issue the voluntariness or involuntariness at the beginning of the pregnancy is a different issue from whether the woman may want to carry on with it.

Professor Jennifer Saul
Absolutely. I agree with that.

Winifred
I want to talk now about the moral status of the foetus since what we decide here might make the whole debate about the competing interest of the woman and the foetus irrelevant if the foetus isn't among the kinds of things that have interests.

John - several philosophers think that the fact that the foetus is biologically human is pretty much an irrelevance morally speaking. They argue that being a person is what makes you a member of the moral community, that is the community of beings with interests that we should take account of. What do you make of this approach?

Professor John Cottingham-
Well morality is not limited to humans obviously but our humanity in m view is highly relevant. People talk of fraternity for example, the brotherhood of man. We have natural ties of affinity, which link us to members of our species anywhere on the Planet. I mean that's one reason I think why people feel such a strong inclination to respond to when humans are struck by disasters like earthquakes and tsunamis. And that gets us back to what we started with, the wisdom of our fundamental feelings and instincts which I think shouldn't be filtered out. As far as persons goes yes, personal qualities, reasoning, intelligence a rich conscious life, are of great value. But there's a caveat. As soon as we start limiting our moral concern to those who enjoy personal attributes I think we are taking a step down – if it's not too dramatic to say so – down the road to the death camps to eliminating those who are abnormal, sub normal

senile or too young to have fully developed those personal qualities. And that in my view is a horror. Helpless, incapacitated humans, non-persons I think deserve our care just as much as articulate, rational fully personal humans.

Winifred
Jenny

Professor Jennifer Saul
Well it's very compelling to think about helpless, incapacitated humans and the need for taking their rights seriously. When you think about a three second old fusion of a sperm and an egg it's very, very difficult to think that we should be taking those rights as seriously as those of a person – sorry – a human, much further along. And if it's mere humanity that matters you've got that in the three-second-old embryo. So I think I think there are intuitions that can pull in both directions some times.

Winifred
Jennifer what about the problem of infanticide because if a foetus is not a person why is a newborn a person then?

Professor Jennifer Saul
One thing that's worth mentioning before I properly answer that question is that defenders of abortion draw the line in different places about when in a pregnancy an abortion be permitted. And there are many, many defenders of abortion who would not permit abortion at eight months and three weeks. They don't necessarily think that what marks the difference is being born. But there have been arguments made that draw moral significant distinction between newborn infants and foetuses. Not necessarily on the grounds that the newborn infants are persons and the foetuses aren't but on different grounds. So one way of distinguishing them is to say that newborn infants have become a member – members of the human community who we care about in a certain kind of way and that confers on them a sort of value they don't have when they're foetuses. I'm not actually so impressed with that line of argument myself. It seems to have the implication that if the newborn infant just doesn't look very nice and we don't really like it it doesn't have that sort of value and so it doesn't have these rights. And I think that leaves things way too much up to human beings with their foibles and prejudices. So I'm not that pleased with that. Another way of distinguishing neonates and foetuses however seems to be more significant which is that in the case of a foetus it's living inside a woman's body and dependent upon that woman. And so you have room for a kind of conflict of rights between the woman and the foetus which is no longer there once the foetus is born and has an existence outside her body and is not dependent on her in that way. The conflict of rights disappears and so things weigh up differently in the balance

Winifred
John -

Professor John Cottingham
If we go back to the conceptus, the foetus, we are thinking of the future what it will grow in to and future potentialities are important I think just as if I were to uproot a sapling which if left undisturbed would grow into a magnificent oak tree in twenty years time. Even though it's just a speck what it's going to become is important. We can't discount that. But – I don't think we can rest all the weight on the future. The respect we owe to a human life I think isn't contingent. It's not dependent on what it will achieve tomorrow or next year otherwise the elderly person who has nothing more to achieve would no longer be entitled to respect. And that kind of Utilitarianism, which just looks at future consequences, seems to me the antithesis of morality. Once again it risks taking us a step down towards the death camps. So thinking about the future helps us to see what we are doing but it doesn't settle the moral questions I think.

Winifred
John Cottingham, Jenny Saul, thank you both for taking part.

Thank you.