

Advanced Pro-Life Apologetics

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Course Overview: Successful pro-life apologists pursue four essential tasks. First, they *clarify* the debate by focusing public attention on one key question: What is the unborn? Second, they *establish* a foundation for the debate, demonstrating to critics that metaphysical neutrality is impossible. Third, they *answer* objections persuasively. Fourth, they *teach and equip*. These tasks are necessary because while the street-level debate over abortion rages on, a serious intellectual discussion about the foundation for human rights continues almost unnoticed. What makes humans valuable? Can secularism provide an adequate grounding for basic human rights? How do natural rights differ from merely positive (legal) ones? How do war, social justice, and theology impact debates over abortion? In this course, we will review the basic pro-life case and examine the underlying worldview assumptions that both academic and lay people bring to debates over abortion, embryonic stem cell research, and cloning. We will also discuss why the Christian worldview in particular does a better job accounting for intrinsically valuable human beings, fundamental human rights, and objective moral rules.

Session #1: What is the Issue?

Session #2: What is the Unborn?

Session #3: What Makes Humans Valuable Part 1: Substance View of Human Persons

Session #4: What Makes Humans Valuable Part 2: The Religion Objection

Session #5: Abortion: Law, Metaphysics, and Moral Neutrality

Session #6: Bodily Autonomy Appeals: Analysis of Thomson, McDonagh, and Boonin

Session #7: Catholic Social Justice Teaching, Assumed Moral Equivalence, and other Common Objections

Session #8: Equipping Your Local Church to Engage

[The extended lecture notes begin below. An abbreviated outline of the course is on page 59.]

TASK 1: PRO-LIFE APOLOGISTS CLARIFY THE DEBATE

Session #1: What Is the Issue? *The abortion controversy is not a debate between those who are pro-choice and those who are anti-choice. It's not about privacy. It's not about trusting women to decide. It's not about forcing one's morality. It's about one question that trumps all others.*

Introduction: The nature of moral reasoning—When pro-life advocates claim that elective abortion unjustly takes the life of a defenseless human being, they are not saying they dislike abortion. They are saying it's objectively wrong, regardless of how one feels about it. Consider the popular bumper sticker: "Don't like abortion? Don't have one!" Notice what's going on here. The pro-life advocate makes a moral claim that he believes is objectively true—namely, that elective abortion unjustly takes the life of a defenseless human being. The abortion-choice advocate responds by changing that objective truth claim into one about likes and dislikes, as if the pro-lifer were talking about a mere preference. But this misses the point entirely. Pro-life advocates don't oppose abortion because they find it distasteful; they oppose it because it violates rational moral principles.

Francis J. Beckwith writes:

Imagine if I said, 'Don't like slavery, then don't own one.' If I said that, you would immediately realize that I did not truly grasp why people believe that slavery is wrong. It is not wrong because I don't like

it. It's wrong because slaves are intrinsically valuable human beings who are not by nature property. Whether I like slavery or not is not relevant to the question of whether slavery is wrong. Imagine another example, 'Don't like spousal abuse, then don't beat your spouse.' Again, the wrongness of spousal abuse does not depend on my preferences or tastes. In fact, if someone liked spousal abuse, we would say that that he or she is evil or sick. We would not adjust our view of the matter and I [sic] say, 'I guess spousal abuse is right for you, but not for me.'¹

The One Question

So what is the real issue, if not likes and dislikes? Pro-life advocates contend that elective abortion unjustly takes the life of a defenseless human being. This simplifies the abortion controversy by focusing public attention on just one question: Is the unborn a member of the human family? If so, killing him or her to benefit others is a serious moral wrong. It treats the distinct human being, with his or her own intrinsic worth, as nothing more than a disposable instrument. Conversely, if the unborn are not human, elective abortion requires no more justification than having a tooth pulled.

This is not a debate between those who are pro-choice and those who are anti-choice. Every pro-life advocate that I know is vigorously “pro-choice” when it comes to women choosing a number of moral goods. They support a woman’s right to choose her own health care provider, to choose her own school, to choose her own husband, to choose her own job, to choose her own religion, and to choose her own career, to name a few. These are among the many choices that pro-life advocates fully support for the women of our country. But some choices are wrong, like killing innocent human beings simply because they are in the way and cannot defend themselves. We shouldn’t be pro-choice about that.

Advocates of elective abortion generally believe that the unborn are not fully human. But instead of proving this conclusion with facts and arguments, many people simply assume it within the course of their rhetoric. We call this “begging the question” and as Francis Beckwith points out, it’s a logical fallacy that lurks behind many arguments for abortion.² For example, arguing that abortion is justified because a woman has a right to control her own body assumes there is only one body involved—that of the woman. But this is precisely the point abortion advocates try to prove. Hence, they beg the question. Or, consider this claim: “No one knows when life begins, therefore abortion should remain legal.” But to argue that no one knows when life begins, and that abortion must remain legal through all nine months of pregnancy, assumes that life does not begin until birth—the exact point abortion advocates try to prove. This is hardly a neutral position. It is a clear case of begging the question.

A little over a century ago, many Whites thought it unthinkable that anyone would consider Black slaves human beings.³ Hadley Arkes recounts one such example from chapter 32 of *The Adventures of Huckleberry Finn*, where Huck contrives a story to explain to Aunt Sally his late arrival by boat:

“We blowed out a cylinder head.”

“Good gracious! Anybody hurt?”

“No’m. Killed a nigger.”

“Well, it’s lucky; because sometimes people do get hurt.”⁴

¹ Carl E. Olson, “The Case Against Abortion: An Interview with Dr. Francis Beckwith, Author of *Defending Life*,” *Ignatius Insight*, 1-21-08. http://www.ignatiusinsight.com/features2007/beckwith_defendlife_dec07.asp

² Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York: Cambridge University Press, 2007) pp. 94-95.

³ See, for example, the various essays published in Eric L. McKittrick, ed., *Slavery Defended: The View of the Old South* (Englewood Cliffs, NJ: Prentice-Hall, 1963).

Notice it's simply assumed the black man is not one of us.

Tactic: "Trot Out a Toddler"

Here's how to clarify things. If you think a particular argument begs the question regarding the status of the unborn, ask yourself if this justification for abortion also works as a justification for killing toddlers or other humans. If not, the argument assumes the unborn are not fully human. Now, it may be the case that the unborn are not fully human and abortion is therefore justified. But this must be argued with evidence, not merely assumed by one's rhetoric. Suppose, for example, that a friend justifies elective abortion this way: "Women have a right to make their own private decisions. What goes on in the bedroom is their business and no one else's." When you hear this, don't panic. Trot out a toddler:

Pro-lifer: You say that privacy is the issue. Pretend that I have a two-year old in front of me (hold out your hand at waist level to illustrate this). May I kill him as long as I do it in the privacy of the bedroom?

Abortion-advocate: That's silly--of course not!

Pro-lifer: Why not?

Abortion-advocate: Because he's a human being.

Pro-lifer: Ah. If the unborn are human, like the toddler, we shouldn't kill the unborn in the name of privacy anymore than we'd kill a toddler for that reason.

Abortion-advocate: You're comparing apples with oranges, two things that are completely unrelated. Look, killing toddlers is one thing. Killing a fetus that is not a human being is quite another.

Pro-lifer: Ah. That's the issue, isn't it? Are the unborn human beings, like toddlers? That is the one issue that matters.

Abortion-advocate: But many poor women cannot afford to raise another child.

Pro-lifer: When human beings get expensive, may we kill them? Getting back to my toddler example, suppose a large family collectively decides to quietly dispose of its three youngest children to help ease the family budget. Would this be okay?

Abortion-advocate: Well, no, but aborting a fetus is not the same as killing children.

Pro-lifer: So, once again, the issue is: What is the unborn? Is the fetus the same as a human being? We can't escape that question, can we?

Abortion-advocate: But what about a woman who's been raped? Every time she looks at that kid she's going to remember what happened to her. If that's not hardship, what is?

⁴ Mark Twain, *The Adventures of Huckleberry Finn* (New York: Harper-Collins, 1994) p.258. Cited in Hadley Arkes, *Natural Rights and the Right to Choose* (New York: Cambridge University Press, 2002) pp. 126-127.

Pro-lifer: I agree that we should provide compassionate care for the victim and it should be the best care possible. That's not at issue here. It's your proposed solution I'm struggling to understand. Tell me, how should a civil society treat innocent human beings that remind us of a painful event? Is it okay to kill them so we can feel better? Can we, for example, kill a toddler who reminds her mother of a rape?

Abortion-advocate: No, I wouldn't do that.

Pro-lifer: I wouldn't either. But again, isn't that because you and I both agree that it's wrong to kill innocent human beings, even if they do remind us of a painful event?

Abortion-advocate: But you don't understand how much this woman has suffered. Put yourself in her shoes. How would you feel?

Pro-lifer: You're right. I don't understand her feelings. How could I? How could anyone? I'm just asking if hardship justifies homicide? Can we, for instance, kill toddlers who remind us of painful events? Again, my claim here is really quite modest. If the unborn are members of the human family, like toddlers, we should not kill them to make someone else feel better. It's better to suffer evil rather than inflict it. Personally, I wish I could give a different answer, but I can't without trashing the principle that my right to life shouldn't depend on how others feel about me. In the end, sometimes the right thing to do is not the easy thing to do. And what's right depends on the question: What is the unborn? We can't get around it.

Notice that you've not yet argued for the humanity of the unborn. You'll do that later. For now, all you are doing is framing the issue around one question: What is the unborn? That is the crux of the debate. Once you've framed the discussion around the status of the unborn, you can make a scientific and philosophic case for the pro-life position.

Two Cases of Begging the Question (That is, assuming the unborn are not human):

Example #1: Debate with Nadine Strossen (former President of the ACLU): Nadine's primary appeal was to reproductive freedom. To paraphrase her case, reproductive freedom means the ability to choose whether or not to have children according to one's own personal religious beliefs. That freedom is necessary if all persons are to lead lives of self-determination, opportunity, and human dignity. She repeatedly stressed our need to work together to reduce the high number of abortions, by which she meant pro-lifers should support tax-funded birth-control programs.

Notice the question-begging nature of her claim. She simply assumed the unborn are not human beings. Would she make this same claim for human freedom and self-determination if the debate were about killing toddlers instead of fetuses? Thus, I began my own opening speech by saying the following (paraphrased for brevity):

Men and women, I agree completely with everything Nadine just said. She's right that abortion is a personal, private matter that should not be restricted in any way. She's right that we shouldn't interfere with personal choices. She's right that pro-lifers should stay out of this decision. Yes, I agree completely IF. IF What? If the unborn are not human beings. And if Nadine can demonstrate that the unborn are not members of the human family, I will concede this exchange and so should everyone else who is pro-life.

Contrary to what some may think, the issue that divides Nadine and me is not that she is pro-choice and I am anti-choice. Truth is, I am vigorously "pro-choice" when it comes to women choosing a number of moral goods. I support a

woman's right to choose her own health care provider, to choose her own school, to choose her own husband, to choose her own job, to choose her own religion, and to choose her own career, to name a few. These are among the many choices that I fully support for the women of our country. But some choices are wrong, like killing innocent human beings simply because they are in the way and cannot defend themselves. No, we shouldn't be allowed to choose that. So, again, the issue that separates us is not that she is pro-choice and I am anti-choice. The issue that divides us is just one question, What is the unborn? Let me be clear: If the unborn is a human being, killing him or her to benefit others is a serious moral wrong. It treats the distinct human being, with his or her own inherent moral worth, as nothing more than a disposable instrument. Conversely, if the unborn are not human, killing them through elective abortion requires no more justification than having your tooth pulled.

In short, I was willing to buy her argument for freedom and self-determination, but only after she demonstrated that the unborn were not human beings. Framing the exchange around the status of the unborn set the tone for the entire evening and allowed me to ask good questions later in the debate. For example, during cross-examination, I asked Nadine why the high number of abortions troubled her. After all, if abortion does not take the life of a defenseless human being, why worry about reducing it?

You can see that I made my case in two steps. First, I simplified the debate by focusing public attention on just one question: What is the unborn? Second, I argued for my pro-life view using science and philosophy. Scientifically, I argued that the unborn are distinct, living, and whole human beings. Philosophically, I argued that none of the differences between the embryo I once was and the adult I am today justify killing me at that earlier stage of development. But before any of that, I simplified the issue by focusing attention on just one question.

Example #2: Ted Peters and Gaymon Bennett, "Theological Support of Stem Cell Research," The Scientist 15[17]:4, Sep. 3, 2001: Again, notice how the authors mostly assume the unborn are not human. As you read, ask if any of the reasons they give for killing embryos for research work for killing toddlers for that same reason. If not, what are the authors assuming about the embryos in question? Below is the original article, followed by my specific comments. Pay particular attention to words like "neighbor," "healing," and "humanity." To whom do these authors apply those terms?

Pope John Paul II has stated that support of embryonic stem cell research evidences moral corruption. Opponents of embryonic stem cell research have cast the debate surrounding this research as nothing but the next chapter in the abortion controversy. The ethical issues involved with this research, however, are far too complex to be reduced to such a simple assessment. Portraying the stem cell debate as the abortion controversy is at best intellectually misleading, at worst ethically negligent.

The stem cell debate has been framed by the wrong basic question: its moral heart lies not with abortion, but in its potential good. Stem cell research is morally significant first because it promises healing. Implanted stem cells, it appears, teach the body to heal itself, rejuvenating failing tissues, from organs to nerves. These therapies promise to ease the suffering of millions inflicted with such debilitating diseases as Parkinson's, heart and liver failure, juvenile diabetes, Alzheimer's, and cancer.

It is our considered judgment that not only is this research morally permissible, there is an ethical and theological mandate to actively support it. To not support stem cell research, we have concluded, is unethical. The principal grounding of our support is beneficence, a bioethical variant of the Christian understanding of agape love.

Theological and ethical reflection are at their best when framed by beneficence--a selfless love of one's neighbor that inspires struggle against suffering and death. Beneficence asks: Does stem cell research further or hinder the betterment and well

being of humanity? The answer is yes; this form of scientific research promises enormous leaps in the quality of health care.

For those who follow Jesus of Nazareth, decisive here is the Nazarene's ministry of healing. The Christian doctrine of salvation includes healing of body and soul. We human beings emulate God when we engage in our own ministry of healing. Medical research, in its own way, contributes to God's healing work on Earth.

*The destruction of embryos for this research is not irrelevant to our ethical considerations. We must ask a question: when does life begin? Or better, when does morally relevant personhood begin? In *Donum Vitae* in 1987 the Vatican declared that at conception three components make a full human being: sperm, egg, and a divinely implanted soul. However, with advances in embryology such as nuclear transfer, scientific understanding of what it takes to make a human individual is changing. Before ethical conclusions on the status of the embryo are drawn, theologians and ethicists must study this rapidly advancing science.*

The embryo is a potential human being, to be sure; respect for the early embryo shows our respect for God's intended future destiny. As such we do not support research that would lead to the wholesale fabrication of embryos for research purposes. Rather, we support research that uses stem cell lines derived from embryos taken from fertilization labs. In the deep freezes of these clinics are thousands of embryos slated for destruction. Society has decided to engage in reproductive technology. Excess embryos exist in large numbers. These surplus embryos will never find connection to a mother's womb, never become a human being.

Is it ethically licit to take surplus embryos and press them into the service of life-saving medical research? Armed with the principle of beneficence we want to answer, yes. So ethically central is the principle of beneficence that those who ignore its invocation in the stem cell debate owe it to the public to justify opposition to the advance of medical research.

We might recall Jesus' parable of the Good Samaritan. In this story a robbed and beaten man is left on the side of the road to die. Priests pass by on the other side of the road, avoiding offering aid. A Samaritan happens along the road, carries the suffering one to the next town and pays for his health care. Confronted by suffering, the Samaritan chooses agape in the form of beneficence. Reducing the stem cell debate to the abortion controversy, we allow the unnamed suffering man--suffering from heart disease, Alzheimer's, or cancer--to die without aid.

The question-begging nature of the above editorial is easy to spot. Over and over again, the authors simply assume the embryo is not human. Consider the following claims:

- *“The stem cell debate has been framed by the wrong basic question: its moral heart lies not with abortion, but in its potential good. Stem cell research is morally significant first because it promises healing.”* Healing to whom? Are the embryos in question healed by this research? Is it “good” for them? Suppose the issue was destroying two-year olds to cure five-year olds. Would the authors suggest we ignore our moral qualms and focus only on the alleged cures? Only by assuming the embryos are not human does their argument work.
- *“Theological and ethical reflection are at their best when framed by beneficence--a selfless love of one's neighbor that inspires struggle against suffering and death.”* Is the embryo my neighbor? Does destructive embryo research further his well being? Authors beg the question here and simply assume the embryo is not one of us.
- *“Beneficence asks: Does stem cell research further or hinder the betterment and well being of humanity?”* Again, the authors beg the question. Are embryos members of the human family? If so, killing them to benefit others is a serious moral wrong.

- *“For those who follow Jesus of Nazareth, decisive here is the Nazarene's ministry of healing. The Christian doctrine of salvation includes healing of body and soul. We human beings emulate God when we engage in our own ministry of healing. Medical research, in its own way, contributes to God's healing work on Earth.”* Again, does killing embryos for research “heal” them? And does medical research untempered by morality contribute to God’s healing work? What about the Tuskegee experiments of the 1920s in which Black men suffering from Syphilis were promised treatment only to have it denied so scientists could study the disease?
- *“The destruction of embryos for this research is not irrelevant to our ethical considerations. We must ask a question: when does life begin? Or better, when does morally relevant personhood begin?”* This is truly remarkable. Notice how quickly the authors ditch the scientific question—“When does life begin?”—for a purely subjective one—“When does morally relevant personhood begin?” The authors worship science when it suits them (when talking about alleged cures), but ignore it when the humanity of the unborn is at issue.
- *“The embryo is a potential human being, to be sure; respect for the early embryo shows our respect for God's intended future destiny. As such we do not support research that would lead to the wholesale fabrication of embryos for research purposes.”* Why not? If the embryos in question are not human beings, why not create them solely for destructive research? If they are not human, killing them for research requires no more justification than pulling a tooth.
- *“Rather, we support research that uses stem cell lines derived from embryos taken from fertilization labs. In the deep freezes of these clinics are thousands of embryos slated for destruction.”* The reasoning here is vacuous. All of us die sometime. Do those of us who are going to die later have the right to kill and exploit those who will die sooner? Death-row inmates are slated for die. May we kill them to harvest their organs? Again, only by assuming the unborn are not human does the argument work.
- *“Is it ethically licit to take surplus embryos and press them into the service of life-saving medical research? Armed with the principle of beneficence we want to answer, yes.”* But armed with science—which establishes the humanity of the embryo—and objective morality—which says we shouldn’t kill one human so another can benefit—the answer is no. We do not have a right to kill living, distinct human beings to benefit other people.
- *“We might recall Jesus' parable of the Good Samaritan. In this story a robbed and beaten man is left on the side of the road to die. Priests pass by on the other side of the road, avoiding offering aid. A Samaritan happens along the road, carries the suffering one to the next town and pays for his health care. Confronted by suffering, the Samaritan chooses agape in the form of beneficence. Reducing the stem cell debate to the abortion controversy, we allow the unnamed suffering man--suffering from heart disease, Alzheimer's, or cancer--to die without aid.”* This misses the point entirely. The parable of the Good Samaritan does not establish the so-called “principle of beneficence” as defined by the authors, but refutes it. Central to the parable is the fact that a man was unjustly beaten so that other people (thieves) could benefit from his demise. Only the Samaritan set aside his own self-interest (benefit) to perform his moral duty to one who was vulnerable and defenseless. If the embryo is a human being, a point the authors scarcely entertain much less refute, their place in the story is that of the thieves who rob from one human being to benefit another.

Again, imagine if the above article were written to defend killing two-year olds to treat five-year olds. Would anyone today justify the author’s rationale?

Session #2: What is the Unborn? *The science of embryology is clear. Embryos are human beings in the earliest stages of their natural development. They differ from more mature members of the human species not in virtue of the kind of thing they are (the way a cat differs from a tree), but only in their degree of development.*

A. Review of the Scientific Evidence for the Pro-Life Argument:

1. Embryology: The Stubborn Facts

- (a) *From the earliest stages of development, embryos are distinct, living, whole human beings.* True, they have yet to grow and mature, but they are whole human beings nonetheless. Leading embryology textbooks affirm this. For example, Keith L. Moore & T.V.N. Persaud write: “A zygote is the beginning of a new human being. Human development begins at fertilization, the process during which a male gamete or sperm...unites with a female gamete or oocyte...to form a single cell called a zygote. This highly specialized, totipotent cell marks the beginning of each of us as a unique individual.”⁵ T.W. Sadler’s *Langman’s Embryology*, states: “The development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism, the zygote.”⁶ Embryologists Ronan O’Rahilly and Fabiola Müller write, “Although life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed....The combination of 23 chromosomes present in each pronucleus results in 46 chromosomes in the zygote. Thus the diploid number is restored and the embryonic genome is formed. The embryo now exists as a genetic unity.”⁷
- (b) *We’ve known these facts for years.* Prior to advocating elective abortion, former Planned Parenthood President Dr. Alan Guttmacher was perplexed that anyone, much less a medical doctor, would question them. “This all seems so simple and evident that it is difficult to picture a time when it wasn’t part of the common knowledge,” he wrote in his 1933 book *Life in the Making*.⁸ As early as 1868, Dr. Horatio Storer, the head of the American Medical Association’s Committee on Criminal Abortion, along with co-author Franklin F. Heard, confidently stated that “Physicians have now arrived at the unanimous opinion that the foetus in utero is alive from the very moment of conception...[T]he willful killing of a human being at any stage of its existence is murder.”⁹ In 1981, a U.S. Senate judiciary subcommittee heard expert testimony on when human life begins. Professor Micheline Matthews-Roth of Harvard University Medical School told the subcommittee, “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.” Dr. Watson A. Bowes of the University of Colorado Medical School stated, “The beginning of a single human life is from a biological point of view a simple and straightforward matter—the beginning is conception.” The subcommittee reports concludes: “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.”¹⁰

⁵ K. Moore & T.V.N. Persaud, *The Developing Human: Clinically Oriented Embryology* (Philadelphia: Saunders/Elsevier, 2008), p. 15.

⁶ T.W. Sadler, *Langman’s Embryology*, 5th ed. (Philadelphia: W.B. Saunders, 1993), p.

⁷ O’Rahilly, Ronan and Müller, Fabiola. *Human Embryology & Teratology*. 2nd edition. New York: Wiley-Liss, 1996, pp. 8, 29.

⁸ A. Guttmacher, *Life in the Making: the Story of Human Procreation* (New York: Viking Press, 1933) p. 3

⁹ H. Storer and F. Heard, *Criminal Abortion: Its Nature, Its Evidence & Its Law* (out of print); cited in Stephen Krason, *Abortion: Politics, Morality, and the Constitution* (Lanham, MD: University Press in America, 1984) p. 171.

¹⁰ Subcommittee on Separation of Powers to Senate Judiciary Committee S-158, Report, 97th Congress, 1st Session, 1981.

- (c) *In short, you didn't come from a zygote. You once were a zygote.* At no point in your prenatal development did you undergo a substantial change of nature. You began as a human being and will remain so until death.

2. Objections and Replies:

- (a) *Twining:* Cloning advocates sometimes claim that because an early embryo may split into twins (up until 14 days after conception), there is no reason to suppose that it's an individual human being prior to that time. Hence, early embryo research prior to day 14 is morally permissible. The flaws in this argument are easy to spot. First, how does it follow that because an entity may split that it was not a whole living organism prior to the split? As Patrick Lee points out, if we cut a flatworm in half we get two flatworms.¹¹ Does it follow there was no living (whole) flatworm prior to the split? Second, if the early embryo (prior to twinning) is merely a hunk of cells and not a unitary organism, why doesn't each individual cell develop individually? The key point is that even though the cells in the early embryo are totipotent (that is, able to develop into any kind of bodily cell), they function in a coordinated manner as parts of a unified organism, the embryo. Third, cloning technology renders the twining objection absurd. Put simply, cloning is twining. An ordinary skin cell taken from anyone of us is used to form an embryo with the donor's genetic code. "If an embryo has no right to life because a twin can be formed from it, and a twin can be formed any of us, it follows that nobody has a right to life," writes Ramesh Ponnuru.¹²
- (b) *Miscarriage:* Cloning advocates cite the high number of miscarriages as proof that early embryos are not whole human beings. Yet how does it follow that because nature *spontaneously* aborts an embryo, that 1) it was not a whole living member of the human family, or 2) that I may *deliberately* kill one? Many third-world countries have high infant mortality rates. Does it follow these children who die early rather than later are not fully human or that we may kill them?
- (c) *Sperm and egg are alive:* This objection confuses parts with wholes. Sperm and egg, like other bodily cells, are merely parts of a larger human organism. Embryos, meanwhile, are whole living organisms. Moreover, sperm and egg die in the act of conception and give rise to a new organism, the embryo.
- (d) *Women don't grieve miscarriages.* Suppose this is true. How would this change the essential nature of the unborn? If I grieve the loss of my own child more than the thousands who die daily in third world countries, does it follow they are less human?
- (e) *Burning research lab:* Suppose a research lab is on fire and I must choose to save a newborn or a vile of frozen embryos. If I choose to save the newborn, does this prove the embryos left behind are not human? Clearly it does not. If a building is on fire and I save my own daughter and leave everyone else behind, does it follow they are not human? Moreover, the debate over embryo research is not about whom we're going to *save*, but whom we are going to deliberately *kill* to benefit us. Saving my own kid first is permissible. Shooting those left behind is not,

¹¹ Illustration taken from Patrick Lee, *Abortion and Unborn Human Life* (Washington, D.C. Catholic University Press in America, 1996) p. 93

¹² Ramesh Ponnuru, *Party of Death: The Democrats, the Media, the Courts, and the Disregard for Human Life* (Washington, DC: Regnery, 2006) p. 156.

even if it increases my chances of getting out. At the same time, the only reason the burning lab example poses a dilemma is because it assumes both the embryo and newborn have value. Otherwise, there would be no debate about which to save.

- (f) *Embryos are mere clumps of cells.* The claim that embryos are no different in kind from ordinary body cells is just plain false. Dr. Maureen Condic, Assistant Professor of Neurobiology and Anatomy at the University of Utah, writes that from conception forward, human embryos clearly function as whole living organisms. They are not mere collections of cells like those on a corpse, but are “living creatures with all the properties that define any organism as distinct from a group of cells; embryos are capable of growing, maturing, maintaining a physiologic balance between various organ systems, adapting to changing circumstances, and repairing injury. Mere groups of human cells do nothing like this under any circumstances.”¹³ Condic asks us to consider the difference between a corpse that contains clumps of living cells and an embryo that is itself a whole living organism. Strictly speaking, the biological differences aren’t that great between a person five minutes before death and five minutes after. Immediately after death, cells remain alive and, for the time, function normally. Yet something has clearly changed. What is it? “Death occurs,” writes Condic, “when the body ceases to act in a coordinated manner to support the continued healthy function of all bodily organs. Cellular life may continue for some time following the loss of integrated bodily function, but once the ability to act in a coordinated manner has been lost, ‘life’ cannot be restored to a corpse—no matter how ‘alive’ the cells composing the body may yet be.” Condic goes on to say that embryos are nothing like a corpse, which merely contains clumps of cells. Rather, they are living human beings because “they possess the single defining feature of human life that is lost in the moment of death—the ability to function as a coordinated organism rather than merely as a group of living human cells....It is precisely this ability that breaks down at the moment of death, however death might occur. Dead bodies may have plenty of live cells, but their cells no longer function together in a coordinated manner.” In short, embryos function as coordinated wholes; mere clumps of cells do not.
- (g) *Construction thesis:* Gradualists tell us that embryos are no more human beings in the early stages of their construction than metal plates are cars in the early stages of automobile assembly. But as Richard Stith points out, embryos are not constructed piece by piece from the outside. Rather, they do something that no constructed thing like a car has ever done; *they develop themselves from within.* That is, they direct their own internal growth and maturation, and this entails continuity of being.¹⁴ Unlike cars, developing embryos have no outside builder. They’re all there just as soon as growth begins. They define and form themselves.

3. Is Embryonic Stem Cell Research Morally Complex?

(a) Definitions:

- *Stem cells* are fast growing, unspecialized cells that can reproduce themselves and grow new organs for the body. All 210 different types of human tissue originate from these primitive cells. Because they have the potential to grow into almost any kind of tissue, including nerves, bones, and muscle, scientists believe that the introduction of healthy stem cells into

¹³ Maureen L. Condic, “Life: Defining the Beginning by the End,” *First Things*, May 2003.

¹⁴ Richard Stith, “Does Making Babies Make Sense? Why so Many People Find it Difficult to See Humanity in a Developing Foetus,” *Mercatornet*, September 2, 2008.

a patient may restore lost function to damaged organs. Human embryos have an abundant supply of stem cells which scientists are eager to harvest.

- *Embryonic stem cell research* (ESCR) involves stripping 14 day-old human embryos of their stem cells so that those cells can be transplanted into the bodies of those suffering from illness. Extracting the cells kills the human embryo, reducing it to nothing more than research fodder.
- *Cloning* involves creating an embryo that is a genetic clone of the patient and using that embryo as a source for stem cells, which would guarantee that the resulting tissue is not rejected by the patient's body. The cloning technique is called Somatic Cell Nuclear Transfer (SCNT). First, an unfertilized egg is taken from a woman and its nucleus is removed. Genetic material (DNA) from the patient is then placed inside the vacated egg. Chemicals are added and a spark of electricity jolts the cell into dividing and growing into a clone. This process gave us "Dolly," the first cloned sheep. Cloning advocates try to distinguish between "therapeutic" cloning to cure disease and "reproductive" cloning used to create babies. But the distinction is totally misleading because all cloning is reproductive. So-called therapeutic cloning means creating an embryo for research, but killing him before birth. Reproductive cloning means allowing the cloned human to live. In either case, the act of cloning is exactly the same and results in a living human embryo. The only question is how we will treat these embryos. In brief, the morality of cloning is not about how an embryo comes into existence, but how we treat it once it's conceived. It's our immoral treatment of the embryo that makes cloning wrong.

(b) History of U.S. involvement in ESCR:

- As I point out in *The Case for Life*, the U.S. government began its own quest to fund embryo research in August of 1993.¹⁵ At that time, the National Institutes for Health (NIH), under direction from then President Clinton, requested panel discussions for the purpose of issuing ethically and legally appropriate guidelines for the controversial research.
- In a bizarre twist of logic, the panel concluded that embryos are entitled to "profound respect, but this does not necessarily encompass the legal and moral rights attributed to persons." Translation: We should respect human embryos, but we may kill them to benefit others. To hedge its incoherent position, the NIH panel condemned human cloning techniques like those eventually legalized in Britain and proposed instead that destructive harvesting of stem cells be limited to so-called "spare embryos" leftover from fertility clinics (or, as the NIH euphemistically called them, "embryos in excess of clinical need"). Daniel Callahan of the Hastings Institute writes, "I have always felt a nagging uneasiness at trying to rationalize killing something for which I have profound respect."¹⁶
- In response to the panel's convoluted logic, Congress outlawed federal funding for harmful embryo research in 1996. The ban, known as the Dickey Amendment, was broad based and specific: Funds could not be used for "research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death." The intent of

¹⁵ Scott Klusendorf, *The Case for Life; Equipping Christians to Engage the Culture* (Wheaton: Crossway, 2009) pp. 73-74.

¹⁶ Daniel Callahan, "The Puzzle of Profound Respect," *Hastings Center Report* 25, January 1995.

Congress is clear: If a research project requires the destruction of human embryos, then it is illegal to use federal funds for the project.

- In clear defiance of the law, the Clinton Administration, working through the National Institutes of Health (NIH), authorized federal funds for destructive research on leftover embryos. The NIH argued that public funds would not be used to destroy the embryos, only to conduct research after the embryos are killed. This reasoning here was baffling. The deliberate killing of a human embryo is an essential component of the proposed federal research. “If we had a law that barred research in which porpoises were killed, no one would entertain for five seconds that a federal agency could arrange for someone else to kill the porpoises and then proceed to use them in research,” writes Douglas Johnson, Legislative Director for the National Right to Life.¹⁷ Clearly, the NIH’s determination to pursue human embryo research showed contempt for, and defiance of, Congress.
- Clinton, however, never got around to implementing his policy on stem cells taken from human embryos. Thus, when George W. Bush took office in 2001, he inherited both a no-funding policy and a proposal to allow funding. After taking several months to converse with experts on both sides of the funding issue, Bush announced his decision in a televised address to the nation on August 9, 2001. Contrary to popular belief, President Bush did not ban ESCR. In fact, he funded it, but only on stem cells taken from embryos killed before his August 9 speech. If researchers wanted to destroy more human embryos for research they could do so, but not with federal dollars. In short, the Bush policy neither bans nor funds the destruction of human embryos for medical research.¹⁸
- Fast Forward to March of 2009. President Obama announces new guidelines essentially putting in place the Clinton policy of using private money to kill the embryos, but public funds to experiment on them after the killing. However, two days later he signed the Dickey amendment back into law. Like Clinton, Obama tries to distinguish between using federal money to kill embryos and using federal funds to conduct research once they are dead. In August of 2010, U.S. District Judge Royce Lamberth issues an injunction against Obama’s ESCR policy. In his ruling, Lamberth upheld the Dickey Amendment, arguing that it makes no sense to claim that the act of destruction can be separate and distinct from the act of research. That is, ESCR is clearly research that involves killing a living human embryo and that act cannot be split off from the subsequent research that follows. The act of killing is integral to the act of research. Thus, it violates the Dickey Amendment.

(c) Is ESCR complex?

- Despite claims to the contrary, ESCR is not morally complicated. It comes down to just one question: Is the embryo a member of the human family? If so, killing it to benefit others is a serious moral wrong. It treats the embryonic human being as a commodity we trade to enhance our own well-being. If, however, if the embryos in question are not human, why not put them in the crosshairs of scientists?
- We’ve already established that from the earliest stages of development, the embryos in question are distinct, living, and whole human beings capable of directing their own

¹⁷ National Right to Life Committee press release, August 23, 2000.

¹⁸ Ramesh Ponnuru, “The Case Against Federal Funding of Stem Cell Research,” *Hover Digest* No. 4, 2004.

internal development. Although they have yet to mature, they are whole human beings nonetheless. Thus, each act of ESCR destroys a living member of the human family.

(d) Arguments for ESCR:

- *“Leftover/excess embryos are going to die anyway.”* Advocates of ESCR reply that fertility clinics have large numbers of “excess” embryos—up to 500,000 of them—that could be harvested for their stem cells if only the restrictions on federal funding were lifted. Since these embryos will go to waste and die anyway, so the claim goes, there are no good reasons to delay using them. Sure there are. First, there may be 500,000 embryos in storage, but “excess” does not mean “available.” A 2004 study shows that most of these embryos are still wanted by their parents (who pay high fees to store them) and unless Congress wants to override parental rights, few are truly available for research.¹⁹ Second, there are moral considerations that call into question “they’re going to die anyway” argument. Suppose you oversee a Cambodian orphanage with 200 toddlers that are abandoned. The facility cannot care for them any longer. Water levels are critically low and food supplies are exhausted. It’s only a matter of time before starvation and disease set in. A scientist has offered to take the toddlers off your hands and use them for grisly medical research designed to cure cancer. He confronts you with the hard facts: Many of these children will die soon and there’s nothing you can do to prevent it, so why let all those organs go to waste? Nonetheless, you refuse. You could never, even for a moment, consider turning the kids over to the scientist on grounds that “these kids are going to die anyway so let’s put them to good use.” True, given your impoverished circumstances, you are powerless to save them, but you would never be complicit in actively killing vulnerable human beings, which is what ESCR does. Of course, there are many other examples to consider. Prisoners on death row are going to die anyway, but no one (especially liberals) suggests that we use them for destructive medical research. And we don’t slit the throats of mortally wounded soldiers to recover their organs. In short, unless one begins with the assumption that the embryos in question are not human beings, the “they’re gonna die anyway” claim doesn’t work. All of us are going to die sometime. Do those of us who will die later have the right to kill and exploit those who will die sooner? So once again, we’re back to the question we started with: What are these “excess” embryos? If they are human beings, I see only one morally acceptable option: Wait for adoptive parents.²⁰
- *“Pro-life advocates are anti-science.”* In his March 2009 speech to the nation, President Obama insisted the debate over ESCR should be free of ideology so that scientists could do their work finding cures. He made no attempt whatsoever to demonstrate that the embryos in question were anything but human. Nor did he advance any argument for why they lacked moral worth. Instead, he simply asserted that ideology (morality) should not trump scientific progress. Of course, the President’s claim that science should be free of ideology is itself an ideology, thus the President’s claim self-destructs. Imagine a President saying the military should be free of ideological scrutiny or that only gun owners should decide which guns can be owned for private use. Most people would find that nuts! And yet, regrettably, moral concerns with embryonic stem cell research are often dismissed (rather than refuted) as anti-science and anti-progress, much like the persecution of Galileo. “Our conviction about what is natural or right should not inhibit the role of science in

¹⁹ Arthur Caplan, Andrea Gurmankin, and Dominic Sisti, “Embryo Disposal Practices in IVF Clinics in the United States, *Politics and the Life Sciences*, vol. 22, #2, 2004.

²⁰ The Snowflakes program specializes in embryo adoption. <http://www.snowflakes.org>.

discovering the truth,” Tony Blair told critics of Britain’s plan to clone human embryos for research. “[We will] not stand by as successful British science once more ends up being manufactured abroad.”²¹ Echoing these same sentiments, U.S. Senator Orin Hatch remarked, “It would be terrible to say because of an ethical concept, we can’t do anything for patients.”²² Ron Reagan, son of the late pro-life President, told the 2004 Democratic National Convention that “many opponents to the research are well-meaning and sincere, but their beliefs are just that—an article of faith...The theology of a few should not be allowed to forestall the health and well-being of many.” However, if Blair, Hatch, and Reagan are correct that scientific progress trumps morality, one can hardly condemn Hitler for grisly medical experiments on Jews. Nor can one criticize the Tuskegee experiments of the 1940s in which black men suffering from syphilis were promised treatment, only to have it denied so scientists could study the disease. At the end of the day, the President’s claim is question-begging: it simply assumes the embryos he hopes to use are not human. Would he advocate funding the killing of two-year olds to promote cures for five-year olds? If someone opposed his plan, would he berate his critic for letting ideology trump science? If not, what is he assuming about the embryo that he’s not assuming about two-year olds? As Ramesh Ponnuru points out, pro-cloning polemics frequently frame the debate in terms that obscure the point at issue. “A cloning ban is said to be an attempt to ban research, its supporters are said to fear knowledge, and it is opposed on that basis. It is, of course, true that a ban would bar certain types of research and could prevent certain knowledge from being discovered—but because the research to get the knowledge involves homicide, not because it is research.”²³

- “*ESCR is more promising than adult stem cell research.*” Vice Presidential candidate John Edwards promised in 2004 that if John Kerry were elected President, people in wheelchairs would soon walk again. At the time, the science to support such a claim was at best decades away and remains so today. True, ESCR may one day yield cures, but the current problems are numerous. First, embryonic stem cells, though allegedly more flexible than their adult counterparts, are hard to control once implanted. They sometimes form tumors instead of usable tissue.²⁴ Second, the cloning procedures needed to produce embryos for research are hugely expensive. As Wesley Smith points out, The National Academy of Sciences claims “it could take about 100 human eggs per patient—at a cost of \$1,000 to \$2,000 apiece—just to derive one cloned embryonic-stem-cell line for use in regenerative therapy.”²⁵ Third, non-controversial adult stem cells are currently treating well over 75 known diseases while their embryonic counterparts are treating none, leading some scientists to wonder if embryo cells have any therapeutic value whatsoever.²⁶ “Despite the clear progress we have made, we are nowhere near the point of having a ‘recipe book’ for cooking up cellular repair kits to treat human disease and injury,” writes Dr. Maureen Condic, associate professor of neurobiology and anatomy at the University of Utah. “Immune rejection, tumor formation, and embryonic development have proved themselves to be profoundly serious scientific challenges, and they are likely to remain so

²¹ “Don’t turn Against Science, Blair Warns Protesters,” *London Daily Telegraph*, November 18, 2000

²² Cited in “Clone Wars,” *National Review On-line*, July 1, 2002.

²³ Ponnuru, *Ibid.*

²⁴ Rick Weiss, “Embryonic Stem Cells Found to Acquire Mutations,” *Washington Post*, 9/5/05.

²⁵ Wesley J. Smith, “Cell Wars: The Reagans’ Suffering and Hyped Promises,” *National Review*, June 8, 2004, <http://www.nationalreview.com/comment/smith200406081105.asp>.

²⁶ “Benefits of Stem Cells to Human Patients: Adult Stem Cells v. Embryonic Stem Cells,” Published by Do No Harm, <http://www.stemcellresearch.org/facts/treatments.htm>

for decades into the future.”²⁷ Condic notes that researchers have completely unrestricted funding to conduct research on animal embryonic stem cells (before moving to human trials), and yet they can’t get around these serious scientific problems.

- “*Cloning is not Cloning.*” Fearing public backlash, big biotech is trying to legalize cloning on the sly with a series of phony bans. Known more accurately as “clone and kill” laws, these alleged “bans” allow human embryos to be cloned provided they are destroyed for medical research prior to birth. For example, ESCR advocates in Missouri used deceptive language to push through a ballot measure that permanently allows embryo research in that state. The group sponsoring the measure, Missouri Cures, told citizens it opposed cloning, but misleading language was all over the group’s “Setting the Record Straight” fact sheet and other website documents. We’re told in the fact sheet, for example, that the initiative “clearly and strictly bans human cloning.”²⁸ But in the “Frequently Asked Questions” section, we get this baffling statement: “We believe that ALL types of stem cell research should be pursued in the effort to find lifesaving cures, including research involving adult stem cells, Somatic Cell Nuclear Transfer (SCNT) and stem cells from excess fertility clinic embryos (also called blastocysts or pre-embryos) that would otherwise be discarded. We also believe that human cloning should be banned.”²⁹ Several paragraphs later, SCNT is defined as “a process that uses a patient’s own cell and an empty, unfertilized egg to create ES [embryonic stem] cells.”

The deception here is breathtaking. First, Somatic Cell Nuclear Transfer (SCNT) *is* cloning and the folks at Missouri Cures know it. A decade ago, this exact same technique gave us “Dolly,” the first cloned sheep. What the Missouri Cures proposal rejects is the birth of a cloned human being, not its destruction for medical research. Second, there is no such thing as a “pre-embryo.” As pro-cloning advocate Lee Silver points out, the term is scientifically misleading and is used to deliberately fool the public into accepting destructive embryo research and cloning. “I’ll let you in on a secret. The term pre-embryo has been embraced wholeheartedly by IVF practitioners for reasons that are political, not scientific.”³⁰ Ronan O’Rahilly and Fabiola Muller, in their textbook *Human Embryology and Teratology*, write the term is “ill-defined,” “inaccurate,” “unjustified,” and “equivocal.”³¹ Even during the Clinton Presidency, both the Human Embryo Research Panel (sponsored by the National Institutes for Health at Clinton’s direction) and the National Bioethics Advisory Commission rejected the term.³² The report from the advisory commission describes the human embryo from its earliest stages as a living organism and a “developing form of human life.”³³ Third, the term “fertilized egg” is also misleading because once fertilization takes place, sperm and egg (or, in the case of cloning, the female egg and the donor cell) cease to exist. That is, they surrender their constituents into the make up of a new human organism. Fourth, SCNT does not make embryonic stem cells from

²⁷ Maureen Condic, “What we Know About Stem Cells,” *First Things*, January 2007.

²⁸ “Setting the Record Straight,” <http://www.missouricures.com/settingtherecord.php>

²⁹ “Frequently Asked Questions,” <http://www.missouricures.com/faq.php>

³⁰ Lee Silver, *Remaking Eden: Cloning and Beyond in a Brave new World* (New York: Avon Books, 1997) p. 39. Silver is a Princeton University Biology Professor.

³¹ Ronan O’Rahilly and Fabiola Muller, *Human Embryology and Teratology*, 2nd ed. (New York: Wiley-Liss, 1992) pp. 55, 81.

³² National Institutes of Health: *Report of the Human Embryo Research Panel* (Bethesda, MD: NIH), November 1994; see also National Bioethics Advisory Commission, *Cloning Human Beings* (Rockville, MD), June 1997. Both cited in “On Human Embryos and Stem Cell Research: An Appeal for Ethically Responsible Science and Public Policy,” The Center for Bioethics and Human Dignity (CBHD), http://www.cbhd.org/resources/stemcells/position_statement.htm

³³ National Bioethics Advisory Commission, *Cloning Human Beings* (Rockville, MD), June 1997. Cited in CBHD, *Ibid*.

unfertilized eggs. It creates living human embryos that will be destroyed so researchers can *get* stem cells. And just when you thought the deception couldn't get worse, we're told the Missouri Cures initiative "resolves concerns about human cloning by strictly banning human *reproductive* cloning to create babies."³⁴ (Emphasis mine.)

Let's be clear: Cloning is cloning—period! As mentioned above, the alleged distinction between "therapeutic" cloning and "reproductive" cloning is totally misleading because all cloning is reproductive. In each case, what's banned is the *birth* of cloned human beings, not their creation for destructive research. For example, New Jersey's own clone bill (S-1909) was sold to the public as a strict prohibition on human cloning, but with a hidden lethal twist: That so-called strict prohibition was simply that all cloned embryos and fetuses *must* be killed before they have a chance to develop into more mature human beings. In other words, human lives may be created with cloning technology if and only if technicians agree—under threat of law—to destroy any clones *prior to birth*. That's the proposed ethical safeguard that allegedly bans cloning. It's a sham.³⁵ Moreover, pro-lifers don't oppose the destruction of cloned human embryos because it kills "babies"—we oppose it because it unjustly takes the life of a defenseless human being, regardless of his or her stage of development.

(e) Stay focused on these key points:

- Pro-lifers are not opposed to stem-cell research. But we're opposed to one kind of stem cell research that requires killing defenseless human beings so that others may (allegedly) benefit. That's immoral.
- When ESCR advocates say they only want to find cures for disease and can't understand why religious conservatives would oppose that, what they usually mean is that human embryos should be cloned and killed for medical research.
- Somatic Cell Nuclear Transfer IS cloning and reduces human life to a commodity.
- Cloning is cloning—period! Advocates of ESCR seek to distinguish "therapeutic" cloning from "reproductive" cloning. But the distinction is totally misleading because all cloning is reproductive. So-called "reproductive" cloning means allowing the cloned human to be born alive. "Therapeutic" cloning means creating him for research, but killing him before birth. In either case, the act of cloning is exactly the same and results in a living human embryo.
- Embryos don't *come* from stem cells; they are living human beings that *have* stem cells. And extracting these cells is lethal for the tiny human subject.
- Hadley Arkes provides the question pro-life advocates should put to their critics: "*Given a choice between a therapy that happens to be lethal for human subjects and one that is not, wouldn't we be inclined to favor the therapy that is not lethal? Wouldn't that be even more the case if that non-lethal therapy turns out to be vastly more promising, and far less speculative, than the lethal therapy?*"³⁶ Stem

³⁴ Press release, October 11, 2005. http://www.missouricures.com/rel_101105.php. Emphasis mine.

³⁵ Smith, "Stealth Cloning," *National Review On-Line*, February 15, 2005.

³⁶ Hadley Arkes, "Senseless on Stem Cells," *National Review On-Line*, 8-23-04.

cells drawn from adults have already yielded some striking achievements, and they do not require the killing of the human being from whom they are drawn. The extraction of stem cells from human embryos does, however, result in the destruction of defenseless human beings. Therefore, it is morally wrong. There's nothing complex about it.

TASK 2: PRO-LIFE APOLOGISTS ESTABLISH A FOUNDATION FOR DEBATE

Session #3: What Makes Humans Valuable? 1) *There is no essential difference between the embryo you once were and the adult you are today that would justify killing you at that earlier stage of development.* 2) *Humans have value simply because they are human, not because of some acquired property they may gain or lose during their lifetimes. If you deny this, it's difficult to account for fundamental human equality for anyone.*

A. **Philosophy: SLED test** (Schwarz)—As we have seen, pro-life advocates argue from science that from the earliest stages of development, the unborn are distinct, living, and whole human beings. True, they have yet to grow and mature, but they function as whole human beings nonetheless. Science, however, cannot tell us how to value any human being, regardless its stage of development. Thus, pro-life advocates use philosophy to show there is no morally significant difference between the embryo you once were and the adult you are today that would justify killing you at that earlier stage. Differences of size, level of development, environment, and degree of dependency are not good reasons for saying you had no right to life then but you do now. Stephen Schwarz suggests the acronym SLED as a helpful reminder of these non-essential differences:³⁷

1. **S**ize: You were smaller as an embryo, but since when does your body size determine value? Are large humans more valuable than smaller ones?
2. **L**evel of Development: True, you were less developed as an embryo, but two-year olds are less developed than teenagers. Do teens have a greater right to life?
3. **E**nvironment: Where you are has no bearing on what you. How does a journey of eight inches down the birth canal suddenly change the essential nature of the unborn?
4. **D**egree of Dependency: Sure, you depended on your mother for survival, but since when does dependence on another human mean we can kill you? (Consider conjoined twins, for example.)

B. **To review our basic pro-life case** (i.e., “How to Defend Your Pro-Life View in 5-Minutes or Less”):

1. *Simplify*: Pro-life advocates contend that elective abortion unjustly takes the life of a defenseless human being. This simplifies the abortion controversy by focusing public attention on just one question: Is the unborn a member of the human family? If so, killing him or her to benefit others is a serious moral wrong. It treats the distinct human being, with his or her own inherent moral worth, as nothing more than a disposable instrument. Conversely, if the unborn are not human, elective abortion requires no further justification.
2. *Argue science*: The facts of embryology establish that from the earliest stages of development, the unborn are distinct, living, and whole human beings. True, they have yet to grow and mature, but they are whole human beings nonetheless. Leading embryology textbooks affirm this.
3. *Argue Philosophy*: Philosophically, there is no morally significant difference between the embryo you once were and the adult you are today. Differences of size, level of development, environment, and degree of dependency are not good reasons for saying you had no right to life then but you do now. Use the SLED acronym to illustrate this.

³⁷ Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990) p. 18.

C. The Substance View of Human Persons (grounding for pro-life case for human equality):

1. Substances versus property things

- (a) *Substances* are living organisms that maintain their identities through time and change while property things, like my car, do not.³⁸ What moves a puppy to maturity or a human fetus to adulthood is not a mere collection of parts, but an underlying nature or essence that orders its properties and capacities. As a substance grows, it does not become more of its kind; it matures according to its kind. It remains the same kind of thing from the moment it begins to exist. Thus, a substance retains its identity even if its ultimate capacities are never fully realized. A dog that never learns to bark is still a dog by nature. (That is, it the dog's particular nature, not the realization of some capacity he may or may not develop, determines what kind of thing he is.)
- (b) *Property things* like cars are just sum totals of their total parts. Change a motor or replace a tire, and technically have a different vehicle from the one that rolled off the assembly line. There is no essential essence or nature that defines it and orders its basic capacities. Property things like my car or a plane come into existence part by part. Living things come into existence all at once then gradually unfold themselves according to their inner natures.
- (c) *Why this matters:* The substance view tells us that you are identical to your former fetal self. You are the same being now as you were then, though your functional abilities have changed. From the moment you began to exist (conception), there's been no substantial change to your essential nature. Thus, if you are intrinsically valuable now, you were intrinsically valuable then as well.
- (d) True, a human embryo will develop accidental properties (such as self-awareness, sentience, and physical structure) as it matures, but these properties are non-essential and can be changed (or never fully expressed) without altering the nature of the thing itself. If you lose an arm or never learn to think abstractly, you remain yourself even though your ability to immediately exercise certain ultimate capacities is never fully realized. Suppose you are in a terrible motorcycle accident that leaves you comatose for two years.³⁹ During that time, you lack the immediately exercisable capacity for self-awareness and have no sense of yourself existing over time. Are you the same person even though your functional abilities have changed? Imagine further that when the two years are up, you emerge from the coma with no memory of your past life. Your wife and kids are strangers. You touch the hot stove and get burned. You must relearn everything from speaking to eating to working with your hands. In many ways, you are much like the standard fetus: You possess a basic capacity for self-awareness, rational thought, and language, but lack the immediate capacity to exercise these things. Like the fetus, all of your life experience and memories will be new. Through all of these changes, would you still be you? Could doctors have justifiably killed you during your extended sleep because you couldn't immediately exercise your capacity for self-awareness or sentience? If our right to life is based on our current functional abilities, rather than our common human nature, it's difficult to say why it would be wrong to kill you while you are comatose. Yet, clearly, it would be morally wrong to kill you in that state and the substance view can explain why: You never stopped being you through all of these changes because you have a human nature that grounds your identity through time and change. In short, humans are equal by nature not function.

³⁸ Current defenders of this view include Francis J. Beckwith, Scott Rae, J.P. Moreland, to whom I owe my thoughts here.

³⁹ I owe the following example to Francis J. Beckwith.

2. Objections to the Substance View Based on Functionalism

- (a) “*The embryo is not self-aware.*” Do humans come to be at one point, but only become valuable later in virtue of some acquired characteristic such as self-awareness or self-consciousness they can immediately exercise? The functionalist view of human persons says yes. That is, humans are *not* valuable in virtue of the kind of thing they are, only some function they can perform. For example, Mary Anne Warren distinguishes between human beings and human persons, with only the latter having a right to life. She asserts that “persons” are self-aware, able to interact with their environment, able to solve complex problems, have a self-concept, and able to see themselves existing over time.⁴⁰ Joseph Fletcher suggests a similar set of criteria for personhood—namely, an immediate capacity for minimal intelligence, self-awareness, self-control, curiosity, and the ability to relate to others.⁴¹ Paul D. Simmons, meanwhile, argues that humans bear God’s image (and hence, have value as “persons”) not in virtue of the kind of thing they are (members of a natural kind or species), but only because of an acquired property, in this case, the immediate capacity for self-awareness. A “person,” he contends, “has capacities of reflective choice, relational responses, social experience, moral perception, and self-awareness.” Zygotes, as mere clusters of human cells, do not have this capacity and therefore do not bear God’s image.⁴²

Historically, the distinction between “human” and “person” is hardly novel. As Agneta Sutton points out, John Locke, Emanuel Kant, and Renee Descartes all drew a distinction between human being and human person. John Locke (*Concerning Human Understanding*) divided “man” and “person” with only “person” being defined as a self-conscious, thinking, and intelligent being. Likewise, Descartes identified the “person” with the thinking, conscious mind. On Kant’s account, only rational agents belong to the realm of morality. Locke and Descartes also identified persons in terms of rational attributes.⁴³

Despite its rich historical pedigree, the functionalism of Warren and Simmons is deeply problematic. First, *why* is an immediate capacity for self-awareness (or seeing one’s self existing over time, etc.) value giving in the first place? Instead of arguing for why this property is decisive, Warren (in particular) simply *asserts* it matters. Says who?

Second, all of these definitions put the arrival of “personhood” sometime *after* birth, meaning newborns are disqualified. After all, infants cannot make conscious choices or interact with their environments until a few months after birth, so what’s wrong with infanticide? As Peter Singer points out in *Practical Ethics*, if self-awareness determines value, and newborns and fetuses lack it, both are disqualified from the community of persons. You can’t draw an arbitrary line at birth and spare the newborn.⁴⁴

⁴⁰ Mary Anne Warren, “On the Moral and Legal Status of Abortion,” in *The Problem of Abortion*, 2nd edition, ed. Joel Fineberg (Belmont, CA: Wadsworth, 1984). Cited in Beckwith, *Defending Life*, p. 47.

⁴¹ Joseph Fletcher, “Indicators of Humanhood: A Tentative Profile of Man,” *Hastings Center Report* 2 (1972): 1-4; cited in J.P. Moreland and Scott Rae, *Body and Soul: Human Nature & the Crisis in Ethics* (Downers Grove: InterVarsity Press, 2000) p. 245.

⁴² Paul D. Simmons, “Personhood, the Bible, and the Abortion Debate,” article published by the Religious Coalition for Reproductive Choice at www.rcrc.org/religion/es3/comp.html; Question: Why should anyone accept Simmons’s claim that there can be such a thing as a human being that is not a ‘person?’ He needs to argue for that, not merely assert it. He fails to do this in his article.

⁴³ Agneta Sutton, *Christian Bioethics: A Guide for the Perplexed* (London: T&T Clark, 2008) pp. 23-33; J.P. Moreland & Scott Rae, *Body and Soul: Human Nature & the Crisis in Ethics* (Downers Grove, Intervarsity Press, 2000) pp. 199-201.

⁴⁴ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1997) pp. 169-171.

Abraham Lincoln raised a similar point with slavery, noting that any argument used to disqualify blacks as valuable human beings works equally well to disqualify whites.

You say 'A' is white and 'B' is black. It is color, then: the lighter having the right to enslave the darker? Take care. By this rule, you are a slave to the first man you meet with a fairer skin than your own.

You do not mean color exactly—You mean the whites are intellectually the superiors of the blacks, and therefore have the right to enslave them? Take care again: By this rule you are to be a slave to the first man you meet with an intellect superior to your own.

But you say it is a question of interest, and, if you can make it your interest, you have the right to enslave another. Very well. And if he can make it his interest, he has the right to enslave you.⁴⁵

Third, Simmons and Warren cannot account for basic human equality. As Patrick Lee and Robert George point out, if humans have value only because of some acquired property like skin color or consciousness and not in virtue of the kind of thing they are, then it follows that since these acquired properties come in varying degrees, basic human rights come in varying degrees. Do we really want to say that those with more self-consciousness are more human (and more valuable) than those with less? This relegates the proposition that all men are created equal to the ash heap of history.⁴⁶ Philosophically and theologically, it's far more reasonable to argue that although humans differ immensely with respect to talents, accomplishments, and degrees of development, they are nonetheless equal because they share a common human nature made in the image of God. Humans have value simply because they are human, not because of some acquired property they may gain or lose in their lifetime.⁴⁷

Fourth, if the immediate capacity for consciousness makes one valuable, many non-human animals qualify as persons. Consequently, dogs, cats, and pigs are valuable persons, while fetuses, newborns, and victims of Alzheimer's disease are not. It's hard to see how Simmons can escape this same conclusion given his belief that God's image in man is grounded in self-awareness, not human nature.

Fifth, human embryos have a basic (root) capacity for self-consciousness, lacking only the immediate capacity for it. They possess this basic capacity, George writes, in virtue of the kind of thing they are—members of a natural kind, a biological species—whose members (if not prevented by some extrinsic cause) in due course develop the immediate capacity for such mental acts.⁴⁸ We can therefore distinguish two types of capacities for mental functions: 1) immediate and 2) basic, or natural. On what basis can Simmons require for the recognition of full moral respect the first sort of capacity, which is an accidental attribute, and not the second, which is grounded in the kind of thing one already is?⁴⁹ I cannot think of any non-arbitrary

⁴⁵ *The Collected Works of Abraham Lincoln* (Rutgers University Press, 1953) vol. II, p. 222.

⁴⁶ Robert P. George, "Cloning Addendum," *National Review on-Line*, July 15, 2002; Patrick Lee, "The Pro-Life Argument from Substantial Identity," Tollefsen Lecture, St. Anselm's College, November 14, 2002.

⁴⁷ Of course, one could reply that I beg the question here by claiming that humans have value simply because they are human. However, my claim squares with our basic intuitions and is the foundation for virtually all of Western Civilization—our legal codes, civil duties, as well as our understanding of moral obligations. It seems critics must present a good case for surrendering this deeply held intuition before insisting that we relinquish it.

⁴⁸ Robert George, "Cloning Addendum," *National Review Online*, July 15, 2002.

⁴⁹ Patrick Lee asks this question (though not addressing Simmons) in "The Pro-Life Argument from Substantial Identity." (See cite above.)

justification. Moreover, the difference between the two types of capacities is merely a difference of degree, not a difference of kind. The immediate capacity for mental functions is only the development of an underlying capacity that was there all along in virtue of the kind of thing the unborn already is. In the end, Warren and Simmons make a pitch for human value that is ad-hoc and arbitrary. Why is some development needed? And why is this particular degree of development, self-awareness, the morally relevant factor rather than another? These questions are left unanswered.

- (b) *“The embryo is parallel to the brain-dead person.”* If brain death is the end of a person, so the argument goes, then can’t we agree that brain function is the beginning of a person? Several problems here as the alleged parallel between the brain-dead person and the embryo collapse upon inspection. First, an embryo, unlike more mature humans, does not need a brain to live. Something else integrates the early human’s bodily systems so he/she functions as a coordinated, living organism. Second, we don’t treat brain-dead people as dead because they are living human organisms who are no longer persons. We treat them as dead because they are no longer organisms, no longer capable of directing their own internal functioning.⁵⁰ Third, as Stephen Schwarz points out, the brain dead person is in the category of “no more” while the embryo is in the category of “not yet.”⁵¹ That is, the former has suffered an *irreversible* loss of all coordinated bodily function, including brain function. In short, he’s dead. Disconnect him from life support and his body will begin decomposing immediately. The embryo, meanwhile, has suffered no such loss but is growing and directing its own internal development. True, the embryo does “not yet” have a brain, but a brain is not needed to sustain its life at this early stage of development.
- (c) *“Rights depend on desires”—general argument.* As Beckwith and Lee point out, some contemporary philosophers ground the right to life in interests that spring from conscious desires, such as a conscious desire not to be killed. Thus, prior to the acquisition of these desires, a human being has no interests and thus no rights, including a right to life. Given the early fetus lacks a conscious desire not to be killed, abortion is not morally problematic. However, I can be harmed even if I’m unaware of it—as, for example, when I’m cheated out of a just inheritance I didn’t know was mine.⁵² At the same time, it’s wrong to deprive a child of proper nutrition and education (or deprive a slave freedom) even if he has no conscious desire for those things.
- (d) *“Rights depend on desires”—Boonin’s organized cortical brain activity argument and Beckwith’s reply.* Can a human fetus be deprived of life it has no conscious desire to live? Yes, says David Boonin.⁵³ He argues that prior to having conscious experiences, a being has no desires, and desires (as Boonin understands them) are necessary for a being to have a right to life. He insists that until the fetus acquires organized cortical brain activity—sometime between 25 and 32 weeks—conscious experience resulting in a desire for life is not possible. Thus, the fetus does not have a right to life until organized cortical brain activity emerges. In order to avoid disqualifying newborns and the temporarily comatose who also lack present desires, Boonin distinguishes between desires that are *occurrent*, *dispositional*, *ideal*, and *actual*. Occurrent desires are those you currently entertain, like a desire to finish reading this sentence or complete the current article.⁵⁴

⁵⁰ Ramesh Ponnuru posted this at National Review (The Corner) August 9, 2005.

⁵¹ Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990), p. 52.

⁵² Robert Wennberg, *Life in the Balance: Exploring the Abortion Controversy* (Grand Rapids: Eerdmans, 1985), p. 98; cited in Beckwith, *Defending Life*, p. 145.

⁵³ David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2003) pp. 64-81, 115-126.

⁵⁴ My analysis of Boonin is based on Francis J. Beckwith article “Defending Abortion Philosophically: A Review of David Boonin’s *A Defense of Abortion*,” *Journal of Medicine and Philosophy*, 31: 177-203, 2006. I owe my thoughts here to him.

A dispositional desire is one you have even if you are not thinking about it right at this moment, such as desire to stay healthy or happily married. For Boonin, it's dispositional desires rather than occurrent ones that ground a right to life. Thus, although newborns and the temporarily comatose lack occurrent desires, it seems reasonable to attribute to them a dispositional desire not to be killed even if they are presently unaware of such a desire. But suppose due to false beliefs I have an occurrent and/or dispositional desire that conflicts with what I would reasonably desire in the future? To address this problem, Boonin introduces a distinction between *actual* and *ideal* desires. Consider your desire for a glass of water on a hot day. Unbeknownst to you, the water is laced with poison. In this case, writes Boonin, your ideal desire not to drink poison strongly outweighs your actual (occurrent) desire to quench your thirst. Based on these distinctions, Boonin argues that newborns and the temporarily comatose have a right to life even though they currently do not desire it. They have this right to life not in virtue of the kind of thing they are, but because they have organized cortical brain activity to support these dispositional desires. The early fetus, in contrast, lacks organized cortical activity needed for dispositional desires and thus lacks a right to life.

While these distinctions are interesting, Beckwith writes they fail to refute the pro-life view that humans have value in virtue of the kind of thing they are, that is, beings with a particular nature.⁵⁵ First, Boonin never tells us *why* having a “desire” not to be killed is value giving (necessary) in the first place rather than some other characteristic. He simply asserts that it is.

Second, his claim that dispositional desires grounds a right to life cannot adequately account for the wrongness of killing some people outside the womb. Suppose (as mentioned earlier) that I'm in a terrible wreck that leaves me in a coma from which I will not awaken for nine months. Suppose further the physician tells my family that when I do awaken, the trauma to my brain is such that I will have none of my previous memories, skills, or conscious experiences. They are lost forever. As Beckwith points out, while I'm in the coma, I'm precisely in the same psychological position as the standard preconscious fetus: I have basic capacities to speak, think, learn, desire, etc., but I must develop them (again, in my case) for them to become a present capacities I can immediately exercise. Does this mean I can be killed while in the coma? Given I lack an immediate capacity for dispositional desires, what grounds does Boonin have for saying no? And if he says no, what exactly grounds my right to life while I'm in that lamentable state? It can't be my past experiences, for they are erased never to return. Rather, it must be my nature as a human being that stays Boonin's hand. As Beckwith explains, it seems that if Boonin were to correctly conclude that it would be wrong to kill me *before* I emerged from the coma, what would be doing the moral work is not my past (which is erased), but that I'm a being with certain basic capacities that make certain functions possible. That is, Boonin would have to employ the resources of the substance view of human persons to make his case against killing me.⁵⁶ In short, while I'm in the coma, I retain—as a human being—the basic natural capacity for personal acts, even if my immediate capacity to perform them is delayed. In the same way, the early fetus has that same personal nature, needing only time to develop her immediate capacity to exercise it.⁵⁷ Thus, if I have a right to life while in the coma, so does the preconscious human fetus.

Third, there is the problem of the indoctrinated slave. Beckwith, citing Patrick Lee, writes that slaves can be conditioned to believe they have no interests, but they still have a right not to be

⁵⁵ See Beckwith, *Defending Life*, pp. 134-148.

⁵⁶ Beckwith, *Ibid*, p.139.

⁵⁷ Ryan T. Anderson, “The Rare Achievement of Disagreement,” *First Things* (On the Square) May 12, 2008.

killed—even if they have no conscious desire for a right to life. “Even if the slave is never killed,” writes Beckwith, “we would still think that he has been harmed precisely because his desires and interest have been obstructed from coming into fruition.”⁵⁸ Why can’t the same be said for the human fetus? True, Boonin could reply that the slave’s *ideal* desire is for life and freedom, but as Beckwith point out, that judgment “seems to assume that the slave is a being of a certain sort that ought to desire a right to life even when he does not actually desire a right to life. Then, it is not *desire* that grounds the right to life, but the *nature* of the sort of being that would have this correct desire if it had not been indoctrinated, or will have this correct desire when it reaches a certain level of maturity and it is functioning properly.”⁵⁹ In short, the substance view of human persons can explain why the indoctrinated slave has rights even when he doesn’t desire them. Boonin’s own view can’t.

To make sure the point is not lost, Beckwith provides a final example. Suppose one of these indoctrinated slaves is pregnant. Because you agree with Boonin that having desires grounds a right to life, you hire a physician to alter the brain development of the slave’s fetus so that it never develops organized cortical activity and thus never desires life or freedom. Can Boonin reasonably say this is wrong? If rights presuppose desires and desires presuppose organized cortical brain activity, then Boonin’s criterion cannot account for the wrong done to the fetus in this case. Nor would it be wrong for that same scientist to purposefully create human clones who never develop organized cortical brain activity (and thus never experience desires) so that their body parts can be harvested for medical research.⁶⁰

Given the above examples, it’s clear rights cannot rest on desires but instead are grounded in our common human nature. As Lee points out, “it seems more reasonable to hold that the violation of someone’s rights is more closely connected with what truly harms the individual rather than with what he or she desires.”⁶¹ That is, what truly harms the slave is not that he consciously “desires” liberty but is deprived of it, but that rights he has by nature (in virtue of the kind of thing he is) are denied him whether he desires those rights or not.

- (e) “*Human dignity adds nothing to bioethics.*” Steven Pinker argues that the entire concept of human dignity is useless and stupid. Instead of engaging in metaphysical disputes over the nature and status of human beings, secular bioethics should take a neutral stance on these questions. Pinker makes two primary claims. First, he alleges that human dignity is a subjective concept, meaning that cultures disagree on what it means. Second, human dignity is unnecessary since personal autonomy and consent provide a better foundation for doing bioethics.⁶²

Setting aside for the moment that Pinker makes his own metaphysical (and highly controversial) claim—namely, that secular bioethics should be neutral—it turns out his view is anything but neutral. Pinker says that scientific materialism (SM) should guide bioethics, but as Beckwith points out, SM is not neutral.⁶³ Briefly, SM is the view that science best explains reality and that everything that can be known must be explained in terms of strict physical

⁵⁸ Beckwith, *Defending Life*, p. 147; Patrick Lee, *Abortion and Unborn Human Life* (Washington, D.C.: The Catholic University of America Press, 1996) p. 16.

⁵⁹ Beckwith, *Defending Life*, pp. 147-148. Emphasis mine in part.

⁶⁰ Beckwith, *Defending Life*, pp. 147-148.

⁶¹ Patrick Lee, *Abortion & Unborn Human Life*, pp.7-31. Cited in Beckwith, *Defending Life*, p. 145.

⁶² Steven Pinker, “The Stupidity of Dignity,” *The New Republic*, May 28, 2008. Cited in Francis J. Beckwith, “Dignity Never Been Photographed: Scientific Materialism, Enlightenment Liberalism, and Steven Pinker,” *Ethics & Medicine*, Summer, 2010. My analysis of Pinker comes from Beckwith’s article.

⁶³ Francis J. Beckwith, *Dignity*.

processes and blind, non-rational forces. Thus, non-material concepts like human dignity don't count as real knowledge but are merely subjective, meaning they should never interfere with research and medical progress. Moreover, the idea that humans have an immaterial essence that categorically distinguishes them from animals is pure fiction. Humans differ only in degree, not kind, from other living things. As for the mind (soul), it is nothing more than a physical brain state. Thus, Pinker's secular bioethics is not neutral, but embraces a physical (and philosophical) anthropology that is contested.

Moreover, how does it follow that because cultures disagree on human dignity that no one view of human value is correct? People once disagreed on whether slaves had value, but this did not mean there were no right answers. The absence of consensus does not mean an absence of truth. At the same time, Pinker's relativism self-destructs. Remember, he said that disagreement about human dignity means there is no truth on the matter. However, many people disagree with Pinker on human dignity, meaning his own relativistic view is defeated.

Pinker's appeal to autonomy/consent as an adequate foundation for secular bioethics fares no better. First, it is not neutral. Rather, it presupposes a metaphysical view of human nature—namely, that the primary project in life is to be independent, meaning I'm free to do with my life as I please as long as I don't hurt others. But is this a good foundation for bioethics? Suppose 100 men form a cult for the express purpose of eating nothing but trans-fatty foods in hopes they will all die of strokes before age 35. As they begin dying one by one, the remaining members double, then triple, their intake of fat until all are dead. Would Pinker consider their lives wasted? If yes, on what grounds can he say that? After all, these men exercised their autonomy according to their own concept of the universe and their place in it. Pinker's complaint, should he make one, only makes sense if these men failed to live up to their natures as human beings. That is, I suspect Pinker expects better of them precisely because humans are the types of beings who ought to fulfill their natures by living according to their intrinsic purposes. But Pinker's SM rules out any such complaint. Second, consent alone does not provide an adequate foundation for bioethics. To borrow an example from Beckwith, suppose the Jews had consented to the holocaust. Would that have made it right? In a 2004 survey, more than a third of Turkish women indicated they deserve to be beaten if they argue with their husbands, deny them sex, neglect children, or burn a meal.⁶⁴ If the women in question willingly consent to such abuse, how can Pinker say it is nevertheless wrong?

- (f) “*Human exceptionalism harms animals.*” Some animal rights advocates contend that if you are pro-life and value animals less than humans, you're responsible for untold animals suffering. While pro-life advocates agree that we shouldn't unjustly harm animals, we disagree that 1) they are on equal footing with humans, and 2) that a robust belief in human exceptionalism leads to animal abuse. However, if animals have equal value to humans, should we hold the former morally responsible for the crimes they commit? If your dog eats a hamster, what should the consequences be? Moreover, is a man who kills his dog to feed his starving son no different morally than one who kills his son to feed the dog? Our intuitions scream there must be a difference! Radical animal rights activists are mistaken. A robust belief in human exceptionalism does not exploit animals; it protects them from unjust harm. Consider the case of previously suspended NFL quarterback Michael Vick, sentenced to jail for dog fighting and gratuitous cruelty to animals. According to one report, “the 52 pit bulls found on Vick's estate were mostly emaciated” and kept “ravenously hungry so that they would eagerly assail the flesh of the dogs they met in the ring.” The losing animals, the report said, “were sometimes

⁶⁴ “It's Okay for Men to Hit Us, Says Wives' Poll in Turkey,” *U.K. Telegraph*, October 22, 2004.

executed if they didn't die in the fight. One dog, the grand jury reported, was hosed down after a loss and then electrocuted.”⁶⁵ When a raging Michael Vick clubs his Pit Bull to death for losing a fight, we're justifiably outraged at his inhumane and beastly behavior. But *why* are we outraged? *Isn't it because we demand better of him as a man?* Our revulsion of Vick makes no sense unless humans are exceptional. After all, prosecutors and critics are not blaming the dogs in this case; they are blaming humans who ought to behave better than animals. When dogs or rhinos tear each other up or kill unsuspecting prey, there's a reason we don't slap them with jail time. They don't have consciences and they don't know better. They're just doing what comes naturally. Wesley J. Smith is right: If you keep telling humans they are no different than animals, don't be surprised when they act that way.

Lee and George make another point. Many non-human animals not only kill each other; they depend on killing to flourish. Indeed, their whole mode of living is dedicated to hunting and killing other animals. However, if non-human animals truly do have full moral rights, we have a *prima facie* obligation to stop them from killing each other and must devote resources to protect zebras from lions and sheep from wolves, and so on.⁶⁶

I had a philosophy professor in the early 80s who taught the class to analyze arguments by playing loud rock music. "Listen for the arguments and presuppositions," he would say. Admittedly, listening for anything was difficult when it was Alice Cooper or AC/DC, but Bowie and Boston weren't bad. Without question, my favorite lefty anti-war song from that period was "Brothers in Arms" by Dire Straits. Take a listen. If you don't conclude it's some of the most hauntingly beautiful guitar work you've ever heard, you are just plain nuts. The song laments how humans make war on each other and create a living hell in the process. I like it because even though I reject the pacifism of the "peace at all cost" crowd, this particular tune (perhaps unbeknownst to the artist) affirms human exceptionalism. In other words, the song presupposes that we humans are supposed to be a certain way, that we're to do better than make war, and that somehow we're not acting in accordance with our natures when we blow each other to bits. Of course, many on the secular left deny there can be such a thing as human natures, only socially constructed selves. Humans aren't exceptional and anyone who says they are is guilty of Speciesism—a crime akin to racism and sexism. But seriously, we don't lament tigers making war on zebra's and eating them for lunch, do we? We might find the whole ordeal a bloody mess, but no one is surprised when a tiger acts according to its inner nature. But again, when a Michael Vick electrocutes a dog for losing a fight, we're infuriated by his actions. We demand better of him as a man--but on what grounds?

- (g) *"The current (immediately exercisable) capacity for pain and pleasure, which requires self-awareness, confers personhood."* This is Peter Singer's view. What primarily matters is not what *kind* of being an entity is, but can it suffer? "The capacity for suffering and enjoyment is a prerequisite for having interests at all," he writes. All (and only) beings that can currently experience suffering or enjoyment have interests and thus moral status (rights). Singer contends that a variety of non-human animals are rational, self-conscious beings that that can experience pain or pleasure and thus they qualify as persons in the relevant sense of the term.⁶⁷ Consequently, it is morally indefensible for humans to value their own species above other sentient animals. As for the doctrine of the "sanctity of human life," it is nothing but "speciesism," an irrational prejudice rooted in outdated religious traditions (i.e. Christianity). Insofar as some human beings are

⁶⁵ Gwen Knapp, "Gruesome Details of NFL Star's Dogfighting Indictment Causes Outcry," *San Francisco Chronicle*, July 19, 2007

⁶⁶ Patrick Lee and Robert George, "The Nature and Basis of Human Dignity," *Ratio Juris*, June 2008.

⁶⁷ *Ibid*, pp. 110-111.

incapable of reasoning, remembering, and self-awareness, they cannot be considered persons. “The embryo, the later fetus, the profoundly intellectually disabled child, even the newborn infant—all are indisputably members of the species *Homo sapiens*, but none are self-aware, have a sense of the future, or the capacity to relate to others.”⁶⁸ Put simply, dogs, cats, and dolphins are persons, while fetuses, newborns, and victims of Alzheimer’s disease are not.

To the dismay of popular abortion-choice advocates, Singer rejects birth as a relevant dividing line between person and non-person, agreeing with pro-life advocates that there is no ontologically significant difference between the fetus and a newborn. True, there are differences of size, location, dependency, and development, but these are morally irrelevant. “The liberal search for a morally crucial dividing line between the newborn baby and the fetus has failed to yield any event or stage of development that can bear the weight of separating those with a right to life from those who lack such a right.”⁶⁹

But instead of upgrading the fetus to the status of a person, Singer downgrades the newborn to the status of non-person because newborns, like fetuses, are incapable “of seeing themselves as distinct entities, existing over time.”⁷⁰ Nor are they rational, self-conscious beings with a desire to go on living.⁷¹ Since personhood hinges on these things, killing a newborn (or fetus) is not the same as killing a person. In fact, some acts of infanticide are less problematic than killing a happy cat. If, for example, parents kill one handicapped infant to make way for another baby that will be happier than the first, the total amount of happiness increases for all interested parties.⁷²

For Singer, infanticide may be wrong in some cases, but only for its impact on other interested parties. “We should certainly put very strict conditions on permissible infanticide, but these conditions might owe more to the effects of infanticide on others than to the intrinsic wrongness of killing an infant.”⁷³ If the parents want the newborn, it is wrong to kill it because the act deprives them of happiness. On the other hand, killing a defective newborn is not morally equivalent to killing a person.⁷⁴ Very often, it is not wrong at all. “When the death of a disabled infant will lead to the birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of the happy life for the first infant is outweighed by the gain of a happier life for the second. Therefore, if killing the hemophiliac infant has no adverse effect on others, it would, according to the total view, be right to kill him.”⁷⁵

Parents, of course, need time to calculate pleasures and pains. Singer’s solution is a post-birth assessment period of a week or perhaps a month (he isn’t sure which), during which parents, in consultation with their physician, may legally kill their handicapped offspring if doing so would increase the total happiness of all interested parties.⁷⁶ In the end, Singer rejects transcendent human rights as a fiction. All sentient beings are equally valuable. It is the *interests* which matter, not the *kind* of being one is.

⁶⁸ Peter Singer, *Practical Ethics*, second ed. (Cambridge: Cambridge University Press, 1993, p. 86.

⁶⁹ Peter Singer, *Practical Ethics*, p. 142.

⁷⁰ *Ibid.*, pp. 171,188.

⁷¹ *Ibid.*, p.169.

⁷² *Ibid.*, pp. 185-186.

⁷³ *Ibid.*, p. 173.

⁷⁴ *Ibid.*, p. 191.

⁷⁵ *Ibid.*, p. 186

⁷⁶ *Ibid.*, p. 172. Of course, fetuses and newborns have no “interests” according to Singer.

There are a number of problems with Singer's position:

- *Despite Singer's claim that all animals are equal, his own view results in savage inequality for both humans and non-human animals.* As Patrick Lee and Robert George point out, the major difficulties with Singer's position follow from the fact that his proposed criterion for personhood (that is, an immediately exercisable capacity for pleasure/pain) involves the possession of accidental attributes that living things have in varying degrees, thus making equality among sentient beings impossible. In short, those beings with greater intelligence and sophistication have a greater capacity to experience suffering and enjoyment, meaning (under Singer's view) they have a greater moral status than their less sophisticated counterparts: "If the moral status-conferring attribute varies in degrees—whether it be the capacity for enjoyment or suffering, or another attribute that comes in degrees—it will follow that some humans will possess that attribute to a lesser extent than some non-human animals, and so inevitably some interests of some non-human animals will trump the interests of some humans. Also, it will follow that some humans will possess the attribute in question in a higher degree than other humans, with the result that not all humans will be equal in fundamental moral worth, i.e., dignity."⁷⁷
- *It appears Singer himself can't escape the charge of specicism.* That is, not only is his criterion for personhood arbitrary (he never tells us why certain value-giving properties are value-giving in the first place), it distinctly favors his own species. For example, why are self-awareness and rationality—distinctly human traits—the standards by which we evaluate all individuals, including non-human animals? Why are those things value-giving rather than, say, having traits that favor alligators, such as powerful jaws and tough skin? Singer's own standard is no less specicist than ours.⁷⁸
- *Singer's view is counterintuitive.* He insists that persons are not valuable in themselves, but are mere carriers of what is truly valuable, i.e., the capacity for pain or pleasure. A basic moral rule, then, would be to maximize those accidental attributes. Thus, it would not be morally wrong to kill a child, no matter his age, if doing so allowed you to replace him with two carriers of what is truly valuable.⁷⁹ Absurd. It's far more reasonable to argue that rights-bearing subjects have value in virtue of the kind of thing they are by nature rather than some accidental attribute that may come and go in their lifetimes. At the same time, Singer's claim that "the capacity for suffering and enjoyment is a prerequisite for having interests at all" is deeply problematic and counterintuitive. Given it is *interests* that matter, not the *kind* of being one is, it logically follows that if a juvenile rat has a slightly worse toothache than a human child, the rat deserves priority treatment.⁸⁰ After all, one is not supposed to treat humans above other species.
- *Singer lacks consistency in how he applies his ethic.* He insists that killing a newborn is *not* the same as killing a person. Ergo, killing a newborn is morally unproblematic, right? Well, not exactly. Singer hedges with a pronouncement that we should restrict infanticide to severely handicapped infants. But as Peter Berkowitz explains, the restriction derives no support from the logic of his position: "Singer is right that on the basis of his premises

⁷⁷ Patrick Lee and Robert George, "The Nature and Basis of Human Dignity," *Ratio Juris*, June 2008.

⁷⁸ I can't remember for certain, but I think I heard J.P. Moreland make this point in a lecture.

⁷⁹ Lee and George, *Ibid.*

⁸⁰ Lee and George, "The Nature and Basis of Human Dignity," *Ratio Juris*, June 2008.

there is no relevant difference between abortion and the killing of ‘severely disabled infants.’ But why does he confine the comparison to newborn infants who are severely disabled? He certainly does not confine abortion to severely disabled fetuses. If newborns, like unborn children, are not persons, and it is permissible to abort unborn children regardless of whether they are afflicted or healthy, then newborns, afflicted or healthy, should be subject to killing too, provided of course that ‘on balance, and taking into account the interests of everyone affected,’ their killing will increase the total amount of happiness or satisfied preferences in the world. Singer certainly offers no good utilitarian reason to confine the killing to severely disabled newborns.’⁸¹

- *Singer has grounding problems.*⁸² On one hand, his utilitarian ethic suggests that actions are moral if they increase happiness and decrease pain for the greatest number of people. However, some things—rape, slavery, murder—are wrong in themselves, and cannot be justified with an appeal to overall happiness. Common sense dictates that we weigh both the rational intent of an act (deontological ethics) with its foreseen consequences (utilitarian ethics). Even if we modify Singer’s utilitarianism beyond pain/pleasure to reflect the greatest good for the greatest number, it still fails to give us clear guidance. What exactly is “the good” we should seek to maximize? Utilitarianism, by itself, is incomplete. It needs some other moral theory to specify the nature of “the good.”⁸³

On the other hand, Singer equates moral decency with a series of universal shoulds and oughts: Americans ought to renounce material wealth and give liberally to the poor in developing countries.⁸⁴ We ought to increase pleasure and minimize pain for animals as well as humans. We should treat all sentient beings equally, regardless of species membership. Yet how can Singer account for any of these moral obligations given his materialistic worldview? “When we reject belief in a god,” he writes, “we must give up the idea that life on this planet has some preordained meaning. Life as a whole has no meaning. Life began [in] a chance combination of molecules; it then evolved through chance mutations and natural selection. All this just happened; it did not happen for any overall purpose.”⁸⁵ That single statement undermines Singer’s attempt to ground any moral claim, including one that says we should treat animals fairly. How can he account for objective, universally binding morals in a universe that admits no objective moral lawgiver? If his atheistic premise is correct, then to ask me to put other species on equal footing with my own is ridiculous. To the contrary, nothing makes more sense in a Darwinian “survival of the fittest” universe than subjugating other species to *my* use. Ayn Rand is correct: If there is no God, we should live selfishly.⁸⁶

To be clear, Singer can certainly *recognize* moral obligations and *act* according to them. His concern for the world’s poor is proof he can be good without God! But Singer’s job is not done. He must still explain how a mindless universe furnished us with a set of objective moral truths we are *obliged* to obey. Where did these moral truths come from? If they are

⁸¹ Peter Berkowitz, “Other People’s Mothers,” *New Republic*, January 10, 2000.

⁸² The material in the following three paragraphs come from my book *The Case for Life: Equipping Christians to Engage the Culture* (Wheaton; Crossway, 2009), pp.120-121.

⁸³ Garrett J. De Weese and J.P. Moreland, *Philosophy Made Slightly Less Difficult: A Beginner’s Guide to Life’s Big Questions* (Downers Grove: InterVarsity Press, 2005), pp. 91-92.

⁸⁴ See Singer’s interview on the Princeton University website, <http://www.princeton.edu/~psinger/faq.html>

⁸⁵ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993) p. 331.

⁸⁶ For an excellent discussion on this problem for atheists, see Paul Copan, “Can Michael Martin Be a Moral Realist?” *Philosophia Christi*, series 2, 1.2 (1999). See also Bill Weaks, “Practically Nonsense,” www.firstgen.org.

the product of blind random chance, why should I obey them? For example, if I'm playing the board game Scrabble and I see the phrase "go home," am I obliged to obey?⁸⁷ I am not. There's no authority behind the accidental arrangement of the letters. For morals to have force, they need grounding in some kind of authority. Evolution can't supply that authority. Only a transcendent moral law-giver can. In short, Singer provides no ontological foundation for his strong moral claims.

Nor does he provide grounding for his rights claims. Singer is well known for his animal rights advocacy. He writes that sentient animals (apes, cats, pigs, etc.) deserve the same moral standing as sentient human beings. Before making this claim, however, he must answer a predicate question: Where do these alleged animal rights come from? Do they come from the state, in which case government is free to grant or withdraw rights (including those for animals), or are they transcendent? The problem for Singer is this: If there is no God, how can there be transcendent, universal rights that apply to animals? Singer replies with a half answer: If God does not exist, there is no justification for treating humans as inherently more valuable than other sentient beings. Perhaps so, but neither is there any justification for treating animals humanely. If the government rejects animal rights, to what can Singer the atheist appeal? Certainly not to fundamental moral rights, which by necessity are grounded in the concept of a transcendent creator who grants them. Singer's claim for animal rights therefore appears to exist in a vacuum.

Session #4: What Makes Humans Valuable, Part 2—The Religion Objection. *Although the pro-life view is implicitly religious, it is no more religious than alternative explanations of human value. As Beckwith points out, everyone is asking the same exact question: What makes humans valuable in the first place?*

A. The religion objection (3 popular claims):

1. Pro-life view that humans have intrinsic value is inherently religious
2. Controversial religious claims involve metaphysics and thus cannot be proved empirically or argued for rationally. You must take them on faith.
3. Thus, religiously informed beliefs about the unborn have no place in the public square and cannot be used to restrict abortion or ESCR..

B. Response #1: Ask two questions to level the playing field:

1. **Ask**, "*What do you mean by religion?*" You'll be told it involves blind faith, metaphysics.
2. **Ask**, "*Why does anything have value and a right to life?*" The answer will inevitably be grounded in metaphysics, some comprehensive doctrine about the nature of human beings and their place in the world that cannot be proven empirically.
3. **Explain** that although the pro-life view is implicitly religious, it is no more religious than alternative explanations of human value. As Beckwith points out, everyone is asking the same exact question: What makes humans valuable in the first place? Science can't answer that question because science only deals with things we can measure empirically through the five senses. To get an answer, you'll have to do metaphysics.

⁸⁷ Greg Koukl uses this example in his talk "The New Atheism." Order from Stand to Reason: www.str.org

C. Response #2: Explain why the “religious” objection (which is really a dismissal) just won’t work:

1. Non-believers can recognize that humans have value in virtue of the kind of thing they are. Meanwhile, pro-lifers present a philosophic case that must be answered.
2. Just because the pro-life view is consistent with a particular religious viewpoint doesn’t mean it can’t be defended without with arguments exclusive to that view.
3. The claim that a human embryo has value *is no more religious* than saying an infant or toddler does. (It’s also no more religious than saying it doesn’t have value.) Indeed, can a thoroughly materialistic (secular) worldview tell us why anything has value and a right to life? Can it account for rationality?
 - (a) According to materialism, everything in the universe came about by blind physical processes and random chance. The universe came from nothing and was caused by nothing. Human beings are thus cosmic accidents. In the face of this devastating news, secularists simply *presuppose* human dignity, human rights, and moral obligations.⁸⁸ (See, for example, the United Nations Declaration of Human Rights, 1948.) But on what naturalistic basis can human rights and moral obligations be affirmed? Why think that impersonal, physical, valueless processes will produce rights-bearing persons?
 - (b) Just because an atheist can *recognize* moral truths does not mean he can *ground* them ontologically within his own worldview. Objective moral truths need an objective moral law-giver. So again, what’s the evidence that purposeless, impersonal, and amoral materialist or naturalistic processes can give rise to intrinsically valuable, personal, and moral beings? Seriously, is the fundamental difference between Mother Theresa and Joseph Stalin one of chromosomal makeup?
 - (c) Materialism also struggles to explain rationality, claiming as it does that man is nothing more than a machine programmed by blind natural forces. He’s hardwired to think a certain way, meaning his thoughts and beliefs—including his thoughts and beliefs about morality, religion, and evolution—are strictly predetermined. How can rationality exist in such a world? Thus, there is no point to Dawkins, Dennett, Hitchens, Harris, et al, trying to convince religious people they’re wrong, since none of us are free to think any differently than we do. Moreover, if our minds are the result of blind and irrational forces, why trust them to give us the truth about anything, including materialism? Evolution isn’t concerned about truth, only preserving the adaptive behavior necessary for survival.
4. Why should anyone suppose that religious truth claims don’t count as real knowledge? The Declaration of Independence, Martin Luther King’s “Letter from the Birmingham Jail,” and Abraham Lincoln’s Second Inaugural Address all have their roots in the concept of *imago dei* (humans bearing the image of God). Are these documents irrational?
5. The Christian faith is not blind, but trust based on evidence (Acts 1:3; 2:32,36; 17:2-4; Mark 2:10-11; Hebrews 11:1). It’s historical in nature (1 Cor. 15:1-15).

⁸⁸ Paul Copan, “God, Naturalism, and the Foundations for Morality,” <http://paulcopan.com/articles/pdf/God-naturalism-morality.pdf>

6. The “imposing religion” objection is not an argument, but a ramrod used to silence Christians. Leftists appeal to religion when advancing universal healthcare, stem cell research, and anti-war propositions. Mary Ann Glendon is correct: Christians aren’t *imposing* their ideas; they’re *proposing* them in hopes their fellow citizens will vote them into law. That’s called democracy.⁸⁹
7. Arguments for abortion as a fundamental right assume a transcendent grounding point. Where does the right to an abortion come from?” If it comes from the state, the abortion-choice advocate can’t complain if the state takes that right away. But if it’s a fundamental right that transcends the state, it’s got to come from a transcendent source.
8. Debates over God’s existence are no different in kind from other philosophical arguments. As Ed Feser points out, do secularists demand that those favoring legal abortion and gay marriage refrain from advocating their positions simply because their arguments are not universally accepted? “So why do they demand that religion and politics be separated not just in the constitutional sense that no one ought to be forced to belong to a particular denomination or to accept a particular creed, but also in a the stronger sense that religious considerations, however well supported by rational arguments, ought to get no hearing in the public square and have no influence on public policy?” Why the constant harping on the separation of church and state but not secular metaphysics and the state? Where in the Constitution does it say religious considerations get no hearing in the public square?⁹⁰

Session #5: Abortion: Law, Metaphysics, and Neutrality. *Despite the rhetoric of secularists, neutrality is impossible. All positions on abortion assume a metaphysical viewpoint.*

A. Everyone Does Metaphysics

1. Definitions:

- (a) *Metaphysics* (literally, “beyond the physical”) has to do with being (ontology), or if you will, the nature of reality. Metaphysics asks questions such as: What’s ultimately real and is that reality one or many, material or immaterial? Do living things have specific natures that define the kinds of things they are? Do human beings have minds as well as bodies? And what makes those humans valuable in the first place? As we shall see, all sides in the abortion controversy bring metaphysical assumptions to the debate, though some pretend otherwise.
 - (b) *Epistemology* is about how we know things. Questions like “Are my beliefs justified?” and “How do we know what’s real?” are epistemological in nature. Both metaphysics and epistemology play key roles in determining what’s true in disputes over abortion and embryonic stem cell research.
2. **Key issues:** Are pro-life advocates guilty of engaging in speculative metaphysics when they argue for legal protection for unborn humans? Is John Rawls correct that liberal societies should not legislate on controversial moral issues, especially ones that incite division? The answer to both questions is no. Truth is, neutrality is impossible—both legally and morally. All positions on abortion assume a metaphysical viewpoint. Indeed, metaphysical presuppositions lurk beneath

⁸⁹ Mary Ann Glendon, “The Women of Roe, *First Things*, June/July 2003.

⁹⁰ Ed Feser, “How to Mix Religion and Politics,” *Tech Central Station Daily*, March 29, 2005.

every public policy debate. The controversy over embryonic stem cell research (ESCR) is a case in point.

3. **Example:** Senator John Danforth—In a 2005 *New York Times* editorial, Danforth writes that government restrictions on ESCR wrongly impose a particular religious view (that of the “religious right”) on a pluralistic society. “It is not evident to many of us that cells in a petri dish are equivalent to identifiable people suffering from terrible diseases...the only explanation for legislators comparing cells in a petri dish to babies in the womb is the extension of religious doctrine into statutory law.”⁹¹

This is not persuasive for many reasons:

- (a) *Pro-life advocates offer rational arguments for their position.* As stated earlier, pro-lifers argue scientifically that from the earliest stages of development, the embryos in question are not mere clumps of cells in a petri dish, but distinct, living, and whole human beings. True, they have yet to grow and mature, but they are whole human beings nonetheless. Philosophically, pro-lifers argue that there is no morally significant difference between the embryo you once were and the adult you are today. Differences of size, level of development, environment, and degree of dependency are not relevant in the way that ESCR advocates need them to be to justify killing you then but not now. Pro-lifers don’t need Scripture or church doctrine to tell them these things. They are truths that secular libertarians can, and sometimes do, recognize.⁹²
- (b) *Danforth’s own position, like the pro-lifer’s, is grounded in prior metaphysical commitments.* As Francis J. Beckwith explains, the nature of the ESCR debate is such that all positions presuppose a metaphysical view of human value, and for this reason, the pro-research position Danforth defends is not entitled to win by default.⁹³ At issue is not which view of ESCR has metaphysical underpinnings and which does not, but which metaphysical view of human value does a better job of accounting for human rights and human dignity, pro-life or pro-destructive research? The pro-life view on ESCR is that humans are intrinsically valuable in virtue of the kind of thing they are. True, they differ immensely with respect to talents, accomplishments, and degrees of development, but they are nonetheless equal because they share a common human nature. Their right to life comes to be when they come to be, either at conception or at the completion of a cloning process. Danforth’s own view is that humans have value (and hence, rights) not in virtue of the kind of thing they are, members of a natural kind, but only because of an acquired property that comes to be later in the life of the human organism. Because the early embryo does not appear (to him) as a human being with rights, destructive research is permissible. Notice that Danforth is doing the abstract work of metaphysics. That is, he is using philosophical reflection to defend a disputed view of human value in his quest to defend ESCR. In short, Danforth’s attempt to disqualify the pro-life view from public policy based on its alleged metaphysical underpinnings works equally well to disqualify his own view.
- (c) *Even sophisticated appeals for metaphysical neutrality self-destruct.* Now maybe Danforth, echoing political philosopher John Rawls, meant to convey that society should confer a large degree of

⁹¹ John Danforth, “In the Name of Politics,” *New York Times*, 3-30-05.

⁹² See Libertarians for Life (<http://l4l.org>) and Godless Pro-lifers (<http://godlessprolifers.org>). Although secularists can recognize moral truths, I do think they ultimately have trouble grounding moral claims.

⁹³ Francis J. Beckwith, “Law, Religion, and the Metaphysics of Abortion: A Reply to Simmons.” *Journal of Church and State* 43.1 (Winter 2001): 19-33. Beckwith is speaking principally to the issue of abortion, but his thoughts apply to the ESCR debate as well. I owe my thoughts in this section to his excellent analysis.

liberty by not legislating on controversial moral issues for which there is no consensus, especially if those issues involve comprehensive moral doctrines based on prior metaphysical commitments. Embryonic stem cell research (ESCR), so the argument goes, is a divisive and controversial issue. Therefore, government should not restrict it. But as discussed earlier, this view is self-refuting. To say government should remain neutral on metaphysical questions is itself a metaphysical claim, a comprehensive moral doctrine about how government should function. It's also controversial: Do we have a consensus that we should not legislate on divisive matters like ESCR? Moreover, slavery and racism were controversial issues that involved prior worldview commitments. Are we to conclude that it was wrong to legislate against them? The fact that people disagree is no reason to suppose that nobody is correct.

- (d) *The religious sword cuts both ways.* The overwhelming majority of mainline Protestant denominations (including Danforth's own Episcopal Church) hold to the same metaphysical view he does regarding the embryo, namely, that developing humans are *not* valuable in virtue of the kind of thing they are (substances with a particular nature), but only valuable because of some accidental property acquired sometime after the early human comes to be. Many of these left-leaning groups specifically cite Scripture to make the case that embryos and fetuses are not human beings. Bottom line: If the pro-life view opposing ESCR is suspect because of its alleged connection to the metaphysics of religion, so is the pro-destructive research one.
- (e) *The claim "an embryo is a human subject with rights" is no more religious than claiming it's not.* As stated earlier, the claim that an embryo has value is indeed a claim with theological underpinnings, but it's no more religious than saying a ten-year old has value. Can a truly secular ethic tell us why anything has value and a right to life? Both the pro-life advocate and the pro-ESCR advocate are asking the exact same question: What makes humans valuable in the first place? Both are using metaphysics to answer that question. Here's the question we ought to ponder: Which metaphysical worldview better explains human dignity and human equality? Is it the one that grounds human value in our common human nature or the one that grounds it in accidental traits that come and go within the course of one's life-span? That's the real issue at stake with abortion/ESCR.
- (f) *State neutrality is impossible.* The law either recognizes the unborn as valuable human beings and thus protects them or it does not and permits killing them. By agreeing that human embryos are fitting subjects for destructive research, Danforth is taking a public policy position that embryos do not deserve the same protections owed toddlers or other human beings. This is hardly a neutral position; it's an extremely controversial one with deep metaphysical underpinnings. Why, then, is it okay for Danforth to legislate his own view on the status of human embryos but not okay for pro-lifers to legislate theirs?

B. The Federal Courts Are Not Neutral

1. *Roe v. Wade and Doe v. Bolton*—When people tell me the federal government should stay out of the abortion issue, I ask what they mean by that. Truth is, *Roe* and *Doe* did not get the federal government out of abortion. Instead, one branch of the federal government, the judiciary, co-opted the issue from the other two branches of government, leaving them no say on the issue. As Beckwith points out, the Court in *Roe* and *Doe* (the cases were handed down together) struck down the abortion laws of all 50 states and concluded that a woman may obtain an abortion for any reason she deems fit through all nine months of pregnancy. That is, the Court mandated a policy

of abortion-on-demand that no state anticipated prior to the ruling. Beckwith summarizes the Court's ruling in the two cases as follows:⁹⁴

- (a) *Roe*: During the first three months of pregnancy (1st trimester), the abortion decision is the woman's alone. Under no circumstances may the state move to protect fetal life. The same is true for the second trimester, where abortion may only be regulated to safeguard the woman, not her unborn offspring. During the third trimester, the state has a compelling interest in fetal life (now that the offspring is viable) and may--if it so chooses--pass legislation protecting the unborn. However, there's a huge catch: The proposed legislation must not interfere with the woman's "health."
- (b) *Doe*: The Court defined "health" so broadly you could drive a Mack truck through it. Accordingly, "health" must be defined "in light of all factors--physical, emotional, psychological, familial, and the woman's age--relevant to the well-being of the patient. All these factors relate to health" (*Doe v. Bolton*, 410 at 179, 192). Given all pregnancies impact a woman's emotional and family situation, the court's "health" provision has the practical effect of legalizing abortion up until birth. Indeed, a 1983 U.S. Senate Judiciary Committee concluded that "no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy." (Report, Committee on the Judiciary, U.S. Senate, on Senate Resolution 3, 98th Congress, 98-149, 7 June 1983, p. 6.)
- (c) *Roe's faulty history*—As to how the Court arrived at its conclusion, Beckwith notes that the answer from legal scholars--including many who support legalized abortion at some level--is clear: Justice Blackmun relied on an extremely flawed history of U.S. abortion law written by an attorney for The National Abortion Rights Action League, Cyril Means. In short, Blackmun had to rewrite history to overcome the fact that by 1869, nearly every state and federal territory had laws restricting abortion. The stated purpose of those laws, which coincided with advances in medical science, was primarily to protect the unborn. These laws had not been seriously challenged prior to the late 1960s, so how was he now going to strike them as unconstitutional? After reading Means, Blackmun concluded that 1) prior to the 1850s, the common law generally did not restrict abortion before quickening, and 2) when abortion restrictions were later passed in states and federal territories, their primary intent was to protect the mother from unsafe medical procedures, not affirm the right to life of her unborn offspring. Both conclusions were false:
 - True, common law in the early 1800s did allow for abortion before "quickening," but that's only because the primitive embryology in play at that time could not determine if life was present until the mother felt the child move. As John Warwick Montgomery points out, lawmakers were saying as soon as you have life, you must have laws protecting that life. In no way did the common law or individual state laws allow for abortion after life was present. Indeed, the most important burst of anti-abortion legislation took place in the late 1860s, just as the science of embryology established the humanity of the unborn from conception, not quickening.
 - Moreover, Blackmun was just flat wrong about the intent of these laws. Although the mother's safety was a secondary consideration, anti-abortion lawmakers, relying on the

⁹⁴ The material which follows is from Beckwith, *Defending Life*, pp. 18-41.

advice of physicians, made clear their primary intent to stop the "unwarranted" destruction of human life.

- (d) *Roe was not neutral on the question of human life.* First, Justice Blackmun insisted that because people disagree on when life begins, the Court should not propose one theory of life over another, meaning the decision to abort should be left entirely to the mother. But to say that no one knows when life begins and therefore abortion (for all practical purposes) must remain legal through all nine months of pregnancy assumes that life does not begin before birth! Thus, the Court really did claim to know when life begins. Second, Blackmun insisted that until viability, the state has no compelling interest in protecting the fetus. After that point, the state may, if it chooses, pass laws protecting fetal life. (However, those laws must not interfere with the "health" of the mother, as noted above.) That is, the Court waded into metaphysics by suggesting that viability confers some degree of value on the unborn. Thus, the Court did, in fact, take a position on a theory of life.
- (e) *The Court's legal theory was not neutral; it embraced positive rights over natural ones.* Pro-life advocates, echoing Lincoln, argue that we must distinguish between natural rights and legal ones. Natural rights are those rights that you have simply because you are human. They are grounded in your human nature and you have them from the moment you begin to exist.⁹⁵ For example, you have a natural right not to be harmed without justification as well as a natural right not to be convicted of a crime without a fair trial. Government does not grant these basic rights. Rather, government's role is to protect them. In contrast, legal (or positive) rights are those rights you can only acquire through accomplishment or maturity. These rights originate from the government and include the right to vote at your eighteenth birthday and a right to drive on your sixteenth. But your natural right to live was there all along. It comes to be when you come to be. To cash this out further, I do not have a legal (positive) right to vote in the next Canadian election for the simple reason that I am not a Canadian citizen. But just because I lack the right to vote in Canada does not mean I lack the right to basic protections whenever I visit that country. Likewise, just because a fetus may not have the positive right to drive a car or vote in the next election does not mean he lacks the natural right not to be harmed without justification. Hadley Arkes writes: "No one would suggest that a fetus could have a claim to fill the Chair of Logic at one of our universities; and we would not wish quite yet to seek its advice on anything important; and we should probably not regard him as eligible to exercise the vote in any state other than Massachusetts. All of these rights or privileges would be inappropriate to the condition or attributes of the fetus. But nothing that renders him unqualified for these special rights would diminish in any way the most elementary right that could be claimed for any human being, or even for an animal: the right not to be injured or killed without the rendering of reasons that satisfy the strict standards of a 'justification.'"⁹⁶

The traditional view of American law, grounded in The Declaration of Independence, held natural rights in high esteem. Government was not an absolute sovereign whose fiat creates rights. Rather, human beings exist prior to the state and have certain basic rights simply because they are human. It was government's job to protect those basic human rights. Judge John T. Noonan writes that the traditional model is nearly dead, replaced now by the thinking of Austrian jurist Hans Kelsen (1881-1973). For Kelsen, the legal order is the source of all rights. "The physical person is, thus, no natural reality, but a construction of juristic

⁹⁵ Hadley Arkes, *Natural Rights and the Right to Choose* (Cambridge: Cambridge University Press, 2002) pp. 13-14

⁹⁶ Hadley Arkes, *First Things: An Inquiry into the First Principles of Morals and Justice* (Princeton: Princeton University Press, 1986) p. 366.

thinking.”⁹⁷ That is, the state defines who is and is not a person, who does and does not have rights. If the state says you are not a subject of rights, you don’t exist. According to Noonan, Kelsen’s thinking has dominated court decisions on abortion since the early 70s. In a New York state case—*Bryn v. New York City Health and Hospitals Corp.* (1972)—Judge Charles Breitel wrote that although the unborn in the womb were “human” and “unquestionably alive, it is not true that the legal order corresponds to the natural order.” Who counted as a legally protected “person” was for the law, not biology (or natural correspondence), to say. Next came *Roe v. Wade*, where Justice Blackmun ignored biological evidence for unborn and simply declared that unborn were not persons in the whole sense (i.e., they were merely potential life). Membership in the human community was not a question of fact, but fiat, and only the Court’s counted. Noonan summarizes the danger this way: Your rights flow from your human nature. Yet not one of those rights is secure if power rests with nine men and women to simply define you out of existence.⁹⁸

- (f) *The Court’s reasoning undermines abortion rights.* As Beckwith points out, Judge Blackmun said the right to abortion was contingent on the status of the fetus. That is, if the status of the fetus is disputed, so is the right to an abortion. The Court’s admission that it did not know when life begins entails that it also did not know when, if ever, the right to an abortion begins. Thus, the Court’s ignorance undermines its own claim for abortion rights.⁹⁹

C. Neutrality is Impossible, Metaphysics is Inevitable: A Debate Case Study:

In our October 13 debate at the University of North Carolina, Nadine Strossen, former President of the ACLU (1991-2008), defended her case for elective abortion with an appeal to relativism. To summarize her case, reproductive freedom means the freedom to choose whether or not to have children. Laws restricting abortion unjustly curtail that freedom and impose the religious beliefs of some on others who disagree. “Our individual principles of morality cannot control our judicial decisions,” she told the audience. “Our obligation is to liberty. We must respect freedom of conscience that allows women a right to choose.” True, she did say that pro-lifers are free to believe what they wish about abortion, “but the State should not enter the private realm of family life. Government must remain neutral.” She concluded by quoting the Supreme Court’s famous “mystery passage” in the 1992 Casey decision. “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”¹⁰⁰

Setting aside for the moment that each of her above claims assumed the unborn were not human—for example, would she make this same pitch for personal choice and freedom if the topic were killing toddlers instead of fetuses?—her appeal to relativism was seriously flawed in at least three ways.

1. *Nadine’s appeal to state neutrality is not neutral.* Indeed, state neutrality is impossible on abortion. The law either recognizes the unborn as valuable human beings and thus protects them or it does not and permits killing them. By agreeing that human embryos are fitting subjects for abortion, the federal courts are taking a public policy position that the unborn do not deserve the same protections owed toddlers or other human beings. This is hardly a neutral position; it’s an extremely controversial one with deep metaphysical underpinnings. Why, then, is it okay for

⁹⁷ Hans Kelsen, *The Pure Theory of Law*, trans. Max Knight from 2nd ed. (Berkeley: University of California Press, 1967) p. 95.

⁹⁸ Cited in John T. Noonan, *A Private Choice: Abortion in American in the Seventies* (New York: Free Press, 1979) pp. 13-19.

⁹⁹ Beckwith, *Defending Life*, p. 30.

¹⁰⁰ *Planned Parenthood Of Southeastern Pa. V. Casey*, 505 U.S. 833 (1992) , 505 U.S. 833, at 851.

Nadine to legislate her own view on the status of human embryos but not okay for pro-lifers to legislate theirs?

2. *Nadine's appeal to moral neutrality also is not neutral.* Notice what she says. “Our individual principles of morality cannot control judicial decisions. Our *obligation* is to liberty and we *must* respect freedom of conscience.” Really? Is that morally true or just her individual principle of morality? It’s like she’s saying morality is personal, but here are some objective rules everyone must follow—“We *must* respect freedom. We *must* respect conscience. We have an *obligation* to liberty.” Says who? Notice she seeks to impose, through law, her own controversial view of morality on pro-lifers who disagree. That is, she smuggles morality into her claim through the back door. Let me be clear. I have no problem with grounding our laws on objective moral principles. Indeed, if we don’t, law is reduced to mere power. However, what I do take issue with are those who pretend they are neutral regarding morality and the law. No they are not. Nadine wants to legislate her position every bit as much as I want to legislate mine. There is no neutral ground here. Everyone takes a position. And I am fully prepared to accept Nadine’s position on abortion if she can demonstrate the unborn are not human. But a faulty appeal to neutrality just won’t do the trick.

3. *Nadine's appeal to relativism provides an insecure foundation for basic human rights.* She cites the infamous “Mystery Passage” in Casey by Justices O’Connor, Kennedy, and Souter: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” That is, human nature is not fixed, but determined subjectively. But if that is true, there can be no fixed rights that arise from that nature, including a fixed right to an abortion. So why can’t a future Court just arbitrarily decide that women don’t have a right to an abortion? The Court didn’t say.

So what are left with? The Court has affirmed the right of a person to define his own concept of existence, the meaning of the universe, and the meaning of human life. But, writes Hadley Arkes, “was there any reality or truth attaching to him? And what was there about him that commanded the rest of us to respect these decisions he reached about himself and the universe?”¹⁰¹ Why can’t we just make him up to be someone who has no rights if that fits our own concept of meaning and human life? In short, the Court’s infamous “mystery passage” assumes the very thing it denies. By demanding that we respect a person’s judgment about human life and the meaning of the universe, the Court assumes that the human being in question actually exists, whether my own concept of the universe admits him or not.

TASK 3: PRO-LIFE APOLOGISTS ANSWER OBJECTIONS PERSUASIVELY

Session #6: Bodily Autonomy Argument—*Does a mother have no more duty to her own child than she does a total stranger who is unnaturally booked up to her?*

As we discussed earlier, many popular arguments for abortion are question-begging. That is, they simply assume the unborn are not human beings. The bodily rights argument is an exception. Its central claim is that pregnant mothers have an absolute right to do whatever they want with their bodies regardless of what it does to the children they carry. To quote a popular slogan, “Not the church, not the state, every woman master of her fate.”

¹⁰¹ Hadley Arkes, *Natural Rights and the Right to Choose* (Cambridge: Cambridge University Press, 2002) pp. 18-19

- A. *Summary of the “violinist” argument*—MIT Professor Judith Jarvis Thomson first put a scholarly twist on the bodily rights argument in a 1971 essay entitled “A Defense of Abortion.” In it, she bites the bullet: She concedes for the sake of argument the humanity of the unborn. However, she contends that no woman should be forced to use her body to sustain the life of another human being. Just as you have no right to demand use your neighbor’s kidney should yours fail, the unborn, though human, does not have the right to use the woman’s body if she wishes to withhold such support. Just as one may withhold support and detach himself from the violinist (we are asked to assume), so too the mother may withhold support and detach herself from the child. Abortion is such a detachment. Thomson presents the following analogy to illustrate her position:

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 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 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 still longer? 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 that you would regard this as outrageous.

B. Analysis and refutation:¹⁰²

1. **Ask:** *Are the parallels truly parallel?* For Thomson’s argument to work, a woman being forcibly hooked up to the stranger violinist must parallel (in morally relevant ways) a mother who is hooked up to her own child. Are there important differences between pregnancy and kidnapping? Yes.
 - (a) *Thomson’s argument tries to justify abortion as merely the withholding of support.* But it is also something else—the killing of a child through dismemberment, poison or crushing. As Beckwith points out, “Euphemistically calling abortion the ‘withholding of support’ makes about as much sense as calling suffocating someone with a pillow the withdrawing of oxygen.”¹⁰³
 - (b) *Thomson assumes that a mother has no more obligation to her own child than she does a total stranger (or a burglar).* Clearly this is mistaken. What if the mother awoke to find herself hooked up to her own child instead of the violinist? We may not have the obligation to sustain strangers who are unnaturally plugged into us, but we do have a duty to sustain our own offspring, both legally and morally. As Schwarz points out, “The very thing that makes it possible to say that the person in bed with the violinist has no duty to sustain him; namely, that he is a stranger unnaturally hooked up to him, is precisely what is absent in the case of the mother and her child.”¹⁰⁴

¹⁰² The material which follows adapted from my book *The Case for Life*, Crossway 2009.

¹⁰³ Francis J. Beckwith, *Politically Correct Death: Answering Arguments for Abortion Rights* (Grand Rapids: Baker, 1993) p. 133.

¹⁰⁴ Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990) p. 118.

- (c) *The child is not an intruder.* He is precisely where he naturally belongs at that point in his development. If the child doesn't belong in the mother's womb, where does he belong? "That a woman looks upon her child as a burglar or an intruder is already an evil, even if she refrains from killing her," writes Schwarz.¹⁰⁵
- (d) *Barring cases of rape, a woman cannot claim that she bears no responsibility for the pregnancy* in the same way she bears no responsibility for the violinist. Merely going to bed at night does not naturally cause anyone to wake up attached to a total stranger. However, when a couple engages in sexual intercourse, they engage in the only possible activity that naturally leads to the formation of a child. Hence, she is not like the woman who finds herself plugged into the violinist against her own will.
- (e) *Pregnancy, unlike the violinist analogy, is not a prison bed.* As Dr. Bernard Nathanson points out, "Few pregnant women are bedridden and many, both emotionally and physically, have never felt better. For these, it is a stimulating experience, even for mothers who originally did not want to be pregnant."

2. **Present counter examples** that challenge bodily autonomy claims:

- (a) *Dr. Rich Poupard's "thalidomide" example--* During our debate at U.C. Davis in June of 2006, Dr. Meredith Williams, who performs some abortions, repeatedly called abortion tragic and said that she, too, wanted to reduce the practice provided no laws were passed restricting it. But why abortion is tragic and why she wanted to reduce it she couldn't say. If the unborn is just a "parasite," as she claimed more than once during our debate, isn't removing that parasite a good event rather than a tragic one? The more abortions the better! She can't have it both ways. Throughout our exchange, Dr. Williams couldn't decide whether women had an absolute right to bodily autonomy or not. For the first part of our exchange, she more or less argued they did. However, during the cross-examination, she backed off that claim when I pressed her with this thought experiment provided by Dr. Rich Poupard:

Let's say a woman has intractable nausea and vomiting and insists on taking thalidomide to help her symptoms. After having explained the horrific risks of birth defects that have arisen due to this medication, she still insists on taking it based on the fact that the fetus has no right to her body anyway. After being refused thalidomide from her physician, she acquires some and takes it, resulting in her child developing no arms. Do we believe that she did anything wrong? Would we excuse her actions based on her right to bodily autonomy? The fetus after all is an uninvited guest, and has no right even to life let alone an environment free from pathogens.¹⁰⁶

When Dr. Williams said the woman was wrong to do that, I replied: "So if the mother *harms* her unborn child with thalidomide that's wrong, but if she *kills* it with elective abortion that's fine? But who are you to say that? If the mother's right to bodily autonomy is absolute, it's none of our business what she does with the fetus, right?"

¹⁰⁵ Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola University Press, 1990) p. 122.

¹⁰⁶ Rich Poupard, "Do No Harm (Except for the Killing Thing)," <http://lti-blog.blogspot.com/2007/01/do-no-harm-except-for-that-killing.html>

- (b) *Accutane example*—Or, suppose that same woman wants to continue her Accutane therapy for acne. Accutane is highly toxic to developing human fetuses and the U.S. government actually insists that a woman of child-bearing age use two forms of contraception if she is sexually active prior to using the medication. Indeed, before she fills the prescription, she must verify the type of contraception she is using. Yet no one questions this as an assault on her bodily autonomy. “In each of the above examples,” writes Poupard, “the mother is seeking a medication that does not harm her, has a beneficial effect that she desires, and yet she has no recognized right to be given them” based on her alleged right to bodily autonomy. “The only reason these medication are denied to the pregnant mother who may be seeking them is the effect on her fetus.” Thus, while the mother’s claim to bodily autonomy is important, it is not absolute and does not supercede her obligation to the child.
- (c) *Abortion-choice blogger Paul W’s example*—“My position is this: if a fetus is a person, the right of a woman to voluntarily get pregnant and her right to not give birth can't both be absolute—or at least, she can't have a very general, entirely absolute right to control of her own body that includes those things and other similar things. Here's the thought experiment: suppose that a woman could get pregnant, and stay pregnant indefinitely, while the fetus inside her did develop into an actual person. Perhaps a physically dwarfed person, the size of a baby, but developing the basic kinds of cognition and emotions that children and adults have. Suppose this physically dwarfed, stunted person lives in its mother's belly for decades, fully aware of who it is and where it is—it is trapped in its mother's belly. Suppose it wants to get out and live something like a normal life, but she won't let it. She says ‘it's my vagina, and I don't have to let you through it.’ Suppose, even, that the woman chooses to do all of this on purpose, because she likes the idea of having a helpless small person stuck inside her body for its entire life. She lives to a ripe old age of 90, at which time the person inside her has lived a full 70 years of fully aware helpless misery—and then she dies and her 70-year-old ‘child’ dies with her—because right up to the end, it's her body and that's how she wants it. In that scenario, the child is the mother's slave—its bodily autonomy is overridden by her rights, and it lives a miserable existence its entire life at her whim. Supposing a woman had the ability to do that, would she really have the right to? I really don't think so. You do not have a right to voluntarily create a person and then refuse to grant that person human rights, to the point of creating a helpless slave and keeping it in that situation indefinitely.”¹⁰⁷
- (d) *Melissa Ann Rowland example*—Paul W’s above thought experiment is no stretch at all when we consider the actual case of Melissa Ann Rowland of Salt lake City. In 2004, Rowland was prosecuted for refusing an emergency caesarian section to save the lives of her unborn twins. According to the hospital staff, Rowland refused the C-section because of the scar it would leave on her body. She stated she preferred to “lose one of the babies than be cut like that.” Nevertheless, emergency room doctors and nurses repeatedly tried to persuade Rowland to have the C-section, but she insisted on going outside for a smoke instead. She finally yielded to their demands, but by then it was too late: One baby died and other required intense medical intervention to survive. The surviving twin, like his mother, tested positive for cocaine. The medical examiner’s report stated that had Rowland consented to the surgery when doctors originally urged her to, ‘the baby would have survived.’ Rowland was subsequently charged with murder. Kim Gandy of the National Organization for Women said she was “aghast” that

¹⁰⁷ The thought experiment was posted at: <http://punkassblog.com/2006/04/26/git-yer-damn-hands-off-my-body-philosophically-speaking/#comment-156>

Rowland was criminally charged. She's got a point. If unborn humans have no legitimate claims on their mothers' bodies, why not let a drug addict mom avoid the scar?¹⁰⁸

- (e) *Amputee (voluntary) example*—If a woman wants to voluntarily have her healthy arm amputated, should she be allowed to do it? Does she have a right to do anything she wants to her body as long as it doesn't hurt someone else?

C. *Eileen McDonagh (From Choice to Consent)*—Abortion is self-defense. Just as a woman has a right to use deadly force against a rapist who invades her body without consent, so she may use deadly force against a fetus who invades her body without consent. For McDonagh, consent is everything! That is, just because a woman consents to sex does not mean she consents to pregnancy.

1. Response to McDonagh:

- (a) Why should anyone think that a rapist has the same relationship to the mother's body as does her own child? If the fetus does not have a prima facie right to reside in its mother's womb, where exactly does it belong?
- (b) Pregnancy is not violent assault. It changes the mother's body in ways it was designed to handle. Though at times difficult, it hardly compares to the damage done by rape and other physical assaults. For that matter, puberty and aging also change the body, but no one thinks of these as violent attacks.
- (c) McDonagh is mistaken about the nature of consent and pregnancy. Truth is, many of our choices have consequences that we don't consent to, but which we must nonetheless accept. Can I consent to a winning lotto ticket? A successful surgery? Suppose I said; "I consent to have sex, but not get an STD." We consent to initial behaviors, not outcomes. Fathers must pay child support to children they never consented to conceive.

2. Other problems for McDonagh: Her parallels fare no better than Thomson's. (See above).

D. *David Boonin's Defense of Thomson*—Boonin argues that pro-life advocates are wrong to assume that parents have special duties to the child simply because they engaged in a voluntary action, sexual intercourse, which caused the child to exist in an imperiled condition. Boonin's primary argument is that we must distinguish between being responsible for someone's neediness and being responsible for the fact that they exist, with the *result* that they are in need. In the first case, Boonin says we have a special responsibility to provide assistance, but not in the second. He then argues that abortion is an instance of the second type of neediness, not the first. For example, suppose a doctor saves a patient's life with a particular drug, but the side-effects of the medication trigger a fatal kidney dysfunction. The patient's only hope is to use someone else's kidney to filter his own blood. Suppose further the doctor has the correct blood-type to assist the patient. Boonin argues that although the physician is responsible for the patient's continued existence, he is not responsible for the patient's dependency condition. Thus, the physician is not required to donate the use of his kidney to save his patient. Boonin sees a parallel here to the fetus. Sure, we cause them to exist, but we do not precisely cause their dependency condition.¹⁰⁹

¹⁰⁸ The details in this story come from Jonathan Turley, "When Choice Becomes Tyranny: Abortion Rights Lobby Steps Over the Line in Utah," *Jewish World Review*, March 23, 2004.

¹⁰⁹ I owe this succinct summary of Boonin's argument to Patrick Lee, "A Christian Philosopher's View of Recent Directions in the Abortion Debate," *Christian Bioethics* (April, 2004) vol 10, Issue #1, pp. 7–31.

1. Response to Boonin:

- (a) *Boonin's doctor analogy fails.* Lee writes that the reason why the physician has no special duties to the patient has nothing to do with factors analogous to pregnancy. "The physician did not bring this patient into being, but in a generous act extended his life. The fact that the doctor thus extended the life of this patient, but with the result that the patient later develops this urgent need, is quite distinct from conceiving a child—where, at the same time, the parents both cause the child be and place him in an imperiled (dependent) condition."
- (b) *Patrick Lee's counterexample:* "Suppose I am in a motorboat in a lake and speeding past the pier I knock three or four children into the lake. I suppose Boonin would agree that certainly here I am responsible for their being in a dependency condition, and that I owe it to them to go back and try to help them out of the water, lest they drown. However, following Boonin's principles, I might also claim that I was only responsible for their being in the water, not for their being in an imperiled condition. It is not my fault, I might argue, that they do not know how to swim, and so their dependency condition is a consequence of what I do, but it is not something I am responsible for. But clearly, it is specious to distinguish between my causing them to be in the water (for which I am responsible) and their being in a dependency condition due to their inability to swim (for which, the claim would be, I am not responsible). But, likewise, it is specious to distinguish between a child's existing (for which I am responsible) and his existing in an imperiled condition (for which, the claim is, I am not responsible)."¹¹⁰
- (c) *Parents do have special duties to their offspring prior to voluntarily assuming those duties.* Suppose that a mother takes her baby home after giving birth only because she could not afford an abortion. Or, perhaps she could not find a doctor willing to perform one. In both cases, notes Lee, she has not voluntarily assumed responsibility for the child nor has she consented to a personal relationship with it. Still, it would surely be wrong for her to abandon the child in the woods (perhaps the only way to make sure it is not returned to her), even though the child's death would only be a side effect.
- (d) *Rich Poupard's "mother in cabin" example:* If a mother is in a secluded cabin and gives birth to a child she consented to conceive, but not sustain, can she leave it to starve to death (refuse to use her body to breast feed it) on grounds that although she is responsible for the child's existence, she is not responsible for its neediness?

2. Review of why bodily autonomy arguments in general fail to persuade:

- (a) Abortion is not merely the withholding of support, but the direct killing of a child. If the only way I can withhold support is to kill another person, I may not do it.
- (b) We may not have the obligation to sustain strangers who are unnaturally hooked up to us, but we clearly do have a duty to sustain our own offspring.
- (c) Even if the child is an intruder, that only justifies removing her from the woman's body, not killing her. If the only way I can remove an intruder from my home is to kill him by throwing him off a cliff, I may not do it.
- (d) It is unfair for Thomson and McDonagh to portray pregnancy as a nine-month prison bed. Many women enjoy the experience.

¹¹⁰ Lee, *Ibid.*

- (e) We clearly do have certain moral obligations to others even if we do not voluntarily assume them. Since Thomson assumes that the unborn child is human, why should the parent's duty to care for the child differ before birth?

Session 7: Street Level Objections to the Pro-Life View—*To defeat the pro-life argument, you must demonstrate the unborn are not human or show it doesn't matter. The following objections do neither and most miss the point entirely.*

A. Argument from Illegal Abortions: “If abortion is outlawed, women will die in back-alleys.”

1. Philosophical response:

- (a) The argument begs the question. That is, unless you begin with the assumption that the unborn are not fully human, you are making the highly questionable claim that because some people will die attempting to kill others, the state should make it safe and legal for them to do so. Why should the law be faulted for making it more risky for one human being to take the life of another, completely innocent one? Should we legalize bank robbery so it is safer for felons? As abortion-choice advocate Mary Anne Warren points out, “The fact that restricting access to abortion has tragic side effects does not, in itself, show that the restrictions are unjustified, since murder is wrong regardless of the consequences of forbidding it.”¹¹¹
- (b) The objection that the law cannot stop all abortions is silly. Of course it can't, any more than laws against rape stop all rape. But it can stop most. For example, researchers Barbara Syska, Thomas Hilgers, and Dennis O'Hare estimate that the number of illegal abortions prior to 1967 ranged from 39,000 in 1950 to 210,000 in 1961, with a mean of 98,000.¹¹² Within seven years of legalization, abortion totals jumped to over 1.2million annually!¹¹³
- (c) Third, women aren't forced to have illegal abortions; they choose to have them. “A woman is no more forced into the back alley when abortion is outlawed than a young man is forced to rob banks because the state won't put him on welfare,” says Gregory Koukl. “Both have other options.”¹¹⁴

2. Factual response:

- (a) While some women died from illegal abortion prior to *Roe v. Wade*, the claim that thousands died each year is just plain false. Dr. Mary Calderone, former medical director for Planned Parenthood, wrote in 1960 that physicians in good standing in their communities performed illegal abortions safely. “Abortion is no longer a dangerous procedure,” She wrote in the *American Journal of Public Health*. “This applies not just to therapeutic abortions as performed in hospitals but also to so-called illegal abortions as done by physicians.”¹¹⁵ The widespread use of penicillin beginning in the late 1940s dramatically reduced both mortality and morbidity

¹¹¹ Mary Anne Warren, “On the Moral and Legal Status of Abortion,” in *The Problem of Abortion*, 2nd ed., Joel Feinberg (Belmont, CA: Wadsworth, 1984) p. 103. Cited in Beckwith *Defending Life*, p. 95

¹¹² Barbara Syska, Thomas Hilgers, and Dennis O'Hare, “An Objective Model for Estimating Criminal Abortions and Its Implications for Public Policy,” in *New Perspectives on Human Abortion*, ed., Thomas Hilgers, MD., Dennis J. Horan, and David Mall (Frederick, MD: University Publications of America, 1981) p. 178. Cited in Beckwith, *Defending Life*, p. 120.

¹¹³ Centers for Disease Control Abortion Surveillance: Preliminary Data—United States, 1994. *MMWR* 1997;45:1123-7.

¹¹⁴ Greg Koukl, “I'm Pro-Choice,” <http://www.str.org/site/News2?page=NewsArticle&id=5313>

¹¹⁵ Beckwith, *Politically Correct Death*, p. 90.

rates for all surgeries, including abortion. True, this doesn't prove no woman will ever die from an illegal abortion, but it does call into question the claim of high mortality rates prior to legalization.

- (b) Dr. Christopher Tietze, a statistician for Planned Parenthood during the 60s and 70s, called the claim of 5,000-10,000 deaths a year “unmitigated nonsense.” Noting that 45,000 American women of reproductive age die each year from all causes, Tietze stated, “It is inconceivable that so large a number as 5,000-10,000 are from one source.”¹¹⁶ His own estimates put the number of illegal abortion deaths at 500 annually for the years leading up to *Roe v. Wade*.

B. Arguments ad-hominem: 1) “Men can’t get pregnant.” 2) “Are you willing to adopt babies?” 3) “Do you support the death penalty?”

1. “Men can’t get pregnant. Only women should decide abortion issue.”

- (a) Arguments do not have genders, people do.¹¹⁷ Since many pro-life women use the same arguments offered by pro-life men, it behooves the abortion advocate to answer these arguments without fallaciously attacking a person's gender. Moreover, if men can’t speak on abortion, *Roe v. Wade*, the Supreme Court case legalizing abortion, was bad law. After all, nine men decided it. Abortion-choice advocates should also call for the dismissal of all male lawyers working for Planned Parenthood and the ACLU on abortion related issues.
- (b) Think of the bizarre rules we could derive from this argument: “Since only generals understand battle, only they should discuss the morality of war.” Or, “Because female sportscasters have never experienced a groin injury, they have no right to broadcast football games on national television.”

2. “Pro-lifers have no right to oppose abortion unless they adopt babies.”

- (a) Suppose I am unwilling to adopt. How does my alleged unwillingness to adopt a child justify an abortionist killing one? If you refuse to adopt my three sons by noon tomorrow, would that justify me killing them? Again, the abortion-choice argument here begs the question by assuming the unborn are not human.
- (b) Plenty of people want to adopt unwanted children but are prevented from doing so by bureaucratic red tape.

3. “Pro-life advocates are inconsistent. They’re against abortion but support the death penalty.”

- (a) Suppose I’m inconsistent. How does this justify killing the unborn? Could the unborn still be human even if I’m inconsistent? Suppose I’m an abortionist five days of the week, but on weekends, I give lectures supporting the scientific evidence for the humanity of the unborn. Despite my inconsistent behavior, the unborn remain human beings.

¹¹⁶ Statement made at Harvard Divinity School, Kennedy Foundation International Conference on Abortion Washington D.C., September 1967. Cited in Daniel Callahan, *Abortion: Law, Choice & Morality* (New York: Macmillan, 1970) p. 134. See also Christopher Tietze and Sarah Lewit, “Abortion,” *Scientific American*, vol. 220 (1969) pp. 21, 23; *New York Times*, January 28, 1968.

¹¹⁷ Beckwith, *Politically Correct Death*, p. 90.

- (b) The abortion-choice advocate is attacking a strawman. The pro-life position is not that it's always wrong to kill, but that it's always wrong to take human life without justification. We believe elective abortion does just that while the death penalty may not do so..
- (c) The consistency sword cuts both ways. The abortion-choice advocate is against the death penalty, but he supports abortion. Doesn't that make him inconsistent?
4. "Pro-life advocates are single issue and should broaden their focus to include opposition to war, solutions for poverty, cures for AIDS, educational inequity, and respect for the environment, to name a few. They should also work to eliminate the underlying causes of abortion rather than passing laws against it."
- (a) How does it follow that because I oppose the deliberate and unjustified killing of innocent human beings I must therefore take responsibility of all of society's ills? Is the American Cancer Society "too narrow" because it focuses on one deadly disease to the exclusion of other illnesses? It's highly unfair to demand that local pro-life groups take their already scarce resources and spread them even thinner fighting every social injustice imaginable. This would be suicide for those opposed to abortion. As Frederick the Great once allegedly said, "He who attacks everywhere attacks nowhere." You might as well blame politicians like Winston Churchill and FDR for focusing too narrowly on defeating the Nazis, to the neglect of other issues. Given a choice, I'd rather pro-lifers focus on at least one great moral issue than waste their precious resources trying to fix all of them.
- (b) Why should anyone believe that the deforestation of the Amazon or "educational inequity" carries the same moral weight as dismembering 1.3 million human fetuses a year? While many issues are important, they do not all carry the same moral weight. For example, slavery wasn't the only issue in the 1800s, but it was the most important moral consideration at the time.
- (c) While war can be a moral evil, it isn't always so. Careful thinkers make distinctions between *intrinsic* (absolute) moral evils and *contingent* ones. For example, the decision to wage war may or may not be wrong, depending on the circumstances. But the decision to kill an unborn human being for socioeconomic reasons is an intrinsic evil and laws permitting it are scandalous. Problem is, many Catholics and left-leaning Christians are perfectly willing to support a political party that supports an intrinsic evil simply because its members promise to help us avoid contingent ones. (See Appendix #2—"Is War Worse Than Abortion?")
- (d) As Jo Jo Ruba points out, the problem with the political left, even the Christian left, is that they confuse the problem with the solutions. Of course we should care about the poor, clean water, and the rights of others around the world. But the U.S. government is not going to solve those problems in developing countries the way that education can. For example, the US Government can't ban poverty or stop the sex trade of young girls in Thailand. That is the job of local citizens or the government of Thailand! However, the US government CAN ban the killing of unborn children within its own borders - that is why pro-lifers have always sought a moral and political solution to that problem. Unlike poverty or environmental degradation, no one is proposing legalizing those evil acts. Everyone is already in support of helping the poor or putting an end to child slavery. In contrast, with abortion a whole industry has been created to defend the legal killing of unborn children in your country and mine. It is the government's responsibility to protect the innocent. That goes all the way back to ancient civilizations,

including the Jewish one as indicated in the OT. Even Martin Luther King Jr said "The law can't make white people like me but it can stop them from lynching me." This is why Christians who are involved in the public arena must be willing to single out abortion - it is the only one where the people and its government are tacitly complicit in the killing of its own people. Frankly, if Christians don't think the killing of unborn children merits even a mention in an interview, then they not only misunderstand the moral gravity of the situation but they have failed to live up to their mandate of loving their neighbor as themselves. Our response as Christians must be different to abortion because the political and social forces and the solution to it, is different than the other issues mentioned. Our response must be different because if Christians cannot show Christ's love to the unborn, who will?¹¹⁸

- (e) It's irrational for liberals to that we should work to reduce abortion by focusing on its underlying causes rather than passing legislation to protect the unborn. As my colleague Steve Weimar points out, this is like saying the "underlying cause" of spousal abuse is psychological, so instead of making it illegal for husbands to beat their wives, the solution is to provide counseling for men. There are "underlying causes" for rape, murder, theft and so on, but that in no way makes it "misguided" to have laws banning such actions. But why are liberals even concerned about reducing the number of abortions in the first place? If removing the fetus is morally no different than cutting one's fingernails, then who cares how many abortions there are? The reason to reduce abortions is that a life is being taken, but if that's the case, then outlawing abortion to protect life makes perfect sense.

C. Argument from Tolerance: "Pro-life advocates should not force their views on others."

1. Relativism defined: Right and wrong are not objective, but subjective according to one's culture or individual preferences.
2. Types of relativism (Koukl/Beckwith):¹¹⁹
 - (a) *Society-does relativism*. Claim: The absence of consensus on morality means an absence of truth. Yet how does it follow that because people disagree, nobody is right? People once disagreed on slavery—did that mean nobody was correct? Society Does Relativism is descriptive not proscriptive. That is, it only describes what cultures do, not what they ought to do.
 - (b) *Society-says relativism*. Claim: Each society determines right and wrong for itself. What's right for one society may not be right for another. Morality is reduced to a social contract and is determined by popular consensus. But if this is true, there can be no such thing as an immoral society or an immoral law. If a particular society chooses to enslave women or practice racial genocide, who are we, as outsiders, to judge? Indeed, the Nazis used this very defense at the Nuremberg Trials, claiming they had merely followed orders within the framework of their own legal system, one that varied from outside nations. Moreover, if society is the final measure of morality, then all of its judgments are moral by definition. Those who oppose those judgments—that is, moral reformers like Martin Luther King Jr. and Gandhi—are therefore immoral. Society cannot be improved, only changed.

¹¹⁸ These comments from Jo Jo were posted on my Facebook page in July of 2010.

¹¹⁹ Francis J. Beckwith and Gregory Koukl, *Relativism: Feet Firmly Planted in Mid-Air* (Grand Rapids: Baker, 1997).

- (c) *I-say relativism*. Claim: Morality is up to the individual. I determine right and wrong for myself, meaning no one has a right to judge me. The common expression “Who are you to force your morals on me” is an example of this kind of relativism. Problem is, if “I-say” relativism is true, there can be no such thing as an immoral individual.

3. Difficulties with relativism:

- (a) *Relativism is self-defeating*—that is, it can’t live with its own rules. Notice the language used by some abortion-choice advocates: “Morality is personal. You must respect freedom of choice. You must not impose your views on others.” Question: Says who? Is that his view? If so, who is he to push his personal views onto pro-lifers who disagree? Remember: The person who says, “you shouldn’t judge” just judged you. The person who claims that you shouldn’t force your views on others just forced that view on you.
- (b) *Relativism can’t say why anything is truly wrong, including intolerance*. If morals are relative to culture or the individual, there is no ethical difference between Adolph Hitler and Mother Theresa; they just had different preferences: The latter liked to help people while the former liked to kill them. Who are we to judge? But such a view is counterintuitive. We know there’s a difference between starving a child and feeding him. Greg Koukl writes: “Relativists find themselves in the unenviable position of having to admit that there is no such thing as evil, justice, fairness, and no obligation of tolerance.”
- (c) *Relativists inevitably make moral judgments*. If the relativist thinks it’s wrong to judge, how can he say that pro-lifers are mistaken in the first place? Isn’t he just pushing his socially conditioned view on me? Whenever a relativist says you shouldn’t force your views on others, the first words out of your mouth should be “Why not?” Any answer given will be an example of him forcing his views on you.
- (d) *Relativism is not neutral*. Some relativists, echoing political philosopher John Rawls, hope to convey a more sophisticated claim, namely, that society should confer a large degree of liberty by not legislating on controversial moral issues for which there is no consensus, especially if those issues involve comprehensive moral doctrines based on prior metaphysical commitments. Embryonic stem cell research (ESCR), so the argument goes, is a divisive and controversial issue. Therefore, government should not restrict it. To say government should remain neutral on metaphysical questions is itself a metaphysical claim, a comprehensive moral doctrine about how government should function. It’s also controversial: Do we have a consensus that we should not legislate on divisive matters like ESCR? Moreover, slavery and racism were controversial issues and involved metaphysical disputes about the nature of human persons. Was it wrong to legislate against them?

D. Argument from the Hard Cases #1: “Rape justifies abortion.”

1. *Clarify the issue* (graciously). Ask: How should a civil society treat innocent human beings that remind us of a painful event (pause)? Is it okay to kill them to help us feel better? That is, does hardship justify homicide? Suppose killing a two-year old removes his mother’s painful memories of a rape. Can we do it? If not, isn’t that because he’s a human being? Thankfully, these mothers don’t have to suffer alone. Pro-life crisis pregnancy centers are standing by to help.

2. *Expose the smokescreen.* That is, clarify what the abortion-choice advocate is truly arguing. Some abortion-choice advocates don't care about moral reasoning. They're out to score debate points. Their appeal to the hard case of rape is flawed because it is not entirely truthful. Here's why. The abortion-choice position he defends is not that abortion should be legal only when a woman is raped, but that abortion is a fundamental right she can exercise for any reason she wants during all nine months of pregnancy. Instead of defending this position with facts and arguments, he disguises it with an emotional appeal to rape. But this will not make his case. The argument from rape, if successful at all, would only justify abortion in cases of sexual assault, not for any reason the woman deems fit. In fact, arguing for abortion-on-demand from the hard case of rape is like trying to argue for the elimination of all traffic laws because a person might have to break one rushing a loved one to the hospital. Proving an exception does not prove a rule. To expose his smokescreen, I ask a question: "Okay, I'm going to grant for the sake of discussion that we keep abortion legal in cases of rape. Will you join me in supporting legal restrictions on abortions done for socioeconomic reasons which, as studies on your side of the issue show, make up the overwhelming percentage of abortions?" The answer is almost always no, to which I reply, "Then why did you bring rape up except to mislead us into thinking you support abortion only in the hard cases?" Again, if abortion-choice crusader thinks that abortion should be a legal choice for all nine months of pregnancy for any reason whatsoever, including sex-selection and convenience, he should defend that view directly with facts and arguments. Exploiting the tragedy of rape victims is intellectually dishonest.

E. Argument from the Hard Cases #2: What if pregnancy poses a threat to the mother's life?

1. The overwhelming majority of abortions worldwide are done for reasons that do *not* involve medical necessity. As reported in the journal *International Family Planning Perspectives*, "[T]he most commonly reported reason women cite for having an abortion is to postpone or stop childbearing. The second most common reason—socioeconomic concerns—includes disruption of education or employment; lack of support from the father; desire to provide schooling for existing children; and poverty, unemployment or inability to afford additional children. In addition, relationship problems with a husband or partner and a woman's perception that she is too young constitute other important categories of reasons. Women's characteristics are associated with their reasons for having an abortion: With few exceptions, older women and married women are the most likely to identify limiting childbearing as their main reason for abortion."¹²⁰ Nevertheless, on rare occasions, pregnancy does pose a risk to the mother.
2. *Ectopic Pregnancy (EP)* is a clear case in point. With EP, the developing human embryo implants somewhere other than the uterus, usually on the inner wall of the fallopian tube. This is an extremely dangerous situation for the mother. When the EP outgrows the limits of the narrow fallopian tube enclosing it, the tube bursts resulting in massive internal hemorrhaging. In fact, EP is the leading cause of pregnancy-related death during the first trimester.¹²¹ The accepted medical protocols in this case are to end the pregnancy through chemical (Methotrexate) or surgical intervention, with surgery being the superior treatment of choice.¹²² There is no way the developing human can survive EP. If the mother dies from internal bleeding, the embryo dies

¹²⁰ Akinrinola Bankole, Susheela Singh, and Taylor Haas, "Reasons Why Women Have Induced Abortions: Evidence from 27 Countries," *International Family Planning Perspectives*, Vol. 24, Number 3, September 1998.

¹²¹ Goldner TE, Lawson HW, Xia Z, Atrash HK, Surveillance for Ectopic Pregnancy--United States, 1970--1989. In: CDC Surveillance Summaries (December). MMWR 1993;42(no. SS-6): 73--85.

¹²² Eric Daiter, MD "Ectopic Pregnancy: Overview," Obgyn.net: <http://www.obgyn.net/women/women.asp?page=/pb/cotm/9902/9902>

also, given he's too young to survive on his own. At the same time, the limits of current medical technology do not allow transfer to a more suitable environment. Despite our best intentions, we simply can't save the child.

3. *In the case of EP, what is the greatest moral good we can achieve?* Is it best to do nothing and let two humans (likely) die or is it best to act in such a way that we save one life even though the unintended and unavoidable consequence of acting is the death of the human embryo? Pro-life advocates almost universally agree we should do the latter: It is better to save one life than lose two. Notice, however, the *intent* of the physician is not to directly kill the embryo, but to save the mother's life. The unintended and unavoidable consequence of that life-saving act is the death of the embryo. Perhaps in the future we can transplant the embryo to a more desirable location. If that day comes, we should do that. But for now, ending the pregnancy is our only course of action. If we do nothing, both mother and child die. It's best that one should live. But again, notice the intent in ending the pregnancy is to save the mother, not directly and purposefully kill the child.¹²³
4. As for other alleged threats to the mother's life, few are truly life threatening. Most can be managed with proper physician oversight. Dr. Thomas Murphy Goodwin oversees the largest high-risk pregnancy clinic in the United States, averaging between 15,000 to 16,000 births annually. Excluding cases diagnosed late in pregnancy, only one or two cases a year pose an immediate lethal threat to the mother's life.¹²⁴ Goodwin writes that in even women suffering from cancer can be treated with chemotherapy and the fetus tolerates the treatment.

TASK 4: PRO-LIFE APOLOGISTS EQUIP OTHERS TO ENGAGE

Session #8: Equipping Your Church to Engage:

- A. *Engage by establishing a Biblical foundation for human value*—Abortion advocates with The Religious Coalition for Reproductive Choice and Planned Parenthood Federation of America contend that the Bible is silent on abortion and that none of the Scriptures traditionally cited by pro-life advocates establishes the humanity of the unborn. Are we to conclude that elective abortion is morally permitted? There are good reasons to say no. First, the Bible's alleged silence on abortion does not mean that its authors condoned the practice, but that prohibitions against it were largely unnecessary. The Hebrews of the Old Testament and Christians of the New were not likely to kill their offspring before birth. Second, we don't need Scripture to expressly say elective abortion is wrong before we can know that it's wrong. The Bible affirms that all humans have value because they bear God's image. Thus, the shedding of innocent blood is strictly forbidden (Gen. 1:26; 9:6; Ex. 23:7; Prov. 6:16-17). The facts of science make clear that from the earliest stages of development, the unborn are unquestionably human. Hence, Biblical commands against the unjust taking of human life apply to the unborn as they do other human beings. Third, abortion advocates cannot account for basic human equality. If humans have value only because of some acquired property like self-awareness, it follows that since this acquired property comes in varying degrees, basic human rights come in varying degrees. Theologically, it's far more reasonable to argue that although humans differ immensely in their respective degrees of development, they are nonetheless equal because they share a common human nature made in the image of God.

¹²³ As a result, some pro-life advocates think we should avoid the term "abortion" in this case because the intent is radically different from abortions performed for socioeconomic reasons.

¹²⁴ Thomas Murphy Goodwin, "Medicalizing Abortion Decisions," *First Things*, March, 1996, pp. 33-36.

- B. *Engage by equipping lay people to make a case for life.* Teach them to summarize their pro-life views in three minutes or less using something like this: “The science of embryology establishes that from the earliest stages of development—from the very beginning—you were a distinct, living, and whole human being. True, you had yet to mature, but the kind of thing you were was not in dispute. That raises a question: Does each and every human being have an equal right to life? Truth is, there are only four differences between the embryo you once were and the adult that you are today, and none of those four differences justifies killing you at that earlier stage of development.” Then, briefly go over the SLED acronym discussed earlier.
- C. *Engage by preaching a cross-centered gospel to people wounded by abortion.* The starting point for human healing is the Gospel of Jesus Christ. That gospel teaches how a holy God designed a good world where the humans He made to worship Him and enjoy communion with Him willfully rebelled against their creator. Although these rebel humans deserved God’s almighty wrath, He held back His righteous judgment and sent Jesus to take the punishment they deserved. By God’s design, Jesus—the sinless one—was killed on a cross to atone for mankind’s sin. Yet the story doesn’t end there. Three days later, God affirmed Christ’s sin-bearing sacrifice by raising Him from the dead. As a result of Christ’s sin-bearing work on their behalf, God’s people are declared justified by God the Father, who then adopts them as His own sons and daughters.¹²⁵ Who, then, can bring a charge against God’s elect? Paul’s answer is clear: No one can, for it is God who justifies the ungodly (Romans 4:5; 8:33). It is His gift, completely undeserved, so that no one can boast. Like all sinners, post-abortion men and women need this gospel. With it, they live each day assured God accepts them on the basis of Christ’s righteousness not their own. They experience unspeakable joy knowing their past, present, and future sins are not counted against them. Tragically, the pastor who ignores abortion for fear of “laying a guilt trip on people” distorts the redemptive gospel he’s sworn to preach. As Gregg Cunningham points out, his silence on the issue does not spare post-abortion men and women guilt; it spares them healing: Hidden sin is keeping these wounded souls from full-fellowship with their Savior.
- D. *Engage by Restoring Meaning to the Word “Abortion.”* We do this two ways. First, we carefully use visual aids to depict the nature of the abortion act, always taking care to stress the healing available through the gospel. Second, we use cognitive dissonance to get people thinking. Questions like “have you considered that a mother will be legally prosecuted if she harms her unborn offspring with alcohol abuse but she may legally kill that same child through elective abortion?” or “why was it wrong for Scott Peterson to kill his unborn child but if Lacey wanted to do it, that would be perfectly fine?” can cause some people to reconsider their views.
- E. *Systematically train youth to defend a biblical worldview, including respect for human life.* Surveys suggest that an alarming number of Christian kids are ditching their faith once they leave for college. That won’t change unless we give the tools of thought necessary to defend what they claim to believe. Organizations like Life Training Institute, Justice for All, and Stand to Reason, and The Center for Bioethical Reform have speakers available to help you do just that!
- F. *Keep Reading!* On page 68, I list 10 titles no pro-life apologist should be without. I’ve listed them in order of readability (easy reads first). Don’t worry that it takes time to master these books. Within one year, you will be well-schooled in the arguments in play. If you want an extended reading list that covers wider apologetics and worldview concerns, you can get those titles at the following link: <http://liti-blog.blogspot.com/2009/04/smart-pro-lifer-reading-list-sk.html>

¹²⁵ I owe this concise summary in part to James Hamilton, “The Greatest Danger Facing the Church,” <http://jimhamilton.wordpress.com/2006/06/26/the-greatest-danger-facing-the-church/>

Appendix 1: Can Evolution Explain Ethics and Human Value?

Below is Scott Klusendorf's response to an atheist friend. The friend wrote a blogpost in reply to one of Scott's talks and though he liked parts of the presentation, disliked Scott's claim that humans have value because they bear the image of their Maker. Scott explains why atheism has difficulty grounding human value and moral obligations. Modified slightly for footnotes and clarity.

Jim,

A reply that begins with “humans have no more a right to life than crabgrass” and later concedes that everything in the universe is the product of blind random chance will have great difficulty explaining 1) why anything should have value and a right to life, and 2) why we should trust our minds in the first place.

To borrow from my friend Paul Copan, you move from purposeless, impersonal, and amoral materialistic or naturalistic processes to—viola!—the emergence of intrinsically valuable, personal, and moral beings. Again, I simply do not see how your worldview has the ontological resources to bring about this remarkable transformation.¹²⁶

You reply that science can explain morality and human dignity—that the coding found in our DNA gives us a biological imperative to sustain ourselves, meaning our intuitions about moral behavior are almost entirely genetic. Theists, atheists, indeed, even monkeys—recognize and act on these moral inclinations. For you, that's enough. We can be good without God!

Yes, you can be. But your task is not done. Just because an atheist can recognize moral obligations and human worth epistemologically (a point I fully concede) does not mean he can ground them ontologically within an atheistic framework. That is to say, merely being *aware* of the content of morality and the dignity of human beings does not furnish you with a basis for saying *why* we are beholden to them. Atheist Simon Blackburn, for example, confesses a preference for human dignity and objective moral values, but finds that nature offers no grounds whatsoever for either. “Nature has no concern for good or bad, right or wrong...We cannot get behind ethics.”¹²⁷ In short, if we are the products of mindless and valueless processes, it's difficult to see how value could emerge. Why shouldn't we live selfishly (with a nod to Ayn Rand) and subject weaker people to our whims?

Sure, I realize that you, Michael Shermer, and others try to get around this problem by reducing morality to biological drives. Morality rides on the genes, as it were. Thus, Shermer writes that asking “Why should we be moral?” is like asking “Why should we be hungry or horny?”¹²⁸ But if this is true, all he can do is describe how humans presently function; he can't prescribe how they ought to behave in the future since both morality and hunger are products of evolutionary hard-wiring.

To press the point further, suppose I'm told I should not be selfish because it hurts the group. But as Greg Koukl points out, that answer itself presumes another moral value or rule, namely, that we ought to be concerned about the health of the group. My reply: Why ought I care about the health of the group? Suppose I'm told that if the group is harmed, the species is harmed. To which I could reply (and I think you can see where this is going): Why the heck should I care about the health of the species? The problem

¹²⁶ Paul Copan, “Can Michael Martin Be a Moral Realist?” *Philosophia Christi*, series 2, 1.2 (1999).

¹²⁷ Simon Blackburn, *Being Good: A Short Introduction to Ethics* (New York: Oxford University Press, 2001), pp. 133-134; cited in Paul Copan, *Loving Wisdom: Christian Philosophy of Religion* (St. Louis: Chalice Press, 2007), p. 106.

¹²⁸ Michael Shermer, *The Science of Good and Evil: Why People Cheat, Gossip, Care, Share, and Follow the Golden Rule* (New York: Henry Holt and Company, 2004), p. 57; cited in Paul Copan, “Why Science Can't Explain Morality,” *Christian Research Journal*, vol. 29, #6 (2006).

with all of these evolutionary responses that purport to justify or explain morality is that they depend on prior moral rules. Therefore, they cannot be adequate explanations for morality.¹²⁹

Again, I'm not the only one to point this out. Atheist J.L. Mackie once said, "moral properties constitute so odd a cluster of properties and relations that they are most unlikely to have arisen in the ordinary course of events without an all-powerful god to create them."¹³⁰ True, one could say that I should care about the species because if it dies, I die. But, writes Koukl, this only makes matters worse. The argument now is that I ought to be unselfish because it is better for the group, which is better for the species, which is better for me. So what's my ultimate reason for thinking I ought to be unselfish? Because it's better for me. "Looking at what is better for me is selfishness. We're left with 'I morally ought to be unselfish so that I can be more thoroughly selfish.'"¹³¹ Odd indeed.

Your claim for monkey morality fares no better. One cannot infer actual moral obligations by merely observing a chimp's actions. That is to say, morality cannot be reduced to behavior. You must factor in motive and intent.¹³² For example, stealing and borrowing look the same, but no one thinks they're morally equivalent. To the contrary, we judge these acts according to the intent and motive of the actor. (For that matter, surgery and mugging both involve cutting, but no one thinks they're the same. A boy who trips an old lady provokes our rage, until we learn he did it to keep her from getting hit by a bus.) Thus, one can talk descriptively about a monkey's behavior, but you can't conclude from this that he ought to share his bananas.

There are epistemic problems with your view as well. Moral choices, by their very nature, depend on free moral agents. Yet according to materialism, man is nothing more than a machine programmed by blind natural forces. He's hardwired to think a certain way, meaning his thoughts and beliefs—including his thoughts and beliefs about morality, religion, and evolution—are strictly predetermined. How can rationality exist in such a world? Thus, there's no point in Dawkins, Hitchens, Harris, Shermer, et al, trying to convince religious people they're wrong, since none of us are free to think any differently than we do. Moreover, if our minds are the result of blind and irrational forces of nature, why trust them to give us the truth about the world? Darwin himself doubted whether human beliefs were any more reliable than those of a monkey.¹³³ "With me, the horrid doubt always arises whether the convictions of man's mind which has been developed from the mind of lower animals are of any value or are even trustworthy." Evolution, in other words, is concerned with preserving adaptive behavior, not giving us an accurate picture of the world. Patricia Churchland (atheist) puts it this way: "The principle chore of nervous systems is to get the body parts where they should be in order that the organism may survive.... Truth, whatever that is, definitely takes the hindmost."¹³⁴ (So, is her view true or just a trick of biology to prolong the species?) In short, if our cognitive faculties only tell us what we need to survive, not what is true, why trust them about anything at all?

So again, to cite Copan, what's the evidence that purposeless, impersonal, and amoral materialistic or naturalistic processes can give rise to the emergence of intrinsically valuable, personal, and moral beings?¹³⁵

¹²⁹ Gregory Koukl, "Monkey Morality: Can Evolution Explain Ethics?"

<http://www.str.org/site/News2?page=NewsArticle&id=6221>

¹³⁰ J.L. Mackie, *The Miracle of Theism* (Oxford: Clarendon Press, 1982), p. 115; cited in Copan, *Loving Wisdom*, p. 107

¹³¹ Koukl, "Monkey Morality."

¹³² Koukl, *Ibid.*

¹³³ "Letter to William Graham Down, 3 July 1881," in *The Life and Letters of Charles Darwin*, ed. Francis Darwin (London: John Murray, 1887), 1:315-16; cited in Paul Copan, "Does Religion Originate in the Brain?" *Christian Research Journal*, volume 31, number 2 (2008).

¹³⁴ Patricia Smith Churchland, "Epistemology in the Age of Neuroscience," *Journal of Philosophy*, 75.10, 1987:544-53, p.549.

¹³⁵ Paul Copan, "Can Michael Martin Be a Moral Realist?" *Philosophia Christi*, series 2, 1.2 (1999).

Seriously, is the fundamental difference between Mother Theresa and Joseph Stalin one of chromosomal makeup? If so, how can we praise the former and damn the latter? Yet our moral intuitions scream that we must do that. Indeed, our entire legal system assumes that genes and environment do not excuse criminal behavior. But if genes and culture determine what we think and do, why think we're morally responsible for our actions? Atheist Thomas Nagel sees this: "There is no room for agency in a world of neural impulses, chemical reactions, and bone and muscle movements."¹³⁶ Nevertheless, we do hold people accountable. We do cast blame. We do offer praise for a job well done. As atheist Theodore Dalrymple points out, "metaphysics is like nature: though you throw it out with a pitchfork, yet it always returns."¹³⁷

And return it does, with a roar, when you make this claim: "In your talk you said the woman who had no legs had intrinsic value because she was made in the image of God. I don't agree. That is not why! The Constitution says that every man has the inalienable rights of life, liberty, and the pursuit of happiness. I do agree! There is nothing there I can argue with!"

Are you sure?

First, it's Declaration of Independence that recognizes these basic human (or natural) rights, not the Constitution. Funny, you forgot to mention how the founders grounded these basic rights to which you appeal. One thing they didn't do is pluck them out of thin air. Jefferson and company write: "We hold these truths to be self-evident, that all men are created equal, that they are endowed *by their Creator* with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed." So where do basic human rights come from? According to our founders, they don't originate with government, whose job it is to simply recognize the rights we already have in virtue of our humanity. Rather, these basic rights come from our creator.

Can we say metaphysics, anyone?

I'm also unclear about this statement of yours: "I don't want religious principles determining public policy."

What do you mean by that?

Do you mean the federal government should not establish a state church (denomination) or do you mean that believers have no right to bring their values to the public square and argue for them, like everyone else does? If the former, I agree. If the latter, what's your constitutional support for such a claim? Consider this: The Declaration of Independence, Abraham Lincoln's Second Inaugural Address, and Martin Luther King's Letter from the Birmingham Jail all have their metaphysical roots in the biblical concept of *imago dei* (i.e., humans bearing the image of God). If pro-lifers are irrational and unconstitutional for grounding basic human rights in the concept of a transcendent creator, these important historical documents—all of which advanced our national understanding of equality—are irrational and unconstitutional as well. Absurd.

For the record, it may comfort you to know that although most religious conservatives, following Jefferson, ground their claims for human dignity in a transcendent creator, they don't want a theocracy or "Christian" nation that imposes theological doctrines. What they want is a more just nation, one where no

¹³⁶ Thomas Nagel, *The View From Nowhere* (New York: Oxford University Press, 1986), pp. 111; in Copan, *Loving Wisdom*, p. 105.

¹³⁷ Theodore Dalrymple, "What the New Atheists Don't See," *City Journal*, Autumn 2007.

human being regardless of religion, gender, size, level of development, location, or dependency is denied basic human rights. They also want judges who respect the rule of law rather than legislate from the bench. Given a choice between a "Christian" President who works against justice for the unborn or an agnostic one who promotes basic human rights for all, including the unborn, religious conservatives will opt in mass for the agnostic. In other words, religious conservatives care more about a candidate's worldview and judicial philosophy than they do his specific theology and doctrine.

In the heat of battle, I once turned the tables on a secular critic and said: "Show me an argument for abortion rights that doesn't assume some transcendent grounding point." Here's the problem for the strict secularist: Where does the right to an abortion (or right to life) come from? If it comes from the State, he really can't cry foul if the State decides to revoke that right. After all, the same government that grants rights can take them away. Predictably, he replied that the right to abortion is fundamental, meaning women have that right even if it's not respected by the State. Yet how can fundamental rights of any kind exist without a transcendent source of authority that grants them? Thomas Jefferson recognized this problem and promptly grounded basic human rights and human equality in the concept of a transcendent creator, as noted above. Of course, this by itself does not prove that Christianity, Judaism, or any other world-religion is true, but it does make them consistent with the idea of human rights.

Can atheism offer an equally plausible starting point for basic human rights? In the case of my critic, the answer was no. He could not get his own claim for fundamental abortion rights off the ground without borrowing from the very theistic worldview he so despises.

I'll end by clarifying a couple of points. First, none of what I say above means that Christians have airtight answers and no mysteries to solve. We could be mistaken. Nevertheless, I'm convinced the biblical worldview best explains human dignity and moral obligations. Instead of emerging from purposeless, impersonal, and naturalistic processes, humans have value because they bear the image of a transcendent creator—one that died for their sins when they rebelled against him.

Second, I agree with you that not all public presentations of the pro-life view require delving into metaphysical assumptions. Some audiences are satisfied with the syllogism you referenced earlier. But then again, some aren't. Anecdotally, I can tell you that in a typical abortion debate, the pro-life advocate will be grilled incessantly on every one of his starting points. His critics both in the audience and on stage will demand to know how a right to life can stand apart from fundamental religious underpinnings, why those underpinnings should be allowed to inform public policy, and why anyone should suppose that just because I exist as a human, I have a right to life others are obliged to respect. If you think I'm kidding, consider this chilling example from philosopher David Boonin at the University of Colorado. Boonin argues that although you are identical to the embryo you once were—meaning you are the same being now as you were then—it does not follow you had the same right to life then as you do now. Being human is nothing special, meaning your right to life is strictly accidental. You have it because of some acquired characteristic you have that embryos do not. To make sure we get the point, Boonin makes it personal:

On my desk in my office where most of this book was written and revised, there are several pictures of my son, Eli. In one, he is gleefully dancing on the sand along the Gulf of Mexico, the cool ocean breeze wreaking havoc with his wispy hair. In a second, he is tentatively seated in the grass in his grandparents' backyard, still working to master the feat of sitting up on his own. In a third, he is only a few weeks old, clinging firmly to the arms that are holding him and still wearing the tiny hat for preserving body heat that he wore home from the hospital. Though all of the remarkable changes that these pictures preserve, he remains unmistakably the same little boy. In the top drawer of my desk, I keep another picture of Eli. This picture was taken...24 weeks before he was born. The sonogram image is murky, but it reveals clearly enough a small head tilted back slightly, and an arm raised up and bent, with the hand pointing back toward the face and the thumb extended out toward the mouth. There is no doubt in my

*mind that this picture, too, shows the same little boy at a very early stage in his physical development. And there is no question that the position I defend in this book entails that it would have been morally permissible to end his life at this point.*¹³⁸

So what makes us equal? Here's Boonin's problem: If humans only have value because of some characteristic they possess in varying degrees, those with more of it have greater rights than those with less. Despite your best hopes, science won't convince Boonin of that because science can't say why anyone has value and a right to life. (Contrary to what you said, I did not use science in my presentation to establish value for the unborn. I used it to determine the kind of thing the unborn is.) That's because science only tells us what *is*, not what *should* be. If you want to take-on Boonin and a host of others like him, you'll have to do metaphysics.

Science, by itself, also won't convince the Supreme Court to protect fetuses, despite your claim to the contrary. Here's why. In both *Roe v. Wade* and *Planned Parenthood v. Casey*, the Court ignored the scientific evidence for the humanity of the unborn and punted to relativism in the first case and post-modernism in the second. In *Roe*, the Court simply stated there was no agreement among experts in religion, science, and philosophy as to when life begins. Therefore, abortion, for all practical purposes, must remain legal through all nine months of pregnancy. (Thus, the Court really did decide when life begins in that it decided it didn't begin before birth!) In *Casey*, a majority of judges signed onto the infamous "mystery passage" penned by Anthony Kennedy: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."¹³⁹ That is, human nature is not fixed, but determined subjectively. But if that is true, there can be no fixed rights that arise from that nature, including a fixed right to an abortion. So why can't a future Court just arbitrarily decide that women don't have a right to an abortion? The Court didn't say.

So what are left with? The Court has affirmed the right of a person to define his own concept of existence, the meaning of the universe, and the meaning of human life. But, writes Hadley Arkes, "was there any reality or truth attaching to *him*? And what was there about him that commanded the rest of us to respect these decisions he reached about himself and the universe?"¹⁴⁰ Why can't we just make him up to be someone who has no rights if that fits our own concept of meaning and human life? In short, the Court's infamous "mystery passage" assumes the very thing it denies. By demanding that we respect a person's judgment about human life and the meaning of the universe, the Court assumes that the human being in question actually exists, whether my own concept of the universe admits him or not.

To sum up our current legal environment, modern jurists have forgotten two foundational truths understood by their early forefathers. First, the purpose of government is not to create rights, but to secure ones that we already have by nature. Second, one cannot speak seriously of things that are truly rightful or of human rights in general without assuming moral realism, the belief that right and wrong are real things and not merely constructs of human opinion or culture. Put simply, if objective moral truths do not exist as a foundation for law, then law itself becomes merely a system of raw political power accountable to no one.

But science alone can't convince anyone of that. To persuade the Court, you'll have to do metaphysics.

In short, think twice about using that pitchfork.

All my best, Scott

¹³⁸ David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2003) pp. xiii-xiv.

¹³⁹ *Planned Parenthood Of Southeastern Pa. V. Casey*, 505 U.S. 833 (1992) , 505 U.S. 833, at 851.

¹⁴⁰ Arkes, *Natural Rights*, Ibid.

Appendix 2: Is War Worse Than Abortion? The Problem with Selected Catholic Social Justice Teaching

Just prior to the 2008 elections, a kindly nun at a Catholic high school pulled me aside to thank me for speaking to 400 of her students on the theme, “The Case for Life.” In fact, she couldn’t say enough good things about my talk. “I agree with everything you said. It was exactly what our kids needed to hear,” she beamed. However, a moment later it was clear we didn’t agree when it came to applying pro-life principles. In fact, her moral reasoning was deeply troubling. She began our conversation as follows:

Nun: If only our students were completely pro-life on all issues. I am consistently for life, and that’s why I’m voting for Senator Obama.

Me: Sister?

Nun: That’s right, I’m for Obama. He’s the real pro-life candidate. Most people focus too much on abortion. I’m pro-life and care about all life. So does Obama.

Me: What do you mean people focus too much on abortion?¹⁴¹

Nun: I mean Bush with the war in Iraq has killed so many people there is no way I could vote for someone like Senator McCain, who will do the same thing. How can any person who cares about life vote for such a man?

Me: Are you suggesting the President unjustly killed innocent people? If so, how?

Nun: Yes I am! Think of all those innocent women and children killed in Iraq—over a million of them since we invaded the place six years ago.

Me: Did you say over a million? How did you come up with that number?¹⁴²

Nun: I heard it someplace. Besides, war is a pro-life issue like abortion and right now it’s worse than abortion.

Me: To be worse than abortion, how bad would an unjust war have to be?

Nun: Abortion, war, poverty—they are all bad.

Me: Agreed, but are they bad in the same way? Correct me if I’m wrong, but doesn’t church teaching distinguish between moral absolutes and prudential judgments? In other words, the decision to wage war is not intrinsically evil, though it must be morally justified and prudently considered. But the deliberate killing of unborn human beings is an absolute evil and laws permitting it are scandalous. If I understand you correctly, you are willing to overlook Obama’s pledge to uphold an *absolute* evil because he might help us avoid a *contingent* one?

Nun: I just know war is worse right now.

¹⁴¹ The questions and comments I posed in this dialogue were influenced by J. Budziszewski’s excellent piece, “Ballot Box Blues,” *Boundless*, October 28, 2004.

¹⁴² The website Iraq Body Count estimates between 88,000 and 97,000 civilian deaths in Iraq from 2003 to 2008.

Me: To be worse than abortion, wouldn't an unjust war have to kill more innocent people than abortion does each year?

Nun: Yes, that's true.

Me: For the record, I don't think you are right about a million deaths in Iraq over the last six years, but suppose it's true. Do you know how many unborn humans are killed by elective abortion each year?

Nun: A lot, I know.

Me: It's 1.2 million—each year! So even if you are right about a million unjustified killings in Iraq in the last six years, the evil of abortion is measurably worse. Yet you think pro-lifers should support a guy who is going to use the entire resources of the federal government perpetrate an even greater injustice on the unborn.

Nun: He won't do that.

Me: But he said the first thing he'd do as president—the very first thing—is sign into law the Freedom of Choice Act, which would sweep away all state and federal laws limiting abortion—including parental consent laws, partial-birth abortion bans, and laws forbidding the use of federal tax dollars for elective abortions.¹⁴³ There's no denying Obama is deeply committed to the legalized killing of unborn human beings. Doesn't that trouble you?"

Nun: You are being too harsh. Obama personally opposes abortion—I've heard him say so myself. He wants to reduce it. But unlike Bush, he'll actually do something about it by funding social programs that get to the root of why women abort in the first place. He'll make health care more affordable for poor people. That will help reduce abortion. Everyone knows abortion rates went up under Bush after going down under Clinton.

Me: As for rates going up under Bush, that's simply false. They continued to decline.¹⁴⁴ But even so, laws which allow the killing of unborn human beings are unjust even if no one has abortions. Imagine a candidate who said he was personally opposed to rape while he had a 100% voting record in favor of men having a right to assault women. Suppose he told the public that instead of banning rape, he would make it rare with federally funded therapy for sexual deviants. It's no stretch to say the voting public would see right through his smokescreen, even if he favored social programs to treat the underlying causes that allegedly contribute to rape.

Nun: But abortion isn't the only issue. We shouldn't be single issue voters."

Me: Of course abortion isn't the *only* issue—any more than the treatment of slaves wasn't the only issue in the 1850's or the treatment of Jews the only issue in the 1940s. But both were the *dominant* issues of their day.¹⁴⁵ Thoughtful Christians attribute different importance to different issues, and give greater weight to fundamental moral questions. For example, if a man running for president told us men had a right to beat their wives, most people would see that as reason enough to reject him, despite his foreign policy or economic reforms. The foundational principle of our republic is that all humans are equal in their

¹⁴³ Obama said this in his July 17, 2007 speech to the Planned Parenthood Action Fund.

¹⁴⁴ See "Trends in Abortion in the United States, 1973–2005," Guttmacher Institute, January 2008.

¹⁴⁵ I owe this important distinction to Randy Alcorn.

fundamental dignity. That principle is non-negotiable, and yet your candidate for office rejects it. What issue could be more important than that? Sadly, many well-intentioned people are confused about abortion because they don't see it as an absolute evil. They view it only as a contingent one that can be explained away in light of other issues. We can't sit idly by and let them get away with it. Deliberately killing an innocent human being can never be justified simply because a candidate's foreign policy or economic strategies are more to our liking.

[See abbreviated course outline below]

Advanced Pro-Life Apologetics—Abbreviated Outline

Introduction: *The pro-life apologist has four essential tasks: 1) clarify the issue, 2) establish a foundation for the debate, 3) answer objections persuasively, 4) teach and equip.*

TASK #1: CLARIFY THE DEBATE

I. What is the Issue? The Nature of Moral Reasoning and the Status of the Unborn

A. Preference claims versus moral claims:

1. Preference (subjective): “Chocolate ice-cream is better than vanilla.”
2. Moral (objective): “It is wrong to torture toddlers for fun.”
3. Preference claims are subjective. They are about personal tastes.
4. Moral claims are objective. They are about right and wrong regardless of my tastes.

B. Moral claims are often confused with preference claims:

1. Example (bumper sticker): “Don’t like abortion? Don’t have one!”
2. Try this: “Don’t like slavery? Don’t own a slave!”
3. Anyone making either of these statements fails to grasp the nature of moral reasoning.

C. The morality of abortion comes down to one question that trumps all others:

1. Can we kill the unborn? That depends. *What is the unborn?*
2. Appeals to choice, privacy, trusting women, etc., miss the point entirely because they assume the unborn are not human. That is, they beg the question by assuming the very thing they hope to prove.

D. Use “trot out the toddler” to clarify the issue and expose assumptions about the unborn:

1. Ask if any of the reasons given for elective abortion justify killing a toddler.
2. If not, the argument assumes the unborn are not human, meaning it begs the question.
3. Notice you are not yet making a case for the humanity of the unborn. (You’ll do that later.) Rather, you are simply clarifying the issue.

II. What Is the Unborn? What the Science of Embryology Tells Us

A. Embryology—The stubborn facts:

1. From the earliest stages of development, the unborn are distinct, living, and whole human beings.
2. Objections and replies:
 - (a) *Twining*—Just because an organism may split doesn’t mean it wasn’t a whole entity.
 - (b) *Miscarriage*—High spontaneous abortion rates don’t disprove embryo’s humanity.
 - (c) *Sperm and egg are alive*—This objection confuses parts with wholes.
 - (d) *Women don’t grieve miscarriages*—How we feel doesn’t change the embryo.
 - (e) *Burning research lab*—Who we choose to save doesn’t prove who we can kill.
 - (f) *Embryos are mere clumps of cells*—Embryos function as coordinated organisms and develop themselves from within. Mere clumps of cells do no such thing.

B. The Science of embryology and embryonic stem cell research (ESCR):

1. Definitions:

- (a) *Stem cells*—fast growing, unspecialized cells that can grow new tissue for the body
- (b) *ESCR*—destroying human embryos so their stem cells can be harvested
- (c) *Cloning*—creating an embryo that is the genetic clone of the patient and using that embryo as a source to harvest stem cells. The procedure is known as somatic cell nuclear transfer (SCNT) and is the same whether the embryo is used for therapeutic reasons or reproductive reasons. In short, all coning is reproductive in that a human embryo is produced. The only question is how we treat the embryo.

2. History of ESCR:

- (a) 1993: NIH concludes embryo deserves “profound respect” but can be killed.
- (b) 1996: Dickey amendment bars federal funding of destructive embryo research.
- (c) 2000: Clinton Admin. proposes federal funds for research, but not destruction.
- (d) 2001: Pres. Bush allows federal funding of ESCR, but only on existing cell lines.
- (e) 2009: Pres. Obama expands funding for ESCR, but re-signs Dickey amendment.
- (f) 2010: Federal Judge Royce Lambeth issues an injunction against Obama’s expansion of ESCR funding on grounds the Dickey amendment prohibits funding.

C. Moral question of ESCR: What is the embryo?

- 1. If embryos are human, killing them to benefit others is wrong.
- 2. If they are not human, there’s no reason to oppose creating them for research.
- 3. From the beginning, the embryos are distinct, living, and whole human organisms.
- 4. Thus, killing them to benefit other humans is wrong.

D. Arguments for ESCR:

- 1. Leftover embryos will die anyway and it’s a shame to waste all that usable tissue.
- 2. Pro-life advocates are anti-science.
- 3. ESCR is more promising than adult stem cell research.
- 4. SCNT is not cloning.

E. Response to arguments for ESCR:

- 1. Leftover embryos will die because scientists intend to kill them for research.
- 2. Pro-life advocates are not anti-science, but insist research must be tied to moral principle.
- 3. At the moment, ESCR is *not* more promising than adult cell treatments.
- 4. SCNT is indeed cloning and anyone who says otherwise is misinformed or lying.

TASK #2: ESTABLISH A FOUNDATION FOR DEBATE

III. What Makes Humans Valuable?

- A. Philosophic argument: There is no essential difference between the embryo you once were and the adult you are today that would justify killing you at that earlier stage. Use the SLED acronym to illustrate the non-essential nature of these differences:

- 1. Size—Embryos are small: Do large humans have a greater right to life than small ones?
- 2. Level of Development—Teens are less developed than adults. May we kill them?
- 3. Environment—Where you are has no bearing on who you are.
- 4. Degree of Dependency—conjoined twins can’t be killed simply because they depend on each other.

B. Review of pro-life case so far:

1. *Science*: The unborn are distinct, living and whole human beings.
2. *Philosophy*: There is no essential difference between the embryo you once were and the adult you are today that justifies killing you at that earlier stage. (SLED)

C. The Substance view of human persons is the grounding for the pro-life view.

1. Substances:

- (a) are living organisms that maintain identity through time and change
- (b) have inner natures that order their capacities and development
- (c) retain identity even if ultimate capacities are never realized

2. Property things (artifacts):

- (a) are mere assemblages of parts (like a car or boat)
- (b) have no inner nature that orders capacities or development
- (c) do not retain identity through time and change

3. What the substance view tells us about human beings:

- (a) You are identical to your former fetal self—the same being now as then.
- (b) True, your functional abilities have changed, but your identity has not.
- (c) Thus, if you are intrinsically valuable now, you were then as well.

4. Objections to the substance view and replies

(a) *Embryo is not self-aware*—

- The argument disqualifies those outside womb—Newborns are also not self-aware.
- Why is self-awareness value-giving in the first place?
- Can't account for human equality
- Some animals count as persons while some humans don't.
- Embryos have a basic (root) capacity for self-awareness even if yet to be realized.

(b) *The pre-conscious embryo is parallel to brain-dead individuals*—

- Embryo doesn't need a brain to live. More mature humans do.
- Embryo's brain function is "not yet" while brain-dead person is "no more."
- Bottom line: We don't treat brain-dead people as dead because they are living human organisms who are no longer persons. We treat them as dead because they are no longer organisms, no longer capable of coordinated bodily function.

(c) *Rights depend on having a conscious desire to live (which the embryo doesn't have)*—

- I can be harmed even if I'm unaware of it; slaves may not desire freedom.
- It's wrong to deprive a child of proper nutrition even if he doesn't desire it.

(d) *Rights depend on desires, which require organized cortical brain activity (David Boonin)*—

- Why is having "desires" value-giving in the first place?

- People in comas lack desires. Some may even lose memories and thus while they are in the coma, are in the same position as the standard pre-conscious fetus. That is, they have a basic capacity for desires, but can't immediately exercise it. Can we kill them?
- Suppose a slave is conditioned never to desire his freedom or a fetus is surgically altered so it never acquires organized cortical brain function. Has either one been wronged? If so, what's doing the moral work is not "desires," but the nature of the being in question. Thus, one's nature, not his desires, grounds a right to life.

(e) *Human dignity is a metaphysical concept that has no place in bioethics. It is subjective and adds nothing. Bioethics should be neutral. Autonomy and consent are sufficient. (Steven Pinker)—*

- Just because cultures disagree on dignity doesn't mean it can't exist.
- If disagreement means there is no truth, Pinker's own view is falsified.
- Pinker asserts scientific materialism, itself a metaphysical concept (not neutral).
- Autonomy is not a sufficient ground for bioethics. If a group of men eats fatty foods for the express purpose of having strokes, would Pinker say that is wrong? If so, what's doing the work is each man's nature (which he failed to fulfill), not autonomy.
- Consent fares no better. If the Jews consented to the holocaust with its grisly medical experiments, would that make those things right? If Turkish women consent to beatings, are those acts justified?

(f) *Human exceptionalism harms animals—*

- If animals are equal to humans, should we hold them responsible?
- A robust belief in human exceptionalism protects animals, not harms them.
- We find Michael Vick appalling because we expect better of him as a man.

(g) *The current (immediately exercisable) capacity for pain and pleasure, which require self-consciousness, confers personhood. All sentient beings are equal—*

- Singer's own view results in savage inequality for animals and humans.
- Singer's own view is speciesist: He judges animals by human standards.
- Singer's view is counterintuitive.
- Singer inconsistently applies his ethic.
- Singer can't adequately ground his moral claims given his atheism.
- Singer can't adequately ground his rights claims.

IV. What Makes Humans valuable? The Religion Objection

A. Summary of the religious objection:

1. The pro-life view that humans have intrinsic value is inherently religious.
2. Controversial, metaphysical claims have no place in the public square and cannot be used to restrict abortion or ESCR.

B. Tactic: Ask two questions to level the playing field:

1. What do you mean by religion? (They'll say it involves metaphysics of some sort.)
2. Tell me, why does anything have value and a right to life? (The answer will inevitably involve metaphysics.)

C. Tactic: Explain that although the pro-life view is implicitly religious, it is no more religious than alternative explanations for human value:

1. Everyone is asking the same question: What makes humans valuable in the first place?
2. Science can't answer that question. You must do metaphysics.

D. Explain why the religion objection (which is really a dismissal) won't work:

1. Non-believers can recognize that humans have value in virtue of what they are.
2. Just because the pro-life view is consistent with a religious viewpoint doesn't mean it can only be defended with appeals to that viewpoint.
3. The claim that a human embryo has value is no more religious than saying an infant or toddler does. (It's also no more religious than saying it doesn't have value.)
4. Ask: Can a truly secular ethic tell us why anything has value and a right to life? Can it account for intrinsically valuable humans, rationality, and objective morals? There are good reasons to say no:
 - (a) Secularists simply presuppose human dignity and rights. If the universe came from nothing and was caused by nothing, humans are cosmic accidents rather than intrinsically valuable. Secularists have a grounding problem. That is, just because atheists can recognize moral truths doesn't mean they can ground them within their system.
 - (b) Materialism struggles to explain rationality. If our minds are the result of blind irrational forces, why trust them to tell us the truth about anything?
 - (c) If man is merely a machine hardwired to think a certain way, he's not free to think rationally about anything, including materialism.
5. Ask: Why should anyone suppose that religious truth claims don't count as real knowledge? The Declaration of Independence and Martin Luther King's "Letter from the Birmingham Jail" are grounded in the image of God in man. Are they irrational?
6. The Christian faith is not blind, but based on evidence (Acts 2:32, 36, etc.).
7. The religion objection is not an argument, but a ramrod to silence Christians.
8. Debates over God's existence are no different in kind from other serious philosophical arguments. Why the fuss over religion and the state and not secular metaphysics and the state?

V. Abortion: Law, Metaphysics, and Neutrality

A. Everyone does metaphysics:

1. Definitions:
 - (a) *Metaphysics*: Beyond the physical, dealing with being (ontology) and the nature of reality. Metaphysics asks: What is ultimately real? Is reality one or many? Is it material or immaterial?
 - (b) *Epistemology* is about how we know things, with questions like: Are my beliefs justified? How do we know what is real?
2. Key issue: Are pro-life advocates guilty of speculative metaphysics when they argue embryos and fetuses are intrinsically valuable in virtue of the kind of thing they are? The answer is no:
 - (a) Moral neutrality is impossible. All positions on abortion assume metaphysical viewpoints.
 - (b) Pro-life advocates offer rational arguments for their position.
 - (c) John Rawls's case for metaphysical neutrality self-destructs. His own view is controversial.
 - (d) The religious sword cuts both ways: A majority of denominations support abortion.
 - (e) The claim that embryos have value is no more religious than saying they don't.

- (f) State neutrality is impossible: The law either recognizes the unborn as valuable human beings and thus protects them or it does not and permits killing them.

B. The federal courts are not neutral:

1. *Roe v. Wade* and *Doe v. Bolton* did not get the federal government out of abortion. Rather, one branch of the federal government, the courts, shut out the other two branches (the legislative and the executive), giving them little say on the issue.
 - (a) *Roe* and *Doe* overthrew the abortion laws of all 50 states and instituted a regime of abortion-on-demand through all nine months that no state, prior to that point, allowed.
 - (b) *Roe* is based on faulty reasoning: The Court wrongly stated the anti-abortion laws of the 1800s were designed to protect the mothers, not their offspring. The opposite was true.
 - (c) *Roe* was not neutral on when life begins. The Court said it did not know when life begins, but then allowed abortion through all nine months. Thus, it really did claim to know.
 - (d) The Court's legal theory was not neutral. It embraced positive rights over natural ones:
 - *Natural rights*—those rights you have in virtue of your humanity. They spring from your human nature and you have them from the moment you begin to exist. Government doesn't grant natural rights; its job is to protect them.
 - *Positive (legal) rights*—those rights you earn through age or accomplishment. Government grants these rights.
 - Under positive rights theory (influenced by Hans Kelson), the state determines who is and is not a right's bearing subject.
 - (e) The court's reasoning undermined abortion rights: If the right to abortion is contingent on the status of the fetus and the court doesn't know when life of the fetus begins, it also doesn't know when the right to abortion begins.
2. *Planned Parenthood v. Casey*:
 - (a) The infamous "mystery passage" says we all have the right to define our own concept of "the mystery of human life."
 - (b) But if that is true, none of us has a secure foundation for rights. Why can't a future Court just make women up to be creatures who don't have rights, including a right to abortion?

TASK #3: ANSWER OBJECTIONS PERSUASIVELY

VI. The Bodily Autonomy Argument

A. Summary of Judith Jarvis Thomson's "violinist" argument:

1. Thomson concedes for argument's sake that the unborn are human and have a right to life.
2. However, even if the unborn are human with a right to life, they do not have the right to use another person's body to sustain their own lives if that person wishes to withhold support. Abortion is withholding of that support.

B. Reply to Thomson: The parallels between pregnancy and the violinist are not morally relevant:

1. Abortion is more than merely withholding support. It's actively killing another human being
2. Why should we accept that a mother has no more duty to her own child than a total stranger that is unnaturally hooked up to her? What if the mother awoke to find herself connected to her *own* child?

3. The child is not an intruder, but is where he belongs naturally.
4. Barring cases of rape, the mother cannot claim she “awoke” to find herself pregnant.
5. Pregnancy, unlike the violinist analogy, is not a prison bed.

C. Counter examples that challenge claims for absolute bodily autonomy:

1. Thalidomide example: Should a pregnant mother have a right to take the drug even if it results in a deformed child?
2. Accutane example: Is it fair to demand that women use contraception before buying the drug?
3. Paul W’s thought experiment: What if the mother simply won’t let the child leave her body?
4. Melissa Ann Rowland: Was she wrong to refuse a C-section (to save her twins) because she didn’t want to leave a scar on her body?

D. Eileen McDonough—From Choice to Consent:

1. Just as a woman has a right to use deadly force against a fetus who invades her body without consent, so she may use deadly force against a fetus who invades her body without consent.
2. Just because a woman consents to sex does not mean she consents to pregnancy.

E. Reply to McDonough:

1. Why should anyone think a rapist has the same relationship to her body as her own child?
2. Pregnancy is not violent assault. It changes the mother’s body in a natural way.
3. McDonough is mistaken about the nature of consent: We consent to initial behaviors, not outcomes. Suppose I said: “I consent to sex, but not getting an STD!”
4. Fathers must pay child support to children they never consented to raise.

F. David Boonin’s Defense of Thomson:

1. Parents have no special duties to offspring simply because they engaged in sex that in turn resulted in a needy child.
2. Boonin says that we must distinguish between being responsible for someone’s existence and being responsible for the fact they exist, with the *result* that they are in need. For example, a doctor who saves a patient’s life with medication is not responsible to use his own body to sustain that patient should the medication eventually trigger a life-threatening condition.

G. Reply to Boonin:

1. Boonin’s doctor analogy fails. The doctor kindly extended the patient’s life but did not cause it. The parents, meanwhile both cause the child to be and place him in an imperiled condition
2. Patrick Lee’s speedboat counterexample: If I knock kids in the water, can I claim that although I am responsible for their being in the water, I am not responsible for the fact they can’t swim?
3. Rich Poupard’s mother in cabin example: If a mother lets her newborn starve on grounds that although she is responsible for the child’s existence, she is not responsible for its resulting neediness, would we excuse her behavior?
4. If an infant can only tolerate the mother’s milk (no formula) and she refuses to use her body to feed him (thus committing infanticide), should we applaud her right to bodily autonomy?

H. Review of why bodily rights arguments fail:

1. Abortion is much more than merely withholding support. It’s actively killing.
2. We may not have obligations to total strangers who are unnaturally hooked up to us, but we do have obligations to our own offspring.
3. You can’t reasonably separate consent for sex from consent for pregnancy.

VII. Street Level Objections to the Pro-Life View

A. Argument from the dangers of illegal abortion

1. Philosophical reply: Argument begs the question by assuming the unborn are not human.
2. Factual reply: It's false that 5,000 to 10,000 women died annually from illegal abortion.
3. The claim that laws can't stop all abortions is silly. Laws against rape don't stop all rape.
4. Women are not forced to have illegal abortions. They choose to have them.

B. Arguments ad-hominem:

1. Men can't get pregnant. Only women should decide the issue:
 - (a) Arguments don't have gender; people do. Pro-life women use the same pro-life arguments.
 - (b) If men can't speak on abortion, *Roe v. Wade* should be reversed as men decided it.
 - (c) Leads to bizarre reasoning: Should only generals decide the morality of war?
2. Pro-life advocates have no right to oppose abortion unless they adopt unwanted children
 - (a) How does my alleged unwillingness to adopt a child justify killing him?
 - (b) Argument begs the question: It assumes the unborn are not human. Can we kill toddlers who are unwanted?
 - (c) Plenty of people want to adopt unwanted kids but can't due to bureaucratic red tape.
3. Pro-life advocates are inconsistent for opposing abortion but supporting the death penalty.
 - (a) Suppose we are inconsistent. How does this refute humanity of the unborn?
 - (b) The argument attacks a strawman. The pro-life view is not that it is always wrong to take human life, but that it's always wrong to do so without justification, which abortion does.
 - (c) The consistency sword cuts both ways. The abortion-choice advocate is against capital punishment but supports abortion. Doesn't that make him inconsistent?
4. Pro-life advocates are single issue and too narrow. They should broaden their focus to oppose war, poverty, AIDS, educational inequity, and respect for the environment.
 - (a) How does it follow that because I oppose the deliberate destruction of an innocent human being, I must take personal responsibility for curing all of society's ills? Is the American Cancer Society "too narrow" because it focuses on one particular disease and not others?
 - (b) To be effective, pro-life advocates should focus on one big moral issue, not many.
 - (c) Why should we believe that the deforestation of the Amazon carries the same moral weight as dismembering a human fetus? While many issues are important, they don't all carry the same moral weight.
 - (d) War is a contingent evil that must be prudently considered. Abortion, however, is an absolute evil and laws that permit it are scandalous. Critics of the pro-life view are asking us to overlook an absolute evil in favor of preventing contingent ones.
 - (e) Of course abortion isn't the only issue, any more than slavery was the only issue in 1860 or killing Jews the only issue in 1940. But both were the dominant issues of their day.
 - (f) The U.S. government can't stop economic inequity in Thailand, but it can ban the killing of unborn humans within its own borders, which is why pro-life Christians have political duties.
5. Pro-life advocates should work to reduce abortion by focusing on its underlying causes rather than working politically to make it illegal.

- (a) Imagine someone saying that underlying cause of spousal abuse is psychological, so rather than banning wife abuse, the state will provide free counseling for men.
- (b) There are underlying causes for rape, murder, and theft, but that hardly means its misguided to pass laws against them.
- (c) Why are liberals even concerned about “reducing” abortion? If it doesn’t unjustly kill an innocent human being, who cares how many abortions happen each year?

C. Arguments from tolerance—Pro-life advocates should not force their views on others:

- 1. *Relativism*: Right and wrong are not objective, but subjectively determined by culture or individual.
- 2. Types of relativism (Koukl/Becwkith):
 - (a) *Society-does relativism*: Societies disagree on right and wrong, therefore nobody is right. However, it does not follow that because people disagree, there are no right answers.
 - (b) *Society says relativism*: What’s right and wrong is determined by what your society says. However, under this rule, there can be no such thing as an immoral society and moral reformers would be evil by definition.
 - (c) *I-say relativism*: Right and wrong are up to me, the individual. Thus, there can be no such thing as an immoral individual.
- 3. Difficulties with relativism:
 - (a) It is self-defeating, meaning it can’t play by its own rules.
 - (b) It can’t say why anything is wrong, including intolerance.
 - (c) Its adherents inevitably make moral judgments.
 - (d) It is not neutral on controversial matters.

D. Argument from the hard cases #1—Rape justifies abortion:

- 1. Ask: How should a civil society treat innocent human beings that remind us of a painful event?
- 2. Argument assumes unborn are not human: Can we kill a toddler if his father was a rapist?
- 3. The argument from rape, if successful at all, would only justify abortions due to rape, not all others.

E. Argument from the hard cases #2—Pregnancy threatens the mother’s life.

- 1. While the overwhelming majority of abortions worldwide are done for socio-economic reasons (rather than life-threatening ones), Ectopic Pregnancy poses a serious risk.
- 2. If the physician does not act, he will lose both mother and embryo. It is better to act to save one life rather than lose two, even though the unintended and unavoidable result is the death of the embryo (who we can’t save anyway).
- 3. Competent physicians can usually treat other threats to the mother’s life.

TASK #4: TEACH AND EQUIP

VIII. Equipping Your Church to Engage:

A. Engage by establishing a biblical foundation for human value:

- 1. The Bible’s silence does not justify abortion
- 2. Scripture affirms that all humans have value because they bear the image of their Maker.
- 3. Because humans bear God’s image, the shedding of innocent blood is forbidden.
- 4. The science of embryology affirms the unborn are human from conception.
- 5. Thus, biblical commands against shedding innocent blood apply to the unborn.

- B. Engage by equipping lay people to make a case for life:
1. Teach them to summarize the pro-life view in 3 minutes or less using science and SLED
 2. Form a reading group. Use the review questions in *The Case for Life* to hold discussions.
 3. Use *Making Abortion Unthinkable* DVD series to equip others.
- C. Engage by preaching a cross-centered gospel of hope:
1. When clergy ignore abortion, they don't spare post abortion women and men guilt; they spare them healing. Hidden sin is keeping them out of fellowship with Christ.
 2. With the gospel, post-abortion individuals find healing knowing they are judged on Christ's righteousness not their own.
- D. Engage by restoring meaning to the word "abortion."
1. How to use visual aids responsibly
 2. Use cognitive dissonance to get people thinking
- E. Engage by systematically training students to defend a biblical worldview, including pro-life issue:
1. Presentations to church youth groups
 2. Presentations at Catholic and Protestant high schools
- F. Engage the mind! Keep reading. Top 10 books to master (in order of simplicity):
1. Peter Kreeft, *The Unaborted Socrates*
 2. Greg Koukl, *Precious Unborn Human Persons*
 3. Scott Klusendorf, *The Case for Life*
 4. Ramesh Ponnuru, *The Party of Death*
 5. Stephen Schwarz, *The Moral Question of Abortion*
 6. Francis J. Beckwith, *Defending Life*
 7. Hadley Arkes, *Natural Rights and the Right to Choose*
 8. Robert George and Christopher Tollefsen, *Embryo: A Defense of Human Life*
 9. Scott Rae and Paul M. Cox, *Bioethics*
 10. Louis Pojman and Francis J. Beckwith, *The Abortion Controversy: A Reader*

Coming Up! *Advanced Pro-Life Apologetics Part II*—Reproductive Technologies and End of Life Issues

Topics include:

1. Overview of reproductive technologies (IUI, DI, IVF, GIFT, ZIFT)
2. Analysis of RTs: moral considerations, Catholic vs. Protestant teaching
3. Surrogacy: types of and morality of /pastoral considerations for infertile couples
4. Biotechnology, genetics, gene therapy, and the quest for enhancement
5. Eugenics: history and objectives of
6. Theological and pastoral considerations about the end of life
7. Physician assisted suicide and euthanasia
8. When is it okay to refuse treatment or terminate life support?

Preview of Material in Part II—"Is it Okay to Let Daddy Die?"

My father is nearing the final stages of terminal cancer. He's refusing further aggressive treatment and is content to die. His physician tells us that food and water may soon be an unnecessary burden and will only enhance his discomfort. At the same time, the doctor said that

without increased doses of morphine (pain control), dad will suffer greatly as death approaches. Two questions: 1) Is it ever morally permissible to remove food and water? 2) Isn't increasing his morphine levels tantamount to hastening his death, perhaps a gentle form of euthanasia?

In both cases, it comes down to intent.

1) Concerning nutrition, we must distinguish between euthanasia and the justifiable withholding of treatment. That is, are we withdrawing treatment because we intend to kill the patient or because it no longer benefits him? Agneta Sutton makes a great point: A truly medical (as opposed to quality of life) decision to withdraw treatment is based on the belief that the treatment is valueless (futile), not that the patient is so. So while doctors are indeed qualified to determine if a treatment is futile, they are no more qualified than anyone else to determine that an individual life is futile. In the case of your dad, food and water should only be withdrawn in the final stages when they no longer benefit him and will only cause additional suffering. On this understanding, the withdrawing of treatment is not intended to kill, only to avoid prolonged and excessive agony for the patient. True, death will come, but it comes as the result of the illness not my direct action (*Christian Bioethics*, T&T Clark, 2008, pp. 51-52).

Gilbert Meilaender puts it well: “The fact that we ought not aim at death for ourselves for another does not mean that we must always do everything possible to oppose it.” Thus, rejecting a treatment that is burdensome is not a refusal of life. But here the physician must be both careful and honest. Instead of asking, “Is the patient’s life a benefit to him?” the physician should inquire “What, if anything, can we do that will benefit the life that he has? Our task, writes Meilaender, “is not to judge the worth of this person’s life relative to other possible or actual lives. Our task is to care for the life he has as best we can” (*Bioethics: A Primer for Christians*, Eerdmans, 2005, pp. 70-72).

2) Regarding morphine, we must again draw careful distinctions, this time between euthanasia and sufficient pain relief to dying patients. Put differently, Meilaender says we must distinguish between an act’s aim (intention) and its foreseen results. A patient in the final stages of terminal cancer may request increasingly large doses of morphine to control pain even though the increase might (though not necessarily) hasten death. In this particular case, the intent of the physician is to relieve pain and provide the best care possible given the circumstances. True, he can foresee a possible result—death may come slightly sooner—but he does not intend that. He simply intends to relieve pain and make the patient as comfortable as possible. Thus, instead of directly killing the patient with a heavy overdose, he provides a carefully calibrated increase in morphine aimed at controlling pain, not bringing about a quicker death. Though death is foreseen it is not intended (*Bioethics: A Primer for Christians*, pp. 66-69).