

# I Was Once a Fetus: That is Why Abortion is Wrong

*Alexander R. Pruss*

## INTRODUCTION

I am going to give an argument showing that abortion is wrong in exactly the same circumstances in which it is wrong to kill an adult. To argue further that abortion is always wrong would require showing that it is always wrong to kill an adult or that the circumstances in which it is not wrong—say, capital punishment—never befall a fetus. Such an argument will be beyond the scope of this paper, but since it is uncontroversial that it is wrong to kill an adult human being for the sorts of reasons for which most abortions are performed, it follows that most abortions are wrong.

The argument has three parts, of decreasing difficulty. The most difficult will be the first part where I will argue that I was once a fetus and before that I was an embryo. This argument will rest on simple considerations of the metaphysics of identity. The next part of the argument will be to show that it would have been at least as wrong to have killed me before I was born as it would be to kill me now. I will argue for this in more than one way, but the guiding intuition is clear: if you kill me earlier, the victim is the same but the harm is greater since I am deprived of more the earlier I die. Finally, the easiest part of the argument will be that I am not relevantly different from anybody else and the fetus that I was was not relevantly different from any other human fetus, and so the argument applies equally well to all fetuses.

The advantage of this argument over others is that it avoids talking of personhood, except in one of the several independent arguments in part two.

## 1. I WAS ONCE A FETUS

The first part seems innocuous. After all, is it not biologically evident

that first I was an embryo, then a fetus, then a neonate, then an infant, then a toddler, then a child, then an adolescent, and then an adult? Does not my mother talk of the time when she was “pregnant with me” and thereby imply that it was I who was in her womb when she was pregnant? Is not the sonogram of my daughter the sonogram of that daughter of mine who will be born? Evident as it might be that I was once a fetus and given how clear it will be that abortion is wrong *if* I was once a fetus, it is obvious, however, that the opponent will have to focus his attack on this part of the argument. So more needs to be said.

About thirty years ago, nine months before I was born, a conception occurred. A sperm from my father fertilized an ovum from my mother. Within twenty-four hours, or sooner, a new organism came into existence, an organism that was neither a part of my mother nor of my father. For one, this organism was genetically distinct from both. For another, this organism’s functioning was directed towards its own benefit—selfishly, the organism colonized the womb, released hormones that trigger changes in the woman beneficial to the organism, and so on. It certainly did not behave like a body part of either my mother or my father. Moreover, it clearly was not a part of my father—it need no longer have had any interaction with him. But it could not really be a part of my mother since the genetic contribution from my father was equal to that from the mother, so it was either a part of both or of neither. Thus, indeed, it was not a part of either. Besides, we can see that in the earliest days of this organism before implantation, the organism floated free, independently seeking nutrition in my mother’s womb. This organism certainly was not a part of my mother.

Hence, we have on the scene a new individual organism, one that did not exist before. Let’s give this organism a name: call it Bob. If we have a camera and look at what was happening in the womb in which Bob is living, we will see an embryo developing, cells differentiating, a fetus forming, growing, and finally a birth. If we keep watching, we see a neonate, then an infant, then a toddler, then a child, then an adolescent and then an adult. It’s all a continuous history. But recall what I am out to prove. I am out to prove that I was once a fetus and indeed an embryo against an opponent who will not grant this. My opponent will thus have

to deny that I and Bob are one and the same entity. He will have to say that “Bob” and “Alex” name two different entities, rather than being two names for one and the same entity at different stages of its life.

In any case, we have on the scene Bob the embryo. And then all this development happens. I now need a simple metaphysical principle. If an organism that once existed has never died, then this organism still exists. I will not argue for this principle. Someone who thinks that something can exist at time *A* and not exist at a later time *B*, without having ceased to exist in between, is beyond the reach of argument. The crucial question now is: Has Bob the embryo ever died? This is a question to which the biologists can tell us the answer. Bob’s cells have divided, differentiated, and Bob has developed. But nowhere in the continuous history just described have we seen anything we could identify as “the death of Bob.” In fact, the whole process is the very opposite of the process of death: we have a process of growth. That embryo that was conceived nine months before my birth never died. True, it ceased to be an embryo, and at the end of the nine months it ceased to be a fetus. But this is no more a literal death than my passing from childhood to adolescence or from adolescence to adulthood was.

Indeed, if Bob died, we would be mystified as to *when* he died. All we have in its life history is a process of growth and development. Now, it is true that not all deaths are alike—not all deaths involve an evident destruction. For instance, some philosophers think that the right way to describe an amoeba’s splitting is to say that the original amoeba dies and from its ashes there arise two new amoebae. Likewise, some philosophers think that when two entities merge into a single unified entity, the original entities perish and a new one is formed. That in fact may be how we should understand the process of conception: the egg and sperm perish, and a new thing results. But again, for as long as Bob has existed, he has always, in fact, been a single unified organism, and nothing like that happened in Bob’s life history—Bob never split in two and never merged with anything else so as to lose its own identity. If I were an identical twin, matters would be slightly different as an argument could then be made that the pre-twinning embryo has indeed perished when it split in two. But that’s not what happened to Bob. It is clear that

Bob has not died in the prosaic way of having his organic functioning disrupted, and hasn't even died in these two more outré ways that philosophers discuss.

Furthermore, the very continuity in Bob's development speaks against the hypothesis that he died. When did that momentous event happen? When did Bob cease to exist? Could there have been some moment in Bob's growth where one millisecond Bob was alive and a millisecond later Bob was no longer around? Surely not.

Therefore, it is sufficiently established that Bob, that embryo who came into existence nine months before my birth, has never died. But by my metaphysical principle, if he has never died, he is still alive. Where, then, is Bob? But surely there is no mystery there. Every part of Bob—other than the cells in the placenta and the umbilical cord that were shed<sup>1</sup>—developed continuously into a part of me, and every part of me has developed ultimately out of a part of Bob. It is thus quite futile to look for Bob outside of me. If Bob is anywhere, he is right here, where I am. It may be true that most of the original cells in Bob are no longer around, but that does not stop the survival of an organism: organisms replace their cells regularly and do not perish thereby.

Now, Bob can't be a mere *part* of my body, because *all* of my body has continuously come from Bob's body. Therefore, one can't set aside some special part of my body and say "that part of me is Bob." So, where is Bob? The answer is simple: *Here. I am Bob.* That embryo has grown to be a fetus, then to be a neonate, then an infant, then a child, then an adolescent and finally an adult. Bob is I and I am Bob. This was what I was trying to establish.

But this is a little too quick. I just said, vaguely, that Bob is here, and concluded that Bob is I. We need the following argument. Here where I stand there is only one large animal—Alexander Pruss. Bob is presumably right here—there is nowhere else for him to be. Bob has been growing for much of his life, and so Bob is also a large animal. The only large animal here is Alexander Pruss, and hence Bob and Alexander Pruss are one and the same animal. I, thus, am Bob. If Bob is here, and if no part of me is a large animal, and if Bob is a large animal, Bob and I must be one and the same entity.

Besides, given how organic development works, it is easy to see that every organ of mine is an organ of Bob's since Bob's organs have developed into being my organs, and yet without any transplant happening. Thus, I and Bob are organisms having all of our organs in common. But the only way that can be is if I and Bob are *the same* organism, i.e., I am Bob. "Bob" and "Alex" are just different names for one and the same being: Alexander Robert Pruss.

There is only one way of countering this argument, and this is to deny that I am an animal, that I am an organism. This response seems absurd on the face of it, and it is right that we should see it as absurd. I am a rational *animal*. But there are three seemingly plausible ways of making this objection work. They are not the only ones, but they will be representative.

The first form that this objection can take is Cartesian dualism. Souls and bodies are separate substances. What I *really* am is a soul, a spiritual substance. The body is simply a tool that my soul owns and uses, much as I might use a hammer. My body is an organism, indeed an animal, but I am not myself an organism or animal. Thus, what Bob is is my body: an animal that I own. This dualistic view has various paradoxical consequences. My wife has never kissed me—she has only kissed Bob, my body. You cannot touch me—you can only touch Bob. Likewise, rape is then a mere property crime. Making philosophical sense of the meaning of sexuality is a lost cause: two persons' having sexual intercourse is nothing but the intercourse between the animals owned by each of the persons. My body is simply my *property*, and so stealing one of my kidneys is a mere *property crime*—it is not stealing a part of me. These consequences are ethically unacceptable. After all, the government can morally take away some of my property for the greater good and does so in taxes. If my body were mere property, then the government would in principle have a right, when necessary, to extract a kidney from me as a tax payment. Finally, if this is right, then the traditional rallying cry of abortion supporters that "it's my body" is no different in principle from the silly argument that I can do whatever I like in my house because my house is my property.

There is too much absurdity there, and so this Cartesian view fails.

But even if it did not fail, it could only be used by the proponent of abortion if he had good reason to deny that the soul substance was united with the embryo from conception—otherwise, the safer thing is to refrain from killing what *might* be I. But since the soul substance is unobservable, no such grounds are possible, apart from revelation-based religious arguments, and those should not be brought into a secular societal context.

The arguments against the Cartesian view are not arguments against the existence of a soul. The Cartesian view that the soul is a separate substance, distinct from the body, is not the only view of the soul. The Aristotelian or Thomistic view is that the soul is that which makes an organism to be the organism it is and to develop as it does. Thus, the soul is not something over and beyond the organism—it constitutes the organism as what it is, and what we are are organisms, organisms constituted by our souls. Thus, as soon as there is a unitary organism, there is a soul. (Admittedly, Aristotle and Thomas believed that the conceptus did not have the same kind of soul that I do—but they were theorizing in the absence of empirical evidence about the conceptus being an animal that continuously grows and develops into me, or else they were going against what they should have said by their own lights.)

The Cartesian view is rather unpopular these days in secular circles. But there is a secular version of it, that replaces body-soul duality with body-brain duality: I am not my body and I am not an animal—I am a *brain*. This kind of a view will not help the abortion supporter all that much since the brain develops relatively early in pregnancy—around six weeks after conception. But in fact the most trenchant objections against the “I am a soul” view can be made against the “I am a brain” view. Only in the course of brain surgery can my wife kiss me if I am a brain. Rape, still, is only a property crime. My kidneys are not parts of me but mere property, and hence can be expropriated by the government if necessary.

And there is a further objection. My brain developed out of earlier cells guided by the genetic information already present in the embryo. There was, first, a neural tube, and earlier there were precursors to that. Brain development was gradual, cells specializing more and more and

arranging themselves. At which point did I come to exist? And why should the cells that were the precursors of the brain cells not be counted as having been the same organ as the brain, albeit in inchoate form? If so, then perhaps I was there from conception, even on this view.

The third response to my argument is that I am not my body or my brain, but what I am is my body's intellectual functioning. This response requires a metaphysical answer. On this view, I do not think. Rather, I *am* nothing else than thought itself, or more precisely, I am nothing else than a process of thinking. We would do well to reject this view just because it contradicts the commonsensical fact that *we think*. But we can also reject this view for a deeper reason. If I am a particular process of thought, then it follows that if that process of thought were not to have occurred, I would not have existed. Thus, when asleep, I do not exist. Moreover, were I not to have engaged in the processes of thought that I have engaged in over my lifetime, but instead were I to have engaged in different processes of thought, then I would not have existed—there would then have been a different process of thought, and hence someone else, if what I am is the process of thought that I am. It follows that we cannot think otherwise than we do because our very identity is defined by the process of thought we engage in. This fatalism, this deprivation of free will, is unacceptable.

As I said, there are views of who I am that compete with the view that I am an animal and that are not the same as these three, but they tend to be variations of these three. For instance, some think that what I am is a whole made up of two parts, a Cartesian soul and a body-animal. This view is open to the simple objection that two interacting parts do not automatically make for a whole. Moreover, there is the objection that surely I *think*, and yet my soul *thinks*, and since I am not a part of me, it follows absurdly that there are two thinkers here: I and my soul.

We see thus that I am Bob. I was once an embryo and a fetus. The embryo or fetus that was there was just I—in an earlier stage of my life. This completes the first and hardest step of the argument.

*An objection.* In the first two weeks or so after conception, the blastocyst was not an individual, and hence in particular is not the same individual as I am, because it was capable of twinning—of splitting into

two or more individuals—which in fact it does in about once every 260 cases. While what is normally called “abortion” is not likely to be done at this time since the woman at this time rarely knows herself to be pregnant, nonetheless there are abortifacients that act this early—for instance the IUD, Emergency Birth Control or the Pill in those cases where these act through an abortifacient effect—and hence the question is not merely of theoretical interest.

This objection rests on the false principle that if it is merely possible that an organism will split in the future, then we do not have a genuine individual on the scene. But this is plainly false: amoebae are certainly individuals, but they are capable of splitting. What happens to the individuality *when* they split is disputed by philosophers. One might hold that the old amoeba continues existing as *one* of the two new ones, but we simply do not know *which* one. Or one might hold, more plausibly, that the old perishes and a new one comes to be in its place. In the latter case, if I had had an identical twin, then I would have come to exist about two weeks after conception, not at conception, and the human being who came to exist at conception would no longer be alive.

But if we have an amoeba in front of us for a period of time during which it does *not* split, then it is the same amoeba, the same organism, over all of this time. This judgment is unaffected even should we learn that the amoeba *could* have split during this period of time, just as our judgment that someone is alive is unaffected by learning that she *could* have died yesterday. As long as the amoeba does not in fact split, it is one and the same individual as we had on the scene earlier.

One might argue that if one could know in the first two weeks that twinning was going to occur, then one would thereby know that the conceived embryo would cease to exist at two weeks of age, and one could abort it earlier, since one would not be depriving it of a long and meaningful life. Whether this argument is correct or not—and I am inclined to think it is not, since I think how good the life that one is being deprived of should not affect whether it is wrong for someone deprive one of it—it does not matter in practice. We just cannot tell at the moment. And as in 259 out of 260 cases twinning will not occur, one needs to act on the presumption that it will not in fact occur.

## 2. IF I WAS A FETUS, IT WOULD HAVE BEEN WRONG TO KILL THAT FETUS

There are several paths to the conclusion of the second part of the argument, that if I was once a fetus (or an embryo for that matter), then it would have been wrong to kill that fetus, under exactly the same circumstances under which it would be wrong to kill me now.

The most powerful argument is to look at what is wrong with killing me now. Killing me now is a paradigmatic crime-with-a-victim, the victim being me. What would make killing me now wrong is the harm it would do to me: it would deprive me, who am juridically innocent, of life, indeed of the rest of my life. Now, consider the hypothetical killing of the fetus that I once was. This killing would have exactly the same victim as killing me now would. Moreover, the harm inflicted on the victim would have been *strictly greater*, in the sense that any harm inflicted on me by killing me now would likewise have been inflicted on me by killing me when I was a child. I am now 29 years old. Suppose that left to nature's resources, I would die at 65. Then, killing me now would deprive me of years 29 through 65 of my life. However, killing me when I was a fetus would also deprive me of years 29 through 65 of my life—as well as the years from the moment of the killing up to 29. Given that murder is a crime whose wrongness comes from the harm to the victim, it is clear that when the victim is the same, and the harm greater, killing is if anything more wrong.

Of course, there may be circumstances in which it is acceptable to kill me now. It might be that under some circumstances capital punishment is justified. If so, then it might be acceptable to kill the fetus under the same circumstances. However, it is also clear that the circumstances involved in capital punishment do not apply in the case of the fetus. Whether there are any other circumstances in which it would be acceptable to kill me now is a question that is beyond the scope of this paper, although I believe that the answer is basically negative.<sup>ii</sup> In any case, we see that the wrongfulness of killing me when I was a fetus is at least as great as the wrongfulness of killing me now in relevantly similar circumstances. Thus, my moral status when I was a fetus with respect to being killed is the same, or more favorable to me than, my status now.

The reason for the “more favorable than now” option is that we have

an intuition that it is particularly wrong to kill people earlier. Although there may be no duty thus to sacrifice one's life, we see nothing irrational in an older person sacrificing his life for a younger on the grounds that the older has literally less to lose by death. When I was a fetus, I had more to lose by death than I do now. Thus, to have killed me then would, strictly speaking, have been to inflict a greater harm.

Observe that nothing is said here about whether I was a person when I was a fetus. That issue is irrelevant. Whether I was a person then or not, killing me would have had the same victim and involved greater harm as killing me now. Observe that if I was not a person when I was a fetus, then the harm in killing me then would have been even greater than if I was a person then. For killing me when I was not a person would thus have deprived me of *all* of my personhood as lived out on earth, and this radical deprivation would have been a greater crime than killing me now which would not deprive me of ever having had a personhood lived out on earth.

That said, an independent argument shows that in fact I was a person when I was a fetus. This gives a second argument for why killing a fetus is wrong, and it is the only argument I give that depends on issues of personhood. The argument turns on the metaphysical notion of an "essential property." The essential property of a being is a property which that being cannot lack as long as that being exists. For instance, many philosophers think that *being a horse* is an essential property of a horse. If you take a horse like Silver Blaze and modify it to such a degree that it is no longer a horse, Silver Blaze will cease to exist and something else will come to exist in his place. Being material is an essential property of a rock: it could not exist without being material.

Now, it is likewise plausible that *being a person* is an essential property of every person. If someone were a person and if personhood were removed from her, she would cease to exist. If this is correct, then the fetus that I was truly was a person since I am a person. If the fetus that I was were not a person, then it would be the case that I could have existed without being a person—which is impossible.

Even more plausibly, it is an essential property of me to have a property that I will call *human dignity*. Human dignity is a property of

me that makes it wrong for another human being to set out to kill me<sup>iii</sup> when I am juridically innocent. As before, I leave capital punishment as an open question. Human dignity is an essential property: it is part of the essence of who I am. Were I to lack this intrinsic dignity, I would not be myself; I would not exist. But if human dignity understood in this way is an essential property and I have it, then the fetus that I was also had it—otherwise it wouldn't be an essential property.

Finally, there is a very different argument for the wrongfulness of killing the fetus that I was, based on John Rawls's concept of justice. Even though I take this concept to be incorrect, the more bases on which our argument can rest, the better the argument. Rawls bids us to imagine that we do not know which role in society we fill—imagining this is called entering under the “veil of ignorance.” What kind of a society I would I come up with, and what kinds of rules would I rationally devise on selfish grounds, if I did not know which role in this society I am going to live in? Rawls says that that kind of society is the just society, and its rules are the rules of justice. In such a society, for instance, we would forbid racism because under the veil of ignorance we would not know whether we would end up having the role of victim or inflicter of racism, and we would not want to take the risk of being on the victim. Likewise, we would prohibit the murder of adults.

Would we forbid the killing of fetuses? This question depends on just how much we are to be ignorant of under the veil of ignorance. If we know that we are not fetuses, then we might not forbid the killing of fetuses when it is convenient to non-fetuses because we would have no selfish reason to prohibit it. So, is the fact of us not being fetuses something that is under the veil of ignorance or not? Well, we must be careful not to take too much out from under the veil. For instance, if racism is to end up being deemed unjust, our *race* must lie under the veil. Moreover, even our being conscious must fall under the veil—thereby showing how much the veil is just a figure of speech since we cannot really be ignorant of our consciousness. The reason our being conscious must fall under the veil is that otherwise we might well enact that it is right to kill the unconscious for the sake of the conscious—to use the man in a coma for medical experiments, say. But at the same time, we cannot

put too much under the veil. We had better have an awareness of ourselves as human since otherwise our “just society” will end up prohibiting all killing of animals, and this would make even most vegetarian farming wrong because of the moles and voles and other animals killed in the process of farming, as someone has once argued.

So, where do we draw the line? I would propose this simple criterion. Under the veil, we are aware of which social roles it would be logically possible for us to fill, but not aware which of those roles we do in fact fill. It would not be logically possible for me to fill the role of a mole in the ground—I would not be myself then. So I know, even under the veil, that I am not a mole. However, it plainly *is* logically possible for me to fill the role of a fetus—it is possible because I *did* fill the role of a fetus once! Thus, whether I am a fetus or not is something that must fall under the veil of ignorance, and hence the killing of fetuses will end up being prohibited in exactly the same way as that of adults: we just wouldn’t want to take the risk that we might end up being a fetus that is being killed. Hence, justice requires a prohibition on killing fetuses in exactly the way in which it requires a prohibition on killing adults.

Later, Rawls modified his criterion by talking of an unselfish caretaker for someone making the decision under a veil of ignorance about what role her charge would fill. This takes care of the problem that we can hardly be ignorant of whether we are conscious, while a caretaker can be ignorant of whether her charge is conscious. But it does not affect the rest of the argument. The caretaker needs to be ignorant of some properties of her charge, such as the charge’s profession in life, but not of others, such as that her charge is not an insect. Again, I would suggest that a natural way to draw the line is apt to make the caretaker be ignorant of whether her charge is a fetus or not. For at the very least the caretaker should be ignorant as to which of the roles her charge could fill she in fact fills, and certainly her charge could fill the role of a fetus. And if that were so, the caretaker, truly loving whoever is entrusted into her care, would not want to take the risk of enacting a system whereby her charge could be killed.

3. IF IT WAS WRONG TO KILL ME WHEN I WAS A FETUS, IT WAS WRONG

TO

KILL ANYONE WHEN HE IS A FETUS

If you cut me, do I bleed any more than the next guy? No. I was not and am not special. If it was wrong to kill me when I was a fetus, it was likewise wrong to kill anyone else when he was a fetus.

It might be argued that there are some special differences between the fetus that I was, which we have seen it would have been wrong to kill, and some other fetuses. For instance, I was *wanted*. But that I was wanted did not anywhere enter into my arguments against killing me when I was a fetus. It is wrong to kill me *now* no matter whether I am wanted by others or not. Killing me earlier, I have argued, is not significantly different from killing me now, and so whether I was wanted or not is irrelevant.

A different objection would be that, as far as I know, I did not endanger my mother's life. However, my arguments would continue to apply even if I did: the fetus needs to be protected at least to the extent to which we would protect an adult under relevantly similar circumstances. If the fetus endangers the mother's life, it does so unintentionally. Whether it is acceptable to kill the fetus under those circumstances depends on whether it would be acceptable to kill me now were I to endanger my mother's life *unintentionally*. As I announced, the aim of this paper is limited: it is to argue that killing fetuses is wrong under the same circumstances under which it is wrong to kill adults, but it is not the paper of the paper to discuss the circumstances, if any, under which it is permissible to kill adults. I think it *would not* be acceptable to kill me were I endangering my mother's life unintentionally: I will simply say in support of this that were I alone in a space capsule, three days from rescue, with my mother, with only enough air for 1.5 days each, it would not be acceptable for my mother or her agent to kill me.

A yet different objection is: I was a healthy fetus, but some others are not. The wrong in killing me when I was a fetus would have been depriving me of a meaningful and long future life. But what if the fetus cannot be expected to have such a life? Again, I respond that the purpose of this paper is limited: I am not going to settle issues of euthanasia here. It is acceptable to kill such a fetus only if it is acceptable to kill an adult

who cannot be expected to have a meaningful and long future life. Again, I think it is not acceptable to kill an adult under such circumstances. Human life is intrinsically worthwhile and always meaningful. But this is not a paper about euthanasia. If I have shown that the fetus is worthy of at least the same respect as an adult in comparable circumstances, I have done my task.

## NOTES

- 
- i. One might try to argue that Bob died at birth because of the loss of his placental cells and umbilical cord. But this is implausible. The loss of an organ does not kill a human being unless it disrupts general functioning, and in this case no disruption of general functioning occurred.
  - ii. One exception is if God directly commanded someone to kill me as in the case of Abraham and Isaac. I do not think that such commands are given in New Testament times, and in any case our laws must not assume this to take place—or else any murderer could claim this defense.
  - iii. On his own initiative, that is, I leave Abrahamic cases open. (See previous note.)