

## IV. Arguments Against Abortion

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### A. Introduction to Arguments Against Abortion

1. The “pro-life” case stands on two pillars, broadly speaking, namely, positive and negative arguments. The positive line of argument demonstrates that it is an overall superior position compared to the pro-choice case. The negative line of argument include evidence and argument which injure the pro-choice case. Put simply, the positive case builds one side up, the negative case tears the other side down. Both sides are necessary because it could be, for example, that the abortion-advocate’s position is riddled with holes and faulty assumptions and is overall immoral, *but* if the pro-life case seems to have more holes, faulty assumptions, etc. then the *negative case* against the abortion has failed to vindicate the pro-life case. In reality, one pressing challenge against abortion, i.e., summarizing the negative case, is that advocating for abortion on demand entails egregious concessions that would be openly immoral or illegal if applied consistently throughout the entire world of law and ethics (i.e., harms-benefits calculations, natural law ethics, constitutional law, civil law, bioethics, etc.)

| 2. The Overall Argument         |  | Premise1) Legality, where possible, should align with morality.<br>Premise2) Abortion-on-demand is immoral yet can be banned.<br>Conclusion) Therefore abortion-on-demand should be banned.   | Comments  |
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| B. Dehumanization Arguments     | 1) Objectification Argument                                      | P1) Human beings should be treated as subjects, not objects.<br>P2) Abortion treats human beings as objects<br>Conc.) Therefore abortion is wrong.  | a) Exceptions <i>might</i> be permitted for deadly cases: ectopic/tubal pregnancies, or, perhaps, non-consensual cases like rape, pedophilia, or for incest.  |
|                                 | 2) Desecration Objection   | P1) Human beings, living or dead, should be treated with a manner of respect such that not even a corpse should be torn apart or bathed in acid without consent or an overriding medical purpose<br>P2) Abortion, as currently practiced, does such things to living human beings without an overriding medical purpose or consent<br>Conc.) Therefore abortion should not be done  | a) Addresses legal precedent where there is an apparent inconsistency between what’s illegal to do to corpses and yet legal to do to living innocent fetuses.<br>b) May not address all forms of abortion; some forms might be gentler.<br>c) Alludes to “Sanctity of Life” view (16) in much of our legal precedent.   |
|                                 | 3) Animal Abuse Argument   | P1) It is immoral to abuse higher-order animal life for convenience.<br>P2) Abortion abuses higher order animal life for convenience.<br>Conc.) Therefore abortion is immoral.  | a) Ex., Endangered species and pets<br>b) Even animals for consumption are protected by abuse laws.   |
|                                 | 4) Cruel and Unusual Means Argument/<br>A.K.A., Torture Argument | P1) By legal precedent barring “cruel and unusual” punishment, even death row convicts shouldn’t be dismembered or bathed in acid.<br>P2) Abortion, as currently practiced, kills human beings in such ways though no punishment is deserved.<br>Conc.) Therefore abortion should not be done   | a) Addresses legal precedent in apparent inconsistencies between what’s illegal on death row convicts and yet which are legal to do to living innocent fetuses.<br>b) May not address all forms of abortion; some forms might be gentler.<br>c) Alludes to “Sanctity of Life” view (16) in much of our legal precedent. |
|                                 | 5) Innate value arg.   | P1) Abortion implies human life as such is not innately valuable to the point of having a life-worth-protecting.<br>P2) All human beings, adults too, partake of that same humanity.<br>Concl.) Therefore, abortion implies all members of the human race lack any such innate value (i.e., life-worth-protecting status).  | a) Modest but strong arg. showing how abortion diminishes everyone’s value. If the fetus human isn’t worth protecting innately then human beings, per se, aren’t innately worth protecting.<br>b) Any “right to life” would be acquired later, or as an extrinsic value.  |
| C. Legality & Constitutionality | 6) Death Penalty Argument  | P1) It is immoral to issue a death penalty in cases of a morally innocent or neutral party.<br>P2) Abortion is a death penalty to morally innocent/neutral parties.<br>Conc.) Therefore abortion is immoral.  | a) Neutral on whether the actual death penalty is ethical or not.<br>b) The preborn could be non-moral (like rocks or cats), and this still works.  |
|                                 | 7) “Created Equal” Argument                                      | P1) The Declaration of Independence recognizes that “all men are created equal” and they are “endowed by their creator with certain unalienable rights . . . Life, liberty and the pursuit of happiness.”<br>P2) Conception is the point of creation for every human being.<br>Conc.) Therefore, all men are “equal” and “endowed” with the right to “life” from conception onward. | a) Draws on the founding documents for legal/judicial support.<br>b) Needs clarification: “men” is generic reference to “humanity”<br>c) The laws of the land however are largely phrased towards legal citizens (and preborns are not that).   |

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| <b>D. Legality &amp; Constitutionality, cont.</b> | 8) Right to Life Argument               | P1) Human rights, including right to life, extend to every “member of the human family” from creation onward (i.e., conception).<br>P2) Abortion militates against human life from conception to birth. Conc.) Therefore, abortion militates against a human right.*   | a) See preamble of Universal Declaration of Human Rights (1948); Decl. of Indep. (1776); and Declaration of the Rights of the Child (1959).   |
|   | 9) Non-Dilemma Argument                 | P1) Only in certain dilemma contexts can someone morally and rightfully infringe on another human being’s body/bodily sovereignty.<br>P2) Most abortions are not such dilemmas. Conc.) Therefore, most abortions are immoral.  | a) Moral dilemmas must have only evil options, even if one is considered “less evil” than the other.  |
|   | 10) Life Dilemma                        | (P1) The right to life should be honored except in cases of a moral dilemma where an equal or greater moral value is at stake. (P2) Liberty is not an equal or higher moral value than life. (Concl.) Therefore the right to life should be honored above the right of liberty   | a) This includes the broad category of “mother’s autonomy,” as that would be an instance of “liberty.”  |
|   | 11) Legal Inconsistency                 | P1) Law code should be internally consistent where possible.<br>P2) Current U.S. law is inconsistent regarding the protection of children in utero (see, Unborn Victims of Violence act).<br>P3) to reconcile this problem either the statutes protecting such children should be stopped or the statutes endangering such children should be stopped.<br>P4) it is ethically better to continue to protect such children. Conc.) Therefore, statutes endangering children in utero should be stopped.   | a) Complex arg. Lots of background info. Vulnerable to many objections.<br>b) However, premise 1 & 2 are defensible. One can’t enforce contradictory law code consistently; rule of law would break down. Plus, there are many laws inconsistent w/ the legal justifications & rule of RvW, etc.<br>c) Premise 3 is tough because there’s no limit to stop-gap measures attempting to reconcile conflicting laws. |
|   | 12) Legal Modernization                 | P1) Roe v. Wade (and possibly other related cases) have been justified on outdated or bad science (i.e., calling the human fetus a “potential human” when it is known to be a human from conception forward).<br>P2) Law code should comport with science. Conc.) The ruling of Roe v. Wade (and possibly other related cases) should be revised, suspended, or thrown out pending its demonstrated potential for reconciling with modern scientific findings pertaining to embryology, fetology, obstetrics, gynecology, and any relevant scientific/medical field. | a) This threatens to pit law code against science, potentially castigating pro-choicers who claim authority in both.<br>b) Science isn’t clearly prescriptive, so this arg. doesn’t introduce new ethical values that aren’t already in our law code. At most, this demands that the scientific variables in ethical equations be up to date in informing our laws.   |
| <b>E. Natural Law</b>                             | 13) Baby Lottery                        | P1) Contracts are morally binding.<br>P2) In cases of pregnancy from consensual sex, the mother has implicitly agreed to a natural contract (to be a mother to that baby insofar as she is able) by entering the baby lottery even if she did not know she’d “win” that lottery. Conc.) Therefore, such mothers are morally bound not to abort.  | a) Knowingly, willingly entered, not concerning illegal/immoral such as aid and abet a criminal, lie under oath, etc.<br>b) Refers to a “natural” contract, once pregnant, to bring that child to term insofar as she’s capable.  |
|   | 14) Parental Duty                       | P1) Parents have a natural right and duty to care for their children.<br>P2) Pregnant women are mothers/the conceptus is a “child in utero.” Conc.) Therefore parents have natural right to care for the conceptus.  | a) Most family law on child abuse/neglect hinges on innate duties of parents to child and child to parent.  |
|   | 15) Mother-love                         | P1) Mothers should love their children (“will the good of another”).<br>P2) Abortion involves having the mother will the harm of her child. Concl.) Therefore, Mothers should not have abortions.  | a) Doesn’t require a “natural law” ethic so long as one grants that there is a general duty of mothers to love their children.  |
|   | 16) Sanctity of Life                    | P1) Human beings being endowed with sanctity of life should not be harmed where possible.<br>P2) Abortion unnecessarily harms human beings Conc.) Therefore abortion should not be done  | a) Doesn’t address therapeutic & dilemma cases where saving both lives isn’t possible. In such cases abortion protect the greater claim (i.e., 1 vs. 0 lives).  |
|   | 17) Consistency Check/ Irresponsibility | P1) If abortion is ethical, then so is a pregnant mother who knowingly drinks alcohol, smokes, or misuses prescription.<br>P2) Those acts are not ethical for a pregnant mother. Conc.) Therefore, neither is abortion ethical.  | a) The pro-choicer who affirms abortion on grounds of “privacy” must also affirm any mother’s right to harm her own body, child included.   |
|   | 18) Burden of Proof Arg.                | P1) We should give life “the benefit of the doubt” meaning that, the prochoicer has the burden of proof in justifying abortion “beyond a reasonable doubt” (95%+ certainty). P2) Prochoicers fail to satisfy this high burden of proof. Concl.) Therefore, the pro-choice position fails.  | a) Burden of proof normally favors life, lest we wrongfully kill a human being.<br>b) This is the presumption in the judicial basic: “guilty until proven innocent.”  |
| <b>F</b>  | 19) Unwanted Baby                       | P1) It is conventional wisdom that a pregnant woman who is planning to bring that child to term is carrying a baby.  | a) Ex., if I don’t think you’re American, that has no affect on your citizenship.   |

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|                     |                                       | P2) One's natural status doesn't change w/ another one's desires/beliefs Conc.) Therefore, lacking a desire to be pregnant/"keep the baby" does not change the fact that it is a baby.  | b) Implies that (1) Intentionally killing babies for convenience is immoral. (2) Abortion does tha, (3) and is immoral.   |
|                     | 20) Slippery Slope                    | P1) Defining morally relevant "personhood" as starting at birth is arbitrary when distinct human life had already begun at conception. P2) Arbitrary definitions commit the "slippery slope" fallacy wherein the starting point for personhood is interchangeable across different (and disputed) definitions for lack of a clear, biologically consistent, and universalizable criteria for "personhood." Conc.) Therefore, defining morally relevant "personhood" as starting at birth is interchangeable with other definitions (i.e., birth, adolescence, 18 years old, etc.).  | a) Points out trouble w/ various starting points for human life after conception. b) R. Reagan, "I should like to know if taking this old Decl. of Indep. , which declares that all men are equal upon principle and making exceptions to it, where will it stop." ( <i>Abortion and the Conscience of the Nation</i> , Thomas Nelson, 1984), 28. |
|                     | 21) Future Like-Ours (Marquis, 1989)  | P1) Children in utero have a "future like ours" (a future which they would value had they the chance to value it) P2) Having this "future like ours" suggests a right to life in that it constitutes sufficient commonality between the human fetus and other test cases, like comatose victims, toddlers, a depressed teenagers, or us. Conc.) Therefore, children in utero have a right to life.  | a) Doesn't require essentialism/realism/formalism (i.e., human nature is a real & singular thing shared by all <i>h. sapiens</i> ). b) Requires granting a <i>right</i> to life in test cases. One can deny right to life for the preborn if he denies it for others too.   |
|                     | 22) Corrupted Character               | P1) One should not corrupt his or her own character. P2) It corrupts one's character to comply with killing morally-innocent/morally-neutral human beings apart from a true dilemma context (see, "non-dilemma arg." And "death penalty arg.") Conc.) Therefore one shouldn't comply with abortion on demand.   | a) "Comply" needs to be defined carefully to admit different qualifying cases (acting under coercion, ignorance, mistaken judgment, good intent., etc.)   |
|                     | 23) Gradations of Evil                | P1) Pro-choice advocates widely admit that that abortion should be rare (all else being equal) P2) If abortion "should be rare" then it would be more evil were it in larger quantity and less evil in smaller quantity. P3) But gradations of evil can only occur if there is a present evil. Concl.) Therefore abortion is evil   | a) Uses Clinton-era pro-choice trope of "keep it safe, keep it rare, keep it legal." b) The mantra itself suggests abortion is evil. But, this argument needs the dilemma argument above to show that it's not a "necessary evil"   |
| G. Social/Political | 24) Discrimination Argument           | P1) Abortion discriminates (a) against a defenseless class of people for (b) the convenience of another class of people (c) on the basis of size, level of development, environment, and degree of dependence. P2) Discrimination on such bases is immoral. Conc.) Therefore abortion is immoral.   | a) Not all discrimination is evil, but that which involves a basic right to life and selects between preferred sizes, handicaps, and convenience is evil.   |
|                     | 25) Ownership Argument                | P1) It is unethical for one human being to own another. P2) Abortion, in treating the fetus as the mother's bodily property, constitutes ownership of one human being by another. Conc.) Therefore, abortion is unethical.  | a) Ownership is a kind of objectification, and thereby unethical. b) Parent-child relations are not ownership but wardship.   |
|                     | 26) Burden Analogy                    | P1) If children can be aborted strictly because they're burdens, then so can born infants (or teenagers, or adults) be aborted. P2) Infants cannot rightfully be killed for being burdensome, Conc.) so children in utero should not be aborted for that reason either  | a) Works equally well for any other people group that's burdensome. b) Risks disanalogy. Needs help to show preborn and born aren't radically diff.   |
|                     | 27) Trade-offs                        | P1) It has proven practically impossible to legalize/normalize abortion on demand w/o a net loss (morally) given the severe, unnecessary, and countervailing evils therein—ex., sex-selective abortion, death-profiteering (i.e, Kermit Gosnell), irresponsibility & indiscretion, etc. P2) The alternative (banning abortion-on-demand, restricting it to therapeutic cases (i.e., 1971-2 policies) did not incur such net losses. P3) Only such policies which constitute a net gain in trade-offs should be implemented as law/legal (when they are in a dilemma relation/ exclude each other). Conc.) Therefore abortion should be illegal. | a) Allows anecdotal and "real world" evidence, instead of just abstractions. b) Allows quantitative analysis via inductive reasoning c) Difficult case to make given its scope.   |
|                     | 28) Mercenary/ Profiteering Objection | P1) Abortion is a mercenary/profiteering act since it puts surgeons in a position to be paid to kill morally innocent humans at another's behest. P2) Mercenary/profiteering work is generally unethical. Concl.) Therefore abortion is generally unethical.  | a) Identifies an ethical conflict whenever doctors are getting paid to kill innocent human beings.  |
|                     | 29) Medical Self-defeat               | P1) It is broadly the role of medicine to cultivate health. P2) Abortion cannot be clearly and broadly identified as "cultivating health" since killing is the opposite of healthcare. P3) Abortion does not satisfy the broad requirement needed to be classified as medical. Concl.)  | a) Abortion is classified as med. practice but perhaps it shouldn't be so labeled given its problems in phil. of medicine, medical ethics and given how it defines  |

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