

Abortion and the Question of the Person

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Sooner or later in the debate over abortion, the question of "the person" must arise. "Is the fetus, the preborn child, a *person*?" This is the question on which all other questions on abortion depend.

The question of the person

Whatever else, a person is more than a bundle of cells and protoplasm that the biologist can identify as an individual of the species *homo sapiens*. The scientist can, and does, tell us that the unborn child is such an individual. But the scientist -- as a scientist -- can not tell us whether a preborn child, or anyone *else* is a *person*.

The critical fact of life that is accessible to any rational study, of course, is that we are each of us the same unique identity now that we were a year ago, or at birth, or at the moment of conception. The *prima facie* case is that "I" was always "me". There is an unbroken continuity from beginning to end. Denying this central fact of life, the pro-abortionist must ask "when" did I become "me".

When do we become persons? To answer that, we must first know what a person is.

How to answer the question?

We are able to answer the question of what a person is because we are persons ourselves. We can examine ourselves and those around us and see whether a proposed definition adequately describes us.

Immediately, then, some of the positions advanced by pro-abortionists can be set aside because they do not "fit" with our experience of what it is to be a person: because they are not *germane* to what it is to be a person.

Persons are not persons because they are "viable" or "independent" or "autonomous." We may reject these characters -- as not being essential -- because we all know persons who lack these attributes to some extent or other. We all lack them to some extent or the other. Viability, for example, may be necessary in order to stay alive, but it is very simply uninformative about what it is that is staying alive, whatever it may be.

The fact that such popular definitions of "personhood" break down in principle leads them to break down in practice. When we try to assign a time at which we "acquire personhood," we find that there are no break-off points. There are no nice points in human life at which we can see that we have characters A, B, and C afterward, but lacked them before. (Unless we limit ourselves to some very arbitrary and superficial descriptions -- usually physical.)

This has led some to believe that the question of what a person is cannot be answered. Yet it is the pro-abortionist's method of answering the question that has broken down. Logically, in attempting to set a time for the "acquisition of personhood," the pro-abortionist has simply begged the question. They have assumed that it happens at some time convenient enough to permit abortions, and then set out to prove this time or that. The failure of the approach only means that we should try to find the definition of the person, the essence of the person, and then see whether it is the sort of thing that is added on or not.

The historical answer

What is a person? The customary definition, one accepted by many pro-abortionists, at least among libertarians, is that a person ("man," "human being," call it what you will) is an animal with the capacity of reason and choice (with reason and choice being mutually implicit). This character of reason and choice sets us aside from the merely animal and is the foundation for all our intellectual and ethical activity.

At least as regards the abortion issue, the place where differences arise is over the word "capacity": is our capacity a matter of a *potential* that we have, or does it only refer to an *actualized capacity*?

Actual and potential: degree and kind

The potential for reason and choice is first of all a matter of kind: either we have it or we do not. Its actualization is a matter of degree: we all actualize our potential to different degrees and none of us do so totally.

Within that framework, the business of "being a person" is straightforwardly a matter of kind, not of degree. We can be better persons than someone else, or more ethical, or what not, but it is simply nonsense to suggest that we can be "more of a person" than someone else.

One interesting point is that the whole demand for actualization is founded on the assumption that the potential for reason and choice is already there in each individual. The pro-abortionist, of course, is unwilling to treat as relevant the fact that we are all essentially the same kind of entity as the preborn and that the adult is the grown up preborn. They usually protest that they are only asking for some reasonable "minimum qualification" in order to be certified as a person. Yet they demand more.

But even if potential "fits" with our notion of the person, what is *wrong* with insisting on some particular

degree of actualization of our potential in order to be a person?

Some consequences

The first consequence of such an insistence is obvious: we have to say *what* degree of actualization is necessary in order to be a person. This the pro-abortionists can not do. And their own disagreement among themselves shows that. Some may say that we become a person when reason is "obvious" or manifest. Yet what is obvious is a subjective matter: what is obvious to one is doubtful or false to another. The vehemence with which such a position is held is no substitute for a rational explanation of why one point is chosen and not another. Nor is it a substitute for the ability to refute the assertion that we should meet still higher or higher standards in order to be called a person.

And as we have seen in practice, there are no end of points given as being when we become persons. And each of these points can be quite plausible. Each demand for more and more actualization can point out how much more effective we are at the high level, or how much happier, or how much aware, or what not. So we have the chaos of demands that confronts us.

An attempted limitation

Some may try to avoid the chaos, to some extent at least, by treating the question of actualization as a sort of "entrance fee": we need to reach a certain level in order to become a person but we can slip below it afterwards and not have to worry about being regarded as mere things. This way the debate can appear to apply only to the preborn or very young. Those of us who are already members of the club need not concern ourselves about the implications of the debate. (Of course, there are those who are willing to "de-person" those of us who fall below their standards.)

This license-fee approach, however, simply ignores what is necessary in order *to be* a person. Instead, it asserts

what is necessary in order *to get to be* a person. It is another intellectual dead-end. Even conceding the very doubtful presumption that more is somehow needed in order *to get to be* a person than is needed in order *to be* a person, we must still answer what is necessary in order to be a person *after* the license fee has been paid. Which brings us back to where we started from. The chaos remains.

Nor is the chaos avoided by ignoring it. It does no good to search around for some upper point where our audience all agrees, and some lower point, and call everything in the middle "borderline cases." (Particularly when the arguments are so elastic as to offer no opposition even to infanticide.)

The chaos of demands is itself, however, evidence of the error of introducing degree into the definition of the person. Demands for more and more "proof" of being a person go directly against the notion of the person. The situation is itself an attack on the person. The kind of being that we are, our human potential, is the foundation of our rights. The extent that we differ from one another in degree is not in our rights, but in our ability to exercise those rights.

The value of the person

If the notion of the person refers to anything, it refers to something that ought not need to be continually defended and proven. There is something "special" about the person, an inherent inviolability, a *value*. This is something essential. It is not something that can be acquired somewhere along the line, to be lost or regained; it is just there.

And that is the foundation of rights: the chief of which is that innocent life shall not be killed.

LFL's literature and speakers are available to explain and defend why we oppose abortion. Our reasoning is expressly philosophical rather than either religious or pragmatic. A list of our literature is available on the Web, or send a self-addressed stamped envelope to: Libertarians for Life, 13424 Hathaway Drive, Wheaton, MD 20906. Phone: 301/460-4141, Fax: 301/871-8552, email: libertarian@erols.com, Web site: <http://www.LAL.org/>