


The Apple Argument Against Abortion

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I doubt there are many readers of this magazine who are pro-choice. Why, then, do I write an argument against abortion for its readers? Why preach to the choir?

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Preaching to the choir is a legitimate enterprise. Scripture calls it "edification," or "building up." It is what priests, ministers, rabbis, and mullahs try to do once every week. We all need to clean and improve our apologetic weapons periodically; and this argument is the most effective one I know for actual use in dialogue with intelligent pro-choicers. I will be as upfront as possible.

I will try to prove the simple, common-sensical reasonableness of the pro-life case by a sort of Socratic logic. My conclusion is that *Roe v. Wade* must be overturned, and my fundamental reason for this is not only because of what abortion is but because *we all know* what abortion is.

This is obviously a controversial conclusion, and initially unacceptable to all pro-choicers. So, my starting point must be noncontroversial. It is this: We know what an apple is. I will try to persuade you that if we know what an apple is, *Roe v. Wade* must be overturned, and that if you want to defend *Roe*, you will probably want to deny that we know what an apple is.

1. We Know What an Apple Is

Our first principle should be as undeniable as possible, for arguments usually go back to their first principles. If we find our first premise to be a stone wall that cannot be knocked down when we back up against it, our argument will be strong. Tradition states and common sense dictates our premise that we know what an apple is. Almost no one doubted this, until quite recently. Even now, only philosophers, scholars, "experts," media mavens, professors, journalists, and mind-molders dare to claim that we do not know what an apple is.

2. We Really Know What an Apple Really Is

From the premise that "we know what an apple is," I move to a second principle that is only an explication of the meaning of the first: that we *really* know what an apple *really* is. If this is denied, our first principle is refuted. It becomes, "We know, but not really, what an apple is, but not really." Step 2 says only, "Let us not 'nuance' Step 1 out of existence!"

3. We Really Know What Some Things Really Are

From Step 2, I deduce the third principle, also as an immediate logical corollary, that we really know what some things (other things than apples) really are. This follows if we only add the minor premise that an apple is another thing.

This third principle, of course, is the repudiation of skepticism. The secret has been out since Socrates that skepticism is logically self-contradictory. To say "I do not know" is to say "I know I do not know." Socrates's wisdom was not skepticism. He was not the only man in the world who knew that he did not know. He had knowledge; he did not claim to have wisdom. He knew he *was* not wise. That is a wholly different affair and is not self-contradictory. All forms of skepticism are logically self-contradictory, nuance as we will.

All talk about rights, about right and wrong, about justice, presupposes this principle that we really know what some things really are. We cannot argue about anything at all—anything real, as distinct from arguing about arguing, and about words, and attitudes—unless we accept this principle. We can talk about feelings without it, but we cannot talk about justice. We can have a reign of feelings—or a reign of terror—without it, but we cannot have a reign of law.

4. We Know What Human Beings Are

Our fourth principle is that we know what we are. If we know what an apple is, surely we know what a human being is. For we aren't apples; we don't live as apples, we don't feel what apples feel (if anything). We don't experience the existence or growth or life of apples, yet we know what apples are. *A fortiori*, we know what we are, for we have "inside information," privileged information, more and better information.

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We obviously do not have total, or even adequate, knowledge of ourselves, or of apples, or (if we listen to Aquinas) of even a flea. There is obviously more mystery in a human than in an apple, but there is also more knowledge. I repeat this point because I know it is often not understood: To claim that "we know what we are" is not to claim that we know all that we are, or even that we know *adequately* or *completely* or *with full understanding anything at all* of what we are. We are a living mystery, but we also *know* much of this mystery. Knowledge and mystery are no more incompatible than eating and hungering for more.

5. We Have Human Rights Because We Are Human

The fifth principle is the indispensable, common-sensical basis for human rights: We have human rights because we are human beings.

We have not yet said *what* human beings are (e.g., do we have souls?), or *what* human rights are (e.g., do we have the right to "life, liberty, and the pursuit of happiness"?), only the simple point that we have *whatever* human rights we have because we are *whatever* it is that makes us human.

This certainly sounds innocent enough, but it implies a general principle. Let's call that our sixth principle.

6. Morality Is Based on Metaphysics

Metaphysics means simply philosophizing about reality. The sixth principle means that rights depend on reality, and our knowledge of rights depends on our knowledge of reality.

By this point in our argument, some are probably feeling impatient. These impatient ones are common-sensical people, uncorrupted by the chattering classes. They will say, "Of course. We know all this. Get on with it. Get to the controversial stuff." Ah, but I suspect we began with the controversial stuff. For not all are impatient; others are uneasy. "Too simplistic," "not nuanced," "a complex issue"—do these phrases leap to mind as shields to protect you from the spear that you know is coming at the end of the argument?

The principle that morality depends on metaphysics means that rights depend on reality, or what is *right* depends on what *is*. Even if you say you are skeptical of metaphysics, we all do use the principle in moral or legal arguments. For instance, in the current debate about "animal rights," some of us think that animals do have rights and some of us think they don't, but we all agree that if they do have rights, they have animal rights, not human rights or plant rights, because they are animals, not humans or plants. For instance, a dog doesn't have the right to vote, as humans do, because dogs are not rational, as humans are. But a dog probably does have a right not to be tortured. Why? Because of what a dog is, and because we really know a little bit about what a dog really is: We really know that a dog feels pain and a tree doesn't. Dogs have feelings, unlike trees, and dogs don't have reason, like humans; that's why it's wrong to break a limb off a dog but it's not wrong to break a limb off a tree, and that's also why dogs don't have the right to vote but humans do.

7. Moral Arguments Presuppose Metaphysical Principles

The main reason people deny that morality must (or even can) be based on metaphysics is that they say we don't really know what reality is, we only have opinions. They point out, correctly, that we are less agreed about morality than science or everyday practical facts. We don't differ about whether the sun is a planet or whether we need to eat to live, but we do differ about things like abortion, capital punishment, and animal rights.

But the very fact that we argue about it—a fact the skeptic points to as a reason for skepticism—is a refutation of skepticism. We don't argue about how we feel, about subjective things. You never hear an argument like this: "I feel great." "No, I feel terrible."

For instance, both pro-lifers and pro-choicers usually agree that it's wrong to kill innocent persons against their will and it's not wrong to kill parts of persons, like cancer cells. And both the proponents and opponents of capital punishment usually agree that human life is of great value; that's why the proponent wants to protect the life of the innocent by executing murderers and why the opponent wants to protect the life even of the murderer. They radically disagree about how to apply the principle that human life is valuable, but they both assume and appeal to that same principle.

8. Might Making Right

All these examples so far are controversial. How to *apply* moral principles to these issues is controversial. What is not controversial, I hope, is the principle itself that

human rights are possessed by human beings because of what they are, because of their being—and not because some other human beings have the power to enforce their will. That would be, literally, "might makes right." Instead of putting might into the hands of right, that would be pinning the label of "right" on the face of might: justifying force instead of fortifying justice. But that is the only alternative, no matter what the political power structure, no matter who or how many hold the power, whether a single tyrant, or an aristocracy, or a majority of the freely voting public, or the vague sentiment of what Rousseau called "the general will." The political form does not change the principle. A constitutional monarchy, in which the king and the people are subject to the same law, is a rule of law, not of power; a lawless democracy, in which the will of the majority is unchecked, is a rule of power, not of law.

9. Either All Have Rights or Only Some Have Rights

The reason all human beings have human rights is that all human beings are human. Only two philosophies of human rights are logically possible. Either all human beings have rights, or only some human beings have rights. There is no third possibility. But the *reason* for believing either one of these two possibilities is even more important than which one you believe.

Suppose you believe that all human beings have rights. Do you believe that all human beings have rights *because they are human beings*? Do you dare to do metaphysics? Are human rights "inalienable" because they are inherent in human nature, in the human essence, in the human being, in what humans, in fact, are? Or do you believe that all human beings have rights *because some human beings say so*—because some human wills have declared that all human beings have rights? If it's the first reason, you are secure against tyranny and usurpation of rights. If it's the second reason, you are not. For human nature doesn't change, but human wills do. The same human wills that say today that all humans have rights may well say tomorrow that only some have rights.

10. Why Abortion Is Wrong

Some people want to be killed. I won't address the morality of voluntary euthanasia here. But clearly, *involuntary* euthanasia is wrong; clearly, there is a difference between imposing power on another and freely making a contract with another. The contract may still be a bad one, a contract to do a wrong thing, and the mere fact that the parties to the contract entered it freely does not automatically justify doing the thing they contract to do. But harming or killing another against his will, not by free contract, is clearly wrong; if that isn't wrong, what is?

But that's what abortion is. Mother Teresa argued, simply, "If abortion is not wrong, nothing is wrong." The fetus doesn't want to be killed; it seeks to escape. Did you dare to watch *The Silent Scream*? Did the media dare to allow it to be shown? No, they will censor nothing except the most common operation in America.

11. The Argument From the Nonexistence of Nonpersons

Are persons a subclass of humans, or are humans a subclass of persons? The issue of distinguishing humans and persons comes up only for two reasons: the possibility that there are nonhuman persons, like extraterrestrials, elves, angels, gods, God, or the Persons of the Trinity, or the possibility that there are some nonpersonal humans, unpersons, humans without rights.

Traditional common sense and morality say all humans are persons and have rights. Modern moral relativism says that only some humans are persons, for only those who are given rights by others (i.e., those in power) have rights. Thus, if we have power, we can "depersonalize" any group we want: blacks, slaves, Jews, political enemies, liberals, fundamentalists—or unborn babies.

A common way to state this philosophy is the claim that membership in a biological species confers no rights. I have heard it argued that we do not treat any other species in the traditional way—that is, we do not assign equal rights to all mice. Some we kill (those that get into our houses and prove to be pests); others we take good care of and preserve (those that we find useful in laboratory experiments or those we adopt as pets); still others we simply ignore (mice in the wild). The argument concludes that therefore, it is only sentiment or tradition (the two are often confused, as if nothing rational could be passed down by tradition) that assigns rights to all members of our own species.

12. Three Pro-Life Premises and Three Pro-Choice Alternatives

We have been assuming three premises, and they are the three fundamental assumptions of the pro-life argument. Any one of them can be denied. To be pro-choice, you *must* deny at least one of them, because taken together they logically entail the pro-life conclusion. But there are three different kinds of pro-choice positions, depending on

which of the three pro-life premises is denied.

The first premise is scientific, the second is moral, and the third is legal. The scientific premise is that the life of the individual member of every animal species begins at conception. (This truism was taught by all biology textbooks before *Roe* and by none after *Roe*; yet *Roe* did not discover or appeal to any new scientific discoveries.) In other words, all humans are human, whether embryonic, fetal, infantile, young, mature, old, or dying.

The moral premise is that all humans have the right to life because all humans are human. It is a deduction from the most obvious of all moral rules, the Golden Rule, or justice, or equality. If you would not be killed, do not kill. It's just not just, not fair. All humans have the human essence and, therefore, are essentially equal.

The legal premise is that the law must protect the most basic human rights. If all humans are human, and if all humans have a right to life, and if the law must protect human rights, then the law must protect the right to life of all humans.

If all three premises are true, the pro-life conclusion follows. From the pro-life point of view, there are only three reasons for being pro-choice: scientific ignorance—appalling ignorance of a scientific fact so basic that nearly everyone in the world knows it; moral ignorance—appalling ignorance of the most basic of all moral rules; or legal ignorance—appalling ignorance of one of the most basic of all the functions of law. But there are significant differences among these different kinds of ignorance.

Scientific ignorance, if it is not *ignoring*, or deliberate denial or dishonesty, is perhaps pitiable but not morally blame-worthy. You don't have to be wicked to be stupid. If you believe an unborn baby is only "potential life" or a "group of cells," then you do not believe you are killing a human being when you abort and might have no qualms of conscience about it. (But why, then, do most mothers who abort feel such terrible pangs of conscience, often for a lifetime?)

Most pro-choice arguments, during the first two decades after *Roe*, disputed the *scientific* premise of the pro-life argument. It might be that this was almost always dishonest rather than honest ignorance, but perhaps not, and at least it didn't directly deny the essential second premise, the *moral* principle. But pro-choice arguments today increasingly do.

Perhaps pro-choicers perceive that they have no choice but to do this, for they have no other recourse if they are to argue at all. Scientific facts are just too clear to deny, and it makes no legal sense to deny the legal principle, for if the law is not supposed to defend the right to life, what is it supposed to do? So they have to deny the moral principle that leads to the pro-life conclusion. This, I suspect, is a vast and major sea change. The camel has gotten not just his nose, but his torso under the tent. I think most people refuse to think or argue about abortion because they see that the only way to remain pro-choice is to abort their reason first. Or, since many pro-choicers insist that abortion is about sex, not about babies, the only way to justify their scorn of virginity is a scorn of intellectual virginity. The only way to justify their loss of moral innocence is to lose their intellectual innocence.

If the above paragraph offends you, I challenge you to calmly and honestly ask your own conscience and reason whether, where, and why it is false.

13. The Argument from Skepticism

The most likely response to this will be the charge of dogmatism. How dare I pontificate with infallible certainty, and call all who disagree either mentally or morally challenged! All right, here is an argument even for the metaphysical skeptic, who would not even agree with my very first and simplest premise, that we really do know what some things really are, such as what an apple is. (It's only after you are pinned against the wall and have to justify something like abortion that you become a skeptic and deny such a self-evident principle.)

Roe used such skepticism to justify a pro-choice position. Since we don't know when human life begins, the argument went, we cannot impose restrictions. (Why it is more restrictive to give life than to take it, I cannot figure out.) So here is my refutation of *Roe* on its own premises, its skeptical premises: Suppose that not a single principle of this essay is true, beginning with the first one. Suppose that we do not even know what an apple is. Even then abortion is unjustifiable.

Let's assume not a dogmatic skepticism (which is self-contradictory) but a skeptical skepticism. Let us also assume that we do not know whether a fetus is a person or not. In objective fact, of course, either it is or it isn't (unless the Court has revoked the Law of Noncontradiction while we were on vacation), but in our subjective minds, we may not know what the fetus is in objective fact. We do know, however, that either it is or isn't by formal logic alone.

A second thing we know by formal logic alone is that either we do or do not know what a fetus is. Either there is "out there," in objective fact, independent of our minds, a human life, or there is not; and either there is knowledge in our minds of this objective fact, or there is not.

So, there are four possibilities:

1. The fetus is a person, and we know that; The fetus is a person, but we don't know that; The fetus isn't a person, but we don't know that;
2. The fetus isn't a person, and we know that. What is abortion in each of these four cases?

In Case 1, where the fetus is a person *and you know that*, abortion is murder. First-degree murder, in fact. You deliberately kill an innocent human being.

In Case 2, where the fetus is a person and you *don't* know that, abortion is manslaughter. It's like driving over a man-shaped overcoat in the street at night or shooting toxic chemicals into a building that you're not sure is fully evacuated. You're not sure there is a person there, but you're not sure there isn't either, and it just so happens that there is a person there, and you kill him. You cannot plead ignorance. True, you didn't know there was a person there, but you didn't know there *wasn't* either, so your act was literally the height of irresponsibility. This is the act *Roe* allowed.

In Case 3, the fetus isn't a person, *but you don't know that*. So abortion is just as irresponsible as it is in the previous case. You ran over the overcoat or fumigated the building without knowing that there were no persons there. You were lucky; there weren't. But you didn't care; you didn't take care; you were just as irresponsible. You cannot legally be charged with manslaughter, since no man was slaughtered, but you can and should be charged with criminal negligence.

Only in Case 4 is abortion a reasonable, permissible, and responsible choice. But note: What makes Case 4 permissible is not merely the fact that the fetus is not a person but also your knowledge that it is not, your overcoming of skepticism. So skepticism counts not for abortion but against it. Only if you are not a skeptic, only if you are a dogmatist, only if you are certain that there is no person in the fetus, no man in the coat, or no person in the building, may you abort, drive, or fumigate.

This undercuts even our weakest, least honest escape: to pretend that we don't even know what an apple is, just so we have an excuse for pleading that we don't know what an abortion is.

One Last Plea

I hope a reader can show me where I've gone astray in the sequence of 13 steps that constitute this argument. I honestly wish a pro-choicer would someday show me one argument that proved that fetuses are not persons. It would save me and other pro-lifers enormous grief, time, effort, worry, prayers, and money. But until that time, I will keep arguing, because it's what I do as a philosopher. It is my weak and wimpy version of a mother's shouting that something terrible is happening: Babies are being slaughtered. I will do this because, as Edmund Burke declared, "The only thing necessary for the triumph of evil is that good men do nothing."