Foetuses are Not Adult Humans: A Response to Calum Miller on Abortion

*Calum Miller has recently argued that foetuses have the same inherent value as non-disabled adults. However, we do not need to postulate some property possessed equally by all humans, including foetuses, in order to explain the equality of non-disabled adults. It would suffice if there were some property possessed by all non-disabled adults, but not by foetuses.*

A response to:

Human equality arguments against abortion.

*J Med Ethics* 2023;49:569—72.

<https://doi.org/10.1136/jme-2022-108572>

<https://jme.bmj.com/content/49/8/569>

By Calum Miller.

My titular claim, that foetuses are not adult humans, may seem trivial. Surely no one thinks that foetuses *are* adult humans. But Calum Miller has recently argued that foetuses have *the same inherent value* as non-disabled adults.[1] While this position does not itself suffice to show that abortion is wrong, it could support anti-abortion arguments, such as that recently offered by Blackshaw and Rodger, which is conditional on foetal personhood.[2]

Miller’s argument has already been criticised by others. For instance, Joona Räsänen and Alexander Bozzo each argue that human equality can be based on scalar properties.[3-4] I will not pursue this line of criticism, since Miller has responded to it elsewhere.[5-6] Rather, I offer a different objection. We do not need to postulate some property possessed equally *by all humans*, including foetuses, in order to explain the equality of non-disabled adults. It would suffice if there were some property possessed by all non-disabled adults, but not by foetuses.

Miller’s Argument

Miller gives an admirably clear formulation of what he refers to as his ‘basic argument’.[1] However, I have reformulated the key steps below, to better highlight the logic of the argument. This is intended to change only the presentation (including the order, and therefore numbering, of the premises), but not the substance of the argument.

P1. If humans’ inherent value is based on a property that comes in degrees, then *non-disabled adult humans* are not moral equals.

P2. *Non-disabled adult humans* are moral equals.

C1. Humans’ inherent value is not based on a property that comes in degrees.

P3. If humans’ inherent value is not based on a property that comes in degrees, then it must be based on a property that *all humans* possess equally [humanism].

C2. Therefore, humans’ inherent value must be based on a property that *all humans* possess equally.

This argument is logically valid. Its first step, from P1 and P2 to C1, is an instance of logical inference known as *modus tollens*. The second step, from C1 and P3 to C2, is an instance of *modus ponens*. Therefore, if the three premises (P1, P2, and P3) are true, the conclusion (C2) must also be true.

Note though that premises P1 and P2 only concern non-disabled adults, not all humans. This is crucial to the persuasiveness of the argument. If P2 instead asserted the equality of *all* human beings, including foetuses, it would be question-begging, since this is what the argument is supposed to establish. This is why Miller employs a more modest premise, intended to be acceptable to his opponents. However, this has the result of undermining P3.

Limited Equality

P3 may look like it simply states a logical truth: either the basis of human equality is something that all humans possess equally or it is not. But, actually, P1 and P2 only concern non-disabled adults, not all humans. So, whatever property explains this need not be something that *all* humans possess equally. It would suffice if there were some property possessed equally by all non-disabled adults, but not by foetuses. (This could mean that foetuses do not possess the property at all, or that they possess it to some lesser degree than non-disabled adults.) Therefore, P3 is false and Miller’s argument is unsound.

Of course, it remains an open question whether there is any property that is shared equally by all non-disabled adults but not by all humans. Thus, Miller could respond that humanism still offers the most promising explanation for the equality of non-disabled adults. However, this is not proven by the logic of his argument. It remains possible that there is some property shared by all non-disabled adults, but not by young children or foetuses. This might, for instance, have something to do with independence or the development of certain potentialities.

Speciesism

Further, while humanism may offer a simple explanation for human equality, it also appears to involve arbitrary discrimination. According to the humanist, an individual being’s moral value depends on not on its individual capacities or characteristics, but rather those typical of its species.[6] However, basing individual treatment on group membership, rather than individual characteristics, is generally considered unjust in other contexts.[7] This is why humanism is sometimes considered a form of speciesism, paralleling other forms of discrimination, such as racism or sexism.

I would consider individual characteristics often more morally relevant than species-norms. If we were to find a non-human animal possessing human levels of value-grounding properties, then I would be inclined to grant it similar rights, despite being atypical for its species. Conversely, if a human being lacks value-grounding properties, I do not see why they should be granted rights simply in virtue of their species membership. Indeed, the fact that P2 is restricted to *non-disabled adults* allows for the possibility that other humans have less value. If children need not be considered equal to adults, then it seems implausible that foetuses should be.

Conclusion

Miller argues that humanism provides the best explanation for the equality of non-disabled adults. However, humanism implies the equality not only of non-disabled adults, but also of foetuses. Miller welcomes this implication, but not everyone agrees. Others may think that humanism proves too much, because we do not have to posit the equality of all humans (including foetuses) in order to affirm the equality of non-disabled adults. There is no logical inconsistency in holding that foetuses lack some property possessed equally by all non-disabled adults.

References

[1] Miller C. Human equality arguments against abortion. *J Med Ethics* 2023;49:569—72.

[2] Blackshaw B, Rodger D. If fetuses are persons, abortion is a public health crisis. *Bioethics* 2021;35:465—72.

[3] Räsänen J. Egalitarianism, moral status and abortion: a reply to Miller. *J Med Ethics* 2023;49:717—18.

[4] Bozzo A. Abortion and the basis of equality: a reply to Miller. *J Med Ethics*.

[5] Miller C. Sub-humans, human flourishing, and abortion: a reply to Räsänen. *J Med Ethics.*

[6] Miller C. Human equality and the impermissibility of abortion: a response to Bozzo. *J Med Ethics*.

[7] Ireland TR. The relevance of race research. *Ethics* 1974;84:140—45.