

Melinda A. Roberts

Abortion and the Moral Significance of Merely Possible Persons: Finding Middle Ground in Hard Cases.

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Abortion and the Moral Significance of Merely Possible Persons: Finding Middle Ground in Hard Cases is volume 107 in the ‘Philosophy and Medicine’ series published by Springer. The book lists six chapters of varying length from 2 to 50 pages, and three short appendixes. Overall, Roberts addresses too many problems in too little space in an attempt to defend Variabilism (Roberts’ capitalization), which amounts to solving hard abortion cases by definitional fiat.

Roberts begins by stating two goals: to give an account of the ‘moral significance of merely possible persons’ (1), and to apply that account—Variabilism—to the problem of abortion. She succeeds at both goals, but the success isn’t useful in the abortion debate. What readers learn early on is Variabilism attempts to satisfy the general intuitions that early abortion is morally permissible and late abortion is typically not morally permissible. To show Variabilism does this, Roberts guides the reader through several moral issues and problems, including the non-identity problem, Pareto principles, otherwise plausible permissible theories, and the asymmetry problem. Through this tour of problems and theses Roberts provides precise definitions to her cases allowing Variabilism to constitute a coherent view to solve these moral problems, but coherence is a long way from being both convincing and true. And as the subtitle portends, we are to find a middle ground on hard cases, but the middle ground Roberts finds is more political than metaphysical. Moreover, in the main text and footnotes, Roberts claims she hasn’t begged any questions; and while it seems a legitimate charge, begging the question is hardly the worst of what’s wrong with Variabilism.

Variabilism states everyone matters morally at the possible or actual world where they are thinking things or persons. Roberts repeats this throughout the text, but each version is equivalent to this: ‘According to that middle ground—Variabilism—we all—existing, future *and* merely possible—*matter morally*, but we all *matter variably*’ (9). Roberts then claims of everyone (actual, future, or merely possible) that ‘the moral significance of any loss [is] just a matter of *where* that loss is incurred in relation to the person who incurs it’ (9). In essence, moral assessments of losses vary depending on where they happen—a merely possible person in our actual world couldn’t suffer a loss, but that same person could sustain a morally significant loss in another possible world where they have had their first thought.

In section 7 of Chapter 1, Roberts introduces ‘The New Abortion Debate’ with the following argument: Premise 1, ‘Merely possible persons *matter morally*, in just the same way that you and I matter morally’; Premise 2, ‘Early abortion often imposes a very great and very deep loss on a merely possible person...’ (30). From these two premises she

writes ‘we might conclude’ that ‘[e]arly abortion is *often wrong*’ (30). This argument is neither valid nor inductively strong, and the first premise is difficult to defend. For if merely possible people matter morally, then we have lots of obligations to people who never exist. But Roberts wants us to realize that Variabilism defends the practice of early abortion and makes late abortion impermissible, in most cases. However, the reader soon learns Roberts has a few non-standard definitions of early and late abortion. Early and late abortions are not defined by a gestational time frame, like first trimester or third trimester, but rather by whether or not a person (fetus) has had their first thought. Of course the definition of a person is essential in assessing the moral permissibility of abortion in these cases.

On ‘early abortion’ Roberts writes that it is ‘the choice not to bring a person into existence to begin with’ (24). And ‘late abortion’ is defined as ‘the choice to end the life of an already existing person’ (24). Moreover, in Chapter 5 Roberts states: ‘late abortion, then, by definition is just the abortion of the late fetus’ defined as ‘limited to the fetus that has already engaged in that first thought and that has already acquired the capacity to survive’ (151). If these definitions strike one as non-standard, it is because they are. To understand what they mean, one has to understand Roberts’s definition of ‘person’—Roberts’s self-proclaimed first assumption.

‘The first assumption is that being a *person* and being a *thinking thing* are connected’ (4). Roberts elaborates on this major assumption by claiming: ‘the most contentious point made so far may just be that a pregnancy does not involve a person until the point in the pregnancy at which *thinking* itself has emerged’ (26). So Roberts will concede that pregnancies involve human organisms, fetuses, but those fetuses aren’t persons until they are thinking things. And *pace* those who like Judith Thomson grant personhood to fetuses while defending abortion, Roberts does not grant the premise that all human organisms are persons. For Roberts, being a person is to be something that matters morally. Under this Thinking Thing Account, she claims: ‘What it really says is that *thinking* and *matter morally*—that is, being a *person*—come together’ (28). The thinking thing account, her second major assumption, is a major definitional resource motivating Variabilism.

Variabilism, the middle ground, is contrasted with two general views: exclusion and inclusion. Exclusion in its various forms denies that merely possible people have losses or, put the other way around, ‘only those persons who do or will exist in what is the uniquely *actual* world matter morally’ (60). Inclusion is the view that ‘*all* losses incurred by *all* persons at *all* worlds...matter morally’ (74), and this is true even if the losses are for a person who never exists in that world. So we can see that in light of these two extreme views, Variabilism seems a reasonable alternative. Exclusion is the more prevalent view, but certain objections push people to the alternative of inclusion. Variabilism is to be the best of both worlds, and of it Roberts writes: ‘A loss incurred by a person at a world is devoid of moral significance for purposes of evaluating the act that imposes that loss or any alternative to that act if that loss is incurred at a world where the person who incurs the loss never exists at all. Incurred, however, at a world where that person does or will exist, a loss will have full moral significance’ (76). For Variabilism

claims that in worlds where people exist as thinking things, the losses for those people matter morally in that world. If they don't exist as thinking things in the world, then they don't matter morally in the world. Thus, abortion would be impermissible in the world where a person would suffer the loss, and permissible in the world where the person wouldn't suffer the loss. The moral status of the loss varies depending on which world the person who has the loss is in. But what counts for something to be a loss doesn't vary across worlds.

Essentially, Roberts has defined early abortion as morally permissible and late abortion as not morally permissible by defining 'person', 'early' and 'late' abortion in such a way that removes the hard cases. The early and lateness isn't about a period in the development of a fetus. In Roberts' Variabilism-supported view, an abortion is an early abortion if the fetus hasn't had a thought and late if the fetus has had a thought and could survive. After articulating the two Variabilism options on abortion, she writes: 'I believe that the two main claims just articulated—that early abortion is ordinarily permissible and late abortion ordinarily wrong—represents important middle ground on abortion' (161). She claims it is middle ground because 'political conservatives and some religious leaders who disdain abortion at any stage of pregnancy' (161) need to give up ground (their objections) to early abortion and embrace the wrongness of late abortion. By the same reasoning she thinks 'progressives who think abortion is permissible throughout pregnancy' (161) need to give up ground on late abortions and defend early abortion. Variabilism is a political middle ground between these two camps forged on the back of Variabilism's definitions.

The book is ambitious and includes material on a large number of issues not covered here, but this is no virtue. In an attempt to show how Variabilism can account for a wide variety of moral intuitions in a variety of cases from abortion to non-identity problems, Roberts does not succeed. For example, Chapter 4 simply summarizes three anti-early-abortion views of R. M. Hare, Don Marquis, and Elizabeth Harman. These views don't require a thinking condition for moral status and avoid the issue of when something becomes a person. The chapter doesn't fit with the rest of the work dialectically and seems out of place. And many of the cases used to motivate Variabilism aren't similar enough to hard abortion cases to make comparison relevant.

Although clear in articulating many complex views and problems, Roberts doesn't advance the abortion debate. Her attempt to make a pragmatic, political point out of a lot of metaphysical and philosophical slight of hand is ill conceived and often poorly executed. The hard cases of abortion have been defined away by Variabilism, and we are left in a middle ground where '[t]he middle abortion thus represents an epistemic category, not a moral one' (152). And with no help on the epistemic side in sight, we are left with the same hard cases with no real middle ground because the hard cases don't vary in any world possible or actual.

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