

not be found, held, or adequately drawn. The version used in the abortion controversy says that the development of a human being from conception through birth into childhood is continuous and that to draw a line in this process is to make an arbitrary choice, a choice for which in the nature of things no good reason can be found or given. St. John-Stevas and others maintain that, since there is no qualitative difference between the embryo at the moment of conception and at the moment of quickening, the embryo must be considered a human being.¹

AS I HAVE SUGGESTED elsewhere,² this argument is fallacious. I thought, and still think, that it makes about as much sense to say that a fetus is a human being as it does to say that an acorn is an oak tree.

The analogy runs as follows: If an acorn is destroyed has a tree been killed? I think not. Something has been killed. Admittedly, the living seed of an oak tree has been killed. But it is mere confusion to suggest that the killing of a seed of a tree is the same as killing a tree. The seed and the tree may both be members of the same growth form. But the seed is a member of the class of unborn progeny; the tree is not. Hence to say that a seed of an oak tree is an oak tree is to say (at least in part) that unborn progeny are born progeny.

An explanation was also advanced as to why speakers rarely make mistakes when talking about acorns and oak trees, but err when talking about more exalted matters. The assumption being made, which I regard as mistaken, is that the meaning of a compound noun is always the result of a simple combination of nonambiguous components and that this combination never involves a shift in meaning. I suggested that the word *being* is ambiguous:

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Abortion and the Slippery Slope

Consider the question of whether or not we can correctly say that a human fetus is a human being. I am inclined to believe that a negative answer is correct. Others disagree. They maintain that the fetus is a human being and usually advance some version of the "slippery slope" argument in support of that claim.

The general form of the argument is that, since in the nature of things all change is discrete and continuous, lines or boundaries can-

¹ Norman St. John-Stevas, *The Right to Life* (New York: Holt, Rinehart & Winston, 1964), p. 32. For similar arguments, see: T. Goodrich, "The Morality of Killing," *Philosophy*, April 1969, p. 137; John D. Dingell, *U.S. Congressional Record*, 91st Congress, 2d Sess., 1970, vol. 116, no. 182, pp. H10288-89.

² "Abortion and the Argument from Innocence," *Inquiry*, Summer 1971, pp. 149-51; "The Term 'Human Being' and the Problem of Abortion," *Names*, September 1971, pp. 221-22.

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*being*₁ signifies "that which has existence," while *being*₂ signifies "an individual that has or has had an independent nature capable of sustaining and regulating its own metabolic pattern (in short, nonspecific being and independent being). A fluent speaker, I went on to argue, would not say that every human fetus (*being*₁) is a human *being*₂ because he understands that in essence this is to assert that all unborn human progeny are born human progeny, and that this is self-contradictory. I continue to think it is enlightening to compare a fetus to an acorn, that it is self-contradictory to assert that every human fetus (*being*₁) is a human *being*₂, and that the lines drawn in the language reflect important distinctions. Not only are there objective differences, but I seriously doubt whether a pregnant woman or a mother would view the distinction between unborn and born progeny to be as arbitrary and unimportant as our "slippery slope" minded colleagues would have us believe. However, there is a point upon which I was mistaken. It was a mistake to believe that such fallacies occur simply because of semantic oversight or confusion.

LINES CAN BE, and are, reasonably drawn, especially in the case of material objects and related processes. Better yet and a stronger claim, for the fluent speaker,³ all material object words and related processes denote perfectly determinate classes. When deciding whether or not something is to be named by linguistic items of this kind, the fluent speaker is never troubled by borderline cases. He, for example, has no difficulty in distinguishing water from ice, acorns from oak trees, and fetuses from born progeny.

Whether or not certain levels of language are perfectly determinate is not important; at least not in this context. What is important is that advocates of the "slippery slope" should be taking the opposite tack. If they were consistent they would argue that all material-object and related-process words are indeterminate or vague. But they do not. They do not, and I suspect would not, want to argue that we cannot reasonably distinguish red from

³ A fluent speaker is "one who has perfect linguistic competence and whose performance matches that competence."

orange, milk from cheese, and acorns from oak trees. But if this is the case, why should the "slippery slope" be used in the abortion debate? Why, so to speak "pick on" the term human being?

We do not have to look far for an answer. Bart Heffernan, in his Amicus Curiae Brief,⁴ provides part of the explanation when he says that "Human life is a continuum, and if those at one end can be exterminated, why not those at the other?"⁵ Or, as a colleague has asked: once you draw new lines, once you say it is permissible to kill human fetuses (that is, to kill less than fully potential human beings), then how does one limit the killing to that of fetuses? How does one hold the line and prevent the killing of the mentally retarded, the handicapped, the elderly, or members of any group who have not achieved, or have lost, their full potential as human beings?

As might be expected, we have an answer to our question, but the answer is less credulous than the original argument. Why is it that adequate lines can be drawn between permissible and nonpermissible killing, but cannot be drawn between born and unborn progeny? Is the line between permissible killing and nonpermissible killing more natural than the line between the unborn and the born? Is human life more of a continuum than a series of graded acts of killing? Moreover, why can't we hold the newly proposed line? If we can kill in self-defense, in capital punishment, and in wartime, if these exceptions can be made, then why can't abortion be another exception? Why is the line between a combatant and noncombatant in wartime (to choose just one example) easier to hold than the line between killing human fetuses and killing human beings?

The basic issue here is whether or not the idea of killing is contagious. That is, whether or not a person, group, or society—exposed to actual killing or the idea of sanctioned killing—universalizes and thereby extends this domain. I think this question is best answered in

⁴ Brief and Appendices of Dr. Bart Heffernan, Amicus Curiae in Support of Appellant. *United States of America vs. Milan Vuitch*, Supreme Court of the United States, October 1970, No. 84, pp. 1-45.

⁵ *Ibid.*, p. 26.

the negative: there is overwhelming evidence that human beings compartmentalize their ideas, and it is only when the normal process of compartmentalization breaks down that one encounters difficulties.⁶

This doesn't mean human beings don't make mistakes. But it does mean that in the normal process of generalization there are constraints. And one of the more important constraints is that the process is limited by the concept of "same kind or same class of objects." For example, if we crush an insect and believe this to be a permissible act, we do not conclude that it is permissible to kill all living things. We only conclude that it is permissible to kill that

⁶For a treatment of this and related issues, see: the section on consequentialist arguments in my paper "The Sanctity of the Life Principle," *Humanistic Perspectives in Medical Ethics*, ed. Maurice Visscher (Buffalo: Prometheus Books), forthcoming.

kind of insect, or at most, all kinds of insects. Similarly, if we are taught to kill Nazis and the criteria for a Nazi and the circumstances of permissible killings are clearly spelled out, we do not kill all German nationals (although of the possible mistakes this is probably the most likely). We do not mistakenly generalize and kill all Europeans. Nor do we proceed, either in fact or in mind, to kill all human beings.

Of course it would be absurd to deny that the ability to draw and hold conceptual lines is a function of intelligence. But the level of intelligence required is not high, and the man of average intelligence easily makes these distinctions and judgments. I say this because it is important to strike out against the view which maintains that new or heterodox views of morals ought not be considered or taught, because the masses are unintelligent. Although this is a favorite elitist tactic, it is, nonetheless, pernicious nonsense. □

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