

THE MORAL SAFETY ARGUMENT

I. The Argument

A. Statement:

- (i) It is unclear whether or not the fetus is a person (in the sense of having a right to life).
 - (ii) If it is unclear whether or not a thing is a person (in the sense of having a right to life), we should treat it as if it is a person (*i.e.*, as if it has a right to life).
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- (iii) We should treat the fetus as if it is a person (*i.e.*, as if it has a right to life).

B. Justification of the premises

1. *Premise (i)*: Ordinarily this premise is justified by appeal to the long-standing disagreement among people of goodwill and intelligence. Sometimes it is claimed that the objective evidence is actually conflicting, but to justify this latter claim, one must say what evidence is relevant to being a person (in the sense of having a right to life). This is seldom done, and (in any case) this would not allow us to *avoid* the issue of what is required for an entity to have a right to life.
2. *Premise (ii)*: It is because of the defense of this premise that we consider this a Moral Safety Argument. The defense is as follows: Assume that it is unclear whether something has a right to life. Suppose we treat it as if it does *not* have a right to life (*e.g.*, kill it for food or convenience) and we turn out to be wrong. In that case, we have done something dreadfully bad. On the other hand, if we treat it as if it does have a right to life and we turn out to be wrong, there is relatively little lost. Safety (here, being safe from doing something morally horrible) requires that we treat such a thing as if it does have a right to life.

II. Criticisms

A. Of Premise (ii):

1. As stated this premise is plausible only if either: (a) there is *absolutely nothing* to lose by treating the thing as if it had a right to life, or (b) the mere possibility of treating something which turns out to have a right to life as if it did not is so morally serious that it must be avoided at any cost.
 - a. The first possibility is just not true. If we treat the fetus as if it has a right to life and we turn out to be wrong, then we have unjustifiably interfered with a woman's right to control her body. This is a serious infringement on liberty and could, in some cases, have very serious physical and/or psychological ramifications for the woman.
 - b. The second view is plausible and often claimed to be true. But no one acts as if it is really true. We were allowing dolphins to be killed in the catching of tuna long before we had any clear idea of what their abilities and capacities were—whether they had what it takes to have a right to life. Furthermore, many things we do have some chance of killing an innocent person. But we don't think that these acts are uniformly wrong.
2. The premise needs to be restated to include (as is suggested by its justification) the requirement that there is relatively little to be lost (morally speaking) by treating the thing

as if it does have a right to life even if we turn out to be wrong. But since we are then in the business of weighing the chances of a very serious wrong against a less serious wrong, we need to know (at least roughly) what are the chances of being wrong either way. This requires us to say more about what it means to say that it is “unclear” whether a thing is a person. And this, as we will see, requires us to say much more about what it is to be a person.

B. Equivocation in the Argument

1. Premise (i) will be accepted by those in favor of a pro-choice position only if it is interpreted to mean that there is no universally agreed upon answer to the question of whether the fetus is a person. Most defenders of the pro-choice position believe that the evidence that the fetus does not have a right to life is clear enough.
 - a. To avoid the fallacy of equivocation, we need to interpret the word ‘unclear’ in premise (ii) in the same way.
 - (1) But understood this way, premise (ii) is not plausible.

Example: Killing a non-human animal (a cow, for instance) in a society in which there is not universal agreement about whether animals of that sort have a right to life.
2. If we interpret ‘unclear’ in premise (ii) to mean that the objective evidence is insufficient to warrant any conclusion about the status of the thing, then that premise is more plausible (at least modified as suggested above (II.A.2.)). But then, in order to avoid the fallacy of equivocation, the word ‘unclear’ in premise (i) needs to be interpreted in this same way. But, of course, this is exactly what the defender of a pro-choice position denies. Thus, this argument doesn’t allow us to avoid completely the personhood issue (even if it might allow a conclusion about abortion do be drawn in the absence of *certainty* about the status of the fetus). We must still determine what it *means* to be a person (in the sense of having a right to life) and how *likely* it is that the fetus is a person in this sense.
3. *Summary of the Equivocation Charge:* The moral safety argument (as stated) seems to commit the fallacy of equivocation. To avoid equivocation, one must either interpret premise (ii) in a way that makes it false, or one must interpret premise (i) in a way that makes it question-begging.