

What's different about a fetus?

Four things differentiate a human fetus from a newborn. They're easy to remember with the acronym SLED.

Size and physical appearance: Larger, more attractive people do not have more rights than others. The civil rights movement has established beyond a doubt that discrimination based on physical attributes is wrong.

Level of development: In a democracy, people do not lose rights simply because they lack the abilities possessed by others.

Environment: Fetuses within the womb can be killed, but those of the same age who are born prematurely receive full legal protection. And yet, intuitively, we know that one's status as a person does not change when they change locations.

Degree of dependency: All children are dependent on caregivers, as are people with disabilities. The idea that degree of dependency defines one's value insults the equality of these persons.



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Who is a person?



“When we question whether someone is a person, it is because we want to kill him. We do this with our enemies in wartime, or with anyone we would like to enslave or exploit. Before we can feel comfortable treating others this way, we have to expel them from the human community. But there's just no logical reason to expel the unborn.”

Frederica Matthewes-Green,
author



“It seems to me clear as daylight that abortion would be a crime.”

Mahatma Gandhi

"If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [Fourteenth] Amendment."

Majority opinion in *Roe v Wade*

Legal Definitions

Who is a person? *Roe v Wade* relied on legal definitions of personhood. Legal personhood is not a fixed idea. For instance, the Virginia Supreme Court in 1858 declared that "in the eyes of the law... a slave is not a person." Similarly, Native Americans, women, and other minorities have been excluded from the legal definition of "person" at various points in history, and non-human entities such as corporations have been included. From the perspective of human rights, reliance on such an arbitrary definition of personhood is unacceptable. The Universal Declaration of Human Rights states "everyone has the right to recognition everywhere as a person before the law."

"An Indian is not a person within the meaning of the Constitution."
– American Law Review, 1881

"In the eyes of the law... the slave is not a person."

–Virginia Supreme Court decision, 1858

"The Reichsgericht itself refused to recognize Jews... as 'persons' in the legal sense."

–German Supreme Court decision, 1936

"The statutory word 'person' did not in these circumstances include women."

– British voting rights case, 1909

Philosophical Definitions

Are "persons" those who can sustain their lives independently?

This definition is inadequate because many human persons, such as kidney dialysis patients, people with disabilities, and young children, require outside help to remain alive.

Are "persons" those who are part of society?

Humans who cannot communicate (or who choose not to, such as hermits) are still persons with rights.

Are unconscious humans merely "potential persons" without rights?

If this is so, many individuals other than the unborn do not have the rights of a person either. Newborn babies, people knocked unconscious, and coma victims should not be treated as persons. They could, if inconvenient circumstances arise, lose their right to life and be killed.

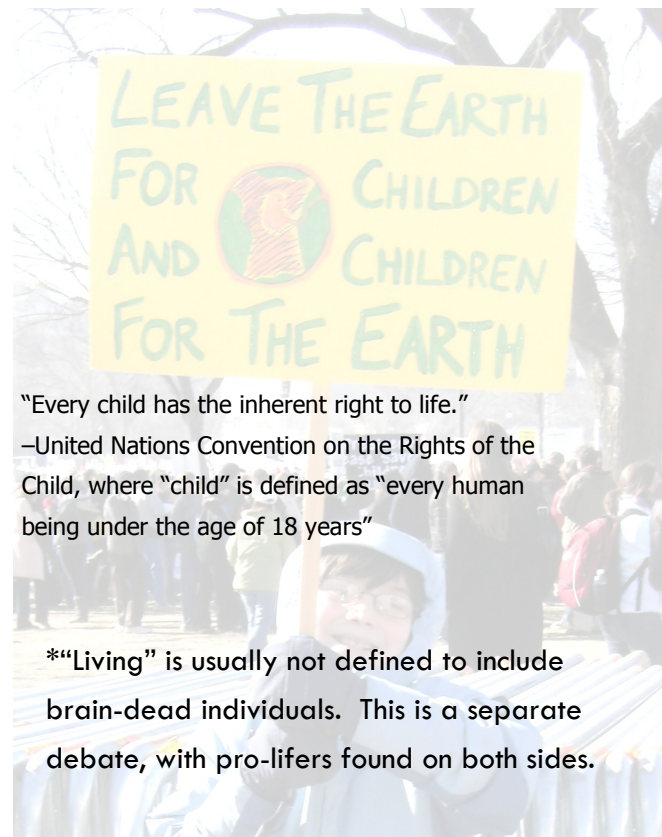
We want to be morally and logically consistent, but is this the sort of world we would wish to live in?

"Human babies are not born self-aware, or capable of grasping that they exist over time. They are not persons. [Therefore], the life of a newborn is of less value than the life of a pig, a dog, or chimpanzee."
–Peter Singer, *Practical Ethics*

"The law of Canada does not recognize the unborn child as a legal person possessing rights."
–Canadian Supreme Court

Pro-lifers believe in this simple truth:

That every living* human being, born or unborn, rich or poor, female or male, regardless of race or religion, is a valuable person with the inalienable right to life, and that recognition of this truth is key to the prevention of social injustice around the world.



"Every child has the inherent right to life."

–United Nations Convention on the Rights of the Child, where "child" is defined as "every human being under the age of 18 years"

*"Living" is usually not defined to include brain-dead individuals. This is a separate debate, with pro-lifers found on both sides.