

Dissecting Bioethics, edited by Tuija Takala and Matti Häyry, welcomes contributions on the conceptual and theoretical dimensions of bioethics.

The department is dedicated to the idea that words defined by bioethicists and others should not be allowed to imprison people's actual concerns, emotions, and thoughts. Articles that expose the many meanings of a concept, describe the different readings of a moral doctrine, or provide an alternative angle to seemingly self-evident issues are particularly appreciated. To submit an article or to discuss a suitable topic, contact Tuija Takala at tuija.takala@helsinki.fi.

What Exactly Did You Claim?

A Call for Clarity in the Presentation of Premises and Conclusions in Philosophical Contributions to Ethics

MATTI HÄYRY

Abstract: Philosophers should express their ideas clearly. They should do this in any field of specialization, but especially when they address issues of practical consequence, as they do in bioethics. This article dissects a recent and much-debated contribution to philosophical bioethics by Alberto Giubilini and Francesca Minerva, examines how exactly it fails to meet the requirement of clarity, and maps a way forward by outlining the ways in which philosophical argumentation could validly and soundly proceed in bioethics.

Keywords: abortion; Alberto Giubilini; argument; bioethics; clarity; conceptual; conclusions; descriptive; Francesca Minerva; infanticide; inquisitive; logical; normative; philosophy; premises

In a recent contribution to *Bioethics*, Francesca Minerva suggests that scholars should, in the name of academic freedom, be allowed to publish their controversial ideas anonymously.¹ In a commentary published in the same issue, I argue that academic freedom, whether defined conventionally or in

the particular way implied by Minerva, does not offer good support for her suggestion.²

Be that as it may, my preparations for writing the commentary led me to read an earlier contribution by Minerva, with Alberto Giubilini, "After-Birth Abortion: Why Should the Baby Live?"³

This article was produced as a part of the Academy of Finland project Synthetic Biology and Ethics (SA 272467, 2013-2017). The author acknowledges the academy's support with gratitude.

This is a paper on abortion, infanticide, personhood, and parental preferences. It was published in the *Journal of Medical Ethics*, became the starting point of a vivid bioethics controversy, and ended up being the main source of Minerva's worries about releasing contentious material under her own name.

What surprised me in reading this article, which was heatedly debated for its bold claims, was that I could not, even after a pretty meticulous analysis, detect what the claims of the paper actually were. The observation prompted me to formulate the following thoughts.

This article consists of a philosophical description of the nature of ethical arguments, a critical explication of the arguments entertained in the Giubilini-Minerva article, and a call for more clarity in the presentation of premises and conclusions in philosophical contributions to ethics.

A (Partial) Philosophical Description of Ethical Arguments

Contributions to philosophical ethics can be logical or normative or a combination of the two. Consider the following statements:

- 1) It is our paramount moral duty to minimize human suffering.
- 2) Human suffering could be minimized by the voluntary self-extinction of humankind.
- 3) It is our paramount moral duty to work for the voluntary self-extinction of humankind.

The statements can be used to form a logical argument: If (1) and (2), then (3). This argument in itself merely shows a connection between two possible premises and a conclusion. Without knowledge of the truth value of the sentences, nothing genuinely normative follows.

Normativity enters with the assertion that the premises of the argument are true: because (1) and because (2), it is the case that (3). This is a fully fledged and valid logical inference, suggesting that it might indeed be our duty to head for extinction. Validity here means that the conclusion follows from the premises. But because we do not know whether the assertion about the premises is justified, we do not have to start building the bomb just yet. We only need to consider if the argument is sound.

An argument is sound when it is valid and its premises are true. So is it our paramount moral duty to minimize human suffering? The idea sounds fairly plausible, although the word "paramount" might just be too much. And could human suffering be minimized by getting rid of humans? Well, in a weird sort of way, yes—no humans, no suffering. There could be considerable agony during the transition period, but the tranquility of the forthcoming centuries and millennia would more than compensate for that. So we may have to entertain the idea that self-extinction is our moral duty.

Here comes the interesting part, however. The idea of inferences like this is that if you resent the conclusion, you can navigate your way out simply by challenging one of the premises. Normative reasoning is unlike factual reasoning in that even the best premises do not always enjoy the kind of authority factual statements do. You may well dislike the idea that your earthly existence as an individual is limited, but because human beings are mortal and you are a human being, there is not much you can do about it. With normative reasoning, however, you can with more confidence question one of the human-made assumptions that would lead to an undesired outcome.

So if you truly dislike the idea of human self-extinction (3), you can return to the other assertions, (1) and (2), and

question one of them. This is how the deduction presented here was originally used: as a *reductio ad absurdum* (if the conclusion is absurd, then the argument cannot be sound) against a moral theory called negative utilitarianism (we should always avoid and prevent suffering).⁴ A promising ethical ideal was discredited by an unfortunate implication.

A Critical Explication of the Arguments Presented by Giubilini and Minerva

In “New Threats to Academic Freedom” Francesca Minerva states that in “After-Birth Abortion: Why Should the Baby Live?” she and Alberto Giubilini “concluded that *if* foetuses and newborns share the same moral value, *then* what we called *after-birth abortion* could be considered *morally* acceptable for the same reasons abortion (and especially late term abortion) would be considered *morally* acceptable.”⁵ There might be more to the article, however.

Minerva’s summation is in line with the first paragraph of the concluding section of the original contribution, which elaborates slightly on the indications of abortion while retaining the conditional form:

If criteria such as the costs (social, psychological, economic) for the potential parents are good enough reasons for having an abortion even when the fetus is healthy, if the moral status of the newborn is the same as that of the infant and if neither has any moral value by virtue of being a potential person, then the same reasons which justify abortion should also justify the killing of the potential person when it is at the stage of a newborn.⁶

Even this, however, leaves out two of the more interesting aspects of the contribution.

The first is the specification of the actual criteria for ending fetal and newborn human life. Examples given

by the authors include the “unbearable burden on the family” of a child with Down’s syndrome and “an unbearable burden for the psychological health of the woman or for her already existing children” caused by having a child if the woman loses her partner after she learns that she is pregnant.⁷ The second is the idea that giving a newborn infant up for adoption can be more stressful to a woman than ending its life.⁸ Combined, then, the suggestion appears to be that a woman should be entitled to have the life of her newborn infant terminated, even if adoption could be arranged, if the infant has Down’s syndrome or if the woman has lost her partner during or shortly after pregnancy.

To dissect the ideas presented, it seems to me (and this is, of course, open to interpretation) that the statements dealt with by Giubilini and Minerva are as follows:

- 1) Abortion is permitted on psychological, social, and economic grounds.
- 2) Newborn infants have the same moral status and value as fetuses.
- 3) No other factors (especially the possibility of adoption after birth) can create a moral distinction between abortion and infanticide.
- 4) Infanticide should be permitted on psychological, social, and economic grounds.

The logical argument that can be built on these statements, and the one Minerva seems to claim was the only one made, is, accordingly: if (1), (2), and (3), then (4). Because the argument is in one sense valid, this could be the end of the story. The sense in which it is valid is as an *ad hominem* argument—if you permit abortion on certain grounds and accept the conceptual truth of (2) and (3), you should also permit infanticide on the same grounds, on pain of being

inconsistent. This should cause no concern in discerning readers who know the logic of arguments. (It might cause concern in discerning editors, though, because none of this is particularly original or enlightening.)

This, however, is where the plot thickens. In the now-notorious article, Giubilini and Minerva actually seem to go far beyond the logical inference by positively arguing for (psychological) personhood as a criterion of moral status,⁹ against potential (psychological) personhood as an indication of moral value¹⁰ and against adoption as an alternative to infanticide.¹¹ It is also possible to detect a favorable attitude toward permissive abortion policies in the text, but this is not decisively explicated.

Given these additional elements, it is not unreasonable to think that Giubilini and Minerva in fact argue the following: if (1) and because (2) and (3), it is the case that (4). In other words: if you allow abortions on psychological, social, and economic grounds, you must also allow infanticide on the same grounds. Because this leaves out the conditional “if fetuses and newborns have equal status and value,” the message is much more robust, and, as shown by the media and Internet response, considerably more combustible.

A Call for More Clarity in the Presentation of Premises and Conclusions

Minerva proposes in “New Threats to Academic Freedom” that academic journals should allow the publication of provoking ideas anonymously or pseudonymously. This, she argues, would be beneficial both to academics and to society at large. Scholars could articulate and circulate “original and new ideas” even if they are “unpopular or challenging” without fear of “undesirable consequences of media storms

on their personal and professional lives.” Society, in its turn, would benefit from the expression of new ideas that, despite being “condemned by the general public,” have the ability of making “the world a place where prejudice, ignorance and irrationality are challenged and, hopefully, defeated.” Historically, according to Minerva, heliocentrism and evolution have been such ideas.¹²

A possible objection to even partial anonymity or pseudonymity can be based on our need to know and assess our peers. An academic’s contribution to her discipline consists of the entirety of her publications (and other professional activities, but these are not relevant here). When names and affiliations are attached to journal articles, the assessment by the academic community is, at least in principle, continuous and transparent. If publications became randomly anonymous, only specific evaluators for jobs and other positions could (covertly) measure our whole production, including our inevitable errors, weaknesses, idiosyncrasies, and provocations. The members of the rest of the scientific community would be in the dark as to the general ethos and theoretical consistency of their peers.

Minerva, however, talks about ideas and seems to think that we should pay less attention to the authors and more to the views expressed. This could be an option in an ideal world in which all published writings are comprehensive, fully explicit, and logically polished, with clearly stated premises and conclusions. It is less of an option in the real world, in which the views presented contain gaps, ambiguities, and logical vagueness; in which the premises often remain hidden; and in which both the alleged and the actually supported conclusions need to be extracted from the text by precision instruments. If, in this world, we cannot ask authors what

they meant by their writings, we have very little idea of what we are talking about. Recognizable discussants are needed for academic communication.

Clarity in contributions to philosophical ethics would offer an alternative to anonymity and pseudonymity. Authors could explicitly state their premises and conclusions, and reviewers and editors could ensure that articles achieve their stated aims. Are the claims made logical? If they are, are they valid? Are they normative? In that case, are they sound?

The Many Arguments of the Giubilini-Minerva Article

How would this work in the context of the Giubilini-Minerva article? There are four possibilities, which could have been made clear to them in the editorial process.

First, their paper could have been logical, and its argument could have been as follows: if (1), (2), and (3), then (4). In this case, the paragraphs providing support for premises (2) and (3) would have been superfluous and should have been removed. Because this paper would not have contained anything original, publishing it would have been a questionable decision.

Second, the paper could have been fully normative, stating the following: because (1), (2), and (3), it is the case that (4). If so, the editors should have told the authors that the evidence they provide for the truth of (1) and (2) is inconclusive. A comprehensive defense of permissive abortion policies, the theory of psychological personhood, and the critique of potentiality as a moral consideration all need book-length treatments that can only be alluded to in a journal article. Even more importantly, premise (3), essential as it is to the argument, is barely mentioned and minimally supported by Giubilini and Minerva. And, like in the

case of premises (1) and (2), a comprehensive list of all possible moral distinctions between abortion and infanticide is hardly achievable in a short contribution. Due to the unavoidable incompleteness of the argumentation, the publication of this version would also have been a questionable choice.

Third, the paper could have been purely factual, or descriptive. This is how the editor of the *Journal of Medical Ethics* defended the article's originality in subsequent discussion: "The novel contribution of this paper is not an argument in favour of infanticide—the paper repeats the arguments made famous by Tooley and Singer—but rather their application in consideration of maternal and family interests. The paper also draws attention to the fact that infanticide is practised in the Netherlands."¹³ In the light of this observation, the editors could have told the authors to concentrate on maternal and family interests and the Dutch policy on infanticide. Philosophical considerations about personhood and potentiality could have been deleted, and the authors could have focused on showing what is going on in the Netherlands; and how it is in a woman's interest to have her child killed instead of giving it up for adoption.

Fourth and finally, the paper could have been (for want of a better word) inquisitive and could have posed an *ad hominem* question to a fairly prominent group of bioethicists. The question is as follows: because you believe that (1), (2), and probably (3), but not that (4), what do you have to change in your thinking to reach a balance between your premises and conclusions? In other words, if you are one of those bioethicists—and there are quite a few—who believe in permissive abortion policies and psychological personhood but who would not condone the killing of healthy infants, how do you draw

the distinction? Is it the possibility of adoption? Is it the fact that the infant is not inside the woman's body, like the fetus is? Or is it something else? This could have been the starting point of a pretty reasonable discussion, without the rhetoric excesses instigated by the paper in its published form.

Summary and Conclusions

Contributions to philosophical ethics can be logical or normative or both, and people's responses to different types are justifiably different. A paper stating a logical connection between sentences, whatever their content, should not cause any concern; and neither should factual descriptions or analyses based on facts. The same should also hold true of inquisitive arguments that simply ask people to refine their ideas. But a paper stating, defending, or implying normative views belongs to a different class altogether. It will provoke responses from those who disagree with the views, and it will provoke violent responses from those who violently disagree with the views.

It is impossible to determine, purely by reading Giubilini and Minerva's article, the category to which it belongs. Both logical and normative interpretations are possible. This should not be the case. Authors and editors should ensure that the reader knows exactly what is claimed in an article, and on what grounds.

Minerva suggests that authors of important but controversial ideas should be protected by voluntary anonymization. According to her, this would provide scholars with better working conditions and society with new and useful ideas—in the vein of heliocentrism and evolution. Giubilini and Minerva's addition to the list would, apparently, be the idea that women can demand that their babies be killed if letting them live would be psychologically, socially, or economically burdensome.¹⁴

I suggest, instead, that authors should state explicitly what they mean by their arguments and what they claim in their contributions to philosophical ethics. If there is a normative point to be made, let authors make that point clearly and forcefully. If there is a logical argument to be presented, let authors present it precisely and concisely. When normative claims meet with resistance and controversy, let authors defend their views and let others challenge them.

With Giubilini and Minerva, it all boils down to this question: Did they or did they not mean to say that healthy babies should be killed if their mothers feel like it? If they did not, what was the original point of the paper? If they did, why would they not be responsible for defending the claim as identifiable academics and human beings?

Notes

1. Minerva F. New threats to academic freedom. *Bioethics* 2014;28:157–62.
2. Häyry M. Academic freedom, public reactions, and anonymity. *Bioethics* 2014;28:170–3.
3. Giubilini A, Minerva F. After-birth abortion: Why should the baby live? *Journal of Medical Ethics* 2012. doi:10.1136/medethics-2011-100411.
4. Häyry M. *Liberal Utilitarianism and Applied Ethics*. London and New York: Routledge; 1994, at 66–7, 122–3.
5. See note 1, Minerva 2014, at 157.
6. See note 3, Giubilini, Minerva 2012, at 3.
7. See note 3, Giubilini, Minerva 2012, at 1–2.
8. See note 3, Giubilini, Minerva 2012, at 3.
9. See note 3, Giubilini, Minerva 2012, at 2.
10. See note 3, Giubilini, Minerva 2012, at 2–3.
11. See note 3, Giubilini, Minerva 2012, at 3.
12. See note 1, Minerva 2014, at 161–2.
13. Savulescu J. "Liberals are disgusting": In defence of the publication of "After-Birth Abortion." *BMJ Blogs*; 2012 Feb 28; available at <http://blogs.bmj.com/medical-ethics/2012/02/28/liberals-are-disgusting-in-defence-of-the-publication-of-after-birth-abortion/> (last accessed 16 Apr 2014).
14. The grand idea defended in the paper could also be psychological personhood, but this would not have been original enough to warrant publication.