

State-Forced Intimacy: Begging the Question of Personhood

By Thomas Churchill

Probably all drunk drivers are aware of how dangerous it is to drive drunk. Show them all the charts and statistics you want; it's almost certainly not going to alter their behavior. But if objective reasons aren't enough, then what? Perhaps instead of statistics, warnings, or threats, a more effective approach would be to flood them with graphic images – as we do with cigarette smokers – or acquaint them with the parents of innocent victims of drunk drivers. It is widely known that uncontroversial wrongs are most effectively combatted in this way. The rationale of this kind of approach, not just telling but *showing*, is that many people would not fully appreciate the destructiveness and general immorality of their behavior without appeal to a broader range of emotional intuitions. In fact, emotions frequently reveal one's deep-seated, perhaps previously unconscious moral beliefs.

This is the way of thinking adopted by supporters of the recent ultrasound bill in the state of Wisconsin: women who seek abortions are not properly acquainted with, or emotionally close to, the full force of the decision they are about to make. Since supporters do not trust that simply *telling* the woman that the thing inside of her has arms and legs and organs will be enough to bring her to her moral senses, they have resorted to *showing* her in the hope that this further emotional appeal will do the trick by “helping” the woman *bond* with the fetus.

Though I believe that the general idea of bringing people closer to the full moral implications of their decisions is, as shown in the drunk driving example, a

perfectly reasonable one, I think the application of this method in the new abortion legislation is entirely misplaced. It ignores the core of the ongoing debate. The debate over whether it is morally permissible to abort a fetus revolves around the issue of exactly what moment, or under what conditions, it acquires *personhood*, or the right to ethical treatment. Considerations that play a part in deciding this might include at what point the fetus is *conscious*, among other first-personal qualities which might imbue it with the natural rights due to a fully developed and conscious person.

What the bill's supporters don't realize is that whether or not this fetus meets various standards of personhood, the visual image of it will inevitably elicit some kind of emotional response. We develop intimacy with non-personal objects all the time; but feeling an intimate bond with one is not an obvious indication that it has rights. If we can react in a similar way to person and non-person alike, then the bill begs the question of whether the fetus is a person altogether, by implying that whatever emotion the woman feels is an emotion in response *to a person*. But these images might be more propaganda than genuine moral information, as would a bill that *refused* women the chance to view an ultrasound because the image might be an emotional obstruction of their decision.

In this sense, the legislation has completely bypassed the question of whether the mother *should* be bonding with this fetus in the first place. It is both dogmatic and hypocritical in this regard: *if* the fetus is a person, *then* it is beneficial for the mother to develop intimacy with it in order to cultivate moral respect. But *if* the fetus is a person, then there should be no need for the law in the first place, because abortion should probably be illegal altogether (I say *probably* because of

Judith Thompson's famous violinist thought experiment – see Thompson 1971). And that's what we debate when we debate about abortion. It's because we lack a common criterion for personhood, not because roughly half the population lacks a proper respect for human persons. A fetus might very well have moral status, but that must be determined *prior* to forcing intimacy with it.

I am *not* arguing that emotional responses should be excluded from anybody's personal decision whether to abort. Since making up one's mind about where to stand on the issue is so incredibly difficult, gauging one's own emotional response to an ultrasound can be a perfectly legitimate way to go. What's so wrong is the idea of *forcing* intimacy¹, which risks creating a bond without meaningful moral content. For some, an ultrasound might be a profoundly meaningful experience, but for others it just creates a false emotional attachment; and no one has the authority to say whether the emotional response is intrinsically meaningful (and informative of one's honest beliefs) or not. That's why an ultrasound is a personal choice (well, it's also a personal choice because of a woman's right to her body, which is more reason to reject this bill than anything I've said here). But this bill begs the question of the meaningfulness of the emotional response it fishes for, and makes the ultrasound a tool for empty guilt-tripping and petty abuse. The only people who could benefit from this kind of forced intimacy are those seeking abortions who *do* believe that the fetus is a person, but simply don't care given the objective facts of the matter. But for those who don't believe this, the forced intimacy is cruel and pointless.

¹ Margaret Olivia Little formulated the concept of forced intimacy in her paper, "Abortion, Intimacy, and the Duty to Gestate," *Ethical Theory and Moral Practice*, 1999, Volume 2, Issue 3, pp 295-312.

The philosophy at the core of this bill, that emotional closeness and acquaintance with those whom your decisions will affect is an important part of moral decision making, is entirely justified. It is the application of this philosophy to the situation that is misguided, and ends up hurting those affected. Emotional closeness is a good thing; acquaintance with the moral weight of one's decisions is a good thing; bonding with human persons is a good thing; all of which there is far too little these days. Imagine a bill that required President Obama to fly to Pakistan and bond with every civilian that might be killed by the next drone strike, or a bill that required that corporate officials work in their own sweatshops for a short period. Now, I don't think this would be a very reasonable law, but no one can deny that intimacy with those *persons* at the mercy of our actions breeds moral behavior. Real, unmediated human contact has the power to transform our behavior by calling us to act morally, the loss of which has devastating consequences. Unfortunately, many supporters of this bill have failed to see where this concept more reasonably applies: perhaps they could benefit from a little forced intimacy with those women whom their bill would affect.