

Spontaneous Abortion and Inaction

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Abstract

Pro-life theorists argue that human fetuses have moral worth from conception, or soon afterwards, and because of this induced abortion – both killing and disconnecting the fetus – is *prima facie* morally wrong. Evidence suggests that many more fetuses die of spontaneous abortion than induced abortion; yet many pro-life theorists act as though these fetal lives lack moral worth. Here, I evaluate the claim that inaction in the face of spontaneous abortion is morally monstrous.

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Suppose there were a starving child in the room where you are now – hollow eyed, belly bloated, and so on – and you have a sandwich at your elbow that you don't need. Of course you would be horrified; you would stop reading and give her the sandwich, or better, take her to a hospital. And you would not think this an act of supererogation: you would not expect any special praise for it, and you would expect criticism if you did not do it. Imagine what you would think of someone who simply ignored the child and continued reading, allowing her to die of starvation. Let us call the person who would do this Jack Palance, after the very nice man who plays such vile characters in the movies. Jack Palance indifferently watches the starving child die; he cannot be bothered even to hand her the sandwich. There is ample reason for judging him very harshly; without putting too fine a point on it, he shows himself to be a moral monster. (Rachels, 1979, 160)

Many people believe that human fetuses have moral worth from conception, or soon afterwards. In light of this, many people believe that induced abortion is *prima facie* seriously morally wrong, at least in many circumstances.

While many philosophers believe there is a morally relevant distinction between killing and letting die (with killing the worse of the two); opposition to induced abortion doesn't seem to rely on this distinction. After all, while many contemporary induced abortions involve killing the fetus, practically all such abortions could be performed in such a way that "merely" let the fetus die – disconnecting the fetus from the mother's womb, or performing a hysterectomy that removes the mother's womb entirely. Such disconnect abortions tend to be more invasive, and thus more medically risky, than killing abortions; but I have yet to come across an abortion critic who believes disconnect abortions are substantially less morally problematic than the (killing) alternative.

Recently, some philosophers have argued that critics of induced abortion should be more concerned about spontaneous abortion.¹ Evidence suggests that over 60% of all human pregnancies end in spontaneous abortion.² Many of these spontaneous abortions occur in the first two weeks of pregnancy, before cell specialization begins, and go undetected outside of pregnancy studies.³

Because spontaneous abortion often goes unnoticed, it is somewhat understandable that it flies under the radar, so to speak, of many abortion critics. But how should such critics respond when they learn of spontaneous abortion? This problem of spontaneous abortion is often presented as a dilemma – either (i) human fetuses have moral worth from conception, or (ii) they do not. If (i), then critics of induced abortion ought to change their behavior with regards to spontaneous abortion. If (ii), critics of induced abortion should reconsider their criticism of induced abortion.⁴

There is sensible disagreement about what the first horn of the dilemma entails. Toby Ord contends that if (i) is true, then spontaneous abortion is one of the most serious problems facing humanity and we ought to shift substantive resources to researching and preventing spontaneous abortion. However, he believes this would be absurd; as such critics of abortion ought to reject (i) in favor of (ii). Similarly, Amy Berg believes (i) would require a

¹ See Fleck (1979), Murphy (1985), Ord (2008), Lovering (2013), Berg (2017), Simkulet (2016, 2017, 2019, 2020).

² See Leridon (1977), Boklage (1990), and Jarvis (2017).

³ Furthermore, in some cases twinning and chimeraing occur during these first two weeks. In *twinning*, a single mass of totipotent cells split apart into two distinct masses, both of which may go on to develop into a complete human being. In *chimeraing*, two or more masses of totipotent cells merge to form a single mass, which may go on to develop into a complete human being.

⁴ See Ord (2008), Lovering (2013), Berg (2017), and Simkulet (2016, 2017).

substantive shift in our medical and political priorities towards preventing spontaneous abortion. I share Berg's belief that (i) would require more resources be put into studying and preventing spontaneous abortion, but I've gone a step further, arguing that to continue to oppose induced abortion while ignoring the problem of spontaneous abortion is morally monstrous.⁵

Many critics of induced abortion characterize their position as pro-life, and this paper will follow this convention. Some such pro-life theorists appeal to a moral distinction between killing and letting die to explain why they can focus on preventing induced abortions while doing relatively little to prevent spontaneous abortions.⁶ However, there are two problems with this stance. First, even if letting die is less bad than killing, this would not be sufficient to show that we ought to let die, or that letting die is acceptable. Second, most pro-life theorists do not draw such a distinction and oppose both induced abortion that kills the fetus and induced abortion that ("merely") disconnects it and lets the fetus die. Such theorists would be hard pressed to explain why they strongly oppose letting die in cases of induced abortion but seem indifferent with regards to letting die in cases of spontaneous abortion.

Surprisingly, some pro-life theorists have even argued that many fetuses who are spontaneously aborted simply don't count, morally. Robert George and Christopher Tollefsen and Henrick Friberg-Fernros contend that many early spontaneous abortions result from chromosomal defects so severe that fetus is not even a human embryo.⁷ However, this stance is *prima facie* at odds with how abortion critics talk about the moral status of fetuses. Suppose there was some gene therapy that could prevent a chromosomally damaged fetus from being spontaneously aborted; I suspect most pro-life theorists would condemn a parent refusing such a treatment in the same way they would condemn a parent who refuses to give such a treatment to their infant child.

Other pro-life theorists focus on the difficulty of preventing spontaneous abortion. Recently, Nicholas Colgrove argued that spontaneous abortions are caused by a variety of different causes, and thus there is not *one* problem of spontaneous abortion, but many smaller problems of spontaneous abortion which may be difficult to address.⁸ However, even if spontaneous abortions have many disparate causes, there is good reason to think that research into

⁵ See Simkulet (2017).

⁶ See Friberg-Fernros (2015, 2018, 2019), Blackshaw and Roger (2019).

⁷ See George and Tollefsen (2008) and Friberg-Fernros (2015).

⁸ See Colgrove (Forthcoming).

spontaneous abortion may yield common solutions, such as ectogenesis or gene therapy.

Contemporary medical technology cannot prevent all spontaneous abortions; but most pro-life theorists agree that it can prevent *some* spontaneous abortions, and that further research will likely make it possible to prevent many more. Furthermore, there are things pro-life theorists can do *right now* to prevent some spontaneous abortions; providing accurate education about pregnancy, as well as nutritional assistance and medical care to pregnant women, or women who may become pregnant, can reasonably be expected to prevent many spontaneous abortions. Indeed, these interventions can be reasonably expected to discourage parents from pursuing induced abortion as well.

In light of this analysis, it seems that pro-life theorists have substantive reasons to act to prevent spontaneous abortions; yet many choose not to. Is such behavior really “morally monstrous”? This paper will contain two sections. The first will sketch an account of moral monsters; the second will seek to evaluate whether inaction with regards to spontaneous abortion on the part of anti-abortion activists is consistent with this account.

I. Moral Monsters

In “Killing and Starving to Death,” James Rachels explores a similar problem of apparent indifference to death; noting that many people die of malnutrition, and that many of these deaths can be prevented by giving money to famine relief efforts.¹ Of course, some philosophers argue that there is a morally relevant distinction between killing and letting die, but Rachels argues this is irrelevant to the question at hand; when presented with the opportunity to save a starving child by giving the child a (surplus) sandwich, Rachels thinks it is obvious that each of us would do so. To not do so – to stand by and let the child starve to death, he contends, would be morally monstrous.

For Rachels, the primary difference between inaction in the case of the starving child in front of your eyes, and those dying overseas is one of immediacy; is it apparently easier to ignore those suffering and dying from lack of food when they are mere statistics than when they are right in front of us. But this is merely an explanation of our inaction, not an excuse for it; those of us who allow starving children to die the moment they leave our peripheral vision are no less moral monsters than some who would allow starving children to die while indifferently staring at them.

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What makes the (fictional) Jack Palance of Rachels' story morally monstrous? For Rachels, it seems to be Jack's indifference with regards to human life; he can *easily*, and without much effort, save someone's life, and yet chooses inaction. Of course, there are certainly many other ways to be morally monstrous; but, at least in Jack's case, it's his callous indifference to the easily preventable deaths of others that makes him monstrous.

One of the virtues of a thought experiment like the Jack Palance case is that it can be modified to address potential criticisms. For example, Richard Trammell argues that one moral difference between killing and letting die is that of dischargeability, noting that it is relatively easy to satisfy one's moral obligation not to kill, but less easy – often impossible – to satisfy a hypothetical moral obligation not to let die.⁹ Rachels is not convinced:

Suppose Jack Palance were to say: 'I needn't give this starving child the sandwich because, after all, I can't save everyone in the world who needs it'. If this excuse will not work for him, neither will it work for us with respect to the children we could save in India or Africa. (162)

Rachels argues that people in affluent nations ought to do more to help those in need than they currently are; but we might ask why the duty should fall on us, rather than someone else. But, again, we can use a variation on the Jack Palance case to illustrate the folly with this thinking:

Jack Palance watching the girl die alone would be a moral monster; but if he calls in a group of his friends to watch with him, he does not diminish his guilt by dividing it among them. Instead, they are all moral monsters. (162)

Here, Rachels seems to illustrate that the one's person's moral failings don't absolve others; Jack's inaction is no less monstrous merely because others could have also helped. One important difference between Rachels' case and that of spontaneous abortion is that in the former, only one person is at risk, while in the latter (if we assume fetuses are persons), then many are at risk. To help think about this, consider the following case:

Suppose Jack is trapped in a room with twenty starving children, each unable to move, and Jack happens to have 20 (surplus) sandwiches,

⁹ See Trammell (1975).

which he judges will be sufficient keep these 20 children alive until help arrives. But, as with the other cases, he indifferently watches the starving children die; he cannot be bothered even to hand even one of them a sandwich.

Intuitively, here Jack is still a monster. But what if the number in need far exceeds our ability to save them?

Jack is trapped in a room with two starving children. He has one surplus sandwich, and judges that the sandwich will be barely enough to save one of the children until help arrives; divvying up the sandwich between them will not prevent the death of either. However, he doesn't bother to choose one to save, and watches as both children starve to death.

Again, intuitively, Jack is still a monster. Does spatial location matter?

Jack is trapped in a locked mall after closing time and spies a starving child on the security cameras. He has a surplus sandwich available and can easily walk to the child and walk back without much effort but can't be bothered to give the child the sandwich.

Monster. But what if Jack is skeptical about the ability of his sandwich to help?

Jack locked in a room with a starving child, but because he's not an expert on nutrition he's not sure that his surplus sandwich would be enough to prolong the child's life. He chooses to do nothing and watch as the child starves to death.

Monster. But what if Jack is not sure his sandwich will reach the child?

Jack is locked in a room divided in half by a clear wall. On the other side of the wall there is a starving child. A friendly ghost appears and offers to magically move one of Jack's many surplus sandwiches to through the wall to the side of the room. Jack has a deep mistrust of ghosts, and thus chooses to sit back and do nothing as the child starves to death.

Again, intuitively Jack still acts monstrously in this situation. To the extent that our choices with regards to helping those in need mirror Jack's, we have good reason to think our actions, too, are monstrous.

II. Pro-Life Inaction

In each variation of the Jack Palance case, Jack has the ability to *try* to save the life of a starving child with little effort; yet chooses not to; and on this basis Rachels contends it makes sense to say he acts like a moral monster. But what if Jack didn't know he could help?

Jack sits in a room with a surplus sandwich, then leaves and throws out the sandwich. Unbeknownst to Jack, a child starves to death under the floorboards.

Aristotle contends that moral responsibility requires awareness and control. Here, Jack was unaware of the starving child, and therefore cannot reasonably be said to be held accountable for failing to free the child and give her a (life-saving) sandwich.

Elsewhere I've suggested that many pro-life theorists may be in the same boat as this iteration of Jack; believing that *all* human fetal lives matter, but merely unaware of the comparably high number of human fetal lives lost through spontaneous abortion.¹⁰ However, upon learning of the number of human fetal lives through spontaneous abortion, it strikes me that pro-life theorists ought to revise their stance and devote substantive time and effort to preventing spontaneous abortion. Despite recent efforts to draw a light to the problem of spontaneous abortion, few pro-life philosophers and pro-life advocates have changed their behavior or policy proposals. In short, their inaction mirrors Jack in the following case:

Jack sits in a room with a surplus sandwich. Unbeknownst to Jack, a child lies under the floorboards starving to death! Suddenly, the child makes a noise; and Jack, curious about the noise, pulls up the floorboards to find the child. Jack, an expert at such things, immediately recognizes the child is starving to death, and might die even if he gives her his sandwich. Indifferently, he replaces the floorboards and throws out the sandwich.

¹⁰ See Simkulet (2020).

It strikes me that Jack's behavior here is morally monstrous; Jack is aware of the child's need here and has power to (at least try to) help, but frustratingly chooses not to! The primary difference between Jack in this case and the pro-life theorist is that the latter claims to care about human life. But, consider the following case:

Jack claims to be pro-life and brings surplus sandwiches with him wherever he goes. One day he finds himself locked in a theater and on stage he sees a starving child on stage, sitting surrounded by what appears to be three potted plants. Jack rushes to the child and gives her the sandwich. He calls an ambulance and breaks down the door, helping the child to escape. After his hard work, he sits back and reflects on his righteousness on stage. Before he leaves, he glances at the three potted plants and discovers they're really starving children in poorly constructed plant costumes. They're in even worse shape than the other child, and he's not sure if he can save them! He walks away, then throws out his remaining sandwiches, leaving the three unattended children to starve to death.

It is difficult to grasp what is going on in this case; Jack's actions match his rhetoric for the first half of the case, but upon discovering more children in need... Jack simply ignores them! Jack's actions here are inexplicable, but no less monstrous than in previous cases.

It strikes me that focusing exclusively on the relatively small number of induced abortions and ignoring the large number of spontaneous abortions is similarly morally monstrous. Interestingly, Bruce Blackshaw and Daniel Rodger argue the number of induced abortions is not trivial; they assume that about half of pregnancies that do not end in spontaneous abortion end in induced abortion; in short if 60% of all human pregnancies end in spontaneous abortion, another 20%, they claim, end in induced abortion. Unfortunately, they mischaracterize my position, claiming "Simkulet believes that on the pro-life view, the problem of spontaneous abortion is so significant that it should take absolute priority over opposition to induced abortion." (Blackshaw and Rodger, 2019, 7).

Rather, I contend "one's moral obligations to prevent the loss of human fetuses would require a far more significant redistribution of the resources we are currently putting toward preventing (among other things) induced human abortions." (Simkulet, 2019, 790) In short, I see the obligations of pro-life

theorists as scaling with the size of the challenge. Pro-life theorists (at least those who oppose disconnect abortions) have no reason to ignore spontaneous abortions in the way Jack ignores the children dressed as potted plants. Even if the pro-life theorist cannot save all, or even many, from spontaneous abortion, advocating for better education and health care can reasonably be expected to prevent a significant number of spontaneous abortions. Indeed, I've argued that providing better access to healthcare can also reasonably be expected to reduce the number of induced abortions as well.¹¹

In closing, I've argued that the feature that makes Rachels' fictional Jack Palance a moral monster is his indifference and inaction with regards to saving human life. We've looked at a number of cases in which Jack Palance knows of a starving child, believes he has the power to save the child's life, or at least the power to *try* to save the child's life, and yet chooses not to.

Pro-life theorists claim to care about human life, arguing that human life begins at conception... or soon afterwards... therefore induced abortion, whether by disconnect or killing, is deeply immoral. For many, these are not mere words, but a call to action. Yet, it seems, when confronted with the problem of spontaneous abortion, let alone actual starving children who all parties agree have moral worth, they fail to act. Like Jack, many sit back and let children die. If the above analysis is right; focusing exclusively on a relatively small number of deaths by induced abortion and ignoring the large number of preventable deaths by spontaneous abortion... or starvation... is monstrous.

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¹¹ See Simkulet (2020).

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