ABORTION AND CAPITAL PUNISHMENT: NO CONTRADICTION

Matthew Flannagan

Matthew Flannagan explains why Christians can consistently both oppose abortion and support the death penalty.

A common line of argument contends that opposition to feticide; the killing of a human fetus, is inconsistent with support for capital punishment. Sometimes this argument is pushed even further. It's alleged that this inconsistency shows that what really motivates opponents of feticide is not opposition to killing, but good old fashioned misogyny. An example occurs in Beverly Harrison's monograph *Our Right to Choose*. Harrison notes that 'zeal for capital punishment more often than not thrives amongst legislators most eager to prevent all abortion'.[1] She infers from this,

> Nothing makes clearer how little women count as full, valued persons or as competent moral agents than this dramatic ideological inconsistency on the part of so many anti-abortion advocates.[2]

Harrison is referring to contemporary legislators in the United States, many of whom are motivated by traditional, theological objections to feticide. However, what she says would apply with equal force to the many notable Christian Theologians such as Aquinas, Augustine, Calvin who in addition to condemning feticide, permitted and supported capital punishment in many contexts.

Harrison makes two points regarding this stance. Firstly, that support for capital punishment is inconsistent with opposition to abortion. Secondly, the fact that a person expresses such inconsistency is clear evidence that he or she believes that women do not 'count as full, valued persons or as competent moral agents'; essentially, such people are really motivated by misogyny. I will examine each of these points in turn.

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Harrison contends that affirming that (a) judicial execution of a murderer is lawful, and that (b) feticide is unlawful, is inconsistent. To hold both (a) and (b) is to affirm a contradiction. However, this is simply incorrect. A contradiction occurs when two propositions are affirmed and one of them is the negation of the other. This is not the case with the two propositions mentioned above. The negation of (a) is the claim that it is not the case that judicial execution is just; (b) does not affirm this. It affirms quite a different proposition about the lawfulness of feticide. Similarly, the negation of (b) is the claim that it is not the case that feticide is unlawful. However, (a) does not affirm this. It makes no comment about feticide whatsoever. The affirmation of (a) and (b) is not a contradiction.

Perhaps what Harrison has in mind is that these propositions are either formally or implicitly contradictory.[3] A formal contradiction occurs when two propositions are not explicitly contradictory but an explicit contradiction can be deduced from them using the rules of ordinary logic. Two propositions are implicitly contradictory when their conjunction with a necessarily true proposition entails an explicit contradiction.

If this is, in fact, what Harrison has in mind, then we need an argument to this effect. Take the claim that (a) and (b) are a formal contradiction. If this is to be more than just an unwarranted assertion then those who, like Harrison, make this claim must demonstrate that the derivation can be done. Yet nowhere in her book is such a deduction even attempted.

The idea that (a) and (b) are an implicit contradiction can be dealt with in the same way. If this claim is warranted then we require an argument that spells out what the necessarily true proposition in question is and how this proposition conjoined with (a) and (b) entails a contradiction.

What would such a proposition be? Harrison provides us with none. Perhaps what Harrison has in mind is something like the following. Christian theologians who oppose feticide do so because they believe it is unlawful to kill a person and capital punishment clearly violates this.

Now I agree that if this were the basis on which a given theologian opposed feticide then support for capital punish-

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ment would be inconsistent with it. However, historically most theologians who opposed feticide did not oppose it merely because it is homicide. As the casuistry makes clear, many theologians held that killing was justified if done as defence or as a just retribution. Hence, they understood the law of God to forbid killing that is *aggressive* where the victim is *innocent*. This is perfectly consistent as capital punishment kills people who are not innocent whereas feticide does not.

Of course, someone could argue that these theologians were mistaken in their understanding of the law of God and that it, in reality, prohibits all forms of homicide. This would require detailed argument addressing the hermeneutical and ethical arguments involved and Harrison has not even begun to attempt this. Moreover, even if she had provided compelling arguments for this claim it would not show these theologians to be inconsistent, rather it would show that one of a series of consistent propositions they hold is false.

There is a further point worth mentioning here. If a theologian opposed feticide because he or she believed it was unlawful to kill a person, then what would be problematic is not their opposition to feticide but their support of capital punishment. The correct conclusion would be to argue that both abortion and capital punishment are wrong. The inconsistency is not in their stance towards women who have abortions, but in their stance towards states that execute criminals.

Harrison's contention, then, that those who oppose feticide and support capital punishment are inconsistent is unwarranted. However, even if this were the case, which it is not, it does not follow that the person who held such a view hates women. All it shows is that one of the two propositions is false. Harrison here appears to assume that anyone who holds to an inconsistent set of propositions denies that women 'count as full, valued persons or as competent moral agents'. This is hard to take seriously. As will be seen below, Harrison herself affirms inconsistent propositions. Are we to conclude that she hates women?

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In fact, not only would a successful charge of inconsistency not entail that opponents of feticide were misogynist, it would not even entail that they were mistaken in opposing feticide. All it would demonstrate was that one of the propositions held, either the one affirming the permissibility of capital punishment *or* the one denying the lawfulness of feticide, is false. It does not provide any grounds for asserting which of these propositions is mistaken. All the charge does is show opponents of feticide that they need to make modifications to their belief structure. It does not entail that they must give up their position on feticide.

It also should be noted that even if Harrison were correct, that inconsistency meant that one had a misogynist view of women, it still would not follow that feticide is permissible. All it would show was that the opponent of feticide hates women. A person can love women and have false beliefs and a person can hate women and have true beliefs. Here Harrison confuses attacking the characters of those who disagree with her with actually rebutting their positions.

Ironically, Harrison's own position is inconsistent. Harrison herself rejects both propositions mentioned. She believes that feticide is permissible and opposes capital punishment. This creates a serious problem with her objection. Two propositions are contradictory only if one entails the negation (or rejection) of the other. It follows from this that they will have opposite truth-values; one will be true and the other false. If Harrison believes that capital punishment is unjust and believes that believing the contrary is inconsistent with opposition to feticide then consistency dictates that she should oppose feticide.

Further, a little reflection suggests that this inconsistency would afflict Harrison even if she did support capital punishment. Her argument is that because opposition to feticide is inconsistent with the stance *many* opponents of feticide take toward capital punishment, opposition to feticide is problematic. However, if these stances are inconsistent (which is what the objector must believe) then the position of many *supporters* of feticide is equally inconsistent with their stance *against*

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capital punishment. The same reasoning that suggests that opponents of feticide should drop such opposition suggests that supporters should drop their support.

Harrison's argument is defective in numerous ways. It postulates contradiction where there is none and infers via a *non sequitur* an irrelevant conclusion that does not negate the proposition she is attacking. Moreover, her argument is incoherent and entails, if it were sound, that she should abandon her own position.

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References

[1] Beverly Harrison, *Our Right to Choose: Toward a New Ethic of Abortion* (Boston: Beacon Press, 1983), p 35

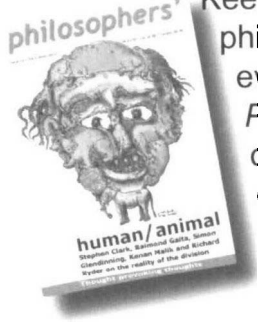
[2] Ibid.

[3] In this discussion of formal and implicit contradictions I am influenced by Alvin Plantinga, *God, Freedom and Evil* (Grand Rapids, MI: Eerdmans Publishing Co, 1974),. Pp. 14-16.

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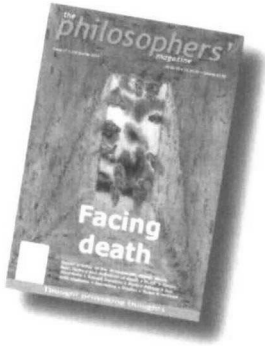
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