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Compare and contrast Finnis with Tooley

John Mitchell Finnis is an Australian legal philosopher. He is a scholar and philosopher of legal philosophy. He is a law professor at University College, Oxford and at the University of Notre Dame. He focuses on teaching jurisprudence constitutional law, and political theory. He is enrolled to the English Bar as a member of Gray's Inn. He is also a graduate of Oxford University. Michael Tooley is an American philosopher and a professor at University of Colorado, Boulder. He attained his BA from the University of Toronto and later earned his Ph. D in philosophy at Princeton University in the year 1968. He has taught at Stanford University and later at the Australian National University before joining the University of Colorado Boulder in 1992. He has engaged in a broad range of papers and research ranging from philosophy of science, religion, and causality and has debated on the existence of God together with William Lane Craig. His most controversial writing is on "Abortion and Infanticide." Both Finnis and Tooley have engaged in the abortion debate. Finnis wrote a paper titled "Abortion and Cloning: Some New Evasions" while Toole wrote the controversial "Abortion and Infanticide" paper. The two philosophers took divergent views and standpoints on the issue of abortion. The paper below is a comparison and contrast of the perspectives taken by the philosophers on the issue of abortion and infanticide.

Finnis is strongly opposed to the practice of abortion for whatever reason. He argues that just as the mothers have no right to kill or take the life of a child, so do they have no right to terminate the life of a fetus. According to him, life begins at conceptions and hence the fetus holds the right to life just like every other human being (Robert and Patrick, 83). He is strongly against abortion terming the practice of the act as being anti-humanistic and is, therefore, skeptical of the fact that individuals in society are not as strongly opposed to it, as they should. He asserts that it is morally wrong and against the law to commit abortion. According to him, there are no reasons that justify engaging in the act. On the contrary, in support of abortion, Tooley asserts that the right to life is a debatable concept. According to him, what has the rights does not necessarily mean that it has the right to life (Tooley, 60). He separates the notion of having rights and that of having the right to life. He uses the analogy of a person given the choice between being tortured and being killed. According to him, given such a choice, most individuals would take the option of being killed. Therefore, it is the individual choice that they need to follow regardless of the acts that it may result to. Rather terminate a child with a possibility of being born with deformities or an infant who may suffer in life would than let live in a harsh environment (Tooley, 47).

Tooley is of the assertion that the right to life applies to individuals that have the awareness and the capacity to decide whether to continue existing as a subject to experiences and mental states. He insists that a person has a right to making decisions on the course of their lives and hence can decide whether to continue existing or otherwise. Therefore, a fetus without the capacity to make the decision or even an infant has no right to life. Furthermore, he brings out a controversy on the issue of describing a 'human being' since the word is used interchangeably with the word 'person' (Tooley, 29). Tooley insists that because the utilization of the words

person and human being interchangeably leaves a room for moral reasoning that a fetus does not qualify as a person. It is because; it does not possess the characteristics of a person in that it does not have the capacity to reason and is not self-aware. It leaves room for accepting abortion. Because of the lack of a plausible principle to support the description of the beginning of life, then abortion remains a matter of personal choice and judgment. Finnis opposes the standpoint that infants and fetus can be killed because they lack the capacity to be self-aware and lacks mental capacity. He adds that it would mean that it is right to kill a grown up that is asleep since they are also not self-aware. It will justify such a killing if a human being loses their right to life from losing their self-awareness (Finnis, 361).

Finnis equates abortion to slavery whereby a person's rights and legal protection are stripped from them. He insists that abortion is contrary to the law since its practice is engaging in the legal crime of killing or committing a homicide. Additionally, killing an infant runs counter to the right to equal protection of the law from murder (Finnis, 372). Therefore, legalizing abortion is contradicting the legal rights to life of an individual since life begins at conception. Tooley, on the other hand, insists that an individual must have the desire to have something to have a right to it. Therefore, a fetus or infant that is unaware of life and is not self-conscious does not yet hold the right to life. Moreover, he asserts that a person with control over something or someone holds the power and ultimately the right over the other. It means that having a parent having a right over the fetus or infant is not in the wrong to terminate its life in their own liking before the child becomes self-conscious (Tooley, 40).

In conclusion, the issue of abortion according to the two philosophers is a matter of moral and legal reasoning. However, it is subject to various interpretations and standpoints depending

on the moral reasoning of an individual. It is, therefore, prudent to conclude that abortion and infanticide is a moral decision subject to an individual's views (Reiman, 190).

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