Abortion: The Ethical Issue

Ethical acceptability of abortion take for granted: an awareness of diff. reasons for abortion and basic acquaintance w/ biological development of human fetus

1) Reasons for abortion: (1-4 considered therapeutic abortions-for medical reasons-justifiable?)

- Pregnant woman herself will die
- Woman’s health (phys. Or mental) will be severely endangered if pregnancy continues
- Pregnancy will probably/surely produce severely impaired child
- Pregnancy result of incest or rape
- Woman unmarried-social stigma of illegitimacy
- Financial burden
- Interfere with happiness of woman, happiness of couple, happiness of family unit; desire professional career; fear happy relationships will be damaged by intrusion of child or additional children

2) Biological Development of Human Fetus

- 9 month continual process of change and development
- Conception-male sperm female ovum→single cell zygote or embryo which then begins cellular division; Implantation along uterine wall (8-10 days after conception)
- Embryo until end of 8th week, during time begin to develop organ systems and other human characteristics-ex: rudimentary electrical activity in brain
- 8th week-birth-fetus; Quickening- movement of baby around 16th-18th week; viability around 22nd week (able to survive outside womb)
- Various abortion procedures:
  - During 1st trimester: used to be D&C (stretch/dilation of cervix and scrape/cutterage inner uterus walls), now vacuum aspiration (suction abortion-suck fetus out with tube connected to suction pump. MVA (manual vacuum aspiration) allows for earlier surgical abortion
  - After 1st trimester:
    - Dilation and evacuation (D&E): forceps used to dismember fetus within uterus-remains withdrawn through cervix
    - Induction technique: saline solution injected into amniotic cavity that induces labor, expels fetus or inject prostaglandins (hormone substances to induce labor)
Hysterotomy: mini cesarean section—not common in US; major surgical procedure

*Up to what point of fetal development, if any, and for what reasons, if any, is abortion ethically acceptable?*

- **Conservation**: never acceptable; at most only if saving life of pregnant woman
- **Liberal**: always acceptable
- **Moderate**: acceptable up to certain pt. of fetal development; and/or for various justifiable reasons

**The Conservative View and the Liberal View**

- Moral status of fetus is debatable—entitled to same degree of moral consideration as fully developed human being?
  - **Conservative**: fetus has full moral status (human); right to life respected seriously, to abort is to murder
  - **Liberals**: fetus no significant moral status (nonhuman) so argue no more right to life than appendix—no more objectionable to have abortion than appendectomy
- At what point in development of fetus does human life exist?
  - **C**: moment of conception human; cant draw line anywhere else; “presumption argument”—willing to kill embryo = willing to kill person; immoral, irrespective of sage of fetal and justification
    - Roman Catholic church very conservative view—Pop John Paul II, Patrick Lee, Robert George; Don Marquis argues wrongfulness of killing—almost always against but believes can be exceptions besides just saving life of woman
  - **L**: nonhuman (no moral status) even in most advanced stages of development; morally acceptable regardless of stage and reason
    - Mary Anne Warren (liberal) argues fetus not person b/c bears little resemblance she also questions moral justifiability of infanticide

**Moderate Views**

- Unwilling to condemn or condone aborting in sweeping terms—some morally justifiable/some objectionable
- Sometimes factors include: stage of fetal development relevant factor, justification/reasoning, or both the stage and justification
- 1) Moderation of Conservative View
  - Even though person from conception, morally justified in significant range cases
    - (Judith Jarvis Thomson)
• 2) Moderation of Liberal View
  o does not violate right of fetus but remains ethically problematic b/c negative social consequences-neg. affect on those involved

• 3) Moderation in Drawing the Line
  o draw line at implantation, pt. where brain activity begins, quickening, viability, etc.-where to draw the line b/w acceptable and unacceptable?

• 4) Moderation in Assignment of Moral Status
  o Partial moral status-how to weigh partial vs. those with full moral status; Margaret Olivia Little bases on individual woman facing abortion decisions

Females and Abortion
• Feminists generally committed to:
  • Traditional society is patriarchal (male-dominated)
  • Many institutions of contemporary society value men at expense of women
  • Traditional values tend to express male point of view distorting experience of women-and many of these values and patterns continue to exercise influence in contemporary society
  • Society must be extensively restructured-wide range of beliefs regarding what needs to be done
  • When evaluating certain institution or practice must examine if connected with oppression of women
  • Political opposition to abortion is reflection of patriarchy and systematically connected w/ form of patriarchal oppression

Abortion and Social Policy
• Roe v. Wade (1973) legalizing “abortion on request”-unconstitutional for state to have laws prohibiting abortion of pre-viable fetus; constitutionally guaranteed right to end pregnancy although state can restrict manner and circumstances in which performed after 1st trimester based on maternal health-satisfied “right to choose” forces
  • “right to life” denounced court for “legalizing murder”-and adopt many political strategies and attempt “human life amendment”, each state decide if restrict but “right to choose” strongly oppose and claim conservatives imposing moral views on others
• 1980 cut off Medicaid funding for abortion (good for “right to life” forces
  o Hyde Amendment-only allow Medicaid funding if: pregnant woman’s life endangered, rape or incest
• Webster v. Reproductive Health Services (1989) “right to life” victory
  o Ban use of public facilities and public employees to perform abortions
  o Physicians perform test to see viability of fetus
• Planned Parenthood of Southeastern Pennsylvania v. Casey, Governor of Pennsylvania (1992) threatened to abandon Roe but failed to do so

• 2000 RU-486 (developed in France) became legally available to pregnancy women in US by FDA—“abortion pill” to terminate early pregnancies, non-surgical procedure; “right to life” claim “human pesticide” and claim “chemical warfare on unborn”

• Intact dilation and extraction (intact D&X)—“partial birth abortion “used for late 2nd-3rd trimester abortions→ results in “inact” fetus


• Increasing legislative activity at state level passing or attempting to pass laws that regulate or restrict abortion—ex: South Dakota and Nebraska

On the Moral and Legal Status of Abortion—Mary Anne Warren

• Liberal view on abortion; human is:
  o One is human in genetic sense when one is member of biological species homo sapiens
  o One is human in moral sense when one is full-fledged member of moral community

• Attacks conservative argument that fetus is human in moral sense

• No stage of fetal development in which fetus resembles person enough to have significant right to life—their potential does not provided basis

• Abortion morally justified any stage, no legal restrictions

On the Definition of “Human”

  o Many argue wrong to kill innocent humans; fetuses are humans; so wrong to abort
  o Others argue human in moral sense is full-fledged member of moral community
  o Noonan-say fetuses human b/c full genetic code and potential capacity for thought so proves human in genetic sense but NOT in moral sense

Defining the Moral Community

• Moral community consists of people—who are people?
  o Art, religion, manufacturing of tools, weapons, shelter—used to distinguish b/w human and prehuman ancestors so closer to moral than genetic sense of human
  o Most important to humanity (in moral sense): consciousness, reasoning, self-motivated activity, capacity to communicate, presence of self-concepts and self awareness (individual, racial, or both)

• Genetic and moral senses of “human” have been confused—even think antiabortionists would agree in these concepts of human but fail to apply to people and only people having full moral rights
• Defective human beings w/o mental capacity are not and presumably wont become people-fetus is not yet a person either so cant have full moral rights

**Fetal Development and the Right to Life**

• How far advanced since conception, does a human need to be before it begins to have a right to life by virtue, not of being fully a person, but of being *like* a person?
  o Fetus has none of relevant attributes to being “person” so we be granted same moral rights?

• To what extent, if any, does fact that fetus has *potential* to become person give it some of same rights?
  o Fetus (and even baby for that matter) not considered people. Fetus no more right to life that newborn guppy which could never override woman’s’ right to get abortion

• Cant argue threat to womens health in 3rd trimester b/c new techniques; claim emotional distress (but having baby=more emotional issues)

• Must distinguish b/w indecent and immoral

**Potential Personhood and the Right to Life**

• Potential person does not necessarily have right to virtue of that potential-seen as invaluable resource; even if find potential person does have some rights this does not outweigh right of woman to get abortion

• Neither fetus’s resemblance to person or potential to be person provides basis for claim that has significant right to life-womans right to protect health, happiness, freedom, life overrides; unjustified violaton of womans basic rights to have laws regulating or restricting abortion

**Postscript on Infanticide**

• Infant more person-like than fetus-still don’t consider killing infant murder b/c not full person but not permissible and wrong to destroy under humane conditions b/c:
  o even if parents don’t want other people would have it, and same reasons why wrong to destroy natural resources or great works of art
  o most people in US value infants-rather taxed to support orphanage than unwanted infants destroyed

• Doesn’t this make abortion wrong too? No, fetus rely on mother so her choice but when born infants preservation no longer violates mothers rights

**Why Abortion Is Immoral-Don Marquis**

• Argues abortion seriously immoral. View of killing another adult human is wrongly precise b/c deprive victim of all value of “activities, projects, experiences, enjoyments” of future-
and same thing happens when deprive fetus b/c destroy their “future like ours”; moral presumption against killing another adult human being

• Fetus in same category as adult human being with respect to moral value of their lives so extremely immoral to abort

• KILLING IS WRONG: primarily b/c its effect on the victim-greatest loss one can suffer-deprives of all that otherwise would have had

• When killed deprived of both what value now and what will value in future personal life; loss of victims future:
  o Deprives victim of more than any other crime
  o People who are terminally ill believe premature death very bad thing

• Invalid claim that wrong to kill only biologically human beings-not true

• Wrong to kill any animals too? Cant compare-diff. circumstances

• Loss of future value makes killing wrong (euthanasia not wrong if suffering and terminal)

• Doesn’t matter if person or potential person still morally wrong

• Just as killing human is strongly viewed as wrong so is killing fetus

• Not claiming contraception is wrong- though some say deny sperm, some ovum, some sperm and ovum separate, some sperm and ovum together-but not true b/c with each sperm millions of possible combinations, no ACTUAL combinations and doesn’t yield an actual subject of harm

• Fetus possesses a property-possession of adult so cant kill

**A Defense of Abortion-Judith Jarvis Thomson**

• Moral impermissibility of abortion does not follow simply from admitting that fetus has right to live, right to life is right not to be killed unjustly-NOT right to use another person’s body
  o Ex: abortion not unjust if female has not extended to fetus right to use her body—rape

• Must distinguish b/w moral demands of justice and moral demands of decency

• Fetus is a person from moment of conception-cant draw the line, “slippery slope” argument

• Many who defend abortion focus on belief that fetus is person rather than focusing on impermissibility of abortion

• Fetus is person from moment of conception, every person has right to life (includes fetus), person’s right to life is stronger than a mother’s right to decide what happens in and to her body so outweighs it and fetus not killed and no abortion performed

• Some opponents will agree that abortion acceptable if didn’t choose to have baby (rape) or will shorten mother’s life
• Cant forbid you from doing something or make you do something, but the kindness on your part comes into play-what decision are you going to make? Will you have moral decency?
• The right to life consists not in the right to not be killed, but rather in the right not to be killed unjustly
• Opponents often are concerned with the independence of the fetus, when in reality they are dependent on the mother-she has a responsibility
• Should be forced to keep if unwanted and if attempt to prevent? Burglar break in through window with bars...allowed to stay? (compare to involuntarily getting pregnant while using birth control)
• Some cases in which unborn person has a right to use its mother’s body, some cases in which abortion is unjust killing-establish not all abortion is unjust killing
• If refuse the person life you are indecent but not unjust; nobody morally required to make large sacrifices of health, interests, concerns, duties, commitments in order to keep another alive
• Good Samaritan vs. Minimally Decent Samaritan-no law in country that compels one to even be a minimally decent Samaritan to any other person
• Men and women both compelled by law to provide support for their children
  o If taken all responsible precaution against having child do not simply by virtue of their biological relationship to the child who comes into existence have a special relationship for it
• Though argue abortion is not impermissible, do not argue that always permissible-depends the circumstances
• Though argue for permissibility in some causes, not arguing for right to secure the death of unborn child
• Very early abortion is not killing of a person, so not relevant to everything prior stated. Paper in terms of if fetus is human being from moment of conception.

The Wrong of Abortion—Patrick Lee and Robert P. George

Human Embryos and Fetuses are Complete (Though Immature) Human Beings
• Life of an individual human being begins with complete fertilization, about 8-10 weeks in fetus has fully formed, beating heart, completely brain, recognizably human form, and feels pain, cries, sucks his/her thumb
• Human Embryo
  o 1) growth distinct from any cell of mother or father, directed to own survival and maturation
  o 2) embryo is human-genetic makeup characteristic of human
o 3) embryo is complete/whole organism even though immature-from conception on fully programed to develop to mature stage of human unless prevented by disease or violence
o human embryo cant be compared to sex cells, sperm, or ova-embryo possesses from beginning the internal resources and active disposition to develop into maturity-just need suitable environment and nutrition
o in abortion human is killed

No-Person Arguments: The Dualist Version

• Argument: human organism comes at the time of conception We are living organisms, you and I, the human person only comes much later when self-awareness develops
• The word “I” is identical with the definition of physical organism (subject of bodily actions such as sensing or perceiving), therefore since we are organism, we came to be when these physical organisms came to be, human organism comes to be at time of conception-thus you and I came to be at time of conception and we were once embryos, then fetuses, then infants, etc...

No-Person Arguments: The Evaluative Version

• You or I came to be at conception yet we only became valuable and bear rights when we developed capacity for self-consciousness
• Do not identify the self or person with a non-physical phenomenon-a person is an accidental attribute (we were physical organism, became person just as musicians come to be musicians later on)
• Acquire value and right to life at some point after we come into existence (ex: right to life compared to right to vote-cant vote as children, eventually gain that right-yet are differences b/w the two)
• As human beings we have special kind of value that makes us subjects of rights in virtue
• Each human comes into existence possessing internal resources and active disposition to develop immediately exercisable capacity for higher mental functions
• 2 sorts of capacity or potentiality for higher mental functions: immediately exercisable capacity to engage in higher mental functions vs. a basic, natural capacity to develop oneself to point where one does perform such actions
  o developing human doesn’t reach level of maturity to perform a type of advanced mental act until at least several months after birth-many argue abortion acceptable on grounds that fetus lacks capacity of characteristic human mental functions (cant argue or would be allowing to kill infant)
- not a big difference b/w ovum and embryonic human-cant treat in radically diff. ways
- cant use proposition that all human beings treated based on level of development-then cant account for why basic rights not possessed by humans in varying degrees
- human beings are valuable as subjects of rights in virtue of what they are, they are human physical organisms and they come to be at conception-therefore what is valuable and subject of rights comes to be at conception

The Argument That Abortion is Justified As Non-Intentional Killing

- Some argue child in utero not entitled to use of mothers body for life support-abortion choice to/to not provide child with assistance not to intentionally kill
- “bodily rights argument”-women not morally obligated/required to allow fetus to use her body
- mother may have volutarity performed act which could result in child but did not intend for child to be conceived
- most cases the death of child in utero is abortion-when decide not to be parent also decide that the child dies so is intentional killing-bodily rights argument only justify few abortions
- difference in choosing not to do something0choose not to provide bodily life support vs. actively expelling human embryo or fetus from womb-doing something causes someone harm and abortion is the act of extracting fetus-does it violence
- parent has special responsibility to child but the act that would cause the child’s death would avoid a harm to the parent but cause a significantly worse harm to child-so the act that caused the death would be unjust, morally wrong act
- parents have responsibility to make sacrifices for their children even if don’t voluntarily assume responsibilities or give consent to personal relationship with child
- acquire responsibilities to people not only by consenting them but by having various union with them-natural unity of mother and child with father even if don’t consent to relationship
- harm caused (death) much worse than harms avoided (difficulties in pregnancy)-most of harms involved in pregnancy are reversible and do not jeopardize life of women
- father also has equally important responsibility-not bodily relationship but obligation to care, support financially, etc.
- burden of carrying baby significantly less than harm baby would suffer by being killed, mother and father owe it responsibility, intentional abortion is unjust and therefore objectively immoral.

The Morality of Abortion-Margaret Olivia Little
• Explores morality of abortion based on: (each of these themes adds layer of complexity to woman’s decision to continue or end pregnancy
  o Motherhood
  o Respect for creation
• Just as cant assume abortion monstrous if fetus is a person, cant assume that abortion empty of moral import if they’re not considered a person
• Ronald Dworkin—doesn’t matter if person, regrettable b/c of deep value it has. Abortion morally “weighty” not b/c bad for the fetus but because there is something precious and significant about germinating human life and this deserves deep respect
  o Ex: destroying Da Vinci painting not bad for the painting b/c painting has no interest but is regrettable b/c of deep interest it has
• Reasons adequate for justifying contraception do not translate to reasons adequate for abortion—no reason to justify contraception, but reason to justify abortion b/c human life has now begun—morally matters
• Abortion involves loss, must appreciate the value and moral status of what is now gone. If abort without second thought, this is not happening. Difference between reasons for aborting—not right to abort with casual indifference
• Care about how abortion is done and how the fetal remains are treated
• Great disagreement about what respect looks like in regard to the fetus and disagreement over the degree of value life should have
• Motherhood:
  • View 1: abortion closer to contraception; don’t owe relationship b/c no child yet
    o One of most common reasons to abort: don’t want to become a mother
    o Abortion? Many feel child would be traumatized, unjustified to give to others, know if carry through with pregnancy will want to keep not give up, emotional effects-pregnancy brings new identity and relationship that some do not want
  • View 2: abortion closer to exiting a parental relationship; impending relationship
    o Must continue pregnancy b/c cant turn back on potential child
    o Although willing to use contraception, not willing to abort—must accept new family member on the way
• Little’s view:
  o Until fetus is “person” we should recognize a moral right to deny parenthood and end pregnancy not b/c motherhood is burden but b/c it changes what we call one’s practical identity
  o To rear child or not means that a piece of one’s heart will forever walk outside one’s body