ARGUMENTS FOR THE MORAL PERMISSIBILITY OF ABORTION

Women deserve the autonomy and dignity to act in accordance with their personal convictions, and to decide what is best for their own lives and families. Women should be trusted and respected to exercise the choices about their bodies and lives that are best for them, and not be forced by the government into personal reproductive decisions that are against their will.551

IV.1 PRO-CHOICE ARGUMENTS FOR ABORTION: NATURE AND AIM

The issue of determining the moral status of abortion, as we have seen, involves on the one hand

- the moral status and rights of the concerned pregnant woman
- and on the other
- the moral status and rights of the prenatal organism

The arguments for the moral permissibility of abortion aim at placing the rights of the concerned pregnant woman over the moral status and rights of the prenatal organism.

The group of thinkers, who regards abortion as a non-moral act by equating it with acts like extracting a bad tooth or performing a cosmetic surgery on some one’s face at her request, pleads for the abolition of legislation regulating or preventing abortion. These thinkers are usually known as the Pro-choice thinkers for the moral permissibility of abortion.

551 “National Abortion Federation: Pro-Choice and Proud”.(2010). P-3 , [e-article]
Another group of thinkers believe that having a constitutional and moral right to her own body and privacy, which permits her freedom of choice, the women is at liberty to control her own body and to take reproductive decisions.  

Under this firm conviction these thinkers opine that abortion is morally justified, only when it is done with the consent of the pregnant woman. These thinkers are also known as the Pro-choice thinkers for the moral permissibility of abortion. They plead for the legalization of abortion. For them, should abortion “in most or all circumstances be legal generally rests on the claims: (1) that women have right to control over what happens in and to their own bodies; (2) that abortion is a just exercise of this right; and (3) that the law should not criminalize just exercises of the right to control one’s own body.”

Having placed the moral status and rights of a pregnant woman over the moral status and rights of her prenatal organism both the groups of thinkers argue in favour of abortion.

Most of the pro-choicers argue that their position do not violate the generally accepted moral principles, viz. “Being a person is what gives an individual intrinsic moral worth” or “It is only seriously prima facie wrong to take the life of a member of the human community”. Had a prenatal organism been a person or a rational agent or a social being, it would in principle possess intrinsic moral worth and in that case it would then be wrong to abort a prenatal organism. But since, it is an established fact “that fetuses are not persons or that fetuses are not rational agents or that fetuses are not

553 “Philosophical aspects of the abortion debate”. In Wikipedia: the free encyclopedia. (2010). P-1, [e-article]
555 Ibid.
social beings,” while on the contrary, a pregnant woman is a person, a rational agent and a social being; it is not unjust to place the moral status and rights of a pregnant woman over the moral status and rights of her prenatal organism. Hence, for the pro-choice thinkers, it is either not pertaining to morality or at least not morally wrong to abort a prenatal organism.

IV.2 PRO-CHOICE ARGUMENTS FOR ABORTION: TYPES

The arguments put forward by the pro-choice thinkers, for the moral permissibility of abortion, are basically of two types, viz. (A) Extrinsic Value Based Arguments and (B) Intrinsic Value Based Arguments. The former is consequential or teleological, while the later is deontological in nature. Before going to deal with the specific arguments of these two types that focus upon the harmful consequences of the absence of the freedom to choose abortion, let us look once at the normative patterns of the theories on which these two types of arguments are based. Thereafter we shall see how such foundational normative theories have been applied to these two types of arguments in the specific case of the moral permissibility of abortion.

IV.2.1 EXTRINSIC VALUE BASED ARGUMENTS FOR ABORTION: The Extrinsic Value Based arguments, usually understood as the consequential arguments, for the freedom to choose abortion focus upon the harmful consequences of the absence of that freedom.

IV.2.2 INTRINSIC VALUE BASED ARGUMENTS FOR ABORTION: The Intrinsic Value based arguments, commonly known


557 Note: “The intrinsic value of something is said to be the value that thing has “in itself,” or “for its own sake,” or “as such,” or “in its own right.” ” —Reference: Zimmerman, M. J. (2010). “Intrinsic vs. Extrinsic Value”. In Stanford Encyclopedia of Philosoph. P-1, [e-article]
as the Right based arguments, focus upon the diminution of autonomy that is inherent in the prohibition of abortion.

**EXPLANATION:**

- **The first type of arguments**, as the name indicates, is, in essence, teleological. Because, these arguments are put forward to establish the presence or absence of the moral validity of an act like abortion on the basis of the pragmatic worth of the consequences of such act, which in essence, are non-moral. That is to say, such arguments are given to determine the moral value of a voluntary human act on the basis of the non-moral consequences of such act. The non-moral value of the consequences of an act naturally is not intrinsic value of such act.

Therefore, the arguments based on the non-moral value of the consequences of an act are Extrinsic Value Based arguments. These arguments are commonly known as the consequential arguments for the moral permissibility of abortion.

Moral judgments about abortion will be better or worse, depending on the adequacy of the prediction of consequences.\(^{558}\)

…the issue of whether the fetus is a person or a human being is not among the things to consider when arguing from this type of consequentialist perspective.\(^{559}\)

Among the kind of consequences to consider are health risks and benefits, positive or negative mental or psychological consequences, and financial and social aspects of the alternative choices. For example, a pregnant woman should consider ……what would be the effect on her of having the child versus ending the pregnancy?……Would the child, if born, be likely to have a happy or unhappy life, and how would……an abortion or the child’s birth affect her family, other children, the father, the grandparents, and so on?\(^{560}\)

The consequential arguments are thus basically utilitarian arguments.


\(^{559}\) Ibid.

\(^{560}\) Ibid.
Utilitarianism's starting point is that we all attempt to seek happiness and avoid pain, and therefore our moral focus ought to center on maximizing happiness (or, human flourishing generally) and minimizing pain for the greatest number of people. This is both about what our goals should be and how to achieve them. 561

Consequentialism asserts that determining the greatest good for the greatest number of people (the utilitarian goal) is a matter of measuring outcome, and so decisions about what is moral should depend on the potential or realized costs and benefits of a moral belief or action. This is largely about determining how to attain our goals, which are taken to be self-evident.562

Therefore, the pro-choice argument in favour of a woman's right to control her pregnancy outweighs any right claimed for the embryo or fetus, which pro-choice advocates see as not yet having the full rights of a person. The pro-choice side sees abortion as a private medical decision that must not be made by the government.

- **The second type of arguments**, as the name indicates, is, in essence, deontological. Because, these arguments are put forward to establish the presence of the moral validity of an act—abortion by determining the intrinsic moral worth of such act. That is to say, such arguments are given to support the moral permissibility of a voluntary human act like abortion, considering the intrinsic moral worth of that act, because such act is performed to protect the right to autonomy of the pregnant woman in respect of her own body and privacy, which permits her freedom of choice allowing her to control her own body and to take reproductive decisions. The right to autonomy is based on Intrinsic Value.

Therefore, the arguments commonly known as the right based arguments for the moral permissibility of abortion are actually Intrinsic Value Based arguments and these are deontological in nature.

561 Dora, M. D. (2010).“On Utilitarianism and Consequentialism | Center for Inquiry”. P-1, [e-article]

562 Ibid.
The deontological arguments in favour of the right to autonomy of the pregnant woman in respect of her own body and privacy (which permits her freedom of choice allowing her to control her own body and to take reproductive decisions) outweighs any right claimed for the embryo or fetus (which, for the advocates of such arguments, do not have full rights of a person).

Therefore, even the deontological “pro-choice side sees abortion as a private medical decision that must not be made by the government.”

A few important (A) Extrinsic Value Based or Consequential Pro-Choice Arguments and (B) Intrinsic Value Based or Right Based Pro-Choice Arguments for the Moral Permissibility of Abortion may now be taken up below for discussion:

**IV.2.1 EXTRINSIC VALUE BASED ARGUMENTS FOR ABORTION**

**IV.2.1.1 HARD CASES ARGUMENTS**

Pro-choice thinkers cited the hard cases of abortion as justification for the requirement for legalized abortion. Rape or incests, Mothers’ health risk, Foetal abnormality etc.—all are called hard cases of abortion. But any attempt to limit legalized abortion to these “hard cases” are completely opposed by abortion proponents.

**IV.2.1.1.1 RAPE OR INCEST ARGUMENT :** The pro-choice moral thinkers argue that “rape and incest are two of the most serious crimes committed against a woman and that under no circumstances should she be

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563 “Abortion - An in depth overview of the issues debated around abortion” .(2012) P-4, [e-article]

forced to endure an unwanted pregnancy resulting from either of these actions. There is no argument, they feel, other than the woman’s own desire to go through with the pregnancy, that would justify putting her through the torment of pregnancy, and childbirth under these circumstances.”

The arguments put forward by Bioethicist Andrew Varga may be presented in the following way:

a) A pregnancy caused by rape or incest is the result of a grave injustice.

b) The victim should not, thus, be obliged to carry the prenatal organism to viability.

c) Because, this would keep reminding her for nine months of the violence committed against her and would just increase her mental anguish.

d) It is reasoned, therefore, that the value of the victim woman's mental health is greater than the value of the prenatal organism.

e) In addition, it is maintained that the prenatal organism is an aggressor against the victim woman's integrity and personal life.

f) It is just and morally defensible to repel an aggressor even by killing him/her if that is the only way to defend the victim woman's personal and human values.

g) Hence, it is concluded that abortion is justified in these cases.

IV.2.1.1.2 MOTHER’S LIFE RISK ARGUMENT: Some Moral philosophers claim that when the life of the mother is threatened by her pregnancy, then medical intervention to save the mother, at the cost of the prenatal organism, is justified. No one would disagree to admit that if through “careful treatment of the mother’s illness the pre-born patient inadvertently dies or is injured, this is tragic and, if unintentional, is not unethical and is


consistent with the pro-life ethic." 567 Because, this is a standard case of therapeutic abortion. But, when a mother suffering from breast cancer requires immediate chemotherapy to survive, the physician may intentionally recommend abortion.568 This too will not be unethical according to such moral philosophers. Because, in such cases carrying and delivering a baby can be painful & dangerous to the mother, and a number of complications can develop.

IV.2.1.1.3 DEFORMED BABY ARGUMENT: It may be of two types: (1) Argument from the consideration of the deformed unborn baby’s own interest and (2) Argument from the choice of the pregnant women, who do not want to take care of the deformed unborn baby.

(1) Argument from the consideration of the deformed unborn baby’s own interest: According to Mackie abortion is justified when the prenatal organism is deformed or handicapped. This is close to euthanasia of an unborn baby, even up to the time of birth or at birth itself. In case there are good reasons for believing that the baby, if born, will suffer from permanent and serious disability, then on the consideration of the baby’s own interest (not so much those of the family and those who have to care for him) abortion can be made even at a very late stage of pregnancy.569

(2) Argument from the choice of the pregnant women, who do not want to take care of the deformed unborn baby: Again, for some pro-choice thinkers abortion should remain a choice for those women, who do not want to take care of that unborn baby, which is diagnosed as deformed or

567 “Are There Rare Cases When an Abortion Is Justified?” (2012) P-2, [e-article]
568 Ibid.
In these cases the termination of prenatal organism is not unethical.

### IV.2.1.2 UTILITARIAN ARGUMENTS

In accordance with the utilitarian principle of “greatest good for the greatest possible number” a utilitarian might argue that allowing those, who can't afford to take care of their future children, to have abortions “would reduce the financial drain on society at large by not having to support those children through government programs like welfare. A utilitarian might further argue that abortion-on-demand creates fewer unloved children as well as creates fewer unhappy parents.”

Arguments for abortion often cite the bad consequences that may result from a continued pregnancy—for example, the loss of a job or other opportunities for the pregnant woman, the suffering of the future child, the burden of caring for the child under particular circumstances, and so on.

According to some other view, where having a further baby appears to decrease the happiness in a family—abortion must be acceptable.

### IV.2.1.2.1 ACT UTILITARIAN ARGUMENT:

Act-utilitarian thinkers believe that people taking decision on abortion must consider the likely consequences of the alternative actions—viz, having or not having an abortion. For this view, killing a prenatal organism—even if it is treated as an innocent person—would be morally right, provided the expected and actual

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571 “What are the utilitarianism views on abortion? - Yahoo! Answers” (2008). P-1, [e-article]
573 Ibid. P-99
utility of that act would be just slightly greater than that of any other alternative act.\textsuperscript{574}

**IV.2.1.2.2 RULE UTILITARIAN ARGUMENT** : According to rule-utilitarianism the unwanted pregnancies that represent a physical, mental, emotional, and financial hardship should be terminated. An utilitarian does not treat the prenatal organism as an individual in whom happiness is to be gained or lost, nor is a prenatal organism guaranteed any rights by any means; for it does not experience cognitive and rational thought. A rule-utilitarian, on the contrary, accepts the society as a whole. Hence, for a rule-utilitarian, aborting unwanted and financially non-viable children is ethically just.\textsuperscript{575}

**IV.2.1.3 SOCIAL ARGUMENTS**

Some pro-choice thinkers claim that most of the social ills like unwanted and abused children, abused women, poverty etc. of the world have their basic common root in the absence of proportionate increase of resources corresponding to the increase of population “When taken separately, these issues all appear to be independent problems, but we were told that they all had a common remedy. Abortion was touted as the solution to all our social ills. In other words, we were told then that these social problems were best resolved by ending someone’s life.”\textsuperscript{576}

**IV.2.1.3.1 POPULATION CONTROL ARGUMENT** : Some moral thinkers claim that abortion helps us to solve the problem of overpopulation and thereby to develop our society by increasing the quality of human life. For them, abortion can be used as a means of population control


\textsuperscript{576} Gans, O. et al (1998). “When They Say... You Say: Every Child a Wanted Child [and Other Social Arguments]”. P- 1, [e-article]
and as that for reducing “the financial and emotional burden a child may put on a family.”

**View of B.A. Brody:** Brody claims that the “abortion is a method of population control, and, with our growing population problem, we have no business outlawing any method of population control.”

**View of Merry Anne Warren:** Warren also supports abortion as an useful method to control rapid population growth. She presents the following socio-scientific reasons in support of her view:

Global biodiversity and the future ability of the planet to support human life are also at stake. Global warming makes it clearer than ever before that the earth can no longer support a rapidly growing human population. Many countries’ ability to support their populations at present levels is threatened by the increased incidence of catastrophic floods, droughts, and wildfires, the displacement of populations as a result of wars and natural disasters, and the loss of agricultural land to rising ocean levels, desertification, erosion, and commercial development. Species are being lost at an accelerating rate because of over-exploitation, habitat destruction, and human-caused climate changes. Yet many of the poorest nations are still experiencing rapid population growth—in large part because the lack of contraception and safe abortion forces many women to have more children than they otherwise would.

**IV.2.1.3.2 Reduction of Unwanted Child Argument:** Some pro-choice thinkers claim that abortion is morally justified in those cases where the child is unwanted. According to them we should not bring an unwanted baby into the world, because unwanted babies often are subject to neglect, hatred and abuse. Increase of unwanted children results in the proportionate hike of child abuse.

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If a family can have desired number of children, then many family problems will be greatly reduced. Not only that unwanted children very often develop higher attraction to criminal activities. So, it is unfair to bring an unwanted baby into this world. B.A. Brody thus rightly claims that the “prohibiting abortion lead to the birth of unwanted children, children who often suffer psychologically because of this, and who therfore sometimes grow up to be social problems.”

IV.2.1.3.3 FETAL TISSUE TRANSPLANTATION

ARGUMENT: Pro-choice thinker like Mary Mahowald claims that “abortion can sometimes have extremely beneficial results for the society at large…..many otherwise incurable diseases can be treated with the tissues of aborted fetuses.” So abortion particularly in case of tissue transplantation must be justified.

Likewise, Peter Singer in his book “Practical Ethics” claims that research carried out on “fetuses has led to the hope of finding cures for many serious illnesses by the transplantation of tissue or cells from the fetus. Compared with adult tissue, fetal tissue appears to grow better after transplantation, and to be less likely to be rejected by the patient. The example that has received the most publicity to date is Parkinson's disease, but the use of fetal tissue has also been suggested in the treatment of Alzheimer's Disease, Huntington's Disease, and diabetes; and fetal transplants have been used to save the life of another fetus, in a case in which a 30 week old fetus, in utero, suffering from a fatal immune system disorder was given fetal cells from aborted fetuses.” According to Singer until 18 weeks of gestation, the cerebral cortex is not sufficiently developed for synaptic connections to take place within it or the signals that give rise to pain in an adult are not being received. So, prior to that time, there is no good basis for believing that the

prenatal organism needs protection from harmful research, because the prenatal organism cannot be harmed.583

**IV.2.1.4 POLITICAL ARGUMENTS**

The political debate regarding abortion law, usually surrounds a right to privacy, and when or how a government may regulate abortion. Some pro-choice moral thinkers argue that it should be illegal for a government to permit abortion, because right to choose abortion is essential to women for sharing equal rights with men and thereby achieving required proportionate advancements. This fact is reflected in the following remarks and/or views:

1. “…..without freedom to choose abortion women cannot achieve social and political equality.”—Justice Harry A. Blackmun.584

2. “Laws restricting abortion so dramatically shape the lives of women, and only of women, that their denial of equality hardly needs detailed elaboration. While men retain the right to sexual and reproductive autonomy, restrictions on abortion deny that autonomy to women. Laws restricting access to abortion thereby place a real and substantial burden on women’s ability to participate in society as equals.”—Laurence Tribe.585

**IV.2.1.4.1 ARGUMENT FROM PRIVACY:** A political debate usually surrounds right to privacy on the issue of abortion. In fact, the issue of bodily privacy is the core of the abortion debate. Usually privacy, in relation to abortion, signifies ability to take decision on what happens to a women’s own body. But in political terms, privacy can be understood as a condition in

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which one is not observed or disturbed by government. So pregnant woman to have right to privacy allows her freedom to terminate her pregnancy.

IV.2.1.5 PSYCHOLOGICAL ARGUMENTS

Pro-choice thinkers some times argue that “some women who decide to have an abortion may, of course, feel guilty, but many women do not experience any such feelings because they do not consider the conceptus a human being in any respect.” Furthermore, if guilt feelings do exist, these will be temporary; because they can be overcome either by the women’s own attempt or by counseling. As such, the guilt feelings are nothing compared to the psychological damage of going through nine months of pregnancy and then bearing an unwanted child.

Prochoice advocates also claim that “if a woman has to spend eighteen or more years raising a child when she really doesn’t want to, the psychological damage she suffers may be longer lasting and much more detrimental than a few hours, days, weeks, or even months of guilt over having to abort an unwanted conceptus. Moreover, going through a pregnancy and having to give a child up for adoption will cause greater psychological damage than having an early or even a late abortion.”

The prochoice people also believe that this psychological damage extends to the child itself once it is born. What psychological damage will be wreaked upon children who grow up unwanted and unloved by mothers who were forced to have them against their will? Physical and emotional deprivation extending to child abuse and even death is far worse, the argument states, than not letting the child be born at all.

Thus, Feinberg, in his article “Abortion”, argues,

588 Ibid.
589 Ibid.
590 Ibid.
All parties to the abortion dispute must agree that many women can be harmed if they are required to bring an unwanted foetus to term. Unwanted sexual intercourse imposed on a woman by a rapist can inflict on its victim severe psychological trauma of a sort deemed so serious by the law that a woman is entitled under some rules to use deadly force if necessary to prevent it. Similarly, an unwanted pregnancy in some circumstances can inflict severe psychological injury on a woman who is forced to carry her child to birth.\footnote{Feinberg, J. (2002). “Abortion.” In Ethics. P-774}

The case becomes more serious, he thinks, when the victim is as little as a terrified fourteen-year-old high-school girl whose pregnancy has been caused by rape.\footnote{Ibid.}

\textbf{IV.2.1.6 ECONOMIC ARGUMENTS}

\textbf{IV.2.1.6.1 ARGUMENT FROM ECONOMIC INCENTIVE:} For the Pro-choice thinkers the poor people in this world should opt abortion as a means limit the number of their children for decreasing their expenditure. They believe, “encouraging poor women to abort their children will somehow end poverty.”\footnote{Gans, O. \textit{et al} (1998) “When They Say... You Say: Every Child a Wanted Child”. P-1, [e-article]}

According to abortionists the cost of raising unwanted children burdens their parents, and also the public at large with additional welfare spending.

If abortion is forbidden, then the poor will keep producing more children to draw more welfare. Hence, there is an economic incentive in permitting abortion.\footnote{Beckwith, F. J. (2007). \textit{Defending Life, A Moral and Legal Case against Abortion Choice}. PP-96-97, [e-book]}

\textbf{VI.2.1.6.2 ARGUMENT FROM ECONOMIC DISCRIMINATION:} Pro-choice advocates also often argue—
prior to abortion being legalized, pregnant women who did not go to unscrupulous physicians or “back alley butchers” traveled to foreign nations where abortions were legal. This was an option open only to rich women who could afford such an expense. Hence, *Roe v. Wade* has made the current situation fairer for poor women. Therefore, if abortion is prohibited, it will not prevent rich women from having safe and legal abortions elsewhere.595

So, to prevent economic discrimination all women—irrespective of rich and poor—should equally enjoy the right to opt abortion at desired case.

### IV.2.1.7 TOLERANCE ARGUMENT

Many people in the abortion-choice movement argue that their position is more tolerant than the pro-life position. After all, they reason, the abortion-choice movement is not forcing pro-life women to have abortions, but the pro-life movement is trying to deny all women the option to make a choice.596

### IV.2.1.8 MEDICAL ARGUMENTS

Medical argument attempts to show that a pregnant woman has no obligation to carry her unborn offspring to term, regardless of whether or not it is fully human, because—

abortion are much safer—especially in the early stages of pregnancy, when they are most often performed—than going through nine months of pregnancy……They maintain that the drain on a woman’s strength, health, and body caused by going through pregnancy leaves marks that can far outlast the short-term effects of an abortion procedure, especially when it is performed early in the pregnancy.597

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596 Ibid. P-115, [e-book]

In fact, an abortion performed under normal medical conditions is generally not a dangerous procedure; however, is it a wholly minor procedure. This is an easy and painless procedure. 598

Medically, repeated abortions and abortion in young women can cause later problems, but these problems are not so severe that laws prohibiting abortions are needed in order to protect women from bodily harm and death. 599

Abortion in the first twelve weeks is a minor procedure that carries with it almost no risk. Later abortions are, of course, more complicated, but even in such cases, with appropriate medical care and facilities, woman can be brought through abortion quite safely. 600

The statistic often quoted to support this argument is one found in the most recent edition of the American Medical Association Encyclopedia of Medicine: “Mortality is less than one per 100,000 when abortion is performed before the 13th week, rising to three per 100,000 after the 13th week. (For comparison, maternal mortality for full-term pregnancy is nine per 100,000.) 601

No method of contraception is perfect, and it is unlikely that a perfect method could be developed. Further, no matter what support is provided for mothers and children, being a mother will in all likelihood never be a responsibility that every women would be willing to assume under all circumstances.

If deciding the course of their reproductive lives is a vital need for women, then abortion would remain necessary even if society were reformed in the way that Callahan suggests. 602

599 Ibid.
600 Ibid. P-255
IV.2.1.9 LEGAL VALIDITY ARGUMENTS

IV.2.1.9.1 UNJUST PROSECUTION TO WOMEN-IN-DISTRESS ARGUMENT: In spite of accepting the right to life as one of the most important principles of law within a free republic some supporters of abortion hold the following view:

......if abortion is made illegal, many women will be prosecuted, convicted, and/or sentenced for murder (a capital offense in some states) because the changed law will entail that abortion in almost every circumstance is the unjustified and premeditated killing of an innocent human person (the unborn). Abortion-choice activists argue that such a situation will unnecessarily cause emotional and familial harm to women who are already in a difficult situation.....603

IV.2.1.9.2 UNJUST ONE DIRECTIONAL PUBLIC POLICY DECISION ON WIDESPREAD DIVERSITY OF OPINION:

Some pro-choice thinkers argue—

it is unjust to make a public policy decision in one direction when there is wide diversity of opinion within society. This argument can be outlined in the following way:

1. There can never be a just law requiring uniformity of behavior on any issue on which there is widespread disagreement.

2. There is widespread disagreement on the issue of forbidding abortion. Therefore, any law that forbids people to have abortions is unjust.604

On the issue of legalizing abortion B. A. Brody also opines that legalizing abortion is:

the only way of avoiding tragedies for the pregnant woman and her family, tragedies due to the cause of the pregnancy (rape, incest) or to events occurring during the pregnancy (certain types of maternal illness or certain drugs taken by the mother), or


604 Ibid. P-119
to the family’s circumstances (its inability to support another child, the mother’s mental or physical health).  

**IV.2.1.9.3 BACKSTREET ARGUMENT** : Pro-choice thinkers sometime argue that the criminalization of abortion would place women back in the position they used to be in, of having to undergo highly dangerous ‘backstreet’ abortions.

It would place the women in the hand of people who were semi-trained or maybe had no training at all in terminating a pregnancy. They might not have any medical qualifications. And the fact is that in every society in which abortion is illegal women die from backstreet abortions, or suffer physical harm such as infection, hemorrhaging and infertility.

In developing countries, where abortion is illegal or highly restricted, mortality rates from abortion are much higher than elsewhere.

……criminalizing abortion will lead to the deaths of many women through ‘back-alley abortions’; that unwanted children have a negative social impact (or conversely that abortion lowers the crime rate); or that reproductive rights are necessary to achieve the full and equal participation of women in society and the workforce.

Peter Singer observes,

….laws prohibiting abortions do not stop abortion, but merely drive them underground. Women who want to have abortions are often desperate. They will go to backyard abortionists or try folk remedies.  

Abortion performed by a qualified medical practitioner is as safe as any medical operation, but attempts to procure abortions by unqualified people often result in serious medical complications and sometimes death.

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608 “Abortion - An in depth overview of the issues debated around abortion”. (2012). P-7, [e-article]
610 Ibid.
Thus the effect of prohibiting abortion is not so much to reduce the number of abortions performed as to increase the difficulties and dangers for women with unwanted pregnancies.611

IV.2.2 INTRINSIC-VALUE-BASED OR RIGHT-BASED ARGUMENTS

IV.2.2.1 HUMAN-CENTRIC ARGUMENTS

Some moral philosophers claim that an entity has moral status, if and only if, it is a human being; and it has no moral status, if it is not so. Any “entity which has no moral status does not count morally and what does not count morally does not deserve any moral consideration. For them the class of morally considerable entity, thus, is co-extensive with the class of human beings.”612 If a prenatal organism is not a human being, then it is a morally irrelevant entity, and therefore, it can be destroyed. So, abortion becomes justified. But with regard to the cutting point there is a controversy between the extreme Pro-choice thinkers and moderate Pro-choice thinkers.

The view of the extreme Pro-choice thinkers can somehow be presented thus:

- At no state of its existence in the womb, from the very moment of fertilization to the moment preceding birth, a prenatal organism is a human being.

- As a prenatal organism is not a human being throughout the period of its existence in the womb from the moment of fertilization to the moment preceding birth, it is a morally irrelevant entity.

- As a prenatal organism is a morally irrelevant entity, it can be destroyed.

611 Singer, P. (2003). Practical Ethics. P-143
Therefore, abortion is justified.

Whereas, the view of the moderate Pro-choice thinkers is somehow like this:

- At the early stage of pregnancy it is unjustified to talk of a prenatal organism as a human person (but justified in very late pregnancy).
- As a prenatal organism is not a human being at the early stage of pregnancy, it is a morally irrelevant entity during that period.
- As a prenatal organism, during the early stage of pregnancy, is a morally irrelevant entity, it can then be destroyed.

Therefore, abortion is justified at the early stage of pregnancy.

Now, on what ground a pro-choice thinker disallows a prenatal organism the status of being a human person and treats it as a morally irrelevant entity? The following are some of the justifications presented by such thinkers:

**IV.2.2.1.1 THE TIME OF IMPLANTATION ARGUMENT:**

Some moral philosophers like Dr. Bernard Nathanson argues that full humanness begins when the conceptus is implanted in its mother's womb, because only from the moment of implantation the unborn “establishes its presence to the rest of us by transmitting its own signals—by producing hormones—approximately one week after fertilization and as soon as it burrows into the alien uterine wall.”

For Nathanson,

….implantation is significant because prior to this time the unborn has the genetic structure but is incomplete, lacking the essential element that produces life: an interface with the human community and communication of the fact that it is there.613

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So, before this time a prenatal organism is not a human being, which means it has no moral status at all.

IV.2.2.1.2 SEGMENTATION ARGUMENT:

THE VIEW OF PAUL RAMSEY: Paul Ramsey argues,

Up to about 14 days after fertilisation, we cannot even tell if the embryo is going to be one or two individuals, because splitting can take place, leading to the formation of identical twins.614

The individual in question, thus, comes into existence as a unique individual only at this point. Until then, there may be two entities in the blastocyst. So, before this point abortion seems to be justifiable.

THE VIEW OF G.M. ATKINSON: G.M. Atkinson writes,

….the zygote cannot be a person because twinning results from the splitting of a zygote into two zygotes, and because it is difficult to see how a person can split into two persons.615

So, before twinning results from the splitting of a zygote abortion seems to be justifiable.

IV.2.2.1.3 ‘FETAL BRAIN ACTIVITY’ ARGUMENT:

Some bioethicists, such as Baruch Brody, believe that full humanness begins when the brain starts functioning, which can first be detected by the electroencephalogram (EEG) at about 40 to 43 days after conception.616

….since at brain death a human being goes out of existence (at least in this mortal realm), the presence of a functioning human brain is the property which makes one fully human. Hence, it would only follow that the start of brain functioning is the beginning of full humanness.617

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617 Ibid.
absence of electroencephalographic waves has come to be regarded by physicians as the indicator of the moment of death, the moment at which the entity in question is no longer a human being. So, on ground of symmetry, it would seem appropriate to treat the appearance of such waves as the indicator of the moment at which the entity in question becomes a human being.618

Michael Lockwood also says that “a foetus could not be a human being before the brain is sufficiently developed to sustain one’s identity as a human being with a capacity for consciousness.”619

The prenatal organism displays no brain activity for the first sixth or so weeks. It does not even have a brain for the first third weeks. But to be human is to have a functioning brain. So can’t say the prenatal organism be human being.620

The idea is reasonable given that the human brain is the locus of consciousness, language, and communication, and it is what makes us crucially different from other animals.621

So, unless a functioning brain is developed, a prenatal organism cannot be treated as a human being, and therefore, before development of brain functioning a prenatal organism it has no moral status at all.

**IV.2.2.1.4 VIABILITY ARGUMENT:** Viability arises approximately at the fifth month in fetal development, at which the unborn human can live outside her mother's womb.622 Some pro-choice thinkers argue that prior to this time, the prenatal organism is not a completely independent human life.

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622 Ibid.
and hence not fully human. Because, at this time all its organs and organ systems are then sufficiently developed to function on their own.

Viability is where the United States Supreme Court drew the line in Roe v. Wade. The Court held that the state has a legitimate interest in protecting potential life, and this interest becomes ‘compelling’ at viability because the foetus then presumably has the capability of meaningful life outside the mother’s womb. Therefore statutes prohibiting abortion after viability would not, the Court said, be unconstitutional.

IV.2.2.1.5 ‘LOOKS LIKE HUMAN BEING’ ARGUMENT:

Some moral philosophers, like Prof. Ernest Van Den Haag, argue that the prenatal organism becomes fully human only when it begins to take on the appearance of a child. Before that abortion is justified, but after that “…abortion seems justifiable only by the gravest of reasons, such as the danger to the mother; for what is being aborted undeniably resembles a human being to an uncomfortable degree.”

IV.2.2.1.6 QUICKENING ARGUMENT: Some pro-choice thinkers argue that human life begins only at quickening, i.e. when the pregnant woman can feel the prenatal organism’s kicks or movements. “The "quickening" doctrine proposed by Aristotle and accepted by Augustine and Thomas Aquinas, which stated that ensoulment took place at forty days if the foetus was male, at eighty days if female. Dispatch before ensoulment was not considered a crime until the Vatican Council promulgated the idea that the fetus is human at conception.” The pregnant woman can feel the prenatal organism’s kick or moves in “approximately the fourth month of fetal

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627 McCollister, B. (2010). "Perspective: Anti-abortion and Religion" P-1, [e-article]
development…. This would make a better reason for considering this the beginning of the being’s new life because it would now be moving about on its own."

Some moral thinkers claim that any “entity that is not perceivable by other human being cannot be a human being. So the fetus can become a human being only after the moment of quickening, only after the moment at which it enters into the realm of the perceivable.” With quickening can the fetus be perceived by other human being through ordinary means, for only then can the movement of the fetus be felt the mother.

IV.2.2.1.7 ‘THE MOMENT OF BIRTH’ ARGUMENT: Some pro-choice thinkers argue that birth is the time at which the human entity becomes fully human.

They usually hold this position for two reasons: (1) our society calculates the beginning of one's existence from one's day of birth; and (2) it is only after birth that a child is named, baptized, and accepted into a family.

Birth is the most visible possible dividing line, and the one that would suit liberal best. It coincides to some extent with our sympathies—we are less disturbed at the destruction of a fetus we have never seen than at the death of a being we can all see, hear and cuddle.

One can very well understand why birth is suggested as the dividing line. It is only after a baby is born that he or she is accepted into the human community and it is only at birth that the baby can first express his or her distinctive personality.

As long as the fetus is within the mother, it is more appropriately thought of as a part of the mother, rather than as a separate human being. That status is acquired by the fetus only when it emerges from the mother at the moment of birth.

While it is true that the fetus has the capacity for independent existence from the time of viability, it does not ordinarily enter upon that independent existence until birth.\textsuperscript{634}

It is only after birth that the fetus can interact with other humans. But such interaction, and not the mere abstract possibility of it, is an essential characteristic of a human being.\textsuperscript{635}

People celebrate birthdays, not conception days, and funerals are not held following miscarriages. So, before birth prenatal organisms has no moral status at all.

**IV.2.2.1.8 Uncertainty Argument:** Some moral thinkers claim that when human life begins is a religious question that cannot be answered by science. The point of beginning of life is uncertain. Hence, for Thomson, the pregnant “woman has no duty to sustain this being inside her. Her desire to be free from the burden of sustaining this being is real, and this is what should be the determining factor. Second, we should focus on the reality of the woman. We should give the benefit of doubt to the woman.”\textsuperscript{636}

Because, she is clearly a human being, a person. So, we should give her the right to choose what she wants to do in her situation, as she sees it. We should give her the right to control her body. We should let her to decide whether or not to have an abortion according to the dictates of her conscience.\textsuperscript{637}

**IV.2.2.2 Sentience Arguments**

The sentience criterion, especially, means pain feeling criterion. It was used to be standard opinion among abortionists and supporters of abortion that the foetus could not feel any pain, at least until relatively late in the

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\textsuperscript{633} Brody, B. (1976). \textit{Abortion and the Sanctity of Human Life: A Philosophical View}. P-84

\textsuperscript{634} Ibid.

\textsuperscript{635} Ibid. P-85

\textsuperscript{636} Schwarz, . S. (2007). “Excerpts from The Moral Issue of Abortion”. P-8, \url{[e-article]}

\textsuperscript{637} Ibid.
pregnancy, perhaps not until the sixth month. “Prior to that time, there is no good basis for believing that the foetus needs protection from harmful research, because the foetus cannot be harmed.”638 This view is found presented in different forms by different thinkers, some of which are as follows:

**The views of Harold Morowitz and James Trefil:** Thinkers like “Harold Morowitz, a biologist, and James Trefil, a physicist—claim that sentience, which they plausibly link to brain development, which latter they implausibly link to ‘the onset of humanness’, is not clearly present earlier than 25 weeks.”639 According to Singer “until 18 weeks of gestation, the cerebral cortex is not sufficiently developed for synaptic connections to take place within it—in other words, the signals that give rise to pain in an adult are not being received. Prior to that time…… the foetus cannot be harmed.”640

**The view of Peter Singer:** Moral philosophers like Peter Singer claim that an entity has a moral status, if and only if, it has the capacity to feel pain and suffering. For them, “the class of morally considerable entities is not co-extensive with the class of all living things. It is co-extensive with the class of those entities which have the capacity to feel pains and suffering.”641 “Singer allows that consciousness—or awareness—and along with it the capacity to feel pleasure and pain, are of real moral significance, for it is, he argues, ultimately on the basis of the pain or pleasure that they cause that our actions must be judged.”642 But early foetuses are unable to feel pains and suffering so, they have no moral status at all.

THE VIEW OF MICHAEL TOOLEY: Michael Tooley also regards that “only creatures who can desire their own continued existence can have an interest in continuing to exist. But to have such a desire, he adds, requires concepts: the concepts of self, experience, existence, continuing life. Now, if a foetus has no concepts at all it obviously cannot have a concept of pain.” And if the prenatal organisms have no concept of pain, they have no moral status.

THE VIEW OF JOEL FEINBERG: Likewise, Joel Feinberg’s main claim is that a prenatal organism cannot be harmed, because, for him, harm means thwarting of interests and the prenatal organisms has no interest to thwart. So, abortion is morally not a condemnable act.

THE VIEW OF JUDITH THOMSON: Judith Thomson opines that “in order to have rights, a thing must have interests. In order to have interests, a thing must have wants, hopes, desires, etc. The foetus, at least early in gestation, does not have wants, hopes, desires, etc. So the foetus, at least early in gestation, does not have rights.”

IV.2.2.3 PERSON-CENTRIC ARGUMENTS

A few Pro-choice thinkers accept personhood as the criterion of moral status. For them the class of morally considerable entities, thus, is co-extensive with the class of persons.

Personhood is generally defined in terms of the possession of characteristics and capacities such as consciousness, ability to reason, self-motivated activity, communication, and possession of a concept of the self.

The personhood argument in defense of abortion starts from the view that because persons possess these morally significant characteristics and capacities, they are able

644 Ibid. P-99
to value their own lives, and the lives of other persons, to a greater extent than those beings who lack these mental and social capacities. For these reasons it is more seriously wrong to kill a person than a non-person, even a sentient non-person.648

This view is found presented in different forms by different thinkers, some of which are as follows:

**The view of John Lock:** John Lock in his book *An Essay Concerning Human Understanding* identifies the characteristics of a person thus:

A person is a thinking intelligent being, that has reason and reflection, and consider itself as itself, the same thinking thing in different times and places; which is does only by that consciousness, which is inseparable from thinking, and as it seems to me essential to it. 649

The pro-choice thinkers can draw the following possible logical conclusion from Lock’s notion of a person:

- The criterion of moral status is person-hood.
- The essential characteristics of a person like rationality, intelligence, reflection and self-consciousness are absent in the early stage of a prenatal organism.
- In the absence of the essential characteristics of a person at the early stage of a prenatal organism, a prenatal organism at that stage cannot count as a person.
- A prenatal organism at its early stage being not a person, lacks moral status.
  - Hence, at the early stage of its existence a prenatal organism can be aborted.

**The view of Peter Singer:** Peter Singer following Locke’s definition of personhood claims that “A being is a person if and only if the being has (1)

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an awareness of his or her own existence (2) over time and in different places with (3) the capacity to have wants and (4) plans for the future.” But prenatal organisms are unable to satisfy these characteristics, so, termination of this entity or abortion is justified.

**The view of Karl Marx**: What Karl Marx opines about the characteristics of a human person is somehow like the following:

…..species is the unique character of man, which distinguishes him from all other beings in the nonhuman world. Man has the capacity to think, reason, judge, imagine, plan, anticipate and so on. These capacities are mental or psychological. Of all the mental capacities, the most important one that determines man’s species is conceptual thinking. Animals learn skill only from experience, but not by reflection on experience. They learn how to do things without learning how things are done. Man, on the other hand, can visualize the end product of his activity and direct the latter accordingly.

The pro-choice thinkers can draw the following possible logical conclusion from Marx’s notion of a human person:

- The criterion of moral status is human person-hood.
- The essential characteristics of a person like capacity to think, reason, judge, imagine, plan, anticipate, reflect and so on are absent at least in the early stage of a prenatal organism.
- In the absence of the essential characteristics of a human person at least in the early stage of a prenatal organism, a prenatal organism at least in that stage cannot count as a person.
- A prenatal organism at least in its early stage being not a person, lacks moral status.
  - Hence, at least in the early stage of its existence a prenatal organism can be aborted.

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THE VIEW OF MARY ANNE WARREN: Mary Anne Warren, argues for the moral permissibility of abortion at any stage of the pregnancy and under any circumstances. She thus defends an extremely pro-choice view on abortion. For Warren,

moral opposition to abortion is based on the following argument:

i. It is wrong to kill innocent human beings.

ii. The embryo is an innocent human being.

iii. Hence it is wrong to kill the embryo.

Warren, however, thinks that 'human being' is used in different senses in (i) and (ii). In (i), 'human being' is used in a moral sense to mean a 'person', a 'full-fledged member of the moral community.'

Moral community is a group of people living together with specific common features and requirements of morality. Members of a moral community “regulate their activities by a sense of right and wrong; feel responsibility for their actions; possess certain common interests, desires, aspirations and goals of life; and work together in a cooperative manner to realize those aspirations and goals in life.”

But in (ii), 'human being' means 'biological human being'.

➢ To be a biological human being is to be human in the genetic sense, i.e. to be a member of the biological species *homo sapiens*.

➢ Any member of the biological species *homo sapiens* is a human being, and no member of any other species can be so.

➢ A human embryo is a 'biological human being'.

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652 “Philosophical aspects of the abortion debate”. In *Wikipedia: the free encyclopedia*. (2010). PP-1-2, [e-article]


654 “Philosophical aspects of the abortion debate”. In *Wikipedia: the free encyclopedia*. (2010). P-2, [e-article]

But, for that reason, it does not follow that a human embryo is a person.

Because, to be a person is to satisfy some specific criterion other than that of a 'biological human being', and to have natural rights like the right to life.⁶⁵⁶

Warren suggests that the traits that are most central to the concept of personhood, very roughly, in her words, are the following:

i. Consciousness (of objects and events external and/or internal to the being), and in particular the capacity to feel pain;

ii. Reasoning (the developed capacity to solve new and relatively complex problems);

iii. Self-motivated activity (activity which is relatively independent of either genetic or direct external control);

iv. The capacity to communicate, by whatever means, massages of an indefinite variety types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics;

v. The presence of self-concepts, and self awareness, either individual or racial, or both.⁶⁵⁷

Warren then points out that—

……we needn’t suppose that an entity must have all of these attributes to be properly considered a person: (i) and (ii) alone may well be sufficient for personhood, and quite probably (i)-(iii) are sufficient. Neither we need to insist that any one of these criteria is necessary for personhood, although once again (i) and (ii) look like fairly good candidates for necessary conditions, as does (iii), if ‘activity’ is construed so as to include the activity of reasoning. All we need to claim, to

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⁶⁵⁶ “Philosophical aspects of the abortion debate”. In Wikipedia: the free encyclopedia. (2010). P-2, [e-article]

⁶⁵⁷ Ibid.
demonstrate that a fetus is not a person, is that any being which satisfies none of (i)-(v) is certainly not a person.658

For her, thus, abortion and infanticide are both prima facie permissible because of the under-mentioned reason:

Fetuses and neonates lack the capacity for self-conscious awareness that makes one a person and gives one moral status.659

In lieu of granting moral status to any non-person biological human she prefers to respect the lives of highly intelligent aliens, even if they are not biological humans.660

THE VIEW OF MICHAEL ALLEN FOX: Michael Allen Fox also shares similar view, because for him also only those creatures that have critical self-awareness, capacity to anticipate, ability for choosing among the alternative courses of action and thinking, sense of responsibility etc. can be said to have moral status.661

THE VIEW OF MICHAEL TOOLEY: According to Michael Tooley “An organism possesses a serious right to life, only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity.”662

Because, for him, personhood requires self-consciousness.663

The person, he said, is the enduring subjects of consciousness, referred to by the words ‘I’, or ‘you.’ Thus, in Tooley’s view I am simply not a physical organism; this physical organism with which I am associated came to be at one time but I came to be at a later time.664

663 Soul, J. (2003). Feminism Issues & Arguments. P-113
Prenatal organisms and new born infants do not have any right to life, because they are not being clearly like this. Thus abortion is acceptable; so is infanticide in case it is done at an early stage.

**The View of G.M. Atkinson**: G.M. Atkinson arranges his arguments in the following order:

The foetus has no personality, no individual identity, no established relations with other person, no participation in the life of the community, and therefore, it cannot be considered as a member of the moral community of person.665

Since the foetus does not come under the category of moral community of person, it does not possess any right. The possession of a moral right to the foetus presupposes certain moral responsibilities to it.666

**The View of Daniel Callahan**: In spite of accepting the conceptus as an important and valuable form of human life Daniel Callahan opines that it fails to fulfill the definition of a person and thus rejects the view that the foetus has full moral status.

His contention that the foetus is nevertheless an important and valuable form of human life can be understood as implying that the foetus has some kind of partial moral status.667

Naturally, for Callahan abortion

...is not the destruction of a human person—for at no stage of its development does the conceptus fulfill the definition of a person, which implies a developed capacity for reasoning, willing, desiring and relating to others—but it is the destruction of an important and valuable form of human life.668

**The View of Andrew J. Peach**: Andrew J. Peach holds similar view:

Only persons have rights; mere membership in the human race is not enough to secure a place at the table of the moral community. And an embryo or fetus does not

666 Ibid.
668 Ibid. P-26
meet the criteria of a person. As a consequence, a woman does nothing immoral if she secures an abortion to avoid some type of evil.669

**THE VIEW OF SUSAN SHERWIN:** Susan Sherwin claims that

….fetuses are not a person because they have not developed sufficiently in their capacity for social relationships to be persons in any morally significant sense. In this way they differ from newborn, which immediately begin to develop into persons by virtue of their place as subjects in human relationships; newborns are capable of some forms of communication and response. The moral status of fetuses is determined by the nature of their primary relationship and the value that is created there.670

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**IV.2.2.4 ARGUMENTS FROM THE PSYCHOLOGICAL THEORY OF PERSONAL IDENTITY**

The psychological theory of personal identity denies the continuous presence of personal identity of a human person right from the state of prenatal organism, especially an ‘early-term fetus’. Because, a human person lacks “the requisite psychological connections to the early-term fetus that was in….mother’s womb several months before….birth”,671 and because, a prenatal organism, especially an ‘early-term fetus’ lacks requisite traits and qualities of a person. The psychological theory thus does not consider killing of an ‘early-term fetus’ to be killing of a person.

The Pro-choice argument from the continuous presence of personal identity somehow goes like the following:

- A human person lacks requisite psychological connections to the state of prenatal organism, especially to ‘early-term fetus’, and a prenatal organism, especially an ‘early-term fetus’, lacks requisite traits and qualities of a person.

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A prenatal organism is thus not a person.
A prenatal organism not being a person lacks the right to life.
Since a prenatal organism lacks the right to life, it may be morally permissible to abort it.
To abort a prenatal organism is to kill it.
Therefore, it may be morally permissible to kill a prenatal organism.

### IV.2.2.4.1 ESSENTIAL IDENTITY OF A PERSON ARGUMENT:
Jeffrey Reiman distinguishes between physical identity and essential identity. Physical identity may either mean (i) same entity or (ii) physical continuity.

According to him, if by ‘physical identity’ we mean the same entity, then, since the prenatal organism does not have the same actual traits as the human adult have, the prenatal organism and the human adult do not have physical identity. Again, if by ‘physical identity’ we mean merely physical continuity, then the same physical entity has different essences. This is because the human adult, but not the prenatal organism from which she grew, is a person—an entity with such actual traits as reasoning and self-consciousness. In either sense, the so-called physical identity is different from essential identity.

Hence, according to Reiman, prenatal organism and human person are not essentially identical, and hence termination of prenatal organism is not equal to killing a person.

### IV.2.2.4.2 EMBODIED MIND ACCOUNT OF PERSONAL IDENTITY ARGUMENT:
Jeff McMahan sketched a new account of personal identity, which is called the *Embodied Mind Account of Personal Identity*.

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According to him we are embodied minds, and we begin to exist when the development of prenatal organism reaches such a point, where the nervous system has the capacity to support consciousness. Again, we cease to exist, when the area of our brain, that has supported our capacity for consciousness, no longer exists or functions. He thinks that our organism began, when part of our organism is a brain and cells specialized and functioned in an integrated way; but this is not sufficient for our presence. He rejects the view that the early prenatal organism becomes us, while the changes undergone in the transition from an early prenatal organism to a late prenatal organism preserve identity of the organism; but the organism is not identical to the entity that has capacity for consciousness. 673

IV.2.2.4.3 Reductionist argument of personal identity:
Parfit’s Reductionist view of personal identity supports the general permissibility of early abortion. Parfit writes:

On the Reductionist view, we do not believe that at every moment I either do or don’t exist. We can now deny that a fertilized ovum is a person or human being… [The] transition takes time, and is a matter of degree… We can then plausibly take a different view about the morality of abortion. We can believe that there is nothing wrong with an early abortion, but that it would be seriously wrong to abort a child near the end of pregnancy…. The cases in between can be treated as matters of degree. The fertilized ovum is not at first, but slowly becomes, a human being and a person. In the same way, the destruction of this organism is not at first but slowly becomes seriously wrong. 674

IV.2.2.5 Domino argument:
As far as the domino argument is concerned, pro-choice argue that there is no hard evidence showing that legalizing abortion will necessarily result in a loss of reverence for human life in any other areas. 675

The pro-choice people argue further that they are not for mandatory abortion in any way, shape, or form; rather, all they want is free choice for women who do not want to go through pregnancies. Making abortion legal does not mean that eventually all Jewish women, for example, would be forced to abort……. it only means that women of all races and availability of abortion has not made women more callous toward human life, but that it has, in fact, made them more living of the children that they really wanted and planned for.676

IV.2.2.6 FEMINIST ARGUMENTS

Feminists have been vocal in their support for permissive abortion legislation on the basis of a woman’s right to control what happens in and to her own body. For them, even if the woman enters freely into the relationship, she has the right to control her own body, but the prenatal organism does not.

The feminists opine that since a woman has a right to control her body, she can decide whether she will allow the prenatal organism to grow or to destroy it. Moreover, for them, a pregnant woman cannot be held responsible for her pregnancy and thus cannot be considered to have a duty to continue to provide bodily support to the dependent prenatal organism for any reason whatsoever, even if her pregnancy is caused by her deliberate act. So, for them abortion is not morally non-permissible. One of the major arguments that the feminists provide is thus ‘Woman’s Responsibility Argument’. Let us begin with this type of argument.

IV.2.2.6.1 WOMAN’S RESPONSIBILITY ARGUMENT: The feminists are particularly disturbed by the following notion:

…if a woman is stupid enough to get pregnant despite the availability of contraceptive devices and the ability to abstain from sex, then it’s her fault, and she must go through with the pregnancy.677

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677 Ibid. P-257
To them, this attitude reflects society’s desire to punish women for their carelessness or indiscretions. They feel that no matter how pregnancy occurred, the women does not deserve punishment any more than does the man who is also responsible for the pregnancy; in no way should a woman be abused or discriminated against for exercising her free choice in dealing with her problem. 678

Some moderate pro-choice advocates would, however agree, with their pro-life opponents, that a woman must accept the responsibility for her voluntary sexual activities, but they believe that this responsibility definitely includes their right to terminate a pregnancy.

Many feminists have expressed their opinions in different ways, some of which are as follows:

THE VIEW OF J. FEINBERG: Joel Feinberg in his article “Abortion” shows that in most of the cases a woman cannot be held responsible for her pregnancy, because assessment of responsibility depends on many considerations, which are as follows:

1. Pregnancy caused by rape (totally involuntary).
2. Pregnancy caused by contraceptive failure, where the fault is entirely that of the manufacturer or pharmaceutical company.
3. Pregnancy caused by contraceptive failure within the advertised 1 percent margin of error (no one's fault). 679

In case 2, where the fault was entirely that of the manufacturer, the woman is no more responsible for being pregnant than in case 1 where she is the unwilling victim of a rape. In neither case did she choose to become pregnant. In neither case was she reckless or negligent in respect to the possibility of becoming pregnant. So if she has no duty to continue to provide bodily support for the dependent fetus in the rape case, then equally she has no duty in the other case. 680

679 Feinberg, J. (2002). “Abortion”. In Ethics. P-779
680 Ibid. P-780
Case 3 brings us very close to the borderline. The couple in this example does not choose to have a baby and, indeed, they take strong precautions against pregnancy. Still they know that there is a 1 percent danger and they deliberately chose to run that risk anyway. As a result, a woman becomes pregnant against her will.681

So, the woman is least responsible for her pregnancy. J.Feinberg also claims that—

….right to an abortion that is often claimed on behalf of all women is a discretionary right to be exercised or not, on a given occasion, as the woman sees fit. If a pregnant woman has such a right, then it is up to her and her alone, whether to bear the child or to have it aborted. She is at liberty to bear it if she chooses and at liberty to have it aborted if she chooses. She has no duty to bear it, but neither can she have a duty, imposed from without, to abort it. In respect to the foetus, her choice is sovereign.682

Correlated with this liberty is a duty of others not to interfere with its exercise and not to withhold the necessary means for its exercise. These duties are owed to her if she has a discretionary right to abortion, and she can claim their discharge as her due.683

The view of Judith Jarvis Thomson:

One of the most ingenious arguments to be developed in the abortion literature, the Good Samaritan Argument (GSA), purports to show that abortion is permissible even if foetus have a right to life.684

The GSA has been introduced by Judhith Jarvis Thomson, who, having designated the prenatal organism as an innocent aggressor, suggests that even though the prenatal organism is innocent when it threatens the life, happiness etc. of its mother, it appears as an aggressor. It cannot be morally non-permissible to get rid of an aggressor.685

681 Feinberg, J. (2002). “Abortion”. In Ethics. P-780
682 Ibid. P-772
683 Ibid.
685 Ibid.
She thus claims that even if a prenatal organism is a person or it has a right to life, it may still be acceptable to abort it. Her argument makes crucial use of the two under-mentioned analogies:

**Analogy-I**

Imagine...that you wake up one morning to find that you have been kidnapped and a famous violinist has been attached to your body. He is using your kidneys, and he will need to do for the next nine months. He has been attached your body by a Society of Music Lovers who sought to preserve his life and found that your body was the only one which could fulfill his needs. If you now detach him, he will die. 686

It would be very good of you, according to Thomson, to save the violinist life by allowing him to remain attached to you, but it would not be wrong to detach yourself, and therefore to kill him. This shows, Thomson argues that the right to life is not absolute. Sometimes killing is acceptable, as it would be in order to avoid nine months attached to the violinist. 687

The case mentioned in Analogy-I is analogous to that of pregnancy by rape, but Judith Jarvis Thomson shows how it might be extended in the under-mentioned Analogy-II.

**Analogy-II**

Suppose you wander carelessly into the wrong ward of the hospital...labeled ‘Volunteer Human Dialysis’. The doctors innocently think you are a volunteer and...you are plugged into an ailing trombone player. This seems analogous to pregnancy through carelessness. May be it can be extended further, say...You volunteer as a human dialysis machine thinking it will not be all that inconvenient....May be the doctors did not explain the situation clearly enough. 688

Two weeks after being plugged in...you find that it is far more inconvenient than you imagined. This looks similar to intentional pregnancy in the case of, say, a young woman badly informed about things such as morning sickness, weight gain, varicose veins, migraines, physical immobility and loss of libido. 689

687 Ibid.
689 Ibid.
…..the analogy can be extended to cases where you volunteer to be plugged in, knowing the inconvenience, but then an emergency crops up….you volunteered…out of the goodness of your heart, but surely if a personal emergency arises you should be allowed to change your mind…This looks a bit like intentional pregnancy, where a good social reason comes up for changing your mind……May you not change your mind and ‘terminate the pregnancy’?

It seems, therefore, that—

…..if the thought experiment works it can be extended to cover many, perhaps a majority of cases of pregnancy. Whether it is the mother’s fault that she became pregnant does not seem to have anything to do with it either: it just looks like a high price to pay for one’s momentary carelessness that one ends up inconveniently plugged into another human being for nine months. And if one is ignorant through no fault of one’s own, or has overly optimistic ideas about what pregnancy involves, then the plugging in might being to look like a veritable punishment of the innocent woman.

THE VIEW OF DAVID BOONIN: The Good Samaritan Argument (GSA), introduced by Judith Jarvis Thomson, has been recently developed and refined by David Boonin.

Boonin’s point of departure is Judith Jarvis Thomson’s argument from unplugging the violinist. She offers an argument intending to show that even if the fetus is a person (that is, a being with a right to life), it does not follow that abortion is unjustified homicide.

In the famous thought experiment, you wake up and find yourself in a hospital, hooked up to a violinist who can survive his kidney ailment only if you, who alone have the right blood type, remain in the hospital bed for nine months with the violinist attached to you. He undoubtedly has a right to life. To unplug him in less than nine months would guarantee his death. It nevertheless seems obvious that you are not obliged to undergo such an extensive burden to save his life. For while …..going to such lengths to assist another….. is well beyond the call of duty.

691 Ibid. P-24
693 Ibid.
The GSA claims that, even if the foetus has a right to life throughout gestation, unwanted pregnancy is relevantly similar to the scenario involving you and the violinist: terminating pregnancy with abortion, like disconnecting the violinist, is permissible.694

**IV.2.2.6.2 RIGHT TO LIFE ARGUMENT:** Some moral philosophers claim that the prenatal organism has no right to life in the moral sense, since it is not a human being.695

**THE VIEW OF MICHAEL TOOLEY**: Michael Tooley claims that an entity acquires right to life or a right not to be killed, if and only if, it is capable of certain mental experiences, especially capable of wishing it’s own life to continue. In Tooley's own words:

An organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity.696

To explain, Tooley writes further:

…..to ascribe a right to an individual is to assert something about the *prima-facie* obligations of other individuals to act, or to refrain from acting, in certain ways. However, obligations in question are conditional ones, being dependent upon the existence of certain desires of the individual to whom the right is ascribed. Thus if an individual asks one to destroy something to which he has a right, one does not violate his right to that thing if one proceeds to destroy it this suggests the following analysis: ‘A has a right to X’ is roughly synonymous with 'If A desires X, then others are under a *prima facie* obligation to refrain from actions that would deprive him of it.'697

697 Ibid.
Here, ‘desire’ means “something more than behavioral dispositions,” and so, machines do not qualify to be capable of having rights under the criterion set by Tooley above. Therefore, Tooley argues,

'A has a right to X' is roughly synonymous with 'A is the sort of thing that is a subject of experiences and other mental states, A is capable of desiring X, and if A does desire X, then others are under a prima facie obligation to refrain from actions that would deprive him of it.'

Tooley proceeds to qualify this requirement to allow for certain situations where people might retain the right not to be killed although they temporarily lack the capacity to want to go on living. He envisages three kinds of situations: where they are in a disturbed state of mind; where they are temporarily unconscious; or where they have been conditioned or hypnotized out of a desire to go on living. These kinds of situations we might bracket off as aberrant conditions in someone who may still retain or recover the requisite capacity. Now it seems pretty obvious that not even the new-born baby, let alone the foetus, has yet got the relevant concepts and desires. It does not think of itself as being the subject of a life which it wants to continue.

Thus, Tooley supposes that a foetus and a new-born baby do not have a right not to be killed.

The views of Laura Purdy and Michael Tooley: In their joint article ‘Is Abortion Murder?’ Michael Tooley and Laura Purdy argue in the following manner:

……an organism has a right to something only if it has a desire (either past, present or future) for that to which it has a right. One can have a desire, in the morally relevant sense of “desire”, for something only if one has a concept of it. Therefore, a thing can desire its own continued existence only if it has the capacity for self-consciousness. The conclusion is then drawn that since foetuses do not have a capacity for self-consciousness, they do not have a right to life.

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699 Ibid. P-64
THE VIEWS OF JUDITH THOMSON AND REIMAN: Having compared the right to life with the right to vote Thomson and Reiman argue:

If children are allowed to develop normally they will have a right to vote; that does not show that they now have a right to vote. To show that a fertilized egg now has rights one needs to produce some fact about its present, not its future. 702

Judith Thomson expands this argument thus:

.....in order to have rights, a thing must have interests. In order to have interests, a thing must have wants, hopes, desires, etc. The foetus, at least early in gestation, does not have wants, hopes, desires, etc. So the foetus, at least early in gestation, does not have rights. 703

Here, ‘right’ signifies right to life. Hence, from the above argument it follows that early prenatal organism does not have right to life.

But what would happen in a situation, when a pregnant woman has learnt that her cardiac condition is such that she will die if she carries the baby to term? Because, is such a situation there is a conflict between the right to life of the pregnant woman and that of the prenatal organism, in case both of them are treated as persons having right to life. Thus Thomson writes,

Presumably they have an equal right to life. How is it supposed to come out that an abortion may not be performed? If mother and child have an equal right to life, shouldn't we perhaps flip a coin? Or should we add to the mother's right to life her right to decide what happens in and to her body, which everybody seems to be ready to grant the sum of her rights now outweighing the fetus' right to life? 704

So, having included a pregnant woman’s right to decide what happens in and to her body under the more general right to life some pro-choice thinkers like Thomson outweighs the prenatal organism’s' right to life. Over and above, by bringing in the concept of right to vote as a distinguishing right

703 Ibid. P-251
of an actual person Thomson goes to the extent of accepting the fact that a potential person becomes an actual person as and when that potential person acquires right to vote, and only then that potential person attains right to life. Hence, Thomson argued that “we once were embryos and fetuses, but in the embryonic and fetal stages of our lives we were not yet valuable in the special way that would qualify us as having a right to life. We acquired that special kind of value and the right to life that comes with it at some point after we came into existence.”  

The basic thesis here is that abortion is often the best course of action for a woman in terms of protecting and furthering the quality of her life in all its dimensions. It urges that the woman herself is in the best position to make this decision. And, finally, it says that being in the womb should not be counted as a distinct and unique person with its own right to life, because it is not yet sufficiently developed in terms of social relationships, and that hence its destruction is morally acceptable.

THE VIEW OF MARY ANNE WARREN:

Warren suggests that ….. personhood requires such attributes as consciousness, reason, communication, self-awareness, and so on……, since the fetus possesses none of these capacities, it is not a person, and therefore is not human in the sense that would allow it a right to life.

THE VIEW OF DAVID BOONIN: David Boonin’s view can be presented in the following manner:

➢ The right to life of a prenatal organism depends on its acquiring “organized cortical brain activity.”

➢ Organized cortical brain activity is a necessary condition for having any conscious experience,

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705 Lee, P. et al (2005).“The Wrong of Abortion”. In Contemporary Debates in Applied Ethics. P-17


Having conscious experience is a necessary condition for having desires,

- And “having desires is a necessary condition for possessing a right to life.”

**The View of Allison Jaggar**: Allison Jaggar provides two distinct arguments, which are as follows:

**Argument-I**

…..governments are on extremely shaky ground when they claim to be protectors of a foetus’s right to life. This is because… a genuine right to life includes not only a bare right to continued existence but the right to a full human life and to whatever means are necessary to achieve this. Governments that do not even attempt to provide for the medical and nutritional needs of all cannot claim to truly be protectors of a right to life. They cannot, then, outlaw abortion on the grounds of protecting a foetus’s right to life.

**Argument-II**

…..even if the embryo has a right to life, it does not have a right to use the pregnant woman’s body; and so aborting the embryo is permissible in at least some circumstances. However, Thomson notes that the woman's right to abortion does not include the right to directly insist upon the death of the child, should the fetus happen to be viable, that is, capable of surviving outside the womb.

**IV.2.2.6.3 Self Defense Argument**: Jane English claims that killing an innocent person is sometimes permissible, most notably in self defense. In support of abortion she provides arguments with three undermentioned analogies for helping us to form intuitions or ordinary judgments about self defense.

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711 “Philosophical aspects of the abortion debate”. In *Wikipedia: the free encyclopedia*. (2010). P-5, [e-article]
**ANALOGY-I**

…….suppose a mad scientist, for instance, hypnotized innocent people to jump out of the bushes and attack passers-by with knives. If you are so attacked, we agree you have a right to kill the attacker in self defense, if killing him is the only way to protect your life or to save yourself from serious injury. It does not seem to matter here that the attacker is not malicious but himself an innocent pawn, for your killing of him is not done in a sprit of retribution but only in self defense.\(^{712}\)

**ANALOGY-II**

…….imagine that you are a surgeon, attacked by an innocent person who has been hypnotized into kidnapping you. The attacker’s plan is to take you to a mad scientist who will induce ‘a permanent mental block against all your knowledge of medicine’. This would automatically destroy your career and have an enormous impact on your family and personal life. So…… if the only way you can escape it is to kill the attacker, killing him is justified—and this is so even though the attacker is an innocent person.\(^{713}\)

**ANALOGY-III**

….. even if you have done something which can be seen as contributing to your kidnapping: perhaps you have gone out at night, even though you know that the kidnappers only operate at night…..you would still be justified in killing your kidnapper, and that this shows abortion may be justified even if the foetus is a person.\(^{714}\)

Jane English thus remarks,

‘I think it is no exaggeration to claim that unwanted pregnancies often have such adverse lifelong consequences as the surgeon’s loss of livelihood’. This….means that at least some abortions are justified on grounds of self-defense.\(^{715}\)

For English the self defense model supports Thomson’s point that the woman has a right only to be freed from the foetus, not a right to demand its

\(^{712}\) English, J. (1987). “Abortion and the Concept of Person”. In *Social Ethics*. P-33

\(^{713}\) Soul, J. (2003). *Feminism Issues & Arguments*. P-123

\(^{714}\) Ibid.

\(^{715}\) Ibid.
death. The argument present in her writing may be arranged below in sequence step by step.

- “Some cases of pregnancy present a parallel situation.”
- “Though the foetus is itself innocent, it may pose a threat to the pregnant women’s well-being, life prospects or health, mental or physical.”
- “If the pregnancy presents a slight threat to her interests, it seems self defense cannot justify abortion.”
- “But if the threat is on a par with a serious beating or the loss of a finger, she may kill the foetus that poses such a threat, even if it is an innocent person.”
- “If a lesser harm to the foetus could have the same defensive effect, killing it would not be justified.”
- “It is unfortunate that the only way to free the woman from the pregnancy entail the death of the foetus (except in very late stages of pregnancy).”

- “Thus a self defense modal supports Thomson’s point that the woman has a right only to be freed from the foetus, not a right to demand its death.”

Feinberg also agrees on the point that

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716 English, J. (1987). “Abortion and the Concept of Person”. In Social Ethics. P-34
717 Ibid. P-33
718 Ibid. P- 34
719 Ibid. P-33
720 Ibid.
721 Ibid.
722 Ibid. PP-33-34
723 Ibid.
killing can be justified if done in self-defense. If, for example, one man A is attacked with a lethal weapon by another B, we think that A has a right to defend himself against B’s attack. Sometimes, in fact, we think that A would be justified in killing B if this were the only way for A to defend himself. Now, some of those who argue the maternal right to an abortion believe that this right is associated with the more basic right to self-defense.724

Thomson suggests that

Suppose you find yourself trapped in a tiny house with a rapidly growing child. …you are already up against the wall of the house and in a few minutes you'll be crushed to death. The child on the other hand won't be crushed to death. If nothing is done to stop him from growing he'll be hurt, but in the end he'll simply burst open the house and walk out a free man.725

(In this) case there are only two people involved, one whose life is threatened, and one who threatens it. Both are innocent: the one who is threatened is not threatened because of any fault; the one who threatens does not threaten because of any fault. For this reason we may feel that we bystanders cannot intervene. But the person threatened can.726

In sum, according to Thomson a woman surely can defend her life against the threat to it posed by the unborn child, even if doing so involves its death. Some pro-choice feminists further state that—

…..pregnancy does pose dangers to the health and life of women. Furthermore … if human lives have to be traded off, the life of someone already born, in this case the pregnant women, should obviously take precedence over the life of an unborn conceptus….In fact….even if there is only some risk to the woman, she still has the right to decide for her life over that of the unborn conceptus.727

IV.2.2.6.4 THIRD PARTY ARGUMENT:

Jane English writes,

In the pre-Thomson literature, abortion is often framed as a question for a third party: do you, a doctor, have a right to choose between the life of the woman and

724 Feinberg, J. (2002). “Abortion”. In Ethics. P-774
726 Ibid. P-43
727 Ibid. P-257
that of foetus? Some of claimed that if you were a passer-by who witnessed a struggle between the innocent hypnotized attacker and his equally innocent victim, you would have no reason to kill either in defense of the other. They have concluded that the self defense model implies that a woman may attempt to abort herself, but that a doctor should not assist her.728

At this Jane English remarks,

I think the position of the third party is somewhat more complex. We do feel some inclination to intervene on behalf of the victim rather than the attacker, other things equal. But if both parties are innocent, other factors come into consideration. You would rush to the aid of your husband whether he was attacker or attacked. If a hypnotized famous violinist were attacking a skid row bum, we would try to save the individual who is of more value to society. These considerations would tend to support abortion in some cases.729

Mackie cites the case of the following kind to justify abortion at any time up to birth, when it is needed to prevent a grave risk to the mother’s life or health.730

In 1884 the case of Stephens arose which concerned three men and a boy shipwrecked 1600 miles off the Cape of Good Hope. Food would sooner or later run out. There was virtually no hope of being rescued before then. The three men conferred and decided that in the eventuality of starvation, the weakest among them would be killed and eaten by the rest. In the event, they killed the boy who was the weakest and ate him. Contrary to all expectation, they were later rescued, returned to civilization, were tried and found guilty of murder, but were later pardoned.731

So, for Mackie abortion, at any time of pregnancy, may morally be justified to prevent a grave risk to the mother’s life or health.

Necessity in the latter may be morally justified (even if one, like the law, regards necessity in the former not to be so) because the unborn child at even a very late stage of pregnancy is unlike the young boy, not a properly and fully developed human person. The young boy had language, was self-conscious, probably knew

728 English, J. (1987). “Abortion and the Concept of Person”. In Social Ethics. P-34
729 Ibid.
731 Ibid. P-145
what was going to be his fate, had memories, etc., whereas an unborn child even in late pregnancy is not a fully developed human being.\footnote{Lee, K. (1985). \textit{A New Basis for Moral Philosophy}. P-141}

This we know because of our understanding of not only neuro-physiology, biochemistry or whatever of the human organism but also of psychological and of human life, involving the acquisition of language, the formation of notions of the self, of social institutions, etc. In the light of this understanding, it is not arbitrary to distinguish an unborn child who is regarded as a human being from a developed human being.\footnote{Ibid. P-145-46}

But although Mackie argues that abortion, at any time of pregnancy, is morally justified only to prevent a grave risk to the mother’s life or health, he considers such abortions in late pregnancy, which is done only for the reason that the mother simply does not want a child, or a further child, or this particular child—for example if it has been conceived as a result of rape—or for the reason that she has a right not to have her body used by or for what she does not want.\footnote{Ibid. P-141}

This argument involves a conflict of rights—the right of the mother to the control of her own body and the right of the unborn child (in late pregnancy) to life and the priority rule that the latter takes precedence over the former. The priority rule is asserted by Mackie and not argued for, which could be explained by the fact that Mackie is engaged with a fragment of a moral viewpoint and not with the systematic defense of a more comprehensive theory which would indeed have to try to justify such a rule.\footnote{Ibid. P-144}

But the beginning of defense of the rule might be made in the following way: the mother’s life and the life of the unborn child are both innocent; to argue that the former should take precedence over the latter on the ground that the child’s existence would interfere with and cause great chances in the lifestyle of the mother is unacceptable because the general principle it involves is unacceptable—accepting it would mean inconsistency condoning the killing of any individual or classes of
individuals whose very existence causes great inconvenience and disruption to the lives of other individuals. Consistency then demands that abortion of an unborn child in late pregnancy, who counts as a human being for the convenience of the mother, would be morally wrong.\textsuperscript{736}

Some other pro-choice feminists offer a different argument of the following kind:

……abortion is purely a medical problem and, therefore, women should be legally free to make a private decision about their bodies and their lives that should not be intruded upon by others. No one else has to go through the pregnancy; no one else has to go through the childbirth; and no one else has to then devote eighteen years or more to raising the child; therefore, the final decision to abort or to go through with pregnancy must be the woman’s and hers alone, with no interference from anyone else or any part of society.\textsuperscript{737}

Another group of pro-choice feminists argue that, even if the unborn are human beings, they have fewer rights than the woman. No one should be expected to donate her body as a life support system for someone else. So, abortion is not bad.\textsuperscript{738}

“Much of abortion-choice literature argues that the pro-life position should not be reflected in our laws because the abortion decision is a very private and intimate one that should be kept between a woman, her physician, and her family, as they know what is best for the pregnant woman.”\textsuperscript{739}

Susan Sherwin “constructs personhood as a social concept: “personhood is a relational concept that must be defined in terms of interactions and relationships with others.” Her account of fetal value is responsive to the fundamental fact that a fetus exists only by virtue of its relationship to a pregnant woman, and she insists that abortion decisions must

\textsuperscript{736} Lee, K. (1985). \textit{A New Basis for Moral Philosophy}. P-144
\textsuperscript{738} Alcorn, R. (2010). “39 ProChoice Arguments”. P-4, \textit{[e-article]}
be viewed within the overall context of women’s lives. As might be expected, Sherwin ultimately argues that pregnant women must be free to make abortion decisions. Indeed, in her view, political opposition to abortion is a reflection of patriarchy and is systematically connected with other forms of patriarchal oppression.”

Susan Sherwin thus presents an important summary of what might be called the conventional feminist view of abortion. According to her, “abortion is permissible on demand, throughout pregnancy, and without apology. Abortion is a boon for women, and the fetus has no important moral standing.”

Naomi Wolf offers a corrective to the conventional feminist view of abortion. “Although she favors abortion rights, Wolf also believes that the conventional feminist account leaves out important elements of the experience of women with abortion and important facts about the human fetus. So, one could perhaps summarize her view in noting that abortion is good for women, though not without qualification, and the human fetus has less value than a woman but is not devoid of value.”

IV.2.2.6.5 ARGUMENT FROM INTERFERENCE IN CAREER:

This argument has been used by many abortion-choicers in popular debate. It has been put forth in a scholarly forum by Virginia Ramey Mollenkott. She begins her article by pointing out the perils of being a woman in today’s society. She cites the fact that even if a sexually active woman uses the most effective contraceptives available, failure could occur and she could still get pregnant. She then asks, “How is a married woman able to plan schooling or commit herself to a career or vocation as long as her life is continually open to the disruption of unplanned pregnancies?”

742 Ibid.
Mollenkott then concludes, “Unless, of course, she can fall back on an abortion when all else fails.”

**IV.2.2.6.6 BODILY RIGHT ARGUMENT** : Most of the pro-choice feminists claim that every woman should have control over her own body. On the status of the prenatal organism what they say is somewhat like the following:

The foetus is just a piece of tissue or an organ in a pregnant woman’s body and the removal of the foetus is no more morally objectionable than removing the appendices.

Warwick Fox, a pro-choice feminist, claims that a prenatal organism is a growing physical part of a pregnant woman’s body, until such time as it has been born. It would thus follow that—

the woman may choose to have it removed if she wishes, just as she may refuse to have it removed if she prefers. It is highly implausible, however, to think of a human foetus, even if it does fall short of moral personhood, as no more than a temporary organ or a parasitic growth. A foetus is not a constituent organ of the mother, like her vermiform appendix, but rather an independent entity temporally growing inside the mother.

According to Joel Feinberg,
surgeons are required to secure the consent of the patient before operating because the body to be cut open, after all, is the patient’s own, and he or she has the chief interest in it, and should therefore have the chief say over what is done to it.

Again,

Pro-choice arguments concern a woman’s right to choose whether to let pregnancy run to term or not. This can be lonely decision, as depicted by Jean-Paul Sartre in The Age of Reason, wherein the pregnant heroine is awaiting her lover Mathieu,

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747 Ibid.
suffering from morning sickness and considering having a termination. Such a stark existentialist choice may be eased, however, if we view the foetus not as a person but as a mere collection of cells. A discrete collection of cells, so the argument would run, cannot be placed in the moral realm, and we are justified in dealing with it as we would other cellular growths such as a tumour. Owing to the medical advances in stem cell research, both a foetus and a tumour have the potential to grow into fully-fledged human beings.\textsuperscript{748}

The bodily rights argument is sometimes presented by some moral philosophers like Margaret Olivia Little, Eileen McDonagh, and Judith Jarvis Thomson as an argument of non-intentional killing. They argue in the following way,

\begin{quote}
.....at least in many cases, abortion is not a case of intentionally killing the child, but a choice not to provide the child with assistance, that is, a choice to expel (or “evict”) the child from the womb, despite the likelihood or certainty that expulsion (or “eviction”) will result in his or her death. The mother’s gestating a child has been compared to allowing someone the use of one’s kidneys or even to donating an organ. We are not required (morally or as a matter of law) to allow someone to use our kidneys, or to donate organs to others, even when they would die without this assistance (and we could survive in good health despite rendering it). Analogously…a woman is not morally required to allow the fetus the use of her body.\textsuperscript{749}
\end{quote}

For these moral philosophers,

\begin{quote}
......the foetus has no moral status; it is not a person; it does not possess any of the rights accorded a human being; the foetus is just a piece of tissue in the body of a pregnant woman. The removal of the foetus is no more morally objectionable than removing the appendix.\textsuperscript{750}
\end{quote}

Again,

\textsuperscript{748} Phelan, J. (2005). Philosophy Themes and Thinkers. P-33
\textsuperscript{750} Satyanarayana, Y. (2010). ethics theory and practice. P-142
The alternatives to right-based arguments that have been offered are varied. Hurshouse puts forward a virtue-based account. Other more explicitly feminist writers have appealed to the ethics of care.751

**IV.2.2.6.7 PROPERTY RIGHT ARGUMENT** : Some pro-choice moral philosophers claim that the foetus is the property of the woman, as a wristwatch, clothing, or jewelry is the property of the woman. One may abandon or destroy one’s personal property, if one wishes so; one’s entitlement to do those things is one of the “property rights” that define ownership. So, it would be still less plausible to derive a maternal right to an abortion from a characterization of the foetus as the property of its mother.752

But one would think that the father would have equal or near-equal rights of disposal if the foetus were “property”. It is not in his body, to be sure, but he contributed as much genetically to its existence as did the mother and might therefore make just as strong (or just as weak) a claim to ownership over it.753

**IV.2.2.6.8 FREEDOM TO CHOOSE ARGUMENT** : Having studied the socio-economic, political and sexual position of the women of the world M. A. Warren offers the Freedom to choose argument. She writes, the majority of women, in all parts of the world, are “involved in sexual relationships with men—with or without a marriage contract—during a substantial part of their fertile years.” On the outcome of such relationships as a result of failure of or non-usage of preventive measures, she continues to write,

Such relationships are strongly desired by most heterosexual adults, and attempts to lower the rate of heterosexual activity through “abstinence only” sex education consistently fail.754

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752 Feinberg, J. (2002). “Abortion”. In Ethics. P-773
753 Ibid.
These relationships are often important to the woman’s economic survival and her ability to support her children, because, while they usually have the primary responsibility for childcare, women’s earning power is usually less than men’s.\(^{755}\)

Although contraceptives reduce the risk of unwanted pregnancy, all of them have a significant failure rate. Moreover, millions of women do not have the freedom, knowledge, or material resources to make effective use of contraception. Even the least expensive contraceptives are beyond the economic reach of much of the world’s population. In rural areas women may lack transportation to and from clinics where contraceptives can be obtained. Some men refuse to use condoms, or prevent their sexual partners from using other contraceptives. Some religions (notably Roman Catholicism) teach that artificial means of contraception are morally objectionable, and strive to make them unavailable, often successfully. Finally, some pregnancies are the result of rape or other forms of coercion.\(^{756}\)

Referring to the above-mentioned horrible conditions of such underprivileged women Warren writes further:

Under these conditions, without access to safe abortion, women cannot decide whether to have children, how many to have, or when to have them. Without this freedom, they are less able to protect their own lives and health, and support the children they may already have. Women who give birth too frequently and who lack good nutrition and medical care are more likely to die in childbirth and their children are more likely to die in infancy. In some communities, single women face abuse—and sometimes death—if they become pregnant. Even in more tolerant societies, a woman who has children she cannot support may be condemning them to extreme poverty.\(^{757}\)

She thus claims,

……freedom to seek or reject particular medical interventions is a vital part of human liberty. If there are basic human rights, then this must be one of them, because without it other basic rights are negated. Children and mentally disabled persons are not always accorded this right, because they are presumed to be less able to make informed judgments about their medical needs than are competent adults. But pregnant women are entitled to the same freedom to decide what happens to

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\(^{756}\) Ibid.

\(^{757}\) Ibid.
their bodies as are other competent adults. To deny them the freedom to end a pregnancy is to infringe upon this vital freedom. It is also to deny them the freedom to protect their own life and health, control their own fertility, and pursue a good life for themselves and those for whom they are responsible.  

A similar claim is found to be made by Allison Jaggar, which is as follows: Biology, law and social conditioning work together to ensure that most women’s lives are totally changed as the result of the birth of a child while men can choose how much they wish to be involved……and……therefore the pregnant woman will always be entitled to a stronger say than any others in such decisions. She ……..is not just an ordinary member of the community in this matter, for it is still she who must carry and bear the child. Her wishes must therefore be accorded special weight.

IV.2.2.6.9 ARGUMENT FROM THE WOMAN’S QUALITY OF LIFE: Some moral philosophers claim that abortion is morally justified from the point of view of ensuring the Quality of the life of the woman. For them,

A woman should not continue her pregnancy, if she is not yet ready to receive and care for her child. Furthermore, giving birth is painful and should not be forced upon the woman, if she chooses to avoid that pain.

In fact, they argue, the circumstances of many women leave them no choice but to opt for an abortion. Abortion is a moral right and it should be a legal right too. Hence, we don't have the right to keep it away from anyone. Everyone is free to believe what he/she wants, but we shouldn't try to impose our belief on others.

IV.2.2.6.10 ARGUMENT FROM PREGNANT WOMEN’S EXCLUSIVE RIGHT TO DECIDE:

Women themselves must be the ones who make the abortion decision…….No one should…….set the agenda for…….considerations in any universal way. Women are

full moral agents, with the responsibility for making moral decisions about their own pregnancies. This is closely related to the fact that when a woman bears a child, this is a very important event in her life, for it involves very significant physical, emotional, social and economic changes for her. And so her ability to exert control over the incidence, the timing, and the frequency of her child-bearing is of the greatest importance for her, and is always significantly related to her ability to control the other things she values in her life.\footnote{Schwarz, S. (2007). “Excerpts from The Moral Issue of Abortion”. PP-3-4, \textit{[e-article]}}

Fetuses are not persons. This is because they have not yet developed sufficiently and are not capable of social relationships with others.\footnote{Ibid.} In contrast, newborn babies, although they are just beginning their development into persons, are now subject to social relationships, for they are capable of communication and interaction with other persons.\footnote{Jackson, J. (2007). \textit{Ethics in Medicine}. P-130}

**IV.2.2.6.11 PRIVATE MATTER ARGUMENT**: Jennifer Jackson in her book \textit{Ethics in Medicine} writes,

……the prevailing view in many countries in which abortion has been decriminalized is that the morality of abortion is now a private matter—of ‘individual conviction’. Compare, for example, the stance adopted by the British Medical Association towards abortion with its recent stance towards euthanasia.

‘The Association itself makes no policy statement about the morality of abortion……this implies that…..it is an issue, so to speak, of ‘personal morality’.\footnote{Jackson, J. (2007). \textit{Ethics in Medicine}. P-130}