CHAPTER – 4
VIOLENCE AGAINST EMBRYO AND FETUS

Bioethics deals mainly with decisions about health care, often hard choices requiring close scrutiny and the sensitive balancing of rights, principles, values and interests. Not surprisingly some of the most difficult of these choices take place at the beginning and at the end of life.

One such issue is regarding the moral status of embryo and fetus. An embryo is an organism in the early stage of development which cannot survive on its own. The precise definition of it varies; in humans, for example, a fertilized egg may be considered an embryo until around the eighth week of pregnancy at which point it is termed as fetus. Embryos in animals typically indicate any pre-birth stage of development, including those in wombs or eggs. Plant embryo can take a number of different forms, though they are commonly encased in seeds.

The term ‘embryo’ is used to refer to ‘eukaryote’ or multicellular organisms. Typically, people use the term specifically to refer to diploid eukaryotes, which have complete set of genetic material from two donors. This genetic material takes the form of haploid sperm and eggs; a haploid cell only contains half a set of chromosomes meaning it cannot develop into anything unless it is combined with another one.

Formation of an embryo starts at fertilization. When an egg and sperm meet, they form a ‘zygote’. A zygote is a single diploid cell, created through the merging of two haploid cells. After fertilization, the zygote starts to divide, laying the groundwork for the mature organism which will eventually be born, hatched, or grown. When this division begins, zygote turns into embryos.
Development of Human Embryo:

The status of embryos in humans is rather complex. At conception, a human egg and sperm become a zygote, which begins to divide, becoming an embryo. There is a great deal of debate regarding the definition of the human embryos in terms of “life”. This debate has led to conflict in many parts of the world, especially when it comes to terminating a pregnancy. As a human embryo matures, it starts to turn into a recognizable form, at which point people refer to it as a fetus (www.wisegeek.com, accessed on 15-7-15).

There are other issues which lead us to investigate the moral status of human embryo. The issues are related to cloning, embryo research, stem cell research, genetic engineering, assisted reproduction, pre-implantation diagnosis, genetic screening, post-coital contraception and the production of chimaeras and ‘non-organismal entities’. All these issues have ethical implications. Our topic of discussion is violence against embryo and fetus, and in this discussion first of all we will discuss violence in relation to abortion.

The definition of an abortion is the premature exit of the products of conception (the fetus, fetal membranes, and placenta) from the uterus. It is the loss of a pregnancy and does not refer to why that pregnancy was lost. A spontaneous abortion is the same as a miscarriage. The miscarriage of 3 or more consecutive pregnancies is termed habitual abortion.

(wholeworldinhishands.com accessed on 23-7-15).

Three Views on Abortion:

There are three main views: first, the extreme conservative view (held by the Catholic Church); second, the extreme liberal view (held by
Singer); and third, moderate view which lie between both extremes. Some opponents (anti-abortionists, pro-life activists) holding the extreme view, argue that human personhood begins from the unicellular zygote and thus – according to the religious stance – one should not have an abortion by virtue of the *imago dei* of the human being (for example, Schwarz 1990). To have an abortion would be, by definition, homicide. The extreme liberal view is held by proponents (abortionists). They claim that human personhood begins immediately after birth or a bit later (Singer). Thus, they consider the relevant date is at birth or a short time later (say, one month). The proponents of the moderate views argue that there is a morally relevant break in the biological process of development - from the unicellular zygote to birth - which determines the justifiability and non-justifiability of having an abortion. According to them, there is a gradual process from being a fetus to being an infant where the fetus is not a human being but a human offspring with a different moral status.

The advantage of the extreme conservative view is the fact that it defines human personhood from the beginning of life (the unicellular zygote); there is no slippery slope. However, it seems implausible to say that the zygote is a human person. The advantage of the extreme liberal view is that its main claim is supported by a common philosophical usage of the notion "personhood" and thus seems more sound than the extreme conservative view because the offspring is far more developed; as the unicellular zygote. This view also faces severe problems; for example, it is not at all clear where the morally relevant difference is between the fetus five minutes before birth and a just born offspring. Some moderate views have commonsense plausibility especially when it is argued that there are significant differences between the developmental stages. The fact that they also claim for a break in the biological process, which is
morally relevant, seems to be a relapse into old and unjustified habits. As Gillespie stresses in his article "Abortion and Human Rights" (1984, 94-102) there is no morally relevant break in the biological process of development. But, in fact, there are differences, which make a comparative basis possible without having to solve the problem of drawing a line. How should one decide?

(www.iep.utm.edu/abortion/ accessed on 23-7-15).

- **Liberal View on Abortion:**

  According to the most liberal view on abortion, abortion is always morally acceptable, regardless of the stage of development of the fetus and regardless of the reason for desiring an abortion. Advocates of the most liberal view claim that women have a moral right to control their bodies, which entails that they have a right to decide whether to continue or to terminate a pregnancy. They insist that at no stage of its development does a fetus have a right to life that overrides a woman’s right to control her body. They agree that the fetus is alive at conception and that it is genetically human, but they claim that only people have moral rights, including right to life, and that a fetus is not a person. They maintain that the concept of a person is not based purely on biology or genetics.

  In their view, a fully functioning human being has a right to life not simply because it is genetically human but because it is a person. Trees, mosquitoes, frogs, and crows don’t lack moral rights but simply because of their species or genes; they lack moral rights because they are not people. What is a “person”? What criteria enable us to distinguish between persons and nonpersons? Philosopher Mary Anne Warren asks what traits or characteristics “are most central to the concept of
personhood?” She says that they are the following:

- Consciousness (of objects and events external and/or internal to the being) and in particular the capacity to feel pain;
- Reasoning (the developed capacity to solve new and relatively complex problems);
- Self-motivated activity…..;
- The capacity to communicate…..;
- The presence of self-concepts and self-awareness (Mary Anne Warren, p.16).

I’m a person; a mosquito isn’t. What makes me a person? Unlike a mosquito, I’m conscious. I can perceive the world around me; I have and am aware of my own mental life: beliefs, desires, fears, preferences, attitudes, feelings, intentions; I can reason and think; I can dream, imagine, and create new objects and ideas. No mosquito has a mental life comparable to mine.

According to the most liberal view, the mental life definitive of a person requires a certain highly sophisticated, fully functioning brain and central nervous system. There can be no consciousness or mental life definitive of personhood without the right sort of fully functioning brain and central nervous system. In their view, the brain and central nervous system of a fetus regardless of its stage of development have not developed to the point where the fetus is conscious and self-aware. Therefore, regardless of its stage of development, a fetus cannot meet any of the criteria of personhood. Because it cannot meet any of the criteria of personhood, it is not a person and consequently it has no moral rights such as right to life.
Advocates of the most liberal view rely upon information about fetal development to defend their claim that a fetus’ brain and central nervous system are not sufficiently developed to make it conscious, a necessary characteristic for personhood. The brain doesn’t even come into existence until roughly the second month. They maintain that until there is a brain there cannot be a person. But the mere existence of the brain is not sufficient for consciousness – the brain has to be functioning at a certain level. Brain function relies very much upon connections between brain cells, but these connections develop very gradually. According to the advocates of the most liberal view on abortion, there are not enough of these molecular connections essential to consciousness and brain functioning at any period of fetal development. R.L. Gregory says:

In the forty weeks of gestation a human brain grows to a two-third size likeness of the adult brain. Its anatomy at birth is remarkably complete………

But this general impression is misleading in one important respect. The formation of molecular connections, which take up little space but upon which the function of the brain depends, is far from complete (R.L. Gregory, 104).

Therefore, at no point in fetal development does a fetus have any of the characteristics definitive of personhood because its brain and central nervous system are not sufficiently developed. Therefore, at no stage of its development is a fetus a person with a right to life.

Warren admits that a human fetus is a potential person; if allowed to develop, it will develop into a person (unless it is severely damaged). But Warren insists that a potential person is not yet a person and therefore it doesn’t have a right to life. In her view, only actual people, not potential people, have right to life.
As for the right to life claims that every organism with a soul has a moral right to life and that ensoulment occurs at conceptions, advocates of the most liberal view such as Warren could either deny that human beings have souls or insists that ensoulment occurs only at birth. Opponents of the right to life position would probably maintain that there is no evidence for the claim that fetus acquire a soul at conception and that therefore such claims are not reasonable and should not be accepted.

- **Moderate View on Abortion:**

  The right to life view and the most liberal view on abortion are extremes. A moderate position on abortion would be that at some stages of fetal development abortion is morally acceptable but at others it is not. The moderate view could be defended in at least two ways. We might maintain that while a fetus is not a person at conception, it becomes person at some point before birth. On the other hand, a moderate might maintain that although a fetus is not fully an actual person before birth (the ninth month), the closer it comes to the ninth month the closer it comes to being transformed from a potential person into an actual person. The more its (mental) potentialities become actualized, the more valuable its life and more deserving it is of respect and protection. For example, a moderate might maintain with Roe Vs Wade, that before viability a fetus is not enough of an actual person to make abortion immoral, but that after viability, a fetus is close enough to being an actual person that abortion except when necessary to preserve the mother’s life or physical health is not well.

  Thus, moderate claim that whether abortion is morally acceptable depends on the stages of development of the fetus. However, while moderates agree that the line should be drawn sometimes after conception
and before birth, they disagree on precisely where between those two points the line should be drawn. Most moderates agree that abortion in the early stages of pregnancy, for example, within the three months, is morally acceptable, and that abortion in the late stages of pregnancy, for example after the six months, is immoral unless it is necessary to preserve the mother’s life or physical health. However, they differ on where within that period from the third to the sixth month the line should be drawn before which abortion is morally acceptable and beyond which abortion is immoral (Emmett Barcalow, p.235).

**The Standard Argument:**

The standard argument is the following practical syllogism:

- The killing of human beings is prohibited.
- A fetus is a human being.
- The killing of fetuses is prohibited.

Hence, abortion is not allowed since homicide is prohibited. It seems obvious to question the result of the practical syllogism since one is able to argue against both premises. First, there are possible situations where the first premise could be questioned by noting, for example that killing in self-defense is not prohibited. Second, the second premise could also be questioned since it, is not at all clear whether fetuses are human beings in the sense of being persons, although they are of course human beings in the sense of being members of the species of homo sapiens. Consequently, one would deny that fetuses are persons but admit that a young two year old child may be a person. Although, in the end, it may be difficult to claim that every human being is a person. For example, people with severe mental handicaps or disorder seem not to have
personhood. That is, if personhood is defined with regard to specific criteria like the capacity to reason, or to have consciousness, self-consciousness, or rationality, some people might be excluded. But, in fact, this does not mean that people with severe mental handicaps who lack personhood can be killed. Even when rights are tied to the notion of personhood, it is clearly prohibited to kill disabled people. Norbert Hoerster, a well-known German philosopher, claims that fetuses with severe handicaps can be - like all other fetuses - aborted, as born human beings with severe handicaps they have to be protected and respected like all other human beings, too (159).

**The Modified Standard Argument:**

However, it seems appropriate to modify the standard argument and to use a more sophisticated version. Replace the notion "human being" with "human life form." The new practical syllogism is:

- The killing of human life forms is prohibited.
- A fetus is a human life form.
- The killing of fetuses is prohibited.

The objection against the first premise of the standard argument still holds for the new more sophisticated version. But, the second modified premise is much stronger than the previous one because one has to determine what a human life form really is. Is a fetus a human life form? But, even if the fetus is a human life form, it does not necessarily follow that it should be protected by that fact, *simpliciter*. The fetus may be a human life form but it hardly seems to be a person (in the ordinary sense of the notion) and thus has no corresponding basic right to live. However, as already stated, this kind of talk seems to go astray because
the criteria for personhood may be suitable for just-borns but not appropriate for fetuses, embryos, or unicellular zygotes, like some biological (human being), psychological (self-consciousness), rational (ability to reasoning), social (sympathy/love), or legal (being a human life form with rights) criteria may indicate (for example, Jane English 1984). Jane English persuasively argues in "Abortion and the Concept of a Person" that even if the fetus is a person, abortion may be justifiable in many cases, and if the fetus is no person, the killing of fetuses may be wrong in many cases (www.iep.utm.edu/abortion/ accessed on 23-7-15).

**Peter Singer’s views on Abortion:**

According to Peter Singer the strength of the conservative position lies in the difficulty liberals have in pointing to a morally significant line of demarcation between an embryo and a newborn baby. The standard liberal position needs to be able to point to such line, because liberals usually hold that it is permissible to kill an embryo or fetus but not a baby. But here, Peter Singer argued that the life of a fetus is of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness, capacity to feel, etc., and that since no fetus is a person no fetus has the claim to life as a person. Now it must be admitted that these arguments apply to the newborn baby as much as to the fetus. A week-old baby is not a rational and self-conscious being, and there are many nonhuman animals whose rationality, self-consciousness, awareness, capacity to feel, and so on, exceeds that of a human baby a week or a month old. If the fetus does not have the same claim to life as a person, it appears that the newborn baby does not either, and the life of a newborn baby is of less value to it than the life of a dog or a chimpanzee is to the nonhuman animal. Here Singer’s position on the status of fetal
life may be acceptable to many; the implications of this position for the status of newborn life are at odds with the virtually unchallenged assumption that the life of a newborn baby is as sacrosanct as that of an adult. Indeed, some people seem to think that the life of a baby is more precious than that of an adult. Peter Singer accepts the views about the sanctity of infant life and also accepts that these views need to be challenged. He said that it is true that infants appeal to us because they are small and helpless, and there are no doubt very good evolutionary reasons why we should instinctively feel protective towards them. It is also true that the infants cannot be combatants and killing infants in wartime is the clearest possible case of killing civilians, which is prohibited by international convention. In general, since infants are harmless and morally incapable of committing a crime, those who kill them lack the excuses often offered for the killing of adults. None of this shows, however, that the killing of an infant is as bad as the killing of an innocent adult.

In thinking about this matter we should put aside feelings based on the small, helpless and sometimes-cute appearance of human infants. To think that the lives of infants are of special value because infants are small and cute is on a par with thinking that baby seal, with its soft white fur coat and the large round eyes deserves greater protection than a gorilla, who lacks these attributes. Nor can the helplessness or the innocence of the infant Homo Sapiens be a ground for preferring it to the equally helpless and innocent fetal Homo sapiens, or, for the matter, to laboratory rats who are ‘innocent’ in exactly the same sense as the human infant, and, in view of the experimenters’ power over them, almost as helpless (Singer, p. 169-170).
Singer says if we put aside these emotionally moving but strictly irrelevant aspects of the killing persons do not apply to newborn infants. The indirect, classical utilitarian reason does not apply, because no one capable of understanding what is happening when newborn baby is killed could feel threatened by a policy that gave less protection to the newborn baby than adults. As Benthem, describe infanticide as ‘of a nature not to give the slightest inquietude to the most timid imagination’ (Bentham, p. 264). Once we are old enough to comprehend the policy, we are too old to be threatened by it.

**History behind the laws of Abortion:**

Prior to 1973, almost all states in the United States had laws prohibiting abortion except when it was necessary to save the mother’s life. However, in 1973 the Supreme Court ruled in Roe Vs. Wade that such laws are unconstitutional. Writings for the majority Justice Harry Blackmun maintained that the right of privacy that many jurists claim is embedded in the United States constitution “is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy” (Gerald Gunther, p.591).

Justice Blackmun maintained:

The detriment that the state would impose upon the pregnant woman by denying this choice altogether is apparent. Specific and direct harm medically diagnosable even in early pregnancy may be involved. Maternity, or additional offspring, may force upon the woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be text by child care. There is also the distress, for all concerned, associated with the unwanted child, and there is a problem of bringing a child into a family already unable, psychologically
and otherwise, to care for it. In other cases, as in this one, the additional
difficulties and continuing stigma of unwed motherhood may be involved
(ibid. p.591).

Although Justice Blackmun concluded that the constitutional right
of privacy gives a woman a right to decide whether to terminate a
pregnancy, he maintained that the right to have an abortion is not
absolute. That is, there are situations in which the right justifiably may be
overridden or violated.

The court’s decisions recognizing a right of privacy also
acknowledge that some state regulation in areas protected by that right is
appropriate. A state may properly assert important interests in
safeguarding health in maintain medical standards, and in protecting
potential life. At some point in pregnancy, these respective interests
become sufficiently compelling to sustain regulation of the factors that
govern the abortion decision. The privacy right involved, therefore,
cannot be said to be absolute (ibid. p.591-592).

Opponents of abortion argued that because the fetus is a ‘person’,
abortion violates its constitutional rights. They argued that because the
right to life is more important of fundamental than the right of privacy,
the government should protect the fetus’ right to life rather than its
mother’s right of privacy. Justice Blackmun denied that the fetus is a
“person” as that word is used in the constitution; “the word ‘person’, as
used in the 14th Amendment (to the constitution), does not include the
unborn” (ibid. p.593). The implicit conclusion is that because the fetus is
not a person, it does not have constitutionally protected right to life
because only persons (or people) have such a right. In that case, the
mother’s constitutional right of privacy does not come into conflict with
more fundamental rights of another person that would justify the state in prohibiting abortion.

Opponents of abortion also maintained that because (human) life begins at conception, ‘the state has compelling interest in protecting that life from and after conception’ (p.593). Justice Blackmun acknowledged that there is much controversy over when life begins, but he concluded that the court does not have to resolve that question. Although ‘there has always been strong support for the view that life does not begin until live birth’ (p.593). He recognized that some members of the community insist that it begins at conception. Nevertheless, Justice Blackmun implied that even if human life does begin at conception, the question of whether the fetus is a person is the deciding factor and he reiterated that “the unborn have never been recognized in the law as persons in the whole sense” (p.594).

**The Right to Life Position on Abortion:**

As we have already mentioned the right to life position on abortion in the beginning of this chapter, now we will discuss it in detail and compare it with other positions. According to what we call the right to life position, from the moment of conception, abortion is morally acceptable only if it is necessary to preserve the life or physical health of the mother. Most right to life advocates defend their position by maintaining that at conception, the fertilized egg (called a zygote until the second week, when it is implanted in the woman’s uterus, an embryo from the second week until the eighth week when brain waves can be detected, and a fetus from the eighth week until birth) is a living human being with a moral right to life. Thus, for example, John Noonan insisted, “If you are conceived by human parents, you are human” (John Noonan, p.9).
 Noonan continues: The positive argument for conception as the decisive moment of humanization is that at conception the new being receives the genetic code. It is this genetic information which determines his characteristics……. A being with a human genetic code is (a human being)… (p.12).

Clearly, Noonan is using “human being” in the genetic sense of being a member of the species Homo sapiens. Noonan maintains that from the moment of its conception, every organism that is genetically human has a moral right to life, presumably because of its potential. A genetically human zygote is a very valuable organism because it has the potential to develop into a fully functioning human being that can think, feel, love, hate, laugh, suffer, dream, and plan. A human being’s zygote/embryo/fetus is genetically human; therefore, at conception it has a moral right to life. Because the right to life is the most fundamental right, it overrides a mother’s right to decide whether to terminate the pregnancy if it is not necessary to preserve her life or health. Only the mother’s right to life can justify violating or overriding the fetus’ right to life. Therefore, right to life advocates condemn the ruling in Roe Vs Wade that until viability the state may not prohibit abortion in order to protect potential human life because they believe that it violates the fetus’ moral right to life. They believe that a fetus should be considered a person within the meaning of the constitution and should be granted a constitutionally protected right to life.

In this context Peter Singer takes into account only the actual characteristics of the fetus, and not its potential characteristics. Singer says, if we consider the actual characteristics of a fetus, there is no difference in animal fetus and human fetus. But the difference comes
when we take into consideration the potentiality of the fetus. Peter Singer in his book *Practical Ethics* in chapter “Taking Life: The Embryo and the Fetus” has explained the problem of abortion with the help of two syllogisms i.e:

**First Premise:** It is wrong to kill an innocent human being.

**Second Premise:** A human fetus is an innocent human being.

**Conclusion:** Therefore it is wrong to kill human fetus.

The second syllogism is:

**First premise:** It is wrong to kill potential human being.

**Second premise:** A human fetus is a potential human being.

**Conclusion:** Therefore it is wrong to kill a human fetus.

The second premise of this argument is stronger than the second premise of the preceding argument. Whereas it is problematic whether a fetus actually *is* a human being – it depends on what we mean by the term – it cannot be denied that the fetus is a potential human being. This is true whether by ‘human being’ we mean ‘member of the species Homo sapiens’ or a rational and self-conscious being, a person. The strong second premise of the new argument is, however, purchased at the cost of a weaker first premise, for the wrongness of killing a potential human being- even a potential person – is more open to challenge than the wrongness of killing an actual human being (Singer, p.153). Here, Singer is challenging the potentiality of fetus. He says it is true the potential rationality, self-consciousness and so on of a fetal Homo sapiens surpasses that of non humans; but it does not follow that the fetus has a stronger claim to life. For example: Prince Charles is a potential King of England, but he does not now have the rights of a King.
But even if we take the case of preference utilitarian which for example, gives preference to humans because they have capacity to see oneself as a continuing mental subject, subjects who ‘see themselves as a distinct entities with a past and future’ (Singer, p.153). If these are the grounds for not killing persons, the mere potential for becoming a person does not count against killing. Peter Singer argues, “The chief problem with this as an argument against abortion – apart from the difficulty of establishing that rational and self conscious beings are of intrinsic value – is that it does not stand up as a reason for objecting to all abortions, or even to abortions carried out merely because the pregnancy is inconveniently timed” (154). Moreover the argument leads us to condemn practices other than abortion that most anti-abortionists accept.

The claim that rational and self-conscious beings are intrinsically valuable is not a reason for objecting to all abortions because not all abortions deprive the world of a rational and self-conscious being. Suppose a woman has been planning to join a mountain-climbing expedition in June, and in January she learns that she is two months pregnant. She has no children at present, and firmly intends to have a child within a year or two. The pregnancy is unwanted only because it is inconveniently timed. Opponents of abortion would presumably think an abortion in these circumstances particularly outrageous, for neither the life nor the health of the mother is at stake – only the enjoyment she gets from climbing mountains. Yet if abortion is wrong only because it deprives the world of a future person, this abortion is not wrong; it does no more than delay the entry of a person into the world.

The argument against abortion does lead us to condemn practices that reduce the future human population: contraception, whether by
‘artificial’ means or by ‘natural’ means such as abstinence on days when the woman is likely to be fertile; and also celibacy. This argument has, in fact, all the difficulties of the ‘total’ form of utilitarian and it does not provide any reason for thinking abortion worse than any other means of population control. If the world is already overpopulated, the argument provides no reason at all against abortion, says Peter Singer.

In various writings against abortion it is mentioned that the fact that each human fetus is unique. Paul Ramsey, a former Professor of Religion at Princeton University, has said that modern genetics, by teaching us that the first fusion of sperm and ovum creates a ‘never-to-be-repeated’ informational speck, seem to lead us to the conclusion that ‘all destruction of fetal life should be classified as murder’ (Singer 155). But why should this fact lead us to this conclusion? asks Singer. A canine fetus is also, no doubt, genetically unique. Does this mean that it is as wrong to abort a dog as a human? When identical twins are conceived, the genetic information is repeated. Would Ramsey therefore think it permissible to abort one of a pair of identical twins? The children that my wife and I would produce if we did not use contraceptives would be genetically unique, says Singer. It is still indeterminate precisely what genetically unique character those children would have made the use of contraceptives less evil than abortion. Why should it? And if it does could the looming prospect of successful cloning – a technique in which the cells of one individual are used to reproduce a fetus that is a genetic carbon copy of the original – diminish the seriousness of abortion? Suppose the woman who wants to go mountain climbing were able to have her abortion, take a cell in her womb so that an exact genetic replica of the aborted fetus would develop – the only difference being that the
pregnancy would now come to term six months later, and thus she could still join the expedition. Would that make the abortion acceptable? I doubt that many opponents of abortion would think so, argues Singer (p.156).

**Maternal-Fetal Conflict:**

The relationship between a pregnant woman and her fetus is unlike any other in law, medicine, or ethics. Within the same body, there exist one person and one potential person with both similar and separate interests and, for the fetus, developing rights. This set of circumstances gives mother and fetus a biological, psychological, moral, and legal connection that is unique. Now we will examine the complexity of the maternal-fetal conflict, focusing on the interests of the woman and sometimes conflicting interests of her fetus in analytical framework.

As the maternal-fetal relationship is complex and unique, it gives rise to dilemmas with both legal and ethical implications. Of particular concern are situations in which the welfare of the woman and fetus appear to be at odds. In such cases, it is often the perceived responsibility of society to promote the well-being of both or, if that is not possible, to choose between them. These are extremely difficult and troubling issues about which people of intelligence, compassion, and social responsibility feel passionately. In some instances, matters that used to be confined to the doctor-patient relationship have come within the legal and public policy domain, often with unhelpful results.

Maternal-fetal conflict is a term used to identify those situations in which there is discordance between the interests of a pregnant woman and the fetus she is carrying. The existence and degree of perceived conflict can be seen to depend on: whether the woman and fetus have
independent interests and rights deserving respect and support; whether obligations attach to pregnancy; and whether the risk to the fetus posed by the prenatal behavior of the woman should be subject to state or medical intervention. The ethical principles that classically inform a bioethical analysis are autonomy (respecting the privacy and self-determination of the individual), beneficence (providing benefits and balancing risks or burdens against those benefits), nonmaleficence (avoiding harm), and justice (fairly distributing the risks, burdens, and benefits). When the perceived interests of the pregnant woman, her fetus, and society come into conflict, these principles are weighed and balanced as part of the ethical calculus.

1. Autonomy: The ethical principle of autonomy is central to the concept of the individual and independent self, an idea accorded near reverence in Western cultures. Indeed, notions of self-determination are so important in our society that the principle of autonomy is frequently held to trump the other three ethical principles. In the healthcare setting, autonomy is reflected most prominently in the doctrine of informed consent, upholding the right of the patient to authorize or refuse medical treatment. This right to determine what is done to one's body is protected by both the New York State Constitution and the United States Constitution.

2. Beneficence and Nonmaleficence: Beneficence is the principle that underlies obligations to benefit others and the ways in which these obligations are fulfilled. These behaviors include actions that defend, prevent harm, and rescue those in danger. Nonmaleficence, in contrast, is the obligation to avoid doing things that are harmful.
The principle of beneficence is the one with the greatest resonance for caregivers, whose mission is to provide patients with the greatest therapeutic benefit and shelter from harm. This sense of nurturing and protection reaches fullest expression in caring for those who are most vulnerable. It confers a special responsibility on those who care for the very young, the very old, and those who are incapable of looking after them. In the context of mother-fetal conflict these two principles should be followed in each specific case and the circumstances of each case must be taken into account to judge vulnerability of the individuals involved.

3. Justice: The principle of justice concerns the reciprocal nature of morality, the balance between rights and duties, and the equitable distribution of risk, benefits, and burdens. Justice speaks to the fairness of a situation and the analysis by which an equitable resolution to conflict is achieved. In the healthcare setting, the principle of justice is reflected in the notions of access to health care and the allocation and rationing of healthcare resources (Linda Farber, art.10). In the present context, the decision of abortion should be guided by the principle of justice and each case should be taken as unique.

Should Abortion Be Legally Permitted?

Whether and under what circumstances abortion is morally acceptable is one question; whether and under what circumstances abortion should be legally permitted is another question. For example, even if we believe that early abortions are immoral, we may believe that they should be legally permitted. After all, many people believe that not everything that is immoral should be made illegal. We may believe that
woman should have the legal right to decide for themselves. Whether to terminate a pregnancy because we place a high value on autonomy and liberty, we believe that a woman should be able to control her own body, and we believe that it is not appropriate for government to force woman to remain pregnant against their wills.

Advocates of the right to life position may be what we call anti-choice. The antichoice position advocates making abortion illegal at any stage of development except for certain circumstances. Some people in the antichoice camp believe that abortion should be legally permitted only when it is necessary to preserve the life or physical health of the mother. Others believe that abortion also should be legally permitted if there are serious threats to a mother’s mental health, such as those that may arise if pregnancy is due to rape or incest. Generally, people are antichoice because they believe that at conception a fetus is a full person with a moral right to life that overrides any less fundamental moral rights of its mother. In their view, the government has a duty to prevent people from violating one another’s right to life. They maintain that for the government to permit woman to choose abortion for any other reason than self-preservation is equivalent to permitting women to commit murder. They claim that people should not be given such choices.

Though many reasons can justify an early abortion but only very serious reasons can justify later abortions. This introduces another variable: the reasons for wanting an abortion. Moderates may disagree on what reasons justify abortion, whether they are early or late abortions. An important aspect of this whole discussion is that a woman could desire an abortion for many reasons. Pregnancy could be a threat to her life, her physical health, or her mental health. For example, pregnancy caused by
rape or incest, if not terminated, could cause serious psychological
damage. Pregnancy for a teenager could cause serious familial, social, or
economic hardship. Pregnancy could interfere with a woman’s education,
career, or career plans, and it could be an economic hardship. Finally,
pregnancy could be simply unwanted and unplanned. It could be the
result of unprotected sexual intercourse, or the result of contraceptive
failure. What reasons justify an abortion early or late in pregnancy?

There are an enormous number of possibilities. For example, a
moderate could claim that it would be morally acceptable for a woman to
have an early abortion at any stage of her pregnancy – if it’s necessary to
preserve her life or physical health; that it would be morally acceptable
only in the early stages of pregnancy if it’s for financial reasons; and that
it would not be morally acceptable at any stage of development, if it’s
because one does not like the sex of the fetus (Emmett, p.238).

The most liberal position presumably would make abortion legally
permitted at any stage of fetal development and for any reason. Since the
fetus is not a person, it has no moral right that conflict with a woman’s
moral right to control her body. Furthermore, government does not have a
duty to protect the life of a fetus because it has no moral standing. In their
view, a women’s right to choose should be absolute. However, in practice
even the most liberal position may not entail that it is morally acceptable
to destroy a fetus at any stage of development, even one day prior to
birth. At viability a fetus is capable of surviving outside the womb.
Therefore, after viability a pregnancy can be terminated without
necessarily killing the fetus. An advocate of the liberal position could
insist that if a woman chooses to terminate a pregnancy after viability,
she may do so, but that in most circumstances every effort must be made
to save the life of the fetus. If the fetus’ life is saved and the mother does not want the infant, it may be put up for adoption or supported and raised by the state. Thus, an advocate of the most liberal position an abortion could be forbid intentionally destroying a healthy, moral fetus after viability while maintaining that a woman’s right to terminate a pregnancy at any stage is absolute.

The moderate position generally is that early abortions should be legally permitted for any reason. Because the fetus is non sentient, it has no moral standing that conflicts with the mother’s right. On the other hand, most moderates would probably agree that later abortions should be legally permitted only under certain serious circumstances, for example, to preserve the life, physical health or mental health of the mother or because of severe damage to the fetus. That is because sometime during the second trimester the fetus becomes sentient and gains moral standing. Because it is very person like by this time, it has a moral right to life that only the most serious interests of the mother can justify overriding. Because of its moral standing, the state has a duty to provide some protection to it (Emmett p.238-239).

**Rights and Obligations:**

Once it is accepted that society has the right to promote the well-being of the unborn, it is a short distance to recognizing a state obligation to protect the fetus from harm, even when that harm is seen to come from the mother. The controversy has been framed in terms of two issues: 1. what constitute a risk of harm to the fetus that is sufficiently grave to justify limitation of the woman’s liberty, and 2. what constitute a legitimate reason for the woman not to take appropriate steps to prevent harm. The former focus elevates the rights of the fetus over the rights of
the mother, a notion that is inconsistent with abortion law. The later perspective places the burden on the woman to justify her behavior, rather than on the state to justify its intrusion into her life, a notion that is inconsistent with constitutional protections. Together, they form an overarching question: “What constitutes sufficiently compelling state interests to justify legal coercion of pregnant women in the name of fetal protection?” In this as in any analysis, much depends on the perspective of those framing the issues. For advocates of fetal rights doctrines, the focus is on the legal status and protection of the fetus. It has been argued, that a more appropriate focus is “the legal and moral status of women, pregnant or not”.

Attempts to justify legal intrusion for fetal benefit have resorted to:

- Prosecution of women under child abuse/neglect statutes by attempting to find within the statutory meaning that “child” includes a fetus.

- Creation of a duty to prevent harm that might occur despite the fact that there is no common law duty to rescue and the law has never imposed the same positive legal duties on women toward their fetuses as toward their children; and

- Medical paternalism, suggesting that any woman who does not act in her child’s best interest simply does not comprehend the issues and would agree to the proposed intervention if she did understand. This notion reduces pregnant women to the level children or others without capacity. Just as we cannot use the making of poor patient decisions (i.e., those with which we do not agree) as a proxy for a finding of incapacity, we cannot use poor maternal behavior that presents fetal
risk as a reason to suspend due process, including the requirement of informed consent.

**Legal & Moral Rights and Responsibilities:**

It is critical to distinguish between legal and moral rights and responsibilities. The law recognizes certain rights, which, taken together, create a strong presumption that a woman has a protectable interest in not having the state intrude on her life or her pregnancy. These rights include the collection of interests identified in the right to privacy. While the jurisprudential parameters of the privacy right continue to shift, its foundation remains in substantive due process, those Fourteenth Amendment guarantees against state actions that intrude into the lives of individuals, restrict their autonomous decision making, and infringe certain fundamental freedoms. Specific fundamental rights protected by the Constitution bear directly upon maternal-fetal issues, including the rights of procreation and childrearing. The presumption that parents will behave in ways that further their children's best interests is so well established that only a showing of significant risk to a child will overcome the deference generally accorded to parental decision making. In these rare cases, courts have ordered medical treatment for children over parental objection. It is important to note that, although some courts have chosen to apply this line of reasoning to the notion of fetal abuse or neglect, this approach is generally rejected. When moral obligations are confused with legal duties, the result may be a misplaced notion of state responsibility to promote fetal well-being by intervening in maternal conduct. A woman's decision to carry a pregnancy to term does not automatically mean that she will put the interests of the fetus ahead of her own and, however repugnant that may be to some, it does not by itself
give rise to a state obligation to inhibit maternal behavior for fetal benefit. This in no way diminishes what most would agree is the substantial moral obligation assumed by a woman who decides to carry a pregnancy to term. What must be resisted is the tendency to transform a moral duty of nonmaleficence into a legal duty to limit autonomy. The urge to invoke governmental authority in the name of fetal protection may be seen to arise from commonly held notions about women, their proper roles, and their responsibilities to their offspring—what have been called "unarticulated assumptions about the maternal role." These assumptions underlie broader and more disturbing convictions about the purpose of women (to produce strong, healthy members of society) and the corresponding obligation of society to ensure the realization of that purpose. The justification for a presumption of social responsibility to the unborn rests on a consequentialist or utilitarian ethical theory. The ethically right action (here, coercion of maternal behavior) is the one producing the optimal outcome or consequences (here, the preservation or promotion of fetal health). The notion that the end justifies the means becomes more acceptable as the end becomes more important and the means less harmful. This is countered by the deontological or Kantian ethic: Some actions are wrong, in and of themselves, no matter how desirable or important the goal. Using people as means to ends is always wrong, even though some tragic consequences may result from not acting (Linda Farber, article 10).

**Fetal Status:**

Number of attempts to qualify who or what is a person sometimes distinguishes between biological and psychological human life, the latter signifying qualities that are distinctively human, including the
communicative and cognitive functions. Some commentators have proposed lists of characteristics considered to represent personhood, including self-awareness, a sense of time, and the ability to relate to others. Others tie personhood to stages of development such as conception, viability, or birth. This latter approach allowed the Supreme Court in Roe v. Wade to adopt the trimester framework for regulating abortion and the Court in Planned Parenthood v. Casey to abandon it and adopt viability as the litmus test (Linda Farber, article 10). Still another way to frame the discussion is to look at the moral and legal status in terms of the rights and protections accorded to the individual. Upon birth, a baby is considered to acquire both moral and legal standing as a separate person, and the state assumes some responsibility for its well-being. Invoking its police powers to protect the public health, safety, and welfare, and its parens patriae power to protect the helpless and vulnerable, the state on occasion will even intervene in the constitutionally protected right of parents to determine the best interests of their children when the well-being of those children is threatened. But, prior to birth, when it is becoming a person, does the fetus have interests independent of its host and, when those interests are adverse, can it lay claim to the protection of the state against its host? What are the obligations of the state to intervene on behalf of the unborn? In the past, courts have been reluctant to accord legal personhood to the fetus, finding instead the potential for personhood. For example, attempts to prosecute as homicide the criminally caused death of a fetus have been largely unsuccessful. The vast majority of these decisions are consistent with the common law "born alive" rule, finding no homicide unless a live birth has occurred and there has been even a brief independent life. The rare cases in which courts have found protectable fetal interests have tended to
address matters beyond the confines of the particular case. The more
common approach has been to claim that child abuse and neglect statutes
include "fetus" within the meaning of the term "child" for purposes of
finding liability for failure to protect the health and safety of the unborn."
Some courts have found fetuses to be deprived and neglected children,
while others have rejected this line of reasoning, noting lack of legislative
intent to include fetuses in the statutory protections. Fetal rights doctrines
grant implicit legal status to the unborn. Recognition of this "contingent
legal personhood" not only fundamentally alters the maternal-fetal
relationship, it makes a woman vulnerable to civil and even criminal
liability for any acts or failures to act during pregnancy that are or could
possibly be harmful to her fetus.

**Moral Status of an Embryo/Fetus:**

The notion of moral status represents an approach of specifying
those things towards which we believe we have moral obligations and
identifying some of what we believe those obligations to be. Any theory
of moral status cannot be expected to answer all relevant questions about
obligations since many of our obligations are based on contributing
factors which are situational or contextual. However, a theory of moral
status that can be accepted and agreed upon by a diverse audience will
take us a long way towards practical decision making.

Relative to the moral status of the human embryo there are three
positions of which two are commonly held and one is somewhat
revisionist:

- Embryo as property

  It has no moral status, so allow any type of stem cell research.
• Embryo as person

It has full moral status, so allow no stem cell research.

• Embryo as transient

It has some moral status, so allow stem cell research under certain conditions.

The embryo as property view can only be held if no moral status is attributed to the embryo. The most obvious avenue to reaching this view is one that Singer might take within a preference satisfaction utilitarian framework. Here the claim would be that since the embryo has no preferences or interests, it has no claim to moral status. However, our common-sense tells us that there is something about the embryo which instills it with value. This is not to say we must resort to speciesism (following Singer, i.e., it is not the specifically human quality of the embryo that makes it worthy of some degree of protection), but that there seems some incongruity in dealing with human beings purely as if their rights were dependent upon a scientific account of their developmental stage (e.g., passing the eight cell stage, developing the primitive streak, etc.). In fact opponents of ES cell research draw our attention to our disposition to protect the vulnerable that may not yet have developed. The embryo seems both developing and vulnerable. Singer says it is not vulnerable because no harm can be done to it. But the harms many are concerned with are the harms to justice and human rights which a strict utilitarianism seems unable to account for. One of the greatest advantages of the account of moral status Singer offers is its ability to take a fundamental preference satisfying ethical framework and still compensate for fundamental human rights.
This type of approach, using a single criterion as the basis for establishing moral status, is called “uni-criterial” by Mary Anne Warren in her book *Moral Status: Obligations to Persons and Other Living Things*. The embryo as person view can also be classified in this manner as it likewise relies on a strict adherence to a uni-criterial notion of moral status. The approach taken in the embryo as person view is that since the embryo is alive, and life is the singular necessary and sufficient condition for the attribution of moral status, then the embryo has full moral status. Warren skillfully maps out the standard “uni-criterial” approaches to moral status and the pitfalls of each. Warren discusses three uni-criterial approaches, each of which focuses on a certain intrinsic property: (1) life, (2) sentience, and (3) personhood. Many philosophers have argued for one or another of these properties to be necessary and sufficient for the attribution of full moral status. Warren argues that each represents a notion which is sufficient for some moral status, but will fail as a sole criterion for full moral status. She argues persuasively that taken individually each leads to consequences that are intuitively implausible and pragmatically unacceptable (//www.ohio.edu/.../the-ethics-of-embryonic-stem-cell-research-find... accessed on 14-8-2015).

A Philosophical Argument Favoring Moral status of Embryo and Fetus:

Biologically the human embryo is undoubtedly human; it has human chromosomes derived from human gametes. It is also undoubtedly alive – a new active individual human organism from the moment of fertilization exhibiting respiration, growth, reproduction, excretion and nutrition. Human development is a continuous process beginning with fertilization; essentially the only difference between zygote and full term baby being nutrition and time.
Rather than speaking of it as ‘a potential human being’, it therefore makes more sense to speak of it as ‘a human being with potential’, ‘a human being in an early stage of development’ or ‘a potential baby or potential adult’.

A philosophical defense of the human embryo is based on the principle that every human being has a right to life and human beings must not be discriminated against on the basis of age, sex, race, disability or any other biological characteristic. This right to life is upheld in historical secular ethical declarations. The UN Declaration of Human Rights (1948) asserts that ‘everyone has the right to life’, the UN Declaration of the Rights of the Child (1959) states that the child deserves ‘legal protection before as well as after the birth’. The right to life includes the right not to be killed. The right is also enshrined in medical ethical declarations historically adopted by the World Medical Association, which enshrined the provisions of the Hippocratic Oath in a secular context.

Philosophical Objections against granting full moral status to Embryo and Fetus:

The two important objections given by secular philosophers and biologists against granting full moral status to Embryo and Fetus are:

- The first objection is that the embryo lacks rationality or capacity for relationship. This position argues that embryos are not ‘persons’ to whom we owe responsibility. This has been popularized by Peter Singer, R.G. Edwards and M. Lockwood and was thinking behind the Warnock Committee’s recommendation of no embryo research beyond 14 days, (www.cmf.org.uk, accessed on 5-7-15) on the basis that the neural crests first form ten days after fertilization. Others have
suggested that organogenesis (eight weeks) breathing movements (twelve weeks), ‘quickening’ (20 weeks), or even the first breath of air should be the end point. This view, in presupposing that human worth is contingent on the degree of neurological development, simply introduces another form of discrimination – neuralism where some human beings are discriminated against on the basis of the amount of higher neural function they exhibit. It further assumes that a clear line can be drawn, whereas in fact the development of the nervous system is a continuous rather than a stepwise process, making any chosen division between human and non-human purely arbitrary. Furthermore it assumes that human worth can be reduced to an evaluation of functional attributes. The value of human beings does not consist in their capacities or attributes but in the fact that they are human. Singer argues that to respect all human beings simply because they are human is speciesism. We don’t employ the same criteria with animals. But this simply brings us back to the question of whether human value is achieved or endowed. The former option places us on dangerous slippery slope, where everyone will draw the line at a different place depending on his or her own arbitrary criteria. It is far less dangerous, and more humane, to respect all human life equally.

- The second objection is that many embryos are abnormal. Embryos that do spontaneously abort have a high incidence of genetic (particularly chromosomal) abnormality. But to lower their status for this reason assumes that human worth is contingent on degree of disability we would not argue in other context that the value of human life was contingent on its level of normality; far less that abnormality justified killing. The same view is given by the intellectual progenitors
of the Holocaust, Binding and Hoche, who coined the term ‘life unworthy of life’ – ballastexistenzen (literally ‘human ballast’), (www.cmf.org.uk, accessed on 5-7-15) to describe people suffering from various forms of disability. Human embryos with disability are just very young human beings with special needs.

Peter Singer argues that, that the location of the fetus/infant—inside or outside the womb—cannot make a crucial difference to its moral status. Further, Singer discusses two major issues regarding status of embryo in laboratory (IVF) and use of Fetus for experiments in medical research.

**In vitro fertilization** or **fertilisation** (IVF) is a process by which an egg is fertilised by sperm outside the body: *in vitro* ("in glass"). The process involves monitoring and stimulating a woman's ovulatory process, removing an ovum or ova (egg or eggs) from the woman's ovaries and letting sperm fertilise them in a liquid in a laboratory. The fertilised egg (zygote) is cultured for 2–6 days in a growth medium and is then implanted in the same or another woman's uterus, with the intention of establishing a successful pregnancy.

IVF techniques can be used in different types of situations. It is a technique of assisted reproductive technology for treatment of infertility. IVF techniques are also employed in gestational surrogacy, in which case the fertilised egg is implanted into a surrogate's uterus, and the resulting child is genetically unrelated to the surrogate. In some situations, donated eggs or sperms may be used. Some countries ban or otherwise regulate the availability of IVF treatment, giving raise to fertility tourism. Restrictions on availability of IVF include to single females, to lesbians and to surrogacy arrangements. Due to the costs of the procedure, IVF is mostly attempted only after less expensive options have failed.
The first successful birth of a "test tube baby", Louise Brown, occurred in 1978. Louise Brown was born as a result of natural cycle IVF where no stimulation was made. Robert G. Edwards, the physiologist who developed the treatment, was awarded the Nobel Prize in Physiology or Medicine in 2010. With egg donation and IVF, women who are past their reproductive years or menopause can still become pregnant. (https://en.wikipedia.org/wiki/In_vitro_fertilisation accessed on 20-7-15).

The term *in vitro*, from the Latin meaning *in glass*, is used, because early biological experiments involving cultivation of tissues outside the living organism from which they came, were carried out in glass containers such as *beakers, test tubes, or petri dishes*.

Today, the scientific term *in vitro* is used to refer to any biological procedure that is performed outside the organism in which it would normally have occurred, to distinguish it from an *in vivo* procedure, where the tissue remains inside the living organism within which it is normally found. A colloquial term for babies conceived as the result of IVF, "test tube babies", refers to the tube-shaped containers of glass or plastic resin, called *test tubes*, that are commonly used in chemistry labs and biology labs. However, *in vitro* fertilisation is usually performed in the shallower containers called Petri dishes. One IVF method, autologous endometrial coculture, is actually performed on organic material, but is still considered *in vitro*.

Peter Singer’s view regarding the status of embryo in the laboratory are based on two claims i.e., there should be always provision for the protection of human embryo either it is a human being or it should be given protection because it is a potential human being. Singer is not willing to grant embryo either the status of a human being or a potential
human being. He has given the following arguments for this rejection:

- The rational and self-conscious beings are intrinsically valuable but it is not a reason for objecting to all abortions because not all abortions deprive the world of a rational and self-conscious being.

- The right to life should not be based on species membership, so the fact that the embryo is of the species Homo sapiens does not show that the embryo is a human being in any morally relevant sense.

- The potentiality of a fetal Homo sapiens surpasses that of cow or dog: but it does not follow that the fetus has a stronger claim to life.

- If early embryo is a human being and human beings are individuals, and the early embryo is not even an individual, because the embryo can split into two or more genetically identical embryos.

We have already explained first-three points in the above discussion and now we discuss the last point that Peter Singer has explained in the status of embryo in laboratory.

Now, consider what has happened as a result of the success of IVF says Singer. The procedure involves removing one or more eggs from a woman’s ovary, placing them in an appropriate fluid in a glass dish, and then adding sperm to the dish. In the more proficient laboratories, this leads to fertilization in about 80% of the eggs thus treated. The embryo can then be kept in the dish for two or three days, while it grows and divides into two, four, and then eight cells. At about this stage the embryo is usually transferred to a woman’s uterus. Although the transfer itself is a simple procedure, it is after the transfer that things are most likely to go wrong: for reasons that are not fully understood, with even the most successful IVF teams, the probability of a given embryo that has been
transferred to the uterus actually implanting there, and leading to a continuing pregnancy, is always less than 20%, and generally no more than 10%. Before the advent of IVF, in every instance in which we knew of the existence of the normal human embryo, it would have been true to say of that embryo, unless it was deliberately interfered with, it would most likely develop into a person. The process of IVF, however, leads to the creation of embryos that cannot develop into a person unless there is some deliberate human act (the transfer to the uterus) and that even then, in the best circumstances, will most likely not develop into a person.

Peter Singer has attempted to cover all aspects of in vitro fertilization but he says it would be necessary to investigate several issues like the appropriateness of allocating scarce medical resources to the area at a time when the world has a serious problem of overpopulation, and the speculation that the new techniques will be misused to produce children ‘made-to-order’, either at the behest of parents or, worse still, of some mad dictator. Moreover, according to Peter Singer feminist have played a valuable role in pointing out how vulnerable a couple may be to pressure from the medical team to donate an embryo for research purposes. Thus, there is a need to develop safeguards and forms of oversight to ensure that this is always the case.

**Use of Embryo/Fetus for Experimentation:**

The other major issue mentioned by Peter Singer is of making use of the fetal tissue for curing many serious diseases. Singer says that research carried out on fetus has led to the scope of finding cures for many serious illness by the transplantation of the tissues or cells from the fetus because fetal tissue appears to grow better after transplantation and is less rejected by patients. The diseases that can be cured by the fetal
tissue are Parkinson’s disease, Alzheimer’s disease, Huntington’s disease, the fetal transplants also have been used to save the life of another fetus.

Regarding the violence against Fetus, Peter Singer clearly shows that until 18 weeks of gestation period, the embryo is not developed enough to feel pain. This suggests a boundary at 18 weeks of gestation. Prior to that time, there is no good basis for believing that the fetus needs protection from harmful research, because the fetus cannot be harmed. After that time, the fetus does need protection from harm, on the same basis as sentient, but not self-conscious, nonhuman animals need it (Singer, 165). Moreover, by making the use of fetal tissue there is risk of ‘complicity’ in the immoral act of abortion and people who wish to defend the use of fetal tissue should therefore go to great lengths in order to show that the use of fetal tissue can be kept entirely separate from the decision to carry out the abortion and should not serve to ‘legitimise’ abortion. But there is risk of commercialization by this activity. Peter Singer hypothesis this situation in which a women can become pregnant only to sell her fetus.

Commercialization of IVF Practice and Experiments on Embryo/Fetus:

Many people do not oppose the IVF practice itself (i.e. the creating of a pregnancy through "artificial" ways) but are highly critical of the current state of the present day industry. Such individuals argue that the industry has now become a multi-billion industry, which is widely unregulated and prone to serious abuses in the desire of practitioners to obtain profit. For instance, in 2008, a California physician transferred 12 embryos to a woman who gave birth to octuplets. This has made international news, and had led to accusations that many doctors are
willing to seriously endanger the health and even life of women in order to gain money. Robert Winston, professor of fertility studies at Imperial College London, had called the industry "corrupt" and "greedy" saying that "One of the major problems facing us in healthcare is that IVF has become a massive commercial industry," and that "What has happened, of course, is that money is corrupting this whole technology", and accused authorities of failing to protect couples from exploitation "The regulatory authority has done a consistently bad job. It's not prevented the exploitation of women, it's not put out very good information to couples, it's not limited the number of unscientific treatments people have access to". The IVF industry can thus be seen as an example of what social scientists are describing as an increasing trend towards a market-driven construction of health, medicine and the human body. The industry has been accused of making unscientific claims, and distorting facts relating to infertility, in particular through widely exaggerated claims about how common infertility is in society, in an attempt to get as many couples as possible and as soon as possible to try treatments (rather than trying to conceive naturally for a longer time). This risks removing infertility from its social context and reducing the experience to a simple biological malfunction, which not only can be treated through bio-medical procedures, but should be treated by them. Indeed, there are serious concerns about the overuse of treatments, for instance Dr. Sami David, a fertility specialist and one of the pioneers of the early days of the IVF treatments, has expressed disappointment over the current state of the industry, and said many procedures are unnecessary; he said: "It's being the first choice of treatment rather than the last choice. When it was first opening up in late 1970s, early 80s, it was meant to be the last resort. Now it's a first resort. I think that's an injustice to women. I also think it
can harm women in the long run." (Is In Vitro Fertilization Being Overused? CBS News. 2009-08-12.) IVF thus raises ethical issues concerning the abuse of bio-medical facts to ‘sell’ corrective procedures and treatments for conditions that deviate from a constructed ideal of the ‘healthy’ or ‘normal’ body i.e., fertile females and males with reproductive systems capable of co-producing offspring. (https://en.wikipedia.org/wiki/In_vitro_fertilisation accessed on 20-7-15).

This type of commercialization must be resisted and laws must be enacted to prevent this misuse of freedom.

From above discussion we can conclude that no strict position can be taken when it comes to issue of abortion, IVF and fetus experimentation. Abortion should to be legally permitted but with certain restrictions. According to the researcher the present Indain laws regarding abortion are capable to protect the rights of the mother and the fetus.

The Indian abortion laws fall under the Medical Termination of Pregnancy (MTP) Act, which was enacted by the Indian Parliament in the year 1971 with the intention of reducing the incidence of illegal abortion and consequent maternal mortality and morbidity. The MTP Act came into effect from 1 April 1972 and was amended in the years 1975 and 2002. According to the amended law, pregnancies not exceeding 12 weeks may be terminated based on a single opinion formed in good faith. In case of pregnancies exceeding 12 weeks but less than 20 weeks, termination needs opinion of two doctors. The Medical Termination of Pregnancy (MTP) Act of India clearly states the conditions under which a pregnancy can be ended or aborted, the persons who are qualified to conduct the abortion and the place of implementation. Some of these qualifications are as follows:
1. Women whose physical and/or mental healths were endangered by the pregnancy.

2. Women facing the birth of a potentially handicapped or malformed child.

3. Rape.

4. Pregnancies in unmarried girls under the age of eighteen with the consent of a guardian.

5. Pregnancies in "lunatics" with the consent of a guardian.

6. Pregnancies that are a result of failure in sterilization.

By analyzing all the factors, arguments, objections and discussion, the researcher could say that both embryo and fetus are potential human beings which possess life and terminating pregnancy does amount to killing in some form of life. Every new life begins at conception. This is an irrefutable fact of biology. There are degrees of consciousness and life in every living being and it is true for animals and true for humans when considered alongside the law of biogenesis -- that every species reproduces after its own kind- we can draw only one conclusion in regard to abortion. No matter what the circumstances of conception, no matter how far along in the pregnancy, abortion always ends the life of at least a potential human being. Every honest abortion advocate concedes this simple fact.

Regarding IVF, there should be implementation of some rules and laws, such as- only very needy, eligible and young couples must be allowed to use this procedure, not couples more than 50 years of age because only young and healthy couples are able to take care of child's needs in long run. And with reference to fetus/embryo experimentation
there should be proper network of hospitals and doctors so that fetus obtained from miscarriage can be used for experiments and for curing other diseases. More importantly, these laws should prohibit all scientists and doctors from creating and using unborn life for research purposes alone and this would help to prevent the commodification and commercialization of human embryos. Absent uniform laws, researchers are encouraged to commercialize research. Without comprehensive and well-defined regulations, the private sector is able to conduct virtually all embryo research without review or accountability. The restriction proposed above addresses to the most egregious misuse of human embryos. Rather, scientists should be required to act responsibly and within the accepted boundaries of a society which values and protects human life.
WORKS CITED:


2. Definition of Abortion - Against Abortion. wholeworldinhishands.com/world/definition_of_abortion.htm


13. PDF] MORAL STATUS AND HUMAN EMBRYOS - Scholars Archive.scholarsarchive.library.albany.edu/cgi/ viewcontent. cgi? article.cas.

14. The Ethics of Embryonic Stem Cell Research: Finding ... https://www.ohio.edu/.../the-ethics-of-embryonic-stem-cell research-find...  
