

# Moral Delimma of Abortion

K MAHMOOD

Department of Philosophy G.C. University, Lahore.  
Correspondence to Mr. Kaiser Mahmood, Lecturer

Abortion is the termination of pregnancy<sup>1</sup>. Not many years ago majority of the people considered abortion a crime so disgusting that it was hardly mentioned in public. Abortion was the dramatic stuff of novels and movies portraying girls in trouble or women pushed to the brink<sup>2</sup>. Times have changed somewhat. Abortion is now legal in the west. Yet controversy over the legitimacy of abortion continues to flare. In the history of medical ethics, no other topic has attracted more attention. The reason is clear. In the abortion issue, major moral, legal and social issues are intertwined to form a problem of great subtlety and complexity.

Abortion can occur because of internal biochemical factors or as a result of physical injury to the woman. Terminations from such causes are usually referred to as "spontaneous abortion", but they are also commonly called miscarriages<sup>3</sup>. Abortion can also be a deliberate process resulting from human intervention or deliberate removal of fetus from the womb of a human female. This type of abortion is known as "Induced abortion"<sup>4</sup>. The methods used in contemporary medicine depend to a great extent on the stage of the pregnancy. There are different abortion methods used at various stages of pregnancy e.g. Dilatation and Curettage (D&C), uterine aspiration, Hysterotomy, Saline abortion etc. etc.

When the female reproductive cell, the ovum, is fertilized by the male sex cell, the spermatozoon, the product is called the single-cell Zygote. Within the first day of conception the Zygote begins to divide. By the third day it consists of sixteen cells. As the Zygote continues to grow during the first week, it moves through the Fallopian tube into the uterus. At this point, as the Zygote gradually implanted in the uterine wall, the product of the conception is called the conceptus, means, "That which has been conceived" From the second through the eighth week of growth, it is called the Embryo. From the third month until birth, it is called the Fetus. When the fetus is capable of living independently of the womb, it is said to be viable. Birth generally occurs about nine months after fertilization. It is customary to divide this time into three three-month periods or trimesters.

There are many questions come into conflict in the abortion issue: "Is abortion the taking of human life?" Why do people disagree so radically concerning the question of abortion? Infact, two basic problems come into conflict in the abortion issue: The Value of Life Principle (basically in relation to unborn like but also in relation to the life of the mother)<sup>5</sup> and the Principle of Individual Freedom that is, the mother's right over her own body and life<sup>6</sup>. The abortion issue raises this question most particularly with regard to the fetus. Just what is the status of fetus in this world? Is fetus is just another piece of tissue in the woman's body? Is fetus is a person? In this article, we are mainly concerned with the justification of

induced abortion. In the abortion issue, we have two extreme positions: Profile groups and Prochoice groups. Profile groups in general hold that a human fetus is an innocent human being that innocent human being must never be killed in any circumstances<sup>7</sup>. Prochoice groups tend to believe that fetus is not a human being or that it lacks rights and interests<sup>8</sup>. In this article, we will focus on the two extreme positions and the arguments that support them.

## Prolife Groups: Arguments Against Abortion

- a. Most ethical systems have some sort of prohibition against killing. "Thou Shalt not kill" i.e. the sixth commandment, the prohibition against killing in Buddhism, Hinduism and Islam to name but a few infact, even the most primitive society has something to say about killing in general. The decision of ending the life ought to be left to the creator who gave life.
- b. Everyone has a moral duty to respect the sanctity of human life.
- c. A fetus is a human being. The fetus has a right to life. We have no right to take life. For some scientists now believe that the fetus can feel pain as soon as the central nervous system has begun to develop. The development of the CNS begins quite early and before most real-world abortion take place. Prof. John T. Noonan, is an articulate and outspoken defender of the prevailing Catholic view on abortion. In his article, "*An Almost Absolute Value in History*", Noonan argues that the fetus is a human being from the moment of conception onwards. He writes; 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, which the biological carrier of possibility of human wisdom, which makes him a self-evolving being. A being with a human genetic code in man<sup>9</sup> Prof. Noonan further writes; Once the humanity of the fetus is perceived abortion is never right<sup>10</sup>.
- d. The abortion procedures are dangerous to the mother's well-being and life. These dangers are of two types: the medical and as well as the psychological.
- e. Women should not desire abortion just because of the economic considerations. Where innocent and unborn human life is involved, economic considerations cannot come first.
- f. We are all well aware of the population problem and know that something must be done about it. If there is any solution, it will have to accord with morality. Widespread abortion is not the answer.
- g. Abortion may solve the problem of unwanted children in individual cases. Whenever women engage in sexual acts with men, whether contraceptives are used

or not, they must realize that pregnancy may ensue. However, if pregnancy does occur, it is her responsibility to go through with the pregnancy and give birth to her children.

- h. Doctors should not miss their professional duty of saving human life. Doctors have no more right than anyone else to put innocent persons to death. The fact that unborn child cannot protest itself does not mean that its right can be invaded at anyone's discretion.

#### Prochoice Group: Arguments for Abortion

According to this position a woman ought to be allowed to have an abortion, regardless of the reason, if she requests it. This position is based on several arguments.

- a. The fetus is not a human being and, therefore, fetus has no right to life.
- b. In some cases the child can be considered an unjust aggressor against the physical or mental health of the mother<sup>11</sup>. The danger to the mother's physical health in certain pregnancies is the reason that most state allow therapeutic abortion. Philosopher Judith Jarvis Thomson in herd very influential article, "*A Defense of Abortion*", writes:

Let us call the view that abortion is impermissible even to save the mother's life "the extreme view". I want to suggest first that it does not issue from the argument I mentioned earlier without the addition of some fairly powerful premises. Suppose a woman has become pregnant and now learns that she has a cardiac condition such that she will die if she carries the baby to term. What may be done for her? The fetus, being a person, has a right to life, but as the mother is a person too, so has she a right to life. Presumably they have an equal right to life. How is it supported to come out that an abortion may not be performed? If mother and child have an equal right to life, should not we perhaps flip a coin<sup>12</sup>.

She further writes:

But it cannot seriously be thought to be murder if the mother performs an abortion on herself to save her life. It cannot seriously be said that she must refrain, that she must sit passively by and wait for her death<sup>13</sup>.

In fact, Judith Jarvis Thomson, avoids the problem of determining when the fetus becomes a person. For the sake of argument only, she grants the conservative view that the fetus is a person from the moment of conception. This argument typically runs: the fetus is an innocent person; therefore, killing a fetus is always wrong. But, Thomson claims, killing an innocent person is sometimes allowable. This is most clearly so when self-defense requires it.

- c. A popular argument is favour of abortion rests on a dictum about autonomy: in all choices which concern only one particular individual that individual's wishes must be treated as paramount. Maternal autonomy—women, liken men, should have absolute rights over their own bodies<sup>14</sup>. No woman should be forced or even urged to go through her pregnancy against her will: she and she alone, must decide her future.
- d. Abortions often have the best consequences. An abortion can avoid to disgrace to an unwed mother. The rape and incest are two of the most serious crimes committed against a woman and under no circumstances should she be forced to endure an unwanted pregnancy resulting from either of these actions.

**Abortion and Law:** Much of the contemporary debate about abortion is concerned with whether the law ought to permit abortion, if so, what if any legal regulations ought to be placed on it. Until January 22, 1973, nearly every state in the United States had laws on the books prescribing criminal penalties for procuring an abortion. On that date, the United States Supreme Court ruled on the question in *Roe v Wade*, a decision that has completely changed the situation in the United States<sup>15</sup>. The United States Supreme Court, in a split decision, recognized the mother's "right to privacy" entitles her to have an abortion, "without regulating by the state. Justice Blackmun's argument, in broad outline, as follows:

"The right of privacy, inferred from other constitutionally protected rights, is broad enough to encompass a woman's decision on whether or not to terminate her pregnancy."<sup>16</sup>

The Soviet Union was the first country to legalize abortion in modern times and abortion is still common in communist and ex-communist countries. Soviet law allowed abortion up to the sixteenth week for any woman who requested it. In present-day Communist China abortion is not only legal but also very often compulsory. No urban family in China is supported to have more than one child and no rural family may have more than two. So if a woman with one or two living children becomes pregnant a second or third time she will be made to undergo abortion willy-nilly<sup>17</sup>.

The International Conference on Population and Development held in Cairo in September 1994 focused attention on the interplay of religion, family-planning methods and women's status. The most hotly debated topic of the conference was abortion. The major debates at the population conference central on abortion and progressive Muslim theologians and modernists examined the literature on abortion. The late Fazlur Rehman, a Pakistani Scholar, took a practical attitude toward abortion. As a Pakistani, he was intimately concerned with the strain that population pressures put on a developing government. As a theologian, he emphasized preserving the integrity of Islam in the face of strong westernizing and modernizing movements. On the issue of abortion, he took a liberal attitude that is instructive. While predicting that the type of abortion present in China—aborting fetuses as part of an official policy—would never succeed in the Muslim World, he stated, there does, it seems, the possibility of general acceptance of abortion within 120 days of pregnancy, which will go a long way in making population control effective<sup>18</sup>.

**What Do The Philosophers Say?** For Roman Catholics, for example, abortion never be permitted because since a human person with its immortal soul is found at conception. Even if the pregnancy is due to rape, the fetus cannot be held at fault. Even though she may not wish to have the child, it is the mother's duty to preserve the life of the fetus. Kant, Ross and Rawls have profound and far-reaching implications for medical ethics. These philosophers have, no doubt, attributed to individuals to autonomy. To be autonomous is to govern oneself, including making one's own choices. Actions from fear and impulse, as well as coerced actions, are obviously heteronomous but Kant also regarded acting from desire and habit as heteronomous. According to the concept of autonomy, woman should have a right to determine whether or not she wishes to have a child. If she is pregnant with an unwanted child, then no matter how she came to be pregnant, then she might legitimately decide on an abortion. Utilitarianism also prescribe this answer. Because, if having a child will produce more unhappiness than an abortion

would be justifiable. Kant's ethical theory is complex and controversial. If the fetus is person, then it has an inherent dignity and worth. It is an innocent life which cannot be destroyed except for the weightiest moral reasons. There reasons may include the interests and wishes of the woman, but deontological theories provide no clear answer as to how those are to be weighed.

We have seen that for Kant and other deontologists like W.D. Ross, John Rawls, the matter is less clear. We have also seen that Judith Jarvis Thomson in her article *A Defense of Abortion*, begins by assuming, for the sake of argument, that the fetus is a person. Under a series of examples, she then argues that even granting the assumption a woman has a right to abortion in cases involving rape, in case in which the woman's life is endangered and in cases in which the woman has taken reasonable precautions not to get pregnant. In these cases, Thomson claims, the fetus's assumed right not to be killed unjustly would not be violated by abortion. Thomson further distinguishes between cases in which it would be a good thing for a woman to forego an abortion and cases in which a woman has an obligation to do so. Whereas Prof. John T. Noonan in his article "An Almost Absolute Value in History", regards fetus as a person and does not allow abortion. Prof. Jacques P. Thiroux in his book, *Ethics: Theory and Practice*, has beautifully analysed the problem and he has also given practical suggestions to help his people. Jacques views can be summarized as:

"Ethics has always been in favor of protecting human life, even unborn life, since the Value of Life Principle is of primary importance. This would mean then, that abortion should be a last resort, to be used only where there is strong justification. If they have to be performed, they should be done as soon as possible after pregnancy is discovered"<sup>19</sup>.

He further writes; I also feel very strongly, with as few exceptions, the decision for or against abortion must finally rest with the woman who is carrying the conceptus. This does not mean that other information, advice and counseling cannot or should not be given what it does mean is that the final decision rests with the pregnant woman. The counseling and information that is offered must be fair, full and objective on both sides of the issue so that the woman has enough correct information from which to make a rational moral decision."<sup>20</sup>

He also suggests: "The best way of avoiding abortion altogether is, of course, to be meticulous about using effective contraceptive devices that are presently available and to work very hard to develop more effective ones with minimal detrimental side effects"<sup>1</sup>.

No doubt, in the 1973 US Supreme Court decision support the prochoice position. At the present, about a million legal abortions are performed every year in the United States. Abortion

is a common surgical procedure in the UK, Japan, China and Russia. It is legal. Obviously, the Supreme Court decision did not resolve the philosophical difficulties posed by abortion. Making abortion legal did not necessarily make it moral. Abortion is, no doubt, just one of the moral dilemmas that people can hope to see positively resolved in the future.

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21. *Ibid*, P.381.