

[Original Paper]

## The morality of abortion

Nobuko Ozeki <sup>1)</sup>

### INTRODUCTION

The abortion debate poses a number of questions for moral philosophers. First, since abortion involves the termination of life, we must consider in general the circumstances in which it is immoral to terminate life.

Secondly, we may wish to look closely at the definition of 'life', contrasting it in particular with a notion of 'personhood'. At what point does a foetus become a human being?

We must consider how our view of the morality of the termination of life interacts with our definition of 'life'. Is there some moral difference between terminating the life of a foetus and terminating the life of a human being?

Finally we must sort out the thorny question of rights. What are rights and how are they acquired? Does a foetus qualify as a holder of rights? If so, in cases where the foetus's right to be born is in direct conflict with the mother's right to control what happens to her own body, how do we decide which individual's rights should have priority?

Discussion of these and related issues will lead us to consider both the need for answers and the limitations of the philosophical arguments relied upon to provide those answers.

(J.Aomori Univ.Health Welf.3(1):49–53, 2001)

Why is killing wrong? People may offer different answers to this question according to their background. For example, a christian may say that killing is wrong because God told us killing is a sin.

Within the scope of moral philosophy Glover suggests two reasons why killing is wrong, that is, 'direct objection' and 'side-effects' (1977, 40). 'Direct objection' to killing relates solely to the person killed. For example there are those who believe in the doctrine of the sanctity of life. Killing is wrong for people who hold the view that life is sacred. 'Side-effects' refers to effects on people other than the person killed. For example, if a middle-aged businessman who has a dependent wife and six young children is murdered, his family will have to face sadness, poverty and other worries and troubles.

Glover concludes that most acts of killing people would be wrong even in the absence of harmful side-effects (1977, 42). He holds the view that killing is wrong because of the sanctity of life. What is the sanctity of life? Does it exist? Is it possible to argue that taking life away is morally right or wrong on this basis, when there is no proof of the existence of the sanctity of life?

'The Golden Rule', suggested by Hare, may give a clearer view of why killing is wrong. It claims that we should do to

others as we wish them to do to us (Philodohy & Public Affairs 1975, 208). It is a logical extension of this argument to say that we should not do to others as we do not wish them to do us. We do not want to be killed, so we should not kill others.

Let us try to apply Glover's views of killing to abortion. Suppose a mother does not want a child. The act of killing, that is, abortion does not make her or those around her sad or poor. There are few side-effects to such an abortion, compared with the case of the murdered businessman quoted above. (Side-effects are not so important in the debate on abortion.)

Can there be any direct objections? Does killing a foetus means a deprivation of the sanctity of life? There are two problems here. The existence of the sanctity of life is in doubt, and we do not know whether a foetus has sanctity of life or not.

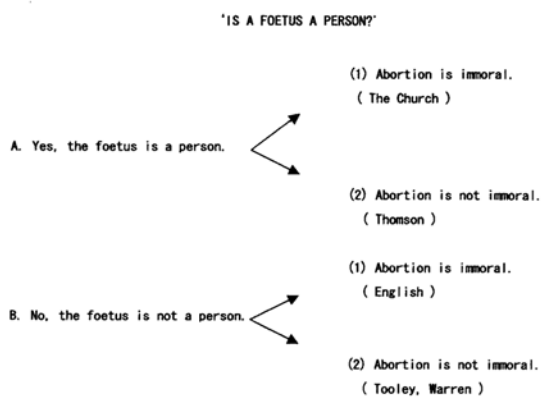
Let us consider the definition of death, the non-existence of consciousness. If a foetus does not have consciousness, it does not experience the fear and pain which may be associated with death. This may lead to an assumption that death does not affect a foetus at all as it has no consciousness. Killing it (abortion) may not be immoral until

---

1) Department of Nursing, Faculty of Health Sciences, Aomori University of Health and Welfare

it develops consciousness.

This brings us to a consideration of whether a foetus is a person or not. The development of a human being from conception through childbirth into childhood is continuous, therefore, it is difficult to define when a foetus becomes a person. Having consciousness could be a deciding factor, if we could decide at which point the foetus develops consciousness. Most arguments about whether a foetus is a person or not can be put into the categories which are shown below.



A-(1) The Church of Rome opposes abortion, even to save the life of the mother because of the horror of bringing about the death of an unbaptized child. The Roman catholic church holds the view that an embryonic child is a human being, and therefore has as much right to life as an adult, consequently all abortions are seen as murder.

There are many objections to this view. Why is a foetus an object of preference, that is, why is it seen as holier, closer to God, than a woman? This favouritism weakens the Church's claim, seen as 'the extreme view' of the immorality of abortion, for women's rights and responsibilities are not considered.

The biggest problem is that religion is a belief, and the doctrine may be valid for christians, but not for others. Williams says, 'Every moral position is dogmatic and ultimately unprovable - if you will, a matter of faith.' (1958, 182). Since the numbers of christians who really believe in God has been decreasing in our society, the argument based on religious belief is not universally accepted any more.

A-(2) Thomson's argument will be discussed later. She does not ask whether a foetus is a person or not, but she proposes, 'we grant that the foetus is a person from the moment of conception.' (*Philosophy & Public Affairs* 1971, 48), and develops her argument that abortion is nevertheless

not immoral.

B-(1) English says, '...if a fetus is not a person, killing it is still wrong in many cases.' (Wasserstrom 1985, 449). She argues that if the foetus is not a person, we still cannot treat the foetus in any way we like. Non- persons do get some consideration in our moral code, even if they do not have the same rights as persons have. Treatment of animals is a case in point. It is morally wrong to kill a dog or a cat simply because it is a non- person. English's conclusion is that in the late months of pregnancy, abortion seems to be wrong except to save a woman from significant injury or death. She says, 'Even if a fetus is not a person, abortion is not always permissible, because of the resemblance of a fetus to a person.' (ibid, 456).

English's argument is not sufficient to settle the abortion issue, for the biological development of a human being is gradual. How can we define when the foetus resembles a human being? Resembling a human being does not necessarily mean that the foetus has the same functions and rights as an adult has. Her arguments are not convincing.

B-(2) Tooley holds the view that if entity A either lacks consciousness, or has consciousness but is incapable of desiring X, then A has no right to X. He says, '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.' (Singer 1986, 82). He concludes that feticide and infanticide are permissible.

Tooley's definition of being a person needs proof that the foetus does not have any mental state. It may be possible to say that the foetus has some mental state but simply cannot express that mental state. Also, young children, the mentally handicapped and people in a coma will be out of the scope of 'person' if we take Tooley's definition.

Glover argues that Tooley's argument does not answer the question 'When is a member of the species homo sapiens a person?' and there is some arbitrariness in stipulating that 'person' is a purely moral term, roughly equivalent to 'bearer of rights' (1977, 127). Glover concludes that being a person is a matter of degree and disagrees over which aspects of personhood are important and over the relative importance of different degrees of development.

Warren proposes a tentative formulation of five criteria for the concept of personhood, that is, consciousness, reasoning, self-motivated activity, the capacity to communicate, and the presence of self-concepts, self-awareness. She thinks that any being which satisfies none of these criteria is certainly not a

person. She says, '...a fetus, whatever its stage of development, satisfies none of the basic criteria of personhood, and is not even enough like a person to be accorded even some of the same rights on the basis of this resemblance' (The Monist, 1973, 47). She says that the foetus may be a potential person, but we need not conclude from this that a potential person has a right to life by virtue of that potential, and abortion ought to be permitted.

Weiss argues that the implications of Warren's view of personhood are at times absurd and at others dangerous. She says, '...if we are concerned [only] with maximizing human happiness...we should make every effort to discover both the necessary and the sufficient conditions for personhood, and permit all non-persons to be killed.' (Ethics 1978, 70).

The arguments based on personhood can lead us away from fruitful arguments about the morality of abortion. Warren says, 'It has also been generally assumed that unless the question about the status of the fetus is answered, the moral status of abortion cannot possibly be determined.' (ibid, 45).

In sum, as Tooley and Warren suggest, mental state or consciousness may be the deciding factor for a person, but we do not yet know when a foetus has consciousness. Most philosophers hold more or less the same view that the difficulty involved in determining whether a foetus is a person or not makes it impossible to produce any satisfactory solution to the problem of the moral status of abortion.

Let us look at the next question. Can abortion be defended on the grounds that a woman has property rights over her body? We have to start by asking what is meant by 'right'. If we say that a woman has property rights over her body, the notion of 'right' is vague and not unified. Thomson, in her article 'A Defence of Abortion' (Philosophy & Public Affairs 1971), assumes that rights are well defined, but rights imply some kind of moral standpoint, some kind of moral structure imposed on the way we view situations. Who imposes moral structure? Many would say society in general should impose it, for the good of all. Thomson suggests that the moral structure is decided by the individual. For example, she says, 'Nobody has any right to use your kidneys unless you give them such a right.' (ibid, 55). Thomson regards rights as some kind of contract entered into by individuals.

We could argue that rights are not philosophical or moral realities. Rights are based on some moral framework which should suit society rather than the individual. They do not have substance in themselves, they must be decided, and the

decisions we make may vary with the circumstances. It is simply not the case that you can argue and prove philosophically that abortion is RIGHT or WRONG on the basis of the rights of an individual, since rights must be considered in relation to circumstances, rather than as philosophical absolutes.

Fennis analyzes 'rights' as Thomson used the term in her writing, and says that Thomson's use of rights, including the 'right to one's body', should be regarded as problematic. Fennis says that Thomson's views need 'more specification... Insufficient specification causes needless problems' (Philosophy & Public Affairs 1973, 120). Since the notion of rights is vague and the argument in favour of abortion depends on this notion, the argument is correspondingly weakened.

In any case, if I take the premise that a woman owns her body, I have to think whether her property right automatically gives her a right to decide what happens in and to her body. Brody says, 'I cannot see... how the woman's right to her body gives her a right to take the life of the foetus.' (Philosophy & Public Affairs 1972, 339). Brody argues that a woman's rights over her body have no relevance to abortion. Glover quotes Warren as saying, '...mere ownership does not give me the right to kill innocent people whom I find on my property...It is equally unclear that I have any moral right to expel an innocent person from my property when I know that doing so will result in his death.' (Glover 1977, 131 & 132).

If Thomson wants to defend abortion on the grounds of a woman's property right and a woman's right to decide what happens in and to her body, she has to make clear the relation between a property right and a right to decide what happens in and to a woman's body. At the moment, this unexplained relationship makes the argument in defence of abortion weak.

In Thomson's article there is no consideration given to the possibility that the foetus may have a right to the use of the mother's body. We can argue that the foetus has a right to use its mother's body, for the foetus is a part of its mother's body. Biologically, it may be difficult to decide where the mother stops and the foetus starts. We can say that the foetus can share its mother's property rights and it is wrong to regard the foetus as a different person from its mother because the foetus is a part of her body. If the foetus shares the mother's property, the claim that a woman has a property right and has a right to abortion is weakened.

Thomson argues that letting the foetus use the womb is charity rather than a moral duty, but if the foetus shares its mother's property right, it is a moral duty rather than charity.

The mother cannot refuse to share the right. Thomson says that the foetus does not have a right to be given the use of its mother's body, but the foetus does not have to be given a right to use the womb if it shares its mother's property right already.

When we discuss abortion, responsibility is an essential factor to be considered, for a mother's responsibility may define whether the foetus has a right to the use of its mother's body or not. Thomson says that a woman has no special responsibility for the foetus. She supports this with the claim, a rather weak one, that parents do not have responsibility for a child unless they assume that responsibility at birth, by taking the child home and not putting it up for adoption. There is no founded reason for Thomson's claim.

Let us consider the various circumstances in which women want an abortion and how these cases might be classified.

- (1) Pregnancy due to rape.
- (2) Pregnancy due to some failure of contraception, e.g. a hole in a condom.
- (3) Pregnancy due to a woman's carelessness, not using any contraception.
- (4) Deliberate pregnancy, but the woman changed her mind.
- (5) The foetus has some abnormality.
- (6) The foetus is threatening the mother's life.

Thomson thinks that in cases (1) and (2), the woman cannot be regarded as having assumed responsibility for the foetus, therefore, the foetus does not have a right to the use of the mother's body, that is, the mother has a right to have an abortion.

At the same time, Thomson would claim that in cases (3) & (4) it would be indecent of the woman to request an abortion, and indecent of a doctor to perform it, if she is in her seventh month, and wants the abortion just to avoid the nuisance of postponing a trip abroad. (Philosophy & Public Affairs 1971, 65 & 66).

If we take the premise that the foetus is a person at the moment of conception and has a right to life and other human rights, the premise from which Thomson begins (although she herself does not accept this premise), it is morally wrong to discriminate between foetuses. The foetuses (1), (5), and (6) are not according to Thomson given a right to the use of their mothers' bodies, and the others are.

If the foetuses are human beings, they should have equal rights to the use of their mothers' wombs. If you were a foetus due to rape and told you are going to be killed, you

would find it unfair and unjust. It could be argued that it is morally wrong if each foetus is not given an equal chance to be born.

Thomson's assumptions of the mother's responsibilities need more discussion and need to be made clearer, particularly in terms of how responsibilities interact with rights. Responsibility, like right, is not a well defined philosophical notion, and it is not clear how it is to be defined. Should it be seen in relation to individuals, or is it a convention adopted by society? Even if the mother's responsibility to the foetus is accepted, might that responsibility be outweighed by other considerations in cases like (5) and (6) ?

In sum, we cannot claim 'right' and 'responsibility' as defined notions, therefore, the claim that a woman has a right over her body is vague. Even though some people argue for a woman's property right over her body, this does not automatically give her a right to decide what happens in and to her body. Thomson's argument excludes consideration of the foetus's rights.

There are general problems with the sort of moral arguments which we have been considering. We have looked at the debate on abortion. Why can we not come to a conclusion? What are the limitations of debate in moral philosophy? One of the main questions is whether ethics is a science or not. If it is a science, there should be true answers as in natural science.

However, Singer (1986, 6) says ethics is the realm of feeling and emotion. If so, there is no single set of 'true' moral beliefs, for moral belief is subjective, and all people do not share exactly the same subjectivity. Glover warns us that these assumptions will lead us to a dead end (1977, 20 & 21), yet we cannot avoid this problem. For example, women who have become pregnant by rape may share the same moral code (pro-abortion), while devoted Christians impose their moral code on abortion (anti-abortion). Moral disagreements exist. Is it possible to draw general conclusions from these disagreements?

## CONCLUSIONS

We have looked at the morality of abortion. Lack of criteria of personhood and ambiguity in the definitions of 'rights' and 'responsibility' prevent us from reaching clear conclusions. Arguments for self-defence, ownership, and priority (in that a woman's right to control her own life ought to have priority over the interests of the foetus) have been interwoven in the debate.

The morality of abortion may be understood differently by different people in different circumstances. It is difficult to find conclusions as we might in a natural science.

Whatever the difficulties, we must remember that this is not simply an empty philosophical debate, constructed to exercise the minds of those involved. Abortion is a real issue which touches the lives of many individuals and gives rise to strong feelings in others. Related issues, such as the status of the foetus with respect to genetic experimentation, are discussed almost daily in the media.

As individuals we feel the need for some sense of right or wrong when faced with such issues. Whole societies seek a consensus as to whether such practices should be permitted or not. We have no choice but to continue the debate about the moral issues involved and clarify which arguments we ought to accept or reject, however far we seem to be from reaching conclusions.

#### NOTES

1. The 'double-test' view is widely accepted. It refers to the fact that two tests must be passed before someone is counted as dead, involving respiratory and circulatory activities stopping and brain damage sufficient to make loss of consciousness irreversible.

(accepted:October 2, 2001)

#### REFERENCES

- Brody, B. (1972). "Thomson on Abortion", Philosophy & Public Affairs 1, 335-340
- Fennis, J. (1973). "The Rights and Wrongs of Abortion; A Reply to Judith Thomson", Philosophy & Public Affairs. 2, 117-145.
- Glover, J. (1977). Causing Death and Saving Lives. Penguin Books.
- Hare, R.M. (1975). "Abortion and the Golden Rule" Philosophy & Public Affairs. 4, 201-222.
- Nagel, T. (1970). "Death", Nous. 4, 73-80. Wayne State University Press.
- Singer, P. (1986). Applied Ethics. Oxford University Press.
- Thomson, J.J. (1971). "A Defence of Abortion" Philosophy & Public Affairs. 1, 47-66.
- Warren, M.A. (1973). "On the Moral and Legal Status of Abortion", The Monist. 57, 41-61.
- Wasserstrom, R.A. (1985). Today's Moral Problems. Macmillan Publishing Company.
- Weiss, R. (1978). "The Perils of Personhood", Ethics. 89, 66-

75.

Williams, G. (1958). The Sanctity of Life and the Criminal Law. Faber and Faber Ltd.