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**PHILOSOPHERS AND
THE ISSUE OF ABORTION**

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Introduction

Abortion remains one of the most hotly debated social and moral issues. Both sides present powerful arguments for and against abortion. The pro-life group emphasizes the argument of preserving human life since conception at any cost, to the point of giving absolute priority to the life of the unborn fetus over the life of the mother. The pro-choice group emphasizes the argument that a woman should have a right to control her body to the point of absolutizing her right over the natural phenomenon of development of a new being.

The problem in debate is that both sides are extremely dogmatic and defensive presenting arguments from one perspective only and fail to see the whole issue in its biological, psychological, moral, and societal complexity. The issue is difficult but we shall argue that it can be solved if the both sides show good will and work together for a common good. We, as humanists, should not allow ourselves to follow the demagogic slogans of politically influential groups, but we should take a rational moral stand.

Views of philosophers on abortion

The fundamental problem with respect to justifying abortion is the moral status of the fetus. There are basically three types of positions: liberal, conservative, and moderate.

Extreme positions

A. Liberals

The liberal position is represented by Judith Jarvis Thomson, who assuming a conservative position for the sake of argument shows that such a view does not lead to consequences its supporters assume. Taking the conservative position on the moral status of the fetus, she argues that even granting the assumption, abortion is still justified in a wide range of cases. She creates a fantasized situation asking us to imagine that we are kidnapped for the purpose of preserving the life of unconscious violinist. We are connected to him so that he may share the use of our kidneys. If we disconnect the violinist before nine months elapse, the violinist will die. Thomson thinks that it is obvious that we have no obligation to share our kidneys with the violinist in such a case. Now she makes her case claiming that in an analogous situation the fetus is using his mother's body. Hence she argues, in an analogous case, abortion can be justified in practically all cases: a woman has a right to abortion in cases involving rape, in cases where the woman's life is endangered and in cases in which the woman had taken reasonable precautions to avoid becoming pregnant.

Obviously the analogy is exaggerated and patently false. Thomson refuses to recognize the special character of the growing fetus and that the fetus is a result of a previous conscious act with predictable outcome. Even in the case of rape, the killing of the fetus is not morally acceptable, though rape itself was morally condemnable.

Another liberal position is argued by Mary Ann Warren, who arrives at her conclusions by analysis of the concept of personhood. She claims, for the sake of argument, that if the fetus is a person, then indeed there is a wide range of cases in which abortion is not permitted. But all depends on what a person is. So she wants to build a consensus by proposing a set of criteria for being a person with full moral status that she thinks both pro-abortionists and anti-abortionists could accept:

- 1) consciousness of objects and events external and internal to the being, and in particular the capacity to feel pain;**
- 2) reasoning -- the capacity to solve new and relatively complex problems;**
- 3) self-motivated activity;**
- 4) a capacity to communicate;**
- 5) the presence of self-concept and self-awareness.**

Using these criteria Warren now contends that fetuses, even with their potentiality to become a person, do not sufficiently resemble a person to have a right to life. Thus she holds that, at least until birth, the fetus has no moral status and lacks a serious right to life. But she herself realizes that her argument, if logically followed, would justify infanticide. Although, according to her criteria the newborn infant would not have a significant right to life, she would not permit infanticide so long as, according to her, there are people who are willing to care and provide for the child's well being. But then why permit abortion if there are people who want to adopt and take care of the new born?

Though we may agree with her criteria of personhood, this personhood is a very special case of how the law treats personhood. The concept of personhood is derived from the Roman law and obviously the definition is modeled on the examples of adult individuals in a social context. Such a definition may have legal value in a societal setting as it is applied to fully grown and functional members of society. Even, according to Warren herself, the argument from personhood would lead to infanticide as morally acceptable practice. Thus the argument using the "personhood," unless one believes in some supernatural "rational substance," is totally irrelevant with respect to children or to human developmental forms. It does not recognize the potentiality and special unique qualitative status of the embryo.

B. Conservatives

The conservative position contends that from conception the fetus has full moral status; hence a serious right to life. John Noonan objects to the example of the unconscious violinist of Thomson's model and offers a more realistic example. It is a case of a family who was found to be liable for a frostbite suffered by a dinner guest whom they refused to allow to stay overnight, though it was very cold outside and the guest showed signs of being sick. His model is not a true analogy either. But Noonan examines various models and methods used in the analysis of the abortion question. He rejects the argument of development in stages -- because they are arbitrary and there is a continuity in development of the human being. He correctly states that the line can be drawn only at conception. The fetus has an absolute right to life from conception. He objects to any attempt to make exceptions for abortion when e.g. the fetus is known to be seriously defective or the result of a rape -- such exceptions, according to him, would "eat up the rule." He rejects the application of the "doctrine of double effects" to cases of ectopic pregnancy and the removal of a cancerous uterus containing a fetus. The physician "necessarily intends to perform the abortion, he necessarily intends to kill." In such cases, abortion is permissible on the grounds of self-defense only when the fetus is a danger to the life of the mother.

Moderate Position

The moderate position is represented by Jane English, who questions the concept of personhood assumed by Warren, and assumes both positions for the sake of argument and comes to conclusions supporting the U.S. Supreme Court Decision *Roe vs. Wade* (1973). She argues that the concept of personhood is not sharp enough and decisive to have an impact on a solution to the controversy. She argues that if we assume the conservative view that the fetus is a full-fledged person, then there are still cases where abortion would be justified to prevent serious harm or death to the woman. Similarly, she argues that even if we accept the liberal view that the fetus is not a person, there are still cases, at least in the late months of pregnancy, where abortion would not be justified, because of the fetus resemblance to a "person" (for reasons of our psychological conditioning). She concludes: "In the early months of pregnancy when the fetus hardly resembles a baby at all, then, abortion is permissible whenever it is in the interests of the pregnant woman or her family. The reasons would only need to outweigh the pain and inconvenience of the abortion itself. In the middle months, when the fetus comes to resemble a person, abortion would be justifiable only when the continuation of the pregnancy or the birth of the child would cause harm -- physical, psychological, economic or social -- to the woman. In the late months of pregnancy, even on our current assumption that a fetus is not a person, abortion seems to be wrong except to save a woman from significant injury or death." The moderate position found its expression in the abortion law of 1973 of the United States Supreme Court.

Solution : Naturalistic Perspective of Moral and Biological Commitment

The sexual act is a conscious human activity with several purposes that developed during the evolution of the human psyche. Its biological function is preservation of the species, but it is also associated with several psychological conditions:

1. It serves as a bonding between committed individuals (as in a family) which developed as a mechanism to secure the care of the helpless infant. Not every act leads, is intended to or must be intended to lead to pregnancy. Therefore it is morally justified to prevent any unwanted pregnancy by techniques preventing the fertilization of the oocyte. Once, however, the fertilization of the oocyte took place, we are faced with a new situation.
2. The sexual act satisfies our psychological needs when it is associated with long-lasting commitment and responsibility. Otherwise it is a dehumanizing exploitation and, though it may provide temporary sensual gratification it can lead to a sense of frustration, dissatisfaction, cynicism and even psychological aberrations and neurotic disturbances. The traditional form of long-lasting commitment is the institution of marriage, in which involved partners build psychological relationship of mutual support and responsibility.
3. Commitment is necessary also for responsible sexual activity. Since sex, even with utilization of preventive measures, may predictably lead to unwanted pregnancy and development of a new life, responsible sex must take such a possibility into consideration. Therefore every sexual act outside the institution of marriage or similar arrangement, guaranteeing lasting commitment, is morally unacceptable.

Evolution of the human psyche developed a need for human interaction: such a need is primarily satisfied between individuals in a family, then between individuals in a larger group or society. When the sexual urge is suppressed, this need for companionship still remains and can be partially fulfilled by vicarious mechanisms (e.g. group living in a tight community as among monks or nuns or development of intense and long-lasting special interests and preoccupations). That need is so strong that, in the extreme cases, social isolation may result in psychological disturbances such as the pathological conditions observed in clinical psychiatry. Thus the pope is wrong in his assertion that every act must be intended to produce progeny.

5. The phenomenon of homosexuality is a condition in which the psychological need for companionship does not correspond to the sexual compatibility of the partners. Nevertheless, though it is certainly a rare type of biological phenomenon, it is natural and morally correct since it is driven by biologically conditioned impulse the same way as the heterosexual drive. The moral aspect of it consists again in the mutual long-lasting commitment. Even homosexuals may have a family life (and they need it too) with adopted children (at least from one partner's side). Heterosexual individuals do not understand psychology of the homosexuals because they do not have the same urge. The condemnation and persecution of homosexuals is one of the last moral aberrations imposed by the erroneous religious doctrines.

Very important argument often used by the proponents of the abortion is based on the observation that the human development takes place in stages, therefore, they argue, there are some stages in which "personhood" is absent or less developed and hence abortion is then permitted. For better understanding of the biological process of gestation and human development, we will briefly summarize the biological stages that take place.

The fertilized oocyte develops through the second meiotic division into ovum and undergoes several developmental stages. Cleavage is the stage in which the single fertilized cell called zygote is converted into a multicellular ball called morula. Morula in turn implants in the uterus and is transformed into a hollow ball, blastocyst, in which a surface layer of cells, called trophoblast, differentiates from the rest of the inner cells called the inner cell mass. The implantation takes place usually one week after fertilization. The trophoblast will develop into part of the placenta and the inner cell mass will be transformed into embryonic disk. The embryonic disk, during the week after the implantation, will develop into gastrula -- a stage with three layers of cells: ectoderm, mesoderm, and endoderm. From these three layers of cells, during the next six weeks, will develop embryonic organ systems in a process called organogenesis. The ectoderm, the layer of cells remaining at the surface, will give rise to the nervous system and certain glands; endoderm, the inner layer of cells, will give rise to parts of the respiratory and digestive systems; the mesoderm, the intermediary layer of cells, will develop into the heart, muscles, bones and other internal organs. The nervous system begins to develop through the process of neurulation. During this process, the ectoderm cells in the midline of the embryo elongate and form a neural plate which folds to form a tube running through the length of embryo, the so-called neural tube. Mesoderm and endoderm develop into other organs and the embryo assumes, at this stage, segmented appearance common to all vertebrate embryos. Between the fourth and the sixth week arms, legs, fingers and toes develop. By the eighth week the embryo resembles a human figure which looks like a human in miniature and is designated a fetus. During the first three months, in more than 20 % of all conceptions, spontaneous expulsion of the uterine contents may take place (miscarriage) or may be a result of genetic disorders that prevent normal development. Fetuses born before the seventh month of gestation are not ready for independent living outside the womb and rarely survive, even with the intensive medical support.

The brain develops between the ninth and sixteenth weeks of gestation.

The development of the new life, though artificially presented in stages, is a continuous process from the moment of fertilization. Fertilization is thus a crucial step which determines a new quality for the fertilized oocyte. Until that moment oocyte is one of the cells in the body, not committed and not determined. The developing zygote, however, becomes a unique cell in the body with a very specific function. Thus the determining factor for a new human being is not the "personhood." "Personhood," as we have seen, has no application for the embryos, small children and even young adults. The embryo of four weeks, the fetus of four months or the new born have the same quantity of "personhood." But the embryonic cells cannot be classified just as any "clump of cells" like liver cells or kidney cells. The role of these embryonic cells is

absolutely different and they acquired a new quality and potential unlike any other cells in the body. They cannot be compared to the cancer cells either, because they are not abnormal cells and they do not destroy the host. Moreover they arose by a conscious act with predictable consequences and our moral responsibility demands that we recognize their unique and specific potential. Our moral responsibility begins with the sexual act itself. That responsibility should be inculcated in young individuals through the process of moral education.

The fact that pro-abortionists do not see any moral harm in abortion during the first two and a half months of gestation is based only on our psychological conditioning -- the embryo does not look yet like a human, therefore intuitively and psychically we feel less objection to destroying it. The same psychological mechanism prevents us from destroying the new born -- since, as I indicated previously, there is no difference in "personhood" between these stages of human life.

Abortion thus may be justified only in cases threatening the life of the pregnant woman and for medical reasons with defective embryos. However, even the last case can be justified only when we are absolutely sure of the defect, and not only because the fetus has a defective gene. There are too many unjustified medical fads with respect to this issue.

In cases of rape and social hardship, society should develop alternative mechanisms for taking care of new born children especially in this country, so abundant in material wealth.

Addendum

The United States Supreme Court *Roe versus Wade* Decision (1973).

The court decided that the constitutional right to privacy, protected by the due process clause of the Fourteenth Amendment entails:

No law may restrict the right of a woman to be aborted by a physician during the first three months of her pregnancy.

During the second trimester, abortion may be regulated by the law only to the extent that the regulation is reasonably related to the preservation and protection of maternal health.

When the fetus becomes viable (not before the beginning of the third trimester) a law may prohibit abortion, but only subject to an exception permitting abortion whenever necessary to protect the woman's life or health.

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