

Abortion and Morality: An Interest Based Approach

Tapan Kumar De, Suparna Nandi

Abstract: Abortion is a widely discussed socio-ethical issue in the field of bioethics. Writers and researchers always show their interest about the issue keeping it in the centre of morality. The whole world thinking on the matter is divided into two groups-liberals and conservatives. Arguments are offered from the both sides to defend their own positions. Liberals are in the favour of the issue whereas conservatives are in the opposite side. Later we find another dimension of discussions offered by the feminist to overcome all kinds of prejudices related to the matter. According to the feminist view the body of the women is in the centre and the other factors which are considered by the different groups are secondary. A woman can exercise her rights whether the foetus will be carried to come on earth or to terminate it. They are purely individualistic. We can put all the groups, following David Boonin, as 'Defender of abortion' and 'Critic of abortion'. Apart from these two approaches a different approach must be accounted for, i.e. interest based approach. It may also be called as third dimension of the issue of abortion. In this approach the main thesis whether abortion is morally permissible or not will be judged in the light of interest-the interest of the mother, foetus and the society at large. It will be shown that the interest of the pregnant women who will carry the foetus in her womb till birth must be considered with priority. In this way we will be able to show that abortion in some particular cases where the interest of the mother is in question can be morally permissible. Ultimately we will try to find out a new kind of attitude to resolve the issue to make it more fit with the sophisticated world. We want to approach to the issue from a different dimension, i. e. from the interest based dimension.

Keywords: Abortion, Interest, Right, Foetus, Interest based dimension, Defender of abortion, Critic of abortion

Introduction: Termination of embryo or abortion is deeply related with morality. The debate with its long history invites the researchers to find out a way of solution. In abortion a foetus is targeted and finally terminated for various reasons. This is a simple medical process and generally we do not find any ethical issue in it. But the matter is not so simple, as we think. Life, a human life, a potential human life is associated with this issue. So the termination of a foetus means the termination of a potential human being. This is the central theme of the debate. We want to enter into the debate keeping focus on the moral problem of abortion. According to David Boonin,

“The moral problem of abortion is different because it is unusual. It is unusual because the human foetus is so unlike other individuals and because the relationship between foetus and pregnant women is so unlike other relationship.”¹ Really it is different from other moral problems like-euthanasia, suicide etc. because in these cases we have to discuss on the related issue taking the subject as person. But here, in the case of abortion the subject’s personhood is in question. Whether a foetus can be called a person or not is a big question. As the personhood of a foetus is in question it is difficult to determine the moral status of the targeted foetus. If a person takes a foetus as a person then it is essay to say that the foetus has a moral status. But if any one denies the personhood then he will snatch away the moral status of the foetus. If you accept the moral status of the foetus then abortion will not be morally permissible and if you want to follow the opposite view then abortion will be morally permissible. So, the whole thesis, whether abortion is morally permissible depends on the debate whether a foetus has moral status. A foetus will be able to enjoy moral status if it has personhood. In this paper we will try to focus on the interest. Whose interest will be counted for-mother or the foetus? In the concluding part we will establish the view that the interest of the mother should be treated as priority. If we accept the view that the foetus is a potential human being then a conflict of interest will arise in connection with abortion. We have to prefer the interest of the full grown person instead of the interest of the potential one and I think that this act will certainly be morally permissible.

Let us frame the main question related to the subject. Is abortion morally permissible? Two positions will come into focus in this connection- a defender position of the problem and a critic position of the problem. Both the groups have their own arguments to establish their positions. The defenders of abortion will focus on the moral possibility of abortion denying the personhood and moral status of the targeted foetus. On the other hand the critics will not accept the moral possibility of abortion as they believe that a foetus has personhood and moral status.

At first we should clear the area of our discussion. It is well-known that abortion is the termination of the life of a foetus. But not all foetuses are targeted here. The foetuses which are unwanted are targeted. So pregnancy may be divided into two groups-wanted or desired and unwanted or not-desired. Generally the foetus of desired pregnancy is attached with the mother and the family emotionally and there is no question of abortion. So the debate whether abortion is morally permissible has nothing to do with such cases. The foetus in all the desired cases are welcomed receive moral treatment not only for its existence but also for the happiness of the family. The whole family prepares itself to receive the new member from the core of heart.

On the other hand in case of undesired pregnancy the life of the foetus is in question. The

pregnant women along with her family want to get rid of the problem with the help of abortion. So the question of abortion comes into the stage in connection with the undesired pregnancy and certainly the debate enters into the arena with the question-is termination of undesired pregnancy morally permissible?

A question may arise in this connection. Will the concept of undesired pregnancy encourage the termination of female foetus? Particularly, in some region of our country people are interested only to have male child instead of female child. Most of the families of this region force the pregnant women to abort the foetus which she is carrying as it is a female one. Some cases are there where the concerned women is also gives her consent consciously to do this unlawful act to avoid unnecessary hazards in her family life. If it is established that the termination of undesired pregnancy is morally permissible then all such cases will come into the umbrella of undesired and get the moral sanction. Here our intention is not to offer moral support to these cases. Rather we are dead against such acts. These acts are not only immoral but also unlawful. The word 'undesired' is not based on the division of male and female foetus. The basis of the concept is totally different. We are not interested to promote the bad intention of a person or a family or a society. We will discuss the conditions of a foetus to be called undesired. If a foetus fulfils the conditions laid down later on then it will be called unwanted.

When we intend to categorize pregnancy as desired and undesired it is our duty to clear the concept of undesired pregnancy. In what condition(s) and for what cause(s) a pregnancy is called undesired must be cleared. There are various causes and conditions to designate a pregnancy as undesired. Here we will concentrate on the following cases- medical ground, physical ground, social ground etc.

1. Medical ground: The concept of undesired foetus is based on medical ground. If it is proved, after proper medical judgement that the pregnancy will bring complicity related to its health and its birth will bring only pain then it can be designated as undesired pregnancy.
2. Physical ground: It must be cleared that here the physical ground indicates the physical condition of the pregnant women. If the physical condition of the woman does not support the load of carrying a baby then the foetus will be designated as undesired foetus.
3. Social ground: If a woman conceives after being raped then her pregnancy will come under the umbrella of undesired pregnancy in social ground. Our society will not accept such baby.

Some thinkers may want to include financial condition of a family or condition of career of a working woman along with the three conditions stated above. We think that both the conditions have not sufficient arguments with them to establish the fact that abortion in such cases is

morally permissible as they are also undesired. The criterion of undesired pregnancy cannot be applied in such cases. Financial condition of a family cannot be the part of the criterion of undesired pregnancy because financial condition is changeable. It has ups and downs. A family may have poor financial condition at the time of pregnancy. There is every possibilities to overcome the condition after the birth of the child. Again this condition clearly and intentionally equates the value of the life of a foetus with the value of money. We cannot morally support this tendency to equate the two values, i.e. the value of the life of a foetus and the value of money. It is an attempt to commoditize a life which is not commoditizable. The act of commodification of the life of a foetus is unethical.

On the other hand the condition of the carrier of a woman to designate her pregnancy as undesired is purely unethical. It is true that some employers are there who forcefully add the conditions in the appointment letter not to be pregnant during probation period. Woman who wants to build her carrier does not want to be pregnant and unfortunately if they conceive they regard it as undesired pregnancy and want to terminate for the sake of their work. There is every possibility to lose the job as they do not comply with the condition laid down on their appointment letter by the authority at the time of entry into the service. No one in this world wants to lose her job and to destroy her carrier due to some mistake of their sexual lives. But we think that this situation is also not to be entertained as undesired pregnancy. Here also the intention of commodification of the life of a foetus is clear. So this condition cannot be a part of the concept of the undesired pregnancy.

Our point is clear in respect of the morality problem of abortion. Is it morally permissible to terminate an unwanted foetus? Whether a foetus is unwanted or not the value of its life remains as the same. Killing of a foetus is to destroy the value of a life. No one has the right to destroy the value of a life in any condition. The view of the defender and critic of abortion depends on the personhood of the foetus. The defender of abortion will not accept the foetus as a person as it is not at par with a person in respect of human qualities. On the other hand the critic of abortion group will take the issue of personhood seriously and will not permit the killing of a foetus. So we have to concentrate on the subject whether a foetus is a person or not.

Let us enter into the debate. To be a person one must have some qualities of personhood. It is open secret that it is not so easy to decide whether a foetus is person or not. Let us follow John Noonan's view to have a sense in the favour of the claim. John Noonan is correct in saying that "the fundamental question in the long history of abortion is, How do you determine the humanity of a being?"² We can put Noonan's view in a nutshell in this way, "it is wrong to kill humans,

however poor, weak, defenseless, and lacking in opportunity to develop their potential they may be. It is therefore morally wrong to kill Biafrans. Similarly, it is morally wrong to kill embryos.”³ Noonan’s claim is based on the theologians’ criterion of humanity. According to this criterion a foetus is surely a human being as it comes from human. So following Noonan’s view it can be said that termination of the life of a foetus is morally wrong.

We can offer an argument to support the view of the abortion critics in this way-

Premise 1: Intentionally killing an innocent human person is always morally wrong.

Premise 2: A foetus at the time of conception or close to the time of conception is an innocent human person.

Premise 3: Abortion is the killing of a foetus.

Premise 4: Abortion is the killing an innocent human person (follows from 2 and 3).

Conclusion: Therefore, abortion is always morally wrong.⁴

The first premise of this argument is undoubtedly valid. No one will claim that killing of an innocent human being is morally permissible. The second one is also valid as it is accepted that the targeted foetus is a human being by nature from the very beginning of its life. The truth of the third one is a fact and at the same time true. The fourth premise also true as it is based on fact. It is proved that all the premises used in this argument are true. So the conclusion which is implied from true premises is also true. Abortion according to the abortion critic group is never morally permissible.

On the other hand defenders of abortion are more critical and rational. Mary Anne Warren, one of the important thinkers of the group represents the view of the defender by expressing the whole thought concerning the question of personhood in a more relatable way forwarding five main traits of a person. Warren claims that there are five traits that are central to the concept of personhood: (1) consciousness, (2) reasoning, (3) self-motivating activity, (4) communication and (5) self-awareness.⁵

Consciousness is the first and important trait of a human being. A human being without consciousness cannot be treated as human being or a person. Similarly reasoning, self-motivating activity, power of communication and self-awareness are the most important traits of a person. Generally we think that a person with his reasoning power choose the right path of action for his goal. Self-motivation is a trait that helps a person to move forward on the way of success. A person has the power to communicate with others to exchange views and to get and give information. The capacity of self-awareness is also one of the factors of a person. Without this

quality or trait no person can identify himself. So all these traits, as expressed by Warren, are necessary and sufficient conditions for a person to be a person. Now the question arises in this way whether a foetus has these qualities or not. If a foetus has all these qualities or traits then it must be treated as a person. If the fact appears in a different way then we have to think in a different way.

Can a foetus have any experience? Can it desire for anything? Can it feel pain or pleasure? Is it conscious for its intention? Has it problem solving capacities? Is it able to choose a better path among others for its life? Can a foetus communicate with other persons like us? The answer for all these questions is surely negative. So the claim that a foetus is nothing but a person from the stage of conception of the abortion critic is not true and the foetus is not a person. From this discussion it can be concluded that the termination of the life of a foetus is morally permissible. The abortion defenders offer an argument in favour of their view. The argument can be framed in this way-

Premise 1: Intentionally killing a non-person human being is always morally permissible.

Premise 2: A foetus is a non-person human being.

Premise 3: Abortion is the intentional killing of a foetus.

Premise 4: Abortion is the intentional killing of a non-person human being (from 2 and 3).

Conclusion: Therefore, abortion is morally permissible.⁶

Here the first premise is true. It is true in connection with the discussion of abortion. If you place the premise in a broad canvas of killing then it will appear untrue as in ethics killing of non-human being is also morally wrong. The second one is also true according to the claim of personhood. The personhood of a foetus is denied as it lacks the traits of a person explained above by the abortion defenders. The third and the fourth premises are also true. So the conclusion is also true as it follows from true premises. So abortion is morally permissible according to this view.

We think that both the arguments have their limitations. Acceptance or rejection of personhood in either case is purely hypothetical. If you accept a foetus as a person then abortion is morally not permissible. On the other hand if you refuse the personhood of a foetus then abortion is morally permissible. So there is no sufficient ground to support one side refusing the other and if anyone does this, certainly he or she will fail to do justice for the other. So we have to find out a different approach to maintain the boundary of justice in this regard.

Let us think that a foetus is not a person because it fails to comply with the criterion of traits as laid down by the abortion defender. But it has the potentiality to be a person in future. A foetus if it is allowed to come on earth will be able to manifest all its traits like a full-grown person. As there is no sufficient ground to deny this situation we have to accept a foetus as a potential human being and in this case the moral permissibility of abortion as claimed by the abortion defenders will in question. We have to accept the moral right of a potential being. We can offer a sound argument in this connection to support the view that a foetus has some moral rights, at least not to be terminated as it has the potentiality.

Premise-1: A potential human being has right to life.

Premise-2: A foetus is a potential human being.

Conclusion: A foetus has right to life.

This argument is not only valid but also sound. The first and second premises are true and so the conclusion. The right to life of a foetus necessarily implies that termination of that foetus is morally wrong. So abortion is not morally permissible.

Let us dwell upon the theme of potentiality. The concept of potentiality can be explained adequately keeping it in contrast of the concept of actuality. The existence of an actual thing or being is a fact. It is there in the nature. We can see it, feel it or have it if we wish. For instance, if there is a glass of water on the table in front of me at a particular time, certainly we will say that the existence of the particular glass of water is a fact at that particular time and if we wish we can take it to serve the purpose of quenching thirst. Similarly the existence of a full-grown person is actual or a fact when he or she possess the traits of a human being, i.e. he or she is a conscious being with the capabilities of self-motivation, communication etc.

On the other hand the situation of a potential being of thing is not like that. A foetus who is a potential human being does not exist at the present moment with all the capabilities of a person. There is only possibility to have such qualities. Yet we accept that this potential being has right to life.

A big question arises in this context. What will be our position in case of an unwanted pregnancy? Whose right to life will be counted for? In case of medical ground when it is proved that the life of the pregnant woman is at risk if she is forced to carry the foetus whose interest will be treated with priority? Undoubtedly the pregnant woman is actual human being and the foetus is potential human being. Here the dilemma appears and we have to resolve it with the help of the interest based approach.

To address this situation we can follow the hypothetical explanation given by Warren. She said If two people agree on the concept of person, and they both claim that the foetus is a potential person, they might disagree about the value we should attribute to the rights of a woman vis-à-vis the rights of a potential person. The abortion defender will argue that a woman's rights should override the rights of a foetus, because the foetus is only a potential person and not yet a person. As a consequence, it is morally permissible to have an abortion. Abortion critics will argue that the value of the life of a potential person should override the rights of a woman to control her body, and thus it is morally wrong to have an abortion. This disagreement is not about the concept of personhood but rather about the value we should ascribe to the life of a potential person.⁷

According to Warren we should keep the concept of personhood in bracket and we have to deal with the concept of the value of life of a potential human being and an actual human being. In view of interest we have to give priority to the interest of the actual instead of potential. When the situation of the conflict of interest comes we have to choose the interest of the pregnant mother as she is a full-grown person with all the capacities.

Suppose, a woman is able to know after the conception that if she carries the baby to term her life will be in danger. She may succumb to death at the time of birth of the baby. Here we will face a dilemma. Whose right to life will be prioritized? To a group the answer will be the right to life of the foetus as they want to make a difference between letting die and killing of a person. In this situation if we allow the woman to abort the foetus then the charge of killing will come into the arena and killing is not morally permissible. On the other hand the woman will be allowed to die if she carries the foetus till to birth. Letting die is preferable than to killing. It is said that who intentionally indulged herself in a sexual relation and conceived. After the conception she came to know that her life would be in danger because of the pregnancy. Here the woman is fully responsible for the pregnancy and she has to bear the burden of that.

This view is called extremist's view in favour of the interest or the right to life of the foetus. The interest of the woman is totally ignored here. We want to show the fact that this extremist's view can be rejected from two angles. The first one is that in case of morality killing and letting die are equal moral offence. So we cannot ignore the interest of the woman. Suppose on the way you saw a man lying on the road side deadly injured by an accident. Undoubtedly you are not responsible for the accident. Thinking in this way you refrain yourself to do anything to save the life of the person. You just kept yourself in the safe zone and were watching the person who was dying. No laws will be able to punish you. But you are morally wrong. You will be in the charge of moral

offence. So letting die and killing are both equal in the eye of morality. In this case also we have to count for the interest of the woman. Rather we have to give priority to save the life of the woman as she is not only a human being, she is also a moral person. So we have to do something to save the life of a moral person.

Let us have a look on the difference between a person and a human being. Michael Tooley in his paper, 'Abortion and Infanticide' published in the journal 'Philosophy and Public Affairs' makes the difference clear and distinct. According to Tooley, the terms 'person' and 'human being' must not be used interchangeably. There is a great difference between the two. A person is a moral being. To him the term 'person' must be interpreted only on the basis of morality. All the descriptive content must be avoided. In this sense "X is a person means X has a (serious) moral right to life."⁸ He again says that a person is an organism possess a serious right to life only if it possess 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.⁹

On the other hand a human being does not necessarily imply that he or she will be a moral being. According to Tooley, The term 'human' refers to a certain type of biological organism characterize as psychological term, such as "members of the species of homo sapiens"¹⁰

So we have to focus on the subject that there is a difference between the two concepts-person and human being. Ignoring this difference we use these two words interchangeably in philosophy and create problems, particularly in respect of abortion. The extremist point of view which claims that the interest of the foetus or the right to life of the foetus must be counted for ignoring the same of the pregnant woman is just creating the problem of using the concepts of person and human being in identical way. The foetus whose life in question because of the life of the carrier is not a moral person as it does not possess the concept of self as a continuing subject of experiences. It is only a member of the species of Homo sapiens. So killing of a foetus which is not a moral person is preferable than to let die the pregnant woman as she is a serious moral being having the concept of self as a continuing subject of experience and other mental states, such as desire.

Again we are going to take the opportunity of the argument presented by Tooley in this regard. Why do we think that the pregnant woman is a moral person and the foetus is not? According to Tooley, "to ascribe a right to an individual is to assert something about the prima facie obligations to other individuals to act, or to refrain from acting, in certain ways. However, the obligations in question are conditional ones, being dependent upon the existence of certain desires of the individual to whom the right is ascribed. Thus if an individual asks one to destroy

something to which he has a right, one does not violate his right to that thing if one proceeds to destroy.¹¹

The implications of this argument is that the foetus whose life is in question cannot have serious moral right to life, at least in comparison with its carrier. So if situation demand, i.e. if it is proved that the life of the pregnant woman is in danger and may succumb to death if she wants to give birth then for the sake of the life of the woman abortion is morally permissible. To save the life of a moral person in the exchange of a mere human being is always moral.

The second point is about the responsibility of the concern woman who is pregnant after an intentional sexual relation and wants to abort the foetus for the sake of her life. The critic of abortion will say that it is not morally permissible to terminate the life of the foetus as it is there in the womb of the woman for her intentional activity. This point is also criticized by the abortion defenders. It should be kept in mind that intentional sexual relation does not imply the responsibility of bearing a foetus in spite of medical urgency. Analogically we can prove that the demand of the abortion critic in this connection is not tenable. Following J.J.Thomson it can be said that in such case no one can force the woman to carry the foetus to birth. She says that a woman who clearly knows that there is every chance to be pregnant if she consents her partner to have a sex is not responsible for bearing the foetus. Simply it does not constitute a voluntary invitation to the foetus to use the body of the woman for its survival. Look at the analogy used by Thomson in favour of the claim that the woman is not responsible.

Imagine that you open your window to get fresh air and as a result a burglar gets into your apartment. Can we argue that since you opened your window, you are partly responsible for the burglar getting into your apartment? Moreover, since you are partly responsible for the burglar getting into your apartment, have you implicitly consented for the burglar to be in your apartment? Can we conclude, then, that, as a result of this implicit consent, the burglar now has a right to live in your apartment? This seems absurd and it demonstrates that non-negligible actions (assuming that the opening of the window is normal in this neighbourhood), on the part of a woman, that result in pregnancy cannot be interpreted as consent for the foetus to use her body for its survival.¹²

This analogical argument clearly tells that a woman who intentionally involved in a sexual relation cannot be forced to carry the foetus till to birth in spite of her health problem. For fresh air if you open the window of your apartment is not a crime. Taking the chance of the open window the burglar enters into the apartment and he is in a crime. So we can conclude that the woman is not responsible and she has the right to abort the foetus for the sake of her life. In this way the moral permissibility of abortion, at least in medical urgency is established.

In case of pregnancy by rape is also morally permissible. In this case also the extremists will go against abortion and they will argue for the right to life of the targeted foetus. The claim of the extremists in this connection is also not tenable like the previous instance.

This analogy has become well known in abortion discussions as ‘the violinist analogy’. It goes as follows: You wake in the morning and find yourself back to back in bed with an unconscious violinist, a famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist’s circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, ‘Look, we’re sorry the Society of Music Lovers did this to you – we would never have permitted it if we had known. But still, they did it, and the violinist is now plugged into you. To unplug you would be to kill him. But never mind, it’s only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you.’ Is it morally incumbent on you to accede to this situation?¹³

From this presentation of Thomson it is implied that if the person refused to offer his help by laying on the bed for nine months his action will not be treated as immoral. Forcefully the person was kidnapped and his body was attached with the violinist without his consent. So he has the right to unplug the connection though he was informed about the result of his action. Similarly the rape victim has the right to through the method of abortion for the sake of her physical, mental and social conditions. There is nothing wrong in this case.

In the conclusion it can be said that in case of unwanted pregnancy we have to think in a different way. In case of medical urgency for both the pregnant women and the foetus abortion is morally permissible and all the arguments offered by the opponent of abortion is in significant. The right to life must be respected. But it depends on the condition. When the life of the pregnant women receives threats for the pregnancy whether it is planned or unplanned it becomes unwanted and the foetus must be removed from the body of the concerned woman without any hesitation. The act of abortion in this regard cannot be treated as immoral. On the other hand if is medically proved that the foetus will come on earth with sever deformities and there is no chance for it to live on earth painlessly then abortion can be done for the sake of the foetus and this act will also be treated as moral act. In case of a pregnancy out of rape is also unwanted and abortion must be morally permissible. It should be kept in mind that significance birth control methods are available to ensure the birth of wanted and healthy child on earth. The use of these methods is

morally permissible. Abortion is also a significant method of birth control and must be used under the medical guidance according to the demand of situation. It will help the society to have healthy child for healthy society. The open truth is that the moral permissibility of abortion does not mean the killing of all foetuses for insignificant interests. It means that this weapon of birth control must be used carefully and strictly for the greater interest of the society.

Notes and References

1. Boonin David: *A Defense of Abortion*, Cambridge University Press, Cambridge, 2003, P.1
2. Noonan John,: "Abortion and the Catholic Church: A Summary History", Notre Dame Law School, USA *Natural Law Forum*, Vol.12, Notre Dame Law School, USA, ,1967, P-125.
3. Noonan John : "Deciding Who is Human", *Natural Law Forum*, vol.13, Notre Dame Law School, USA, 1968, P. 134.
4. Cantens Bernie : *A Critical Introduction to the Ethics of Abortion: Understanding the Moral Arguments*, Bloomsbury Academy,USA, 2019, p.45
5. Warren Mary Anne : "On the Moral and Legal Status of Abortion", *Monist*, Vol.57, 1973, pp. 55
6. Ibid, p.24
7. Ibid, PP,63-64
8. Tooley Michael: "Abortion and Infanticide", *Philosophy and Public Affairs*, V-2, No-1, 1972, P.40
9. Ibid, p.44
10. Ibid,43
11. Ibid, PP.44-45
12. C/f Cantens Bernie : *A Critical Introduction to the Ethics of Abortion: Understanding the Moral Arguments*, Bloomsbury Academy, 2019, P- 107
13. Thomson J.J.: "A Defense of Abortion", *Philosophy and Public Affairs*, V-1, No-1, 1971, pp.48