

ABORTION

- I. The Definitions of Pregnancy, Miscarriage and Abortion.
- II. The Main Positions for Abortion.
- III. Religion and Cultural Attitudes to Abortion.

Literature

Steven Schwartz. *The Moral Question of Abortion*. Loyola University Press, 1990.

Don Marquis. «An Argument that Abortion is Wrong» In: John Arthur (ed.) *Morality and Moral Controversies*, 5th Ed. Upper Saddle River, NJ: Prentice Hall, 1999.

Jennifer A. Hurley. *The Ethics of Abortion*. Greenhaven Pr, 2000.

Robert M. Baird, Stuart E. Rosenbaum (ed.). *The Ethics of Abortion*. Prometheus Books, 2001.

Pregnancy is the process by which a woman carries a live offspring from conception until it develops to the point where the offspring is capable of living outside the womb. It starts with conception, the process of fertilization to form zygote, and ends in childbirth, miscarriage, or abortion. Miscarriage is the natural or accidental termination of a pregnancy at the stage where the fetus is incapable of surviving. Miscarriages can occur for many reasons, not all of which can be identified. Abortion is voluntary or induced termination of pregnancy.

A number of serious ethical questions is raised by the practice of abortion. The question of the moral permissibility of abortion demands that we answer two very hard philosophical questions. The first requires us to consider which traits of developing fetus are relevant to deciding what morally may and may be done to it. The general problem discussed in this case is often called «the problem of the

status of the fetus». The second question that demands our attention can be classified as «the problem of the conflict of claims».

The problem of the status of the fetus can be formulated as follows: At what stage, if any, of their development do fetuses become people? A variety of familiar answers have been given — for example, the fetuses become persons «at the moment of conception», at «quickening» (that is, when the fetus is able to movement in the womb), at viability (that is, when the fetus is able to survive independently outside the mother's womb). Debates about when the fetus becomes a person, however, are premature unless we have first explored what a person is. An answer to the question «When does the fetus become a person?» attempts to draw a boundary line between prepersons and persons; however, even if correctly drawn, a boundary line is not the same thing as a criterion of personhood.

The fetus at all stages is obviously human in genetic sense, but that is not the sense of the term intended in the moral rule against homicide. For a genetically human entity to have a right to life it must be a human being in the sense of a person. But the term «person» is ambiguous. In the common sense of the descriptive meaning of the term, it refers to any being of any species or category who has certain familiar characteristics, of which consciousness of the world, self-concepts, and the capacity to plan ahead are prominent. In the purely normative (moral or legal) sense, a person is any being who has certain rights and/or duties, whatever his other characteristics are. Whether or not abortion is homicide depends on what the correct criterion of moral personhood is.

Even if we were to grant that the fetus is a moral person and thus has a valid claim to life, it would not follow that abortion is always wrong. For there are other moral persons, in addition to the fetus, whose interests are involved. The woman in whose uterus the fetus abides, in particular, has needs and interests that may well conflict with brining the fetus to term. Do any of these needs and interests of the woman provide grounds for her having a genuine claim to an abortion and, if they do, which of the two conflicting claims — the woman's claim to an abortion or her fetus's claim to life — ought to be respected if they happen to conflict?

The right to an abortion that is often claimed on behalf of all women is a discretionary right to be exercised or not, on a given occasion, as the woman sees fit. For that reason it is sometimes called a «right to choose». Right to an abortion can only be understood by reference to other, more fundamental rights from which it has often been claimed to be derived. Three of these rights and their possible association with the right to an abortion deserve our closest scrutiny. There are some previously mentioned property rights: the right to self-defense, and the right to bodily autonomy.

Conventionally in modern bioethics we can find three main positions for abortion:

Liberal. It is permissive point of view on abortion, according to it a woman can control her body and decide about abortion.

Medium point of view says that embryo gradually accumulates the quality of a human being. We must regard the balance of interests of a woman and the embryo in each trimester individually.

Conservative. It is a point of view on abortion, according to which abortion is willful murder. An offspring is an individual from conception and it has natural rights of a man.

Abortion is a controversial ethical issue in many countries and religions. The anthropologists demonstrate that abortion had been practised in almost all human communities from the earliest times. The patterns of abortion use, in hundreds of societies around the world since before recorded history, have been strikingly similar. Women faced with unwanted pregnancies have turned to abortion, regardless of religious or legal sanction and often at considerable risk.

In primitive tribal societies, abortions were induced by using poisonous herbs, sharp sticks, or by sheer pressure on the abdomen until vaginal bleeding occurred. Abortion techniques are described in the oldest known medical texts. The ancient Chinese and Egyptians had their methods and recipes to cause abortion, and Greek and Roman civilizations considered abortion an integral part of maintaining a stable population. Ancient instruments, such as the ones found at Pompeii and Herculaneum, were much like modern surgical instruments. Socrates, Plato and

Aristotle were all known to suggest abortion. Roman morality placed no social stigma on abortion.

Early Christians condemned abortion, but did not view the termination of a pregnancy to be an abortion before «ensoulment», the definition of when life began in the womb. Up to 400 AD., as the relatively few Christians were widely scattered geographically, the actual practice of abortion among Christians probably varied considerably and was influenced by regional customs and practices. Early Christian theologians believed, as had Aristotle centuries before, that «animation», or the coming alive of the fetus, occurred forty days after conception for a boy and eighty days after conception for a girl. The conclusion that early abortion is not homicide is contained in the first authoritative collection of canon law accepted by the church in 1140.

At the beginning of the 13th century, Pope Innocent III wrote that «quickening» —the time when a woman first feels the fetus move within her— was the moment at which abortion became homicide; prior to quickening, abortion was a less serious sin. The tolerant approach to abortion which had prevailed in the Roman Catholic Church for centuries ended at the end of the nineteenth century. In 1869, Pope Pius IX officially eliminated the Catholic distinction between an animated and a nonanimated fetus and required excommunication for abortions at any stage of pregnancy. This change has been seen by some as a means of countering the rising birth control movement, especially in France and Italy. During the latter part of the nineteenth century, European views on the restriction of abortion were spread by the colonial powers throughout Africa, Asia and beyond. The strict prohibitions of Spain are reflected in many statutes decreed in South America, for example. Toward the end of the 19th century, China and Japan, at the time under the influence of Western powers, also criminalized abortion for the first time. The Soviet Union (1920) and Iceland (1935) were some of the first countries to generally allow abortion. The second half of the twentieth century saw the liberalization of abortion laws in many other countries. Abortion is legal, accepted and even sometimes encouraged in China, India and other populous

countries. At present almost two-thirds of the world's women reside in countries where abortion may be obtained on request or for a broad range of social, economic or personal reasons. Liberalization has been successful; countries which have developed access to safe, legal abortion have typically lowered the rates of pregnancy-related complications and death as well as infanticide, and improved the health of women and their families. In all European countries except for three (the Irish Republic, Northern Ireland and Malta), induced abortion is legally available at least for some reasons. Since 1957, China has had one of the most open abortion policies in the world. Abortion is free upon the request of the woman. In 1979, because of concerns over the country's high rate of population growth, the Chinese government began implementing its harsh «one-child policy». The one-child policy mandates that couples have no more than one child in urban areas, while rural families may have up to two children in very limited circumstances. The situation in India shows that legalizing abortion does not ensure that it becomes accessible.

Legal abortion was introduced in 1971, when concern about burgeoning population growth became an issue for India. Although abortion is legal, it is estimated that a power of people Indian women still resort to illegal abortions because of social taboos, misconceptions about the law, and the lack of skilled practitioners and medical facilities. In Malaysia a restrictive law was replaced. It allows abortion if continuing a pregnancy involves more risk to the woman's physical or mental health than terminating it.

Many religions place legal or moral limitations on active abortion, for various theological reasons. Judaism holds when the fetus is not yet a full human being, killing a fetus is not a murder. Abortion, when necessary, takes place before the first forty days, when the fetus is referred to as a «mere water». Abortion for therapeutic reasons, when the woman's life is clearly in danger, is mandatory in Judaism. Her life takes absolute precedence over the potential life of the fetus, which is not regarded as full life until late in the process of birth.

Each of the major denomination of Christianity has much to say, because the view that life begins at conception is a controversial one. This may be a difficult problem, as the relatively recent view that life begins at conception, versus the traditional view that it begins at quickening, that is the time than fetus movements are first felt by the mother.

The official Catholic view, articulated in *Humanae Vitae*, shared by some other Christians, is that human life begins at conception and that abortion is therefore a murder. The Church considers abortion intrinsically evil and never morally acceptable. Catholics who procure or participate in an abortion incur automatic excommunication.

Protestant views on abortion vary considerably. In Evangelical churches, especially in the United States, the view is widely held that abortion is infanticide and therefore always wrong. Lately many Evangelical churches have encouraged their congregations to only vote pro-life. The Bible contains many specific prohibitions to abortion. Both the Old and New Testament contains several passages that clearly indicate that life begins at conception, in which case a ban on abortion follows logically. Few Protestant churches agree with the principle of «abortion on demand». More liberal protestants usually agree that there should be restrictions on abortion, and disagree over exactly what those restrictions should be.

The majority of Muslim scholars permit abortion, although they differ on the stage of fetal development beyond which it becomes prohibited. Scholars agree that abortion at or after the ensoulment stage is prohibited, except to save the woman's life.

Buddhists characterize all forms of life (including animals) as «sentient beings». A fertilized egg is considered a sentient being, and abortion is synonymous with killing.