

## The abortion — An Ethical Approach

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**ABSTRACT:** The abortion topic is very often discussed and each time we have to face the same problem: we don't get universal answers. All of our answers depend on many factors and mostly of the native cultural heritage. We cannot live outside the native culture; it is impregnated in our genes. So, after all, the miscarriage would be only a very personal option. That's why, the ethics is not necessarily a scientific field, it is rather a battlefield of arguments. **KEY WORDS:** ethics, theories, morality, abortion, fetus, person, rights, the golden rule, the potentiality principle

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The contemporary ethics is especially concerned with the individual problems, the personal options of the people. Nowadays, the concepts like *ethics* or *moral values* don't have a universal availability any more. They are subjects of philosophical reflection rather than ethical references.

The contemporary ethics is named "applied ethics" which means that the general principles are no longer available in any particular situation or in any kind of circumstances. The general idea of applied

ethics is that there is nothing good or bad in a thing in an absolute way. Each situation can be qualified as being a good or a bad one. The values are diverse, heterogeneous and even measurable. The ethicists don't fight against ethical theories; they just increase the idea that the ethical principles are very difficult or even impossible to be applied to some particular situations. In this category of situations we could also include abortion.

The morality of the abortion is continuously discussed and there are a lot of debates around it. First of all, it's important to mention that the abortion is a legal practice which means that the women who miscarry cannot be considered criminals. But even so, the morality of such an act is questionable. Is it enough to categorize such practices as legal or illegal? And even so, is any legal act also a moral one?

This kind of questions circumscribes the base of the moral debates. We are not robots and we are different, which means that we have different ways of seeing things, we have emotions and feelings. We care about what happens to us and to those of our kind. We love and we suffer, we hope and we are grateful, we are happy or disappointed, we get angry or we are glad, we cry and we laugh. And all of this because we care and caring is our highest quality. We, humans, are the only species in the Universe that have a moral dimension, the power to distinguish between good and bad. In his work *Pensées (Thoughts)*, Blaise Pascal considers that the human being is the only one in the Universe capable of thinking and feeling. This consciousness makes the people aware for the imminence of their own death and this is what makes them glorious and superior to the other animals.

Judith Jarvis Thomson, teacher at Massachusetts Institute of Technology and an important contributor to the ethical theory of abortion and metaphysics, in an article about the morality of abortion wants to prove that not necessarily the idea that the fetus is a human

being implies the morality or the immorality of a miscarriage, but other things should be taken into account when a woman decides to make an interruption of pregnancy. To accept the idea that the fetus is a person from the very beginning is the biggest confusion that interferes in this topic. The idea that the fetus is a person from the moment it has been conceived is named "*the argument of the slippery slope*" (Thomson 1974). According to this theory, the human being is developing from the first moment till the childhood but we cannot know for sure the moment or the age when a human being ended the process of being a person. The idea is that the fetus is not a person from the very first moment of its conception; it is only a biological woven that will become a person on his/her birth.

Even so, if we consider that the fetus is a human being from the moment of its conception this means that in this case it has the same right of living like any other human being, like its mother, for instance. This means that it is just as bad to take the fetus' or the mother's life. But, on the other hand, the mother has her own right to her body, she has to have the possibility to choose what is happening to her body. To better illustrate, J.J. Thomson is taking the following example for which he is well known all over the world: Let's imagine the situation of a famous violinist whose kidneys are failing day by day. To keep him alive, some doctors kidnapped you and connected him to your healthy kidneys. You weren't asked if you wanted to do that but if you decided to disconnect him, he would die. What would you do? If you decide to stay connected with the violinist you are a good person because you keep him alive and this is a nice gesture. Instead, if you disconnect from him you take his life and by this you commit a crime because to take someone's life is illegal. It is the same situation with the mother and the fetus.

Let's assume that the fetus is the result of a rape. In this case, does the mother have the right to decide the abortion? Or, is it ok that someone's life is conditioned by anyone else's decisions? The quoted

author is bringing some arguments that are meant to prove the fact that in some situations the abortion is absolutely necessary.

First of all, we can consider “the extreme position” (this is the author’s formula) when we have to save the mother’s life. In this case, if the mother and the fetus have equal rights to live, than who should die? The fetus is innocent, the mother is innocent too, the fetus doesn’t have the intention to shortcut the mother’s life and neither would the mother like to kill her own child for saving herself. What has to be done? In this situation, says the same author, to the living right of the mother, we will attach also her right to do what she likes with her body. So, if she and only she (without an external involvement) decides that she wants to live even if this means to miscarry, she should be free to do that. The mother has to protect her life with any price.

Besides that, the body is the “propriety” of the mother, it hasn’t been rented to her and to her son, and it belongs only to her. That’s why she is the only one who can choose what to do with it. Neither the doctor, nor the unborn child can decide instated of the mother. For example, Smith has a coat and John takes that coat from Smith and uses it for himself because he is freezing. It’s a normal situation to accept Johns’ position if we consider that Smith doesn’t need the coat. But, if Smith is also freezing, than it would be normal for Smith to take back his coat without wondering if he is doing good or bad by not giving his own coat to John. We cannot say, I’m sorry, I know it is your coat and you are about to freeze, but you have to understand that John is also freezing and you have to be good with him. It is the same situation with the mother and the fetus.

Then, what does *the right of living* mean? Is it the right to use someone else’s body for saving your own life? In some situations, the right of living doesn’t mean to save your life with any price and neither to allow someone else to use your own life to save him/her

self. The right of living means not to kill someone in an unfair way. Of course, this doesn't mean that there are less such situations when the fetus is killed unfairly or when he/she can use his/her mothers' body. But, of course, all of these depend of each situation.

Going further, even if a pregnancy is not the result of a rape but a consequence of a volunteer act, the mother still has the right to decide if she wants the baby or not. She has only a part of the responsibility for the fetus's presence in her body, not for all of it. For example, you open the window and a thief sees this, enters inside the house and steals things. It would be absurd to say that it's your fault because you made a sort of "invitation to steal" by opening the window. You have a part of the responsibility for that, you should take care of the house, but this doesn't mean that it's only your fault. It's the same with the fetus and only the mother can decide who would live inside her body.

More than that, we have to mention that the moral compulsoriness shouldn't be associated with the just or unjust acts. Very often we are tempted to say about a person's behavior that it is not just, instead of immoral or impolite. If we found out that we wouldn't have to stay connected to the violinist all our life, but only a few hours, it would be nice of us to help him. Even so, if we refused, we wouldn't be unjust with him; we would maybe be impolite or less moral. Also, it's absurd to consider that it is a nice gesture to help someone when it's easy to do that. It's a wrong argument to sustain that if it is easy to do something for someone, it would be unfair not to do that. Maybe, this is impolite, but in any case, not unfair.

Another argument of J.J. Thomsons' is that there is a very big difference between being the Samaritan and the Good Samaritan. The Good Samaritan lets down his responsibilities; he leaves his way to help the others. He isn't compelled to do that but he wants to. We have to appreciate his gesture. On the other hand, we

cannot hold responsible those people who pass by without caring for the poor men who have been robbed by the thieves. They aren't compelled to do that, it isn't their duty. If we maintain the analogy with the mother, we can say that a third person can only execute the mother's decision or desire, not to interfere in any way; this is a personal option.

Besides that, an argument like this "the mother is responsible of her children's life" cannot be sustained. She is responsible of her fetus' life if she decides that. Of course, if she decides to give birth, than she is responsible to feed him/her well, to be healthy and so on, but in this stage of evolution, she can refuse that.

The conclusion is that we cannot bring strong arguments for the abortion or against it; we can only say that everything depends on the situation. There are situations when we have to think about the mother's life but there are also a lot of situations when we have to consider the fetus' life above anything. Sometimes it's acceptable to miscarry, other times it is absolutely necessary but every time we have to take into account the mother's will because, in the end, the mother is the only person who has to keep and sustain the fetus inside her body.

The American teacher wants to underline the idea that a unidirectional thinking is not a healthy one. We have to overcome the prejudices of the time and of the religion and to go further with an open mind ready to accept the idea that some situations impel particular decisions. In our century it's not possible to be that rigid any more. We have to go on with the times we are living.

Richard Mervyn Hare thinks that the moral philosophy needs a theoretical base to be scientific, otherwise it is nothing but the result of human intuition which is nothing else but "the result of the education we've got" (Miroiu 1995, 52). That's why, in his opinion, the moral philosophy has so many difficulties. For example, most

of the ethicists who want to prove that the abortion is an immoral act because it involves killing a *person* make a big mistake: they use the concept of person in a wrong way. It is not even important to start our demonstration with the argument that the fetus is a person and no person should be killed; these are more than obvious. The mistake appears when we use the term of person in this context. The fetus can become a person if nothing changes till it is born. Otherwise, it is only a fetus or a biological woven.

From the very beginning the author is showing his intention when he sustains that he will bring some counter arguments against the teacher J.J.Thomsons' opinion about abortion. The first one is the fact that "the woman has the right to do what she likes with her body" (Miroiu 1995) and the second is that the fetus is a person.

First of all, any person or human being has a lot of *rights* but most of them are contradictory which means that we cannot satisfy all of them in the same time. Besides that, in many situations, we cannot sustain that we have a right and we miss another because everything depends on the situation. In this case, it is not right to say that the mother has "the right" to do something with her body, but it is rather appropriate to use the terms of good or wrong.

On the other hand, to sustain that the fetus is a person and after that to incriminate the act of abortion is the simplest way of proving that the abortion is an immoral practice. But, we have to go further than that and to ask what would happen if the miscarriage wouldn't be performed? What would happen to the future person? We can see the difference of usage of the person concept here. Even if it is present here, it doesn't make any problems. Here we talk about the *potentiality principle* of Michael Tooley' (an American philosopher who had a few important contributions to the abortion topic). According to this principle, any living creature could live as a human being if it had the specific conditions. He gives the example with

the cat. If to a pregnant cat one would inject a miraculous medicine that would be able to transform its embryo into a human one, it would be able to develop like a human being. In conclusion, it would accomplish all the conditions that make it a “potential” human if nothing else changes (the used expression is *ceteris paribus*). Tooley considers that in this case, the abortion is not less immoral to the cats than to the humans.

Hare is talking also about the *golden rule* from the Christianity which says that you shouldn't do to someone else something that you don't like. The author is changing the tenses: “we should do to the others what we enjoyed when it was done to us” (Miroiu 1995, 52). According to this rule, if we are happy that we were born, we should also accept that any possible human being would be that happy. Abortion is not an immoral act because by it the right of living, the fundamental right of a human being, is not taken, even if the fetus is refused a life that it could have.

The moral problems become complicated when we base them on the common opinions. In this case, if we take into account the idea that the abortion is affecting also the fetus and the parents, we can say that the contraception doesn't affect anyone. So it would be wrong to sustain the idea that the contraception is also immoral like the abortion. The quoted author says that there are two levels of analyzing the moral problems: the first level concerns the learnt moral principles and the way we apply them while the second one is the criticism or the changes that we make on the first level. In the abortion topic, we should be more interested of the second level of the moral thinking. The principles of the first level cannot be applied to any kind of situation so the results can be regrettable. In this case we will have to face a bigger problem called the *weaknesses chain*.

For example, if we consider that to interdict the abortion is almost the same with the interdiction of contraception we will get to the

opposite side: if the contraception is permitted, then so should abortion be. If we allow the abortion, we should allow the infanticide. And if we allow the infanticide, we have to allow the homicide. This is an example of situation when the general principles are not different according to each situation. More than that, not all situations are the same like not all circumstances are similar.

Even if R.M.Hare is talking about the potential persons, those persons are identifiable in everyday life. In his opinion any human being should be let to enjoy the beauty of the life: "All I can do here is to throw a shadow of doubt over an apparently not problematic supposition: the supposition that someone cannot harm somebody by not letting him/her to be born. It's true that since he/she doesn't exist, he/she cannot be harmed; and neither is his/her life taken like he/she would have had one, although he/she is being refused to live. But, if it had been better for him/her to exist (because otherwise he/she wouldn't have been able to enjoy the privileges of the life), than indeed a bad thing was done to him/her by refusing his/her existence, and thus the possibility of this privilege. He/she wasn't hurt, but there are a lot of joys that he/she could have had but he/she didn't have." (Miroiu 1995, 64)

Even if we refer to professor J. J.Thomson or to R.M.Hare, the abortion topic is continuously disputed and for each situation we can find arguments to sustain or to argue an opinion. Every time we notice that the situations are not similar and the circumstances aren't either. That is why the ethical field has specific ways of approach; some of them represent the science while others are only our particular intuitions.

## **Endnotes**

<sup>1</sup> R.M. Hare is an important contributor to the field of applied ethics, politics of philosophy and meta-ethics. He was a Philosophy teacher at Oxford University for many years. Important names in the applied ethics like Peter Singer or Bernard Williams were his students.

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