

# Abortion debate

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The **abortion debate** is the ongoing controversy surrounding the moral and legal status of induced abortion. The sides involved in the debate are the self-described "pro-choice" movement (emphasizing the right of women to decide whether to terminate a pregnancy) and the self-described "pro-life" movement (emphasizing the right of the embryo or fetus to gestate to term and be born). Both terms are considered loaded in mainstream media, where terms such as "abortion rights" or "anti-abortion" are generally preferred.<sup>[1]</sup> Each movement has, with varying results, sought to influence public opinion and to attain legal support for its position, with small numbers of anti-abortion advocates sometimes using violence.

For many people, abortion is essentially a moral issue, concerning the commencement of human personhood, the rights of the fetus, and a woman's rights over her own body. The debate has become a political and legal issue in some countries with anti-abortion campaigners seeking to enact, maintain and expand anti-abortion laws, while abortion rights campaigners seeking the repeal or easing of such laws while improving access to abortion. Abortion laws vary considerably between jurisdictions, ranging from outright prohibition of the procedure to few limitations on it. Availability of safe abortion also varies across the world.

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## Overview

In ancient times, abortion, along with infanticide, was considered in the context of family planning, gender selection, population control, and the property rights of the patriarch.<sup>[2]</sup> Rarely were the rights of the prospective mother, much less the prospective child, taken into consideration.<sup>[3]</sup> Although generally legal, the morality of abortion, birth control and child abandonment (as a form of infanticide) was sometimes discussed. Then, as now, these discussions often concerned the nature of man, the existence of a soul, when life begins, and the beginning of human personhood.

While the practice of infanticide (as a form of family planning) has largely died out in developed countries, birth control and abortion are still practiced; and their morality and legality continues to be debated. While modern debates about abortion retain some of the language of these older debates, the terminology has often acquired new meanings.

Discussion of the putative personhood of the fetus may be complicated by the current legal status of children. Like children or minors in the U.S., and unlike corporations, a fetus or an embryo is not legally a "person", not having reached the age of majority and not deemed able to enter into contracts and sue or be sued.<sup>[4]</sup> Since the 1860s, they have been treated as persons for the limited purposes of Offence against the person law in the UK including N. Ireland, although this treatment was amended by the Abortion Act of 1967 in England, Scotland and Wales.<sup>[5]</sup> Furthermore, there are logistic difficulties in treating a fetus as "the object of direct action." As one New Jersey Superior Court judge noted,

If a fetus is a person, it is a person in very special circumstances – it exists entirely within the body of another much larger person and usually cannot be the object of direct action by another person.<sup>[6]</sup>

Proposals in the current debate range from complete prohibition, even if done to save the woman's life,<sup>[7]</sup> to complete legalization with public funding, as in Canada.<sup>[8]</sup>

## Terminology

Many of the terms used in the debate are seen as political framing: terms used to validate one's own stance while invalidating the opposition's. For example, the labels "pro-choice" and "pro-life" imply endorsement of widely held values such as liberty or the right to life, while suggesting that the opposition must be "*anti-choice*" or "*anti-life*" (alternatively "*pro-coercion*" or "*pro-death*").<sup>[9]</sup> Terms used by some in the debate to describe their opponents include "*pro-abortion*" or "*pro-abort*". However, these terms do not always reflect a political view or fall along a binary; in one Public Religion Research Institute poll, seven in ten Americans described themselves as "pro-choice" while almost two-thirds described themselves as "pro-life".<sup>[10]</sup> Another identifier in the debate is "abolitionist", which harks back to the 19th-century struggle against human slavery.<sup>[11][12]</sup>

Appeals are often made in the abortion debate to the rights of the fetus, pregnant woman, or other parties. Such appeals can generate confusion if the *type* of rights is not specified (whether civil, natural, or otherwise) or if it is simply *assumed* that the right appealed to takes precedence over all other competing rights (an example of begging the question).

The appropriate terms with which to designate the human organism prior to birth are also debated. The medical terms "embryo" and "fetus" are seen by some pro-life advocates as dehumanizing.<sup>[13][14]</sup>

## Political debate

Politics refers to the processes, defined and limited through legal documents, by which decisions (laws) are made in governments. In politics, rights are the protections and privileges legally granted to citizens by the government. In a democracy, certain rights are considered to be inalienable, and thus not subject to grant or withdrawal by government. Regarding abortion law, the political debate usually surrounds a right to privacy, and when or how a government may regulate abortion. There is abundant debate regarding the extent of abortion regulation. Some pro-choice advocates argue that it should be illegal for governments to regulate abortion any more than other medical practices.<sup>[15]</sup> On both sides of the debate, some argue that governments should be permitted to prohibit elective abortions after the 20th week,<sup>[16]</sup> viability,<sup>[17]</sup> or the second trimester.<sup>[18]</sup> Some want to prohibit all abortions, starting from conception.<sup>[19]</sup>

## Privacy

Even though the right to privacy is not explicitly stated in many constitutions of sovereign nations, many people see it as foundational to a functioning democracy. In general the right to privacy can be found to rest on the provisions of *habeas corpus*, which first found official expression under Henry II in 11th century England, but has precedent in Anglo-Saxon law. This provision guarantees the right to freedom from arbitrary government interference, as well as due process of law. This conception of the right to privacy is operant in all countries which have adopted English common law through Acts of Reception. The Law of the United States rests on English common law by this means.

*Time* has stated that the issue of bodily privacy is "the core" of the abortion debate.<sup>[20]</sup> *Time* defined privacy, in relation to abortion, as the ability of a woman to "decide what happens to her own body".<sup>[20]</sup> In political terms, privacy can be understood as a condition in which one is not observed or disturbed by government.<sup>[21]</sup>

Traditionally, American courts have located the right to privacy in the Fourth Amendment, Ninth Amendment, Fourteenth Amendment, as well as the penumbra of the Bill of Rights. The landmark decision *Roe v Wade* relied on the 14th Amendment, which guarantees that federal rights shall be applied equally to all persons born in the United States. The 14th Amendment has given rise to the doctrine of Substantive due process, which is said to guarantee various privacy rights, including the right to bodily integrity (<http://legal-dictionary.thefreedictionary.com/Substantive+Due+Process>). In Canada, the courts have located privacy rights in the security of persons clause of the Canadian Charter of Rights and Freedoms. Section 7 of that charter echoes language used in the Universal Declaration of Human Rights, which also guarantees security of persons.

While governments are allowed to invade the privacy of their citizens in some cases, they are expected to protect privacy in all cases lacking a compelling state interest. In the US, the compelling state interest test has been developed in accordance with the standards of strict scrutiny. In *Roe v Wade*, the Court decided that the state has an "important and legitimate interest in protecting the potentiality of human life" from the point of viability on, but that prior to viability, the woman's fundamental rights are more compelling than that of the state.

## U.S. judicial involvement

*Roe v. Wade* struck down state laws banning abortion in 1973. Over 20 cases have addressed abortion law in the United States, all of which upheld *Roe v. Wade*. Since *Roe*, abortion has been legal throughout the country, but states have placed varying regulations on it, from requiring parental involvement in a minor's abortion to restricting late-term abortions.

Legal criticisms of the *Roe* decision address many points, among them are several suggesting that it is an overreach of judicial powers,<sup>[22]</sup> or that it was not properly based on the Constitution,<sup>[23]</sup> or that it is an example of judicial activism and that it should be overturned so that abortion law can be decided by legislatures.<sup>[24]</sup> Justice Potter Stewart, who joined with the majority, viewed the *Roe* opinion as "legislative" and asked that more consideration be paid to state legislatures.<sup>[25]</sup>

Candidates competing for the Democratic nomination for the 2008 Presidential election cited *Gonzales v. Carhart* as judicial activism.<sup>[26]</sup> In upholding the Partial-Birth Abortion Ban Act, *Carhart* is the first judicial opinion upholding a legal barrier to a specific abortion procedure.



Albert Wynn and Gloria Feldt at the U.S. Supreme Court to rally in support of *Roe v. Wade*.

"Where, in the performance of its judicial duties, the Court decides a case in such a way as to resolve the sort of intensely divisive controversy reflected in *Roe* and those rare, comparable cases, its [505 U.S. 833, 867] decision has a dimension that the resolution of the normal case does not carry. It is the dimension present whenever the Court's interpretation of the Constitution calls the contending sides of a national controversy to end their national division by accepting a common mandate rooted in the Constitution [...W]hatever the premises of opposition may be, only the most convincing justification under accepted standards of precedent could suffice to demonstrate that a later decision overruling the first was anything but a surrender to political pressure and an unjustified repudiation of the principle on which the Court staked its authority in the first instance." — Majority opinion of *Planned Parenthood v. Casey*.<sup>[27][28]</sup>

"Quite to the contrary, by foreclosing all democratic outlet for the deep passions this issue arouses, by banishing the issue from the political forum that gives all participants, even the losers, the satisfaction of a fair hearing and an honest fight, by continuing the imposition of a rigid national rule instead of allowing for regional differences, the Court merely prolongs and intensifies the anguish [over abortion]." — Justice Antonin Scalia, "concurring in the judgment in part and dissenting in part".<sup>[28]</sup>

## Canadian judicial involvement

With *R v. Morgentaler*, the Supreme Court of Canada removed abortion from the Criminal Code. Relying on the security of person clause of the Canadian Charter of Rights and Freedoms, the court determined that, while the state has an interest in protecting the fetus "at some point", this interest cannot override that of the pregnant woman because: "the right to security of the person of a pregnant woman was infringed more than was required to achieve the objective of protecting the fetus, and the means were not reasonable." The only laws currently governing abortion in Canada are those which govern other medical procedures, such as those regulating licensing of facilities, the training of medical personnel, and the like.



"No to abortion" at a 2007 meeting with Pope Benedict XVI in São Paulo, Brazil.

Because the courts did not specifically establish abortion as a right, Parliament has leave to legislate on this aspect of the matter; and in 1989, the Progressive Conservative government attempted to do just that. A bill was introduced that would allow abortion only if two doctors certified that the woman's health was in danger. This bill passed the House of Commons but was defeated by a tie vote in the Senate.

Several additional cases have considered further issues.

Although the courts have not ruled on the question of fetal personhood, the question has been raised in two cases, *Tremblay v. Daigle* and *R. v. Sullivan*. Both cases relied on the born alive rule, inherited from English common law, to determine that the fetus was not a person at law.

Two further cases are notable: *Dobson (Litigation Guardian of) v. Dobson*, and *Winnipeg Child & Family Services (Northwest Area) v. G. (D.F.)*, [1997] 3 S.C.R. 925 M], which dismissed so-called fetal abuse charges.

## Effects of legalization/illegalization

Pro-choice advocates argue that illegalization of abortion increases the incidence of unsafe abortions, as the availability of professional abortion services decreases, and leads to increased maternal mortality. According to a global study collaboratively conducted by the World Health Organization and the Guttmacher Institute, most unsafe abortions occur where abortion is illegal.<sup>[29]</sup>

The effect on crime of legalized abortion is a subject of controversy, with proponents of the theory generally arguing that "unwanted children" are more likely to become criminals and that an inverse correlation is observed between the availability of abortion and subsequent crime.

Economist George Akerlof has argued that the legalization of abortion in the United States contributed to a declining sense of paternal duty among biological fathers and to a decline in shotgun weddings, even when women chose childbirth over abortion, and thus to an increase rather than a decrease in the rate of children born to unwed mothers.<sup>[30][31]</sup>

## Anti-abortion violence

Anti-abortion violence is violence committed against individuals and organizations that provide abortion.<sup>[32]</sup> Incidents of violence have included destruction of property, in the form of vandalism; crimes against people, including kidnapping, stalking, assault, attempted murder, and murder; and crimes affecting both people and property, including arson and bombings. Anti-abortion violence is most frequently committed in the United States, though it has also occurred in Australia, Canada, and New Zealand. G. Davidson Smith of Canadian Security Intelligence Service defined anti-abortion violence as "single issue terrorism".<sup>[33]</sup> A study of 1982–87 violence considered the incidents "limited political" or "subrevolutionary" terrorism.<sup>[34]</sup>

Some of those opposed to abortion have sometimes resorted to very public demonstrations of violence in an effort to achieve their objective of curbing abortions. Those who engage in or support such actions defend the use of force—as justifiable homicide or defense of others—in the interest of protecting the life of the fetus.<sup>[35]</sup> In the 1980s political scientist David C. Nice associated anti-abortion violence with U.S. states having weaker social restraints, higher abortion rates, less confidence in state government, and more violence by men against women.<sup>[36]</sup> Anti-abortion violence has been described as a form of Christian terrorism.<sup>[37]</sup> Some supporters of such violence embrace this designation.<sup>[38]</sup>

## Moral issues

Ethics is "moral philosophy", or the study of values and the analysis of right and wrong. The ethical debate over abortion usually surrounds the issues of whether a fetus has rights, in particular a right to life, and whether the pregnant woman's rights over her own body justify abortion *even if* the fetus has a right to life. For many, there is a strong association between religion and abortion ethics.

Ethical questions regarding abortion include the following:

- Does a woman have an absolute right to choose what happens in and to her body?
- Does government have the authority to condemn abortion if only the woman knows about the pregnancy?
- Is abortion acceptable in cases where if the pregnancy were not terminated, it would pose a direct threat to the life of the mother?<sup>[39][40]</sup>
- Are embryos, zygotes and/or fetuses in fact "persons" entitled to ethical, legal and moral protections?
  - If they are not "persons" at conception, at what point in the development process is personhood bestowed?
  - If they are not "persons", should the *potential* to be a person give embryos, zygotes and fetuses a right to life?
  - If they are not "persons", does the embryo, zygote, or fetus become a living person once delivered or extracted from the womb?
  - If they are "persons", is abortion acceptable in cases of rape, incest, or contraception failure?
  - If they are "persons", is abortion acceptable in cases where the fetus is deformed, and would this invoke issues of eugenics?
  - If they are "persons", is abortion acceptable before viability, when they couldn't survive outside the womb?

## Personhood

There are differences of opinion as to whether a zygote/embryo/fetus acquires "personhood" or was always a "person". If "personhood" is acquired, opinions differ about when this happens.

Traditionally, the concept of personhood entailed the concept of soul, a metaphysical concept referring to a non-corporeal or extra-corporeal dimension of human being which is absent in other creatures. Nowadays, the concepts of subjectivity and intersubjectivity, personhood, mind, and self have come to encompass a number of aspects of human being previously considered the domain of the "soul".<sup>[41][42]</sup> Thus, while the historical question has been: when does the soul enter the body, in modern terms, the question could be put instead: at what point does the developing individual develop personhood or selfhood.<sup>[43]</sup>

Since the zygote is genetically identical to the embryo, the fully formed fetus, and the baby, questioning the beginning of personhood could lead to an instance of the Sorites paradox, also known as *the paradox of the heap*.<sup>[44]</sup>

Related issues attached to the question of the beginning of human personhood include the legal status, bodily integrity, and subjectivity of the pregnant woman<sup>[45]</sup> and the philosophical concept of "natality" (i.e. "the distinctively human capacity to initiate a new beginning", which a new human life embodies).<sup>[46]</sup>

In the 1973 US judgment *Roe v Wade*, the opinion of the justices included the following statement:

"We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."<sup>[47]</sup>

## Fetal pain

Fetal pain, its existence, and its implications are part of a larger debate about abortion. A 2005 multidisciplinary systematic review in *JAMA* in the area of fetal development found that a fetus is unlikely to feel pain until after the sixth month of pregnancy.<sup>[48][49]</sup> Developmental neurobiologists suspect that the establishment of thalamocortical connections (at about 26 weeks) may be critical to fetal perception of pain.<sup>[50]</sup> However, legislation was proposed by anti-abortion advocates that would require abortion providers to tell a woman that the fetus may feel pain during an abortion procedure.<sup>[51]</sup>

The 2005 JAMA review concluded that data from dozens of medical reports and studies indicate that fetuses are unlikely to feel pain until the third trimester of pregnancy.<sup>[48]</sup> However a number of medical critics have since disputed these conclusions.<sup>[49][52]</sup> Other researchers such as Anand and Fisk have challenged the idea that pain cannot be felt before 26 weeks, positing instead that pain can be felt at around 20 weeks.<sup>[53]</sup> Anand's suggestion is disputed in a March 2010 report on Fetal Awareness (<http://www.rcog.org.uk/fetal-awareness-review-research-and-recommendations-practice>) published by a working party of the Royal College of Obstetricians and Gynaecologists, citing a lack of evidence or rationale. Page 20 of the report definitively states that the fetus cannot feel pain prior to week 24. Because pain can involve sensory, emotional and cognitive factors, leaving it "impossible to know" when painful experiences are perceived, even if it is known when thalamocortical connections are established.<sup>[54]</sup>

Wendy Savage—press officer, Doctors for a Woman's Choice on Abortion—considers the question to be irrelevant. In a 1997 letter to the *British Medical Journal*, April 1997 (<http://www.bmj.com/content/314/7088/1201.1.extract>), she noted that the majority of surgical abortions in Britain were performed under general anesthesia which affects the fetus, and considers the discussion "to be unhelpful to women and to the scientific debate." Others caution against unnecessary use of fetal anesthetic during abortion, as it poses potential health risks to the pregnant woman.<sup>[48]</sup> David Mellor and colleagues have noted that the fetal brain is already awash in naturally occurring chemicals that keep it sedated and anesthetized until birth.<sup>[55]</sup> At least one anesthesia researcher has suggested the fetal pain legislation may make abortions harder to obtain because abortion clinics lack the equipment and expertise to supply fetal anesthesia. Anesthesia is administered directly to fetuses only while they are undergoing surgery.<sup>[53]</sup>

## Fetal personhood

Although the two main sides of the abortion debate tend to agree that a human fetus is biologically and genetically human (that is, of the human species), they often differ in their view on whether or not a human fetus is, in any of various ways, a *person*. Pro-life supporters argue that abortion is morally wrong on the basis that a fetus is an innocent human person<sup>[56]</sup> or because a fetus is a potential life that will, in most cases, develop into a fully functional human being.<sup>[57]</sup> Others reject this position by drawing a distinction between *human being* and *human person*, arguing that while the fetus is *innocent* and *biologically human*, it is not a *person* with a *right to life*.<sup>[58]</sup> In support of this distinction, some propose a list of criteria as markers of personhood. For example, Mary Ann Warren suggests consciousness (at least the capacity to feel pain), reasoning, self-motivation, the ability to communicate, and self-awareness.<sup>[59]</sup> According to Warren, a being need not exhibit all of these criteria to qualify as a person with a right to life, but if a being exhibits *none* of them (or perhaps only one), then it is certainly not a person. Warren concludes that as the fetus satisfies only one criterion, consciousness (and this only after it becomes susceptible to pain),<sup>[60]</sup> the fetus is not a person and abortion is therefore morally permissible. Other philosophers apply similar criteria, concluding that a fetus lacks a right to life because it lacks brain waves or higher brain function,<sup>[61]</sup> self-consciousness,<sup>[62]</sup> rationality,<sup>[63]</sup> and autonomy.<sup>[64]</sup> These lists diverge over precisely *which* features confer a right to life,<sup>[65]</sup> but tend to propose various *developed* psychological or physiological features not found in fetuses.

Critics of this typically argue that some of the proposed criteria for personhood would disqualify two classes of *born* human beings – reversibly comatose patients, and human infants – from having a right to life, since they, like fetuses, are not self-conscious, do not communicate, and so on.<sup>[66]</sup> Defenders of the proposed criteria may respond that the reversibly comatose *do* satisfy the relevant criteria because they "retain all their *unconscious* mental states".<sup>[67]</sup> or at least some higher brain function (brain waves). Warren concedes that infants are not "persons" by her proposed criteria,<sup>[68]</sup> and on that basis she and others, including the moral philosopher Peter Singer, conclude that infanticide could be morally acceptable under some circumstances (for example if the infant is severely disabled<sup>[69]</sup> or in order to save the lives of several other infants<sup>[70]</sup>). Critics may see such concessions as an indication that the right to life cannot be adequately defined by reference to developed psychological features.

An alternative approach is to base personhood or the right to life on a being's *natural* or *inherent* capacities. On this approach, a being essentially has a right to life if it has a *natural capacity* to develop the relevant psychological features; and, since human beings do have this natural capacity, they essentially have a right to life beginning at conception (or whenever they come into existence).<sup>[71]</sup> Critics of this position argue that mere genetic potential is not a plausible basis for respect (or for the right to life), and that basing a right to life on natural capacities would lead to the counterintuitive position that anencephalic infants, irreversibly comatose patients, and brain-dead patients kept alive on a medical ventilator, are all persons with a right to life.<sup>[72]</sup> Respondents to this criticism argue that the noted human cases in fact would not be classified as persons as they do not have a natural capacity to develop any psychological features.<sup>[73][74][75]</sup> Also, in a view that favors benefiting even unconceived but potential future persons, it has been argued as justified to abort an unintended pregnancy in favor for conceiving a new child later in better conditions.<sup>[76]</sup>

Philosophers such as Aquinas use the concept of individuation. They argue that abortion is not permissible from the point at which individual human identity is realized. Anthony Kenny argues that this can be derived from everyday beliefs and language and one can legitimately say "if my mother had had an abortion six months into her pregnancy, she would have killed me" then one can reasonably infer that at six months the "me" in question would have been an existing person with a valid claim to life. Since division of the zygote into twins through the process of monozygotic twinning can occur until the fourteenth day of pregnancy, Kenny argues that individual identity is obtained at this point and thus abortion is not permissible after two weeks.<sup>[77]</sup>



Members of Bound4LIFE in Washington, D.C. symbolically cover their mouths with red tape.

## Arguments for abortion rights which do not depend on fetal non-personhood

### Bodily rights

An argument first presented by Judith Jarvis Thomson states that *even if* the fetus is a person and has a right to life, abortion is morally permissible because a woman has a right to control her own body and its life-support functions. Thomson's variant of this argument draws an analogy between forcing a woman to continue an unwanted pregnancy and forcing a person to allow his body to be used to maintain blood homeostasis (as a dialysis machine is used) for another person suffering from kidney failure. It is argued that just as it would be permissible to "unplug" and thereby cause the death of the person who is using one's kidneys, so it is permissible to abort the fetus (who similarly, it is said, has no right to use one's body's life-support functions against one's will).<sup>[78]</sup>



Critics of this argument generally argue that there are morally relevant disanalogies between abortion and the kidney failure scenario. For example, it is argued that the fetus is the woman's child as opposed to a mere stranger; <sup>[79]</sup> that abortion *kills* the fetus rather than merely letting it die,<sup>[80]</sup> and that in the case of pregnancy arising from voluntary intercourse, the woman has either tacitly consented to the fetus using her body,<sup>[81]</sup> or has a duty to allow it to use her body since she herself is responsible for its need to use her body.<sup>[82]</sup> Some writers defend the analogy against these objections, arguing that the disanalogies are morally irrelevant or do not apply to abortion in the way critics have claimed.<sup>[83]</sup>

Alternative scenarios have been put forth as more accurate and realistic representations of the moral issues present in abortion. John Noonan proposes the scenario of a family who was found to be liable for frostbite finger loss suffered by a dinner guest whom they refused to allow to stay overnight, although it was very cold outside and the guest showed signs of being sick. It is argued that just as it would not be permissible to refuse temporary accommodation for the guest to protect him from physical harm, it would not be permissible to refuse temporary accommodation of a fetus.<sup>[84]</sup>

Other critics claim that there is a difference between artificial and extraordinary means of preservation, such as medical treatment, kidney dialysis, and blood transfusions, and normal and natural means of preservation, such as gestation, childbirth, and breastfeeding. They argue that if a baby was born into an environment in which there was no replacement available for her mother's breast milk, and the baby would either breastfeed or starve, the mother would have to allow the baby to breastfeed. But the mother would never have to give the baby a blood transfusion, no matter what the circumstances were. The difference between breastfeeding in that scenario and blood transfusions is the difference between using your body as a kidney dialysis machine, and gestation and childbirth.  
<sup>[85][86][87][88][89][90]</sup>

## Sexual emancipation and equality

Margaret Sanger wrote: "No woman can call herself free until she can choose consciously whether she will or will not be a mother."<sup>[91]</sup> Denying the right to abortion can be construed from this perspective as a form of female oppression under a patriarchal system, perpetuating inequality between the sexes. Among pro-choice advocates, sexual-equality discussion often involves the additional debate regarding to what degree the potential father should have a choice in deciding whether or not to abort the developing child.

## Arguments against the right to abortion

### Discrimination

The book *Abortion and the Conscience of the Nation* presents the argument that abortion involves unjust discrimination against the unborn. According to this argument, those who deny that fetuses have a right to life do not value *all* human life, but instead select arbitrary characteristics (such as particular levels of physical or psychological development) as giving some human beings more value or rights than others.<sup>[92]</sup>

In contrast, philosophers who define the right to life by reference to particular levels of physical or psychological development typically maintain that such characteristics are morally relevant,<sup>[93]</sup> and reject the assumption that all human life necessarily has value (or that membership in the species *Homo sapiens* is in itself morally relevant).<sup>[94]</sup>

### Deprivation

The argument of deprivation states that abortion is morally wrong because it deprives the fetus of a valuable future.<sup>[95]</sup> On this account, killing an *adult* human being is wrong because it deprives the victim of a *future like ours*—a future containing highly valuable or desirable experiences, activities, projects, and enjoyments.<sup>[96]</sup> If a being has such a future, then (according to the argument) killing that being would seriously harm it and hence would be seriously wrong.<sup>[97]</sup> But since a fetus does have such a future, the "overwhelming majority" of deliberate abortions are placed in the "same moral category" as killing an innocent adult human being.<sup>[98]</sup> Not *all* abortions are unjustified according to this argument: abortion would be justified if the same justification could be applied to killing an adult human.

Criticism of this line of reasoning follows several threads. Some reject the argument on grounds relating to personal identity, holding that the fetus is *not the same entity* as the adult into which it will develop, and thus that the fetus does not have a "future like ours" in the required sense.<sup>[99]</sup> Others grant that the fetus has a future like ours, but argue that being deprived of this future is not a significant harm or a significant wrong to the fetus, because there are relatively few *psychological connections* (continuations of memory, belief, desire and the like) between the fetus as it is now and the adult into which it will develop.<sup>[100]</sup> Another criticism is that the argument creates inequalities in the wrongness of killing:<sup>[101]</sup> as the futures of some people appear to be far more valuable or desirable than the futures of other people, the argument appears to entail that some killings are far more *wrong* than others, or that some people have a far stronger *right to life* than others—a conclusion that is taken to be counterintuitive or unacceptable.

### Argument from uncertainty

Some pro-life supporters argue that if there is uncertainty as to whether the fetus has a right to life, then having an abortion is equivalent to consciously taking the risk of killing another. According to this argument, if it is not known for certain whether something (such as the fetus) has a right to life, then it is reckless, and morally wrong, to treat that thing as if it *lacks* a right to life (for example by killing it).<sup>[102]</sup> This would place abortion in the same moral category as manslaughter (if it turns out that the fetus has a right to life) or certain forms of criminal negligence (if it turns out that the fetus does not have a right to life).<sup>[103]</sup>



The 2004 March for Women's Lives near the Washington Monument.

David Boonin replies that if this kind of argument were correct, then the killing of nonhuman animals and plants would also be morally wrong, because (Boonin contends) it is not known for certain that such beings lack a right to life.<sup>[104]</sup> Boonin also argues that arguments from uncertainty fail because the mere fact that one might be mistaken in finding certain arguments persuasive (for example, arguments for the claim that the fetus lacks a right to life) does not mean that one should act contrary to those arguments or assume them to be mistaken.<sup>[105]</sup>

### Religious beliefs

Each religion has many varying views on the moral implications of abortion. These views can often be in direct opposition to each other.<sup>[106]</sup> Muslims regard abortion as *haram* meaning forbidden. Muslims typically cite the Quranic verse 17:32 which states that a fetus shouldn't be aborted out of fear of poverty.<sup>[107]</sup> Pro-life Christians support their views with Scripture references such as that of Luke 1:15; Jeremiah 1:4–5; Genesis 25:21–23; Matthew 1:18; and Psalm 139:13–16. The Catholic Church believes that human life begins at conception as does

the right to life; thus, abortion is considered immoral.<sup>[108]</sup> The Church of England also considers abortion to be morally wrong, though their position admits abortion when "the continuance of a pregnancy threatens the life of the mother".<sup>[109]</sup>

## Other factors

### Mexico City Policy

The Mexico City policy—also known as the "Global Gag Rule"—required any non-governmental organization receiving U.S. government funding to refrain from performing or promoting abortion services in other countries. This had a significant effect on the health policies of many nations across the globe. The Mexico City Policy was instituted under President Reagan, suspended under President Clinton, reinstated by President George W. Bush,<sup>[110]</sup> and suspended again by President Barack Obama on January 24, 2009.<sup>[111]</sup>

### Public opinion

A number of opinion polls around the world have explored public opinion regarding the issue of abortion. Results have varied from poll to poll, country to country, and region to region, while varying with regard to different aspects of the issue.

A May 2005 survey examined attitudes toward abortion in 10 European countries, asking respondents whether they agreed with the statement, "If a woman doesn't want children, she should be allowed to have an abortion". The highest level of approval was 81% (in the Czech Republic); the lowest was 47% (in Poland).<sup>[112]</sup>

In North America, a December 2001 poll surveyed Canadian opinion on abortion, asking in what circumstances they believe abortion should be permitted; 32% responded that they believe abortion should be legal in all circumstances, 52% that it should be legal in certain circumstances, and 14% that it should be legal in no circumstances. A similar poll in April 2009 surveyed people in the United States about U.S. opinion on abortion; 18% said that abortion should be "legal in all cases", 28% said that abortion should be "legal in most cases", 28% said abortion should be "illegal in most cases" and 16% said abortion should be "illegal in all cases".<sup>[113]</sup> A November 2005 poll in Mexico found that 73.4% think abortion should not be legalized while 11.2% think it should.<sup>[114]</sup>

Of attitudes in South America, a December 2003 survey found that 30% of Argentines thought that abortion in Argentina should be allowed "regardless of situation", 47% that it should be allowed "under some circumstances", and 23% that it should not be allowed "regardless of situation".<sup>[115]</sup> A more recent poll now suggest that 45% of Argentineans are in favor of abortion for any reason in the first twelve weeks. This same poll conducted in September 2011 also suggests that most Argentineans favor abortion being legal when a woman's health or life is at risk (81%), when the pregnancy is a result of rape (80%) or the fetus has severe abnormalities (68%).<sup>[116]</sup> A March 2007 poll regarding the abortion law in Brazil found that 65% of Brazilians believe that it "should not be modified", 16% that it should be expanded "to allow abortion in other cases", 10% that abortion should be "decriminalized", and 5% were "not sure".<sup>[117]</sup> A July 2005 poll in Colombia found that 65.6% said they thought that abortion should remain illegal, 26.9% that it should be made legal, and 7.5% that they were unsure.<sup>[118]</sup>

### Effect upon crime rate

A theory attempts to draw a correlation between the United States' unprecedented nationwide decline of the overall crime rate during the 1990s and the decriminalization of abortion 20 years prior.

The suggestion was brought to widespread attention by a 1999 academic paper, *The Impact of Legalized Abortion on Crime*, authored by the economists Steven D. Levitt and John Donohue. They attributed the drop in crime to a reduction in individuals said to have a higher statistical probability of committing crimes: unwanted children, especially those born to mothers who are African American, impoverished, adolescent, uneducated, and single. The change coincided with what would have been the adolescence, or peak years of potential criminality, of those who had not been born as a result of *Roe v. Wade* and similar cases. Donohue and Levitt's study also noted that states which legalized abortion before the rest of the nation experienced the lowering crime rate pattern earlier, and those with higher abortion rates had more pronounced reductions.<sup>[119]</sup>

Fellow economists Christopher Foote and Christopher Goetz criticized the methodology in the Donohue-Levitt study, noting a lack of accommodation for statewide yearly variations such as cocaine use, and recalculating based on incidence of crime per capita; they found no statistically significant results.<sup>[120]</sup> Levitt and Donohue responded to this by presenting an adjusted data set which took into account these concerns and reported that the data maintained the statistical significance of their initial paper.<sup>[121]</sup>

Such research has been criticized by some as being utilitarian, discriminatory as to race and socioeconomic class, and as promoting eugenics as a solution to crime.<sup>[122][123]</sup> Levitt states in his book *Freakonomics* that they are neither promoting nor negating any course of action—merely reporting data as economists.

### Breast cancer hypothesis

The abortion-breast cancer hypothesis posits that induced abortion increases the risk of developing breast cancer.<sup>[124]</sup> This position contrasts with the scientific consensus that abortion does *not* cause breast cancer.<sup>[125][126][127][128]</sup>

In early pregnancy, levels of estrogen increase, leading to breast growth in preparation for lactation. The hypothesis proposes that if this process is interrupted by an abortion – before full maturity in the third trimester – then more relatively vulnerable immature cells could be left than there were prior to the pregnancy, resulting in a greater potential risk of breast cancer. The hypothesis mechanism was first proposed and explored in rat studies conducted in the 1980s.<sup>[129][130][131]</sup>

## See also

- Abortion law
- Bubble zone laws
- Conscience clause (medical)
- Embryonic stem cell research
- Equal Protection Clause
- Paper Abortion
- Feticide
- Late-term abortion
- Opposition to the legalization of abortion
- Reproductive rights
- Roe effect
- *Roe v. Wade*
- Societal attitudes towards abortion
- Support for the legalization of abortion
- Philosophical aspects of the abortion debate
- Beginning of human personhood

## Notes

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- See generally, "The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance", John Boswell ISBN 978-0-226-06712-4 Nov. 1998, Intro.

3. See generally Spivack, Carla, *To Bring Down the Flowers: The Cultural Context of Abortion Law in Early Modern England*. Available at SSRN: [1] (<http://ssrn.com/abstract=1132482>) Introduction
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## External links

- Findlaw: full text of *Roe V Wade* decision, plus discussion (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=410&invol=113>)
- Abortion and Ethics (<http://www.rsrevision.com/Alevel/ethics/abortion/index.htm>) Case studies, Christian and non-Christian responses and resources for students
- Reasons why women have induced abortions, evidence from 27 countries (<http://www.agi-usa.org/pubs/journals/2411798.html>)
- Recordings ([http://www.thehist.com/index.php?option=com\\_docman&task=cat\\_view&gid=65&limit=5&limitstart=0&order=date&dir=ASC&Itemid=713](http://www.thehist.com/index.php?option=com_docman&task=cat_view&gid=65&limit=5&limitstart=0&order=date&dir=ASC&Itemid=713)) of the College Historical Society debate on abortion featuring Professor William Binchy, Frances Kissling and Rebecca Gomperts
- Interactive map of the Abortion debate (<http://debategraph.org/stream.aspx?nid=585&iv=5>)
- Religious perspectives on abortion (<http://www.bbc.co.uk/ethics/abortion/religion/religion.shtml>)
- Should abortion be legal? - Wikidebate at Wikiversity

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