

ABORTION:
TODAY'S MOST
CONTROVERTIAL SUBJECT

By DALE NEUMANN

Abortion is a nasty problem, a source of social and legal discord, moral uncertainty, medical and psychiatric confusion, and personal anguish. Catholics have been apt to reduce the whole problem to the philosophico-theological question, "When does life begin?", while many proponents of abortion on demand see the question only in terms of feminine and civil rights: giving women the full right to decide for themselves whether to terminate or complete a pregnancy. Abortion is at the same time a moral, medical, legal, sociological, philosophical, demographical, and psychological problem, not readily amendable to one-dimensional thinking. It is at the same time a moral problem because it raises the question of the nature and control of incipient human life.¹

✓ nice

Good intro

If one needs to see that there is a problem, suppose that a person runs across these situations. Suppose A's wife, B, is pregnant and they feel they cannot have a child or another child now for reasons that seem compelling to them. Enter C who asserts that B must carry the child to term as the consequence of the sex act. How did that become C's business? How could such a decision be the concern of the whole society? It might be said that C has special authorities.² Then suppose that C says that it is fine to abort the child but then hears from the doctor that she is five months pregnant. C then goes back and tells B that she must not abort the child because it would now be murder to abort it. Who is to decide at what point it is wrong to abort the child? When is it human life? Is abortion murder?

Many religious groups have taken certain positions on such abortion questions: Christians, Jews, Roman Catholics. Many countries have established standards on abortion: the United States, Japan, England,

the Soviet Union. I will look at a few of these groups.

Good Transcription

Most of the views of the religious world seem to sway against abortion. Roman Catholicism is one of them. The Roman Catholics believe that human life begins at conception and that because the fetus is human at this point, abortion is murder under any circumstances. They believe abortion should be condemned as an unspeakable crime, and they feel that the fetus should be given the greatest of care right from the moment of birth.³

A religion that yields somewhat to abortion is the Jewish religion. They will allow abortions if the mother's life could be in danger if she was to have the baby. Unlike the Catholics, the Jewish feel that when the fetus is within the mother, it is part of the mother's body and if the fetus must be removed for her health, it may be removed as if it were an inflamed appendix. As Divine Command theorists their basis for denying capital crime status to fetucide in Jewish law is scriptural. Exodus 21:22 provides: "If men strive, and wound a pregnant woman so that her fruit be expelled, but no harm befall (her), then shall he be fined as her husband shall assess, and the matter placed before the judges. But if harm befalls (her), then shall thou give life for life."⁴

The earliest instance in the modern world of a scheme allowing woman rights over her own body and thus permitting all abortions is provided by the Soviet Union. It made lawful any abortion performed by a physician in a state hospital. The expressed objective of the decree was to protect woman from unskilled abortionists. But the decree was also part of a general program of women's liberation and

sexual equality in work, education, and marriage. In June 1936 the decree was replaced by a law that prohibited abortion except where pregnancy threatened the life or seriously threatened the health of the woman, or when serious disease of the parents could be inherited. But in November 1955 the decree of 1936 was repealed, for the express reasons of reducing the harm done by unskilled abortionists and giving women the possibility of deciding by themselves the question of motherhood.⁵

England's early history shows a law only allowing abortions when the mother's life was threatened. In recent times its laws have slackened. The Abortion Act 1967 permits an abortion to anyone who can pay the fees charged by licensed private institutions providing the present risk to the life of the pregnant woman, or of injury to the physical or mental health is greater than if the pregnancy were terminated. This basically says that as long as the surgical procedure is safe enough, the operation can be performed.⁶

Since 1973 the United States has had an abortion law similar to that of the Soviet Union. American law states that (1) no law can restrict the right of a woman to be aborted by a physician during the first three months (trimester) of her pregnancy; (2) during the second trimester the abortion procedure may be regulated by law only to the extent that the regulation reasonably relates to the preservation and protection of maternal health; (3) abortion can only be done in the third trimester of pregnancy if the woman life is at stake.⁷

The majority of the American people believe abortions should be legal under the following circumstances listed in order of decreasing

popularity: woman's life endangered, pregnancy by rape or incest, woman would suffer physical damage, child would be deformed, woman's mental health endangered. The only thing they were against was allowing an abortion to someone who couldn't afford a child. In response to the question, "When do you believe the unborn child can be considered a human being?", 49% of the people polled said it was human at conception; 16%, when the woman feels the movement of the baby; 14%, if unborn child could survive if it was born prematurely; and 12%, at birth.⁸ This issue of deciding when human life begins is presently the main debate in congress concerning the topic of abortion. Should a decision be made that human life begins at conception, the possibility of all abortions being outlawed is at stake. ✓

Good stat.

Let one take into consideration a few possible situations dealing with abortion. (1) Mary is pregnant and is informed by her doctor that her life will be in danger if she goes through with the birth of the child. (2) A high school student with great scholastic potential gets pregnant. In both cases the question is the same: "Is it moral to have an abortion in this situation?" There are many ways to arrive at the answer to the question above. I will discuss a total of four ethical theories and show one of the possible decision that could be arrived at for each theory, for each situation.

A Divine Command theorist would make his decisions based on his interpretation of the Bible and the Ten Commandments.⁹ If one interprets the Commandment, "Thou shalt not kill," as to include the killing of a human fetus, he would say that in both cases an abortion would be immoral. ✓ But God also says that one should love his neighbor.¹⁰ There is a conflict

(5)

*you're correct.
But explain
how might
it be seen
as "love"?*

now between the two rules. If the theorist feels that the rule to "love thy neighbor" is more binding, then he would allow the abortion. If he strictly **believes** that one should not kill, then he would not approve of the abortion in the situation. The problem of resorting to the Divine Command theory is that it raises two questions: "What does God command?" and "What is the correct interpretation of His words?" From the Commandments one does not know exactly what he can't kill. Along with the problem of interpretation, one will notice that the Ten Commandments tell what one should not do, but they don't give advice on what one should do. The only great advantage to this theory is that the set of rules has already been determined.¹¹

If one was a pluralistic rule-deontologist, the basis for his decisions would depend on his rules derived from what is morally obligatory to do and how he handles conflicts between them. Assuming his rules include beneficence (doing good, removing evil, and preventing evil) and nonmaleficence (refraining from evil) he will have a conflict between these rules since they are the most binding in abortion situations. In the first case that I stated, if he decides that beneficence holds over nonmaleficence, he may conclude that killing the unborn child for the benefit of the mother's life would be the moral thing to do. In essence the theorist is deciding whose life is more important to be saved if the mother would almost certainly die should the birth be carried out. *and if both are "human life"*

The theorist must decide who is obligated to who, if anyone is. In the second situation I presented the woman's life is not in danger. Here the value of the fetus's life may be greater than that of the mother's. the former's value may very well be decided by whether he is considered

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✓

human by the theorist at that time in its life. It appears that the conclusion that this pluralistic rule-deontologist arrives at in any case will be decided by where he "draws the line" with these factors. In closing, the major set back for these theorists in solving a moral problem is the deciding which rule takes precedence over the other.¹² ✓

One pluralistic rule-deontologist has set up a good system of rules and principles to ^{follow} go by. William Frankena combines the principles of beneficence and justice in his theory. For the principle of beneficence he has arranged four rules in order from the most important to the least important. (1) One ought not to inflict evil or harm. (2) One ought to prevent evil or harm. (3) One ought to remove evil. (4) One ought to do or promote good.¹³ The rules are in this order because he feels that one must worry about evil before he should think about doing good. In the first case where Mary's life is in danger, a Frankena theorist would first look at his rules of beneficence and might possibly say that he cannot kill the fetus because that breaks the first and strongest rule of beneficence. Another possibility would be to overrule rule (1) and say that preventing harm to the mother, rule (2), is the more moral thing to do. But besides beneficence, he must also look at the principle of justice. Frankena believes that justice is distributing good so that one treats every human being equally. If the theorist considers the unborn child a human at the time when he confronts his moral problem, then the fetus has the rights of any other person ✓ ✓ good!
according to justice. This would make it harder to consider an abortion moral especially since according to the principle of beneficence the first priority is to refrain from evil. In the second case if the

fetus is regarded as human by the Frankena theorist, he would most likely consider it immoral to abort the child just for the sake of the woman's future. Whether or not the fetus is regarded as human has a large factor in the principle of justice.¹⁴ *very true.*

The advantage to Frankena's theory is that it covers the aspect of justice that is missing from many theories. A problem with his theory is that there is the possibility of conflict between principles, because there are times one must be unjust to be beneficent as well as there are times one must not be beneficent in order to maintain justice.¹⁵

The last ethical theory to be discussed is rule-utilitarianism. A rule-utilitarian derives his set of rules by asking which rules will promote the greatest general good for everyone.¹⁶ If it wasn't for the differences in the method of deriving the set of rules, rule-utilitarianism and rule-deontology would be quite the same theory. Because a rule-utilitarian would go about making his decisions in much the same manner as a pluralistic rule-deontologist, I will simply analyze the morality of abortion using ideas from rule-utilitarian R. B. Brandt. *excellent premise*

Brandt says that there is not an unrestricted prima facie obligation not to kill, but only a prima facie obligation not to kill in certain types of cases. He thinks that any prima facie principles about killing will require restrictions. This is because one must know what can be killed and what can't. Brandt goes on to say that if the fetus is a sentient creature it would not be made unhappy or miserable by not coming to exist. He says that no one is deprived by non-birth as a sentient being. It can be seen that there are two other ways to determine when a fetus is a person: intelligence and sentience.¹⁷

Through applying the ethical theories, the issues of abortion are

So what would he say as 2 cases?

are brought out. It is now seen that in order to decide if an abortion case is moral or immoral, a few issues must be decided first: whether the mother is more than just a means of bringing the child into the world, whether the fetus is human, and whether the fetus is sentient.

The ethical theory that I follow is act-utilitarianism. Although act-utilitarians do not follow a set of rules, the values that are most important to me are nonmaleficence, promise-keeping, truth-telling, and reparation (amending previous wrongful acts). As an act-utilitarian, I determine the moral action by asking myself, "What effect will my doing this act in this situation have on the general balance of good over evil?" I like this theory because I don't have to appeal to a set of rules and worry about the conflicts between them. I feel this helps me to solve difficult moral problems faster. ^{is this important?} The fact that my theory doesn't involve conflicts between rules happens to be its one great advantage.¹⁸

Like any theory mine has problems, too. First there is the problem of weighing the good and the evil. For instance, A person might regard one act more evil than another person might. the other disadvantage is that there is the possibility of involving bad deeds when producing more good over evil. For example, two actions both produce the same amount of good, but one action involved evil and the other one did not. An act-utilitarian would say that both actions are equally moral.¹⁹ A partial way to remedy this is to add good points for refraining from evil and to look at the ratio of good to evil. In other words, an act producing 3 points of good to 1 point of evil would be better to do than an act producing 100 points of good to 50 points of evil. One produces 2 points of good while the other produces 50 points of good, but going by the ratio of

good to evil the first act is better for its ratio of 3:1 is larger than the other's ratio of 2:1. By this method the first act produces more good than evil.

*not 3? why?
2*

I feel abortions should always be allowed in the first two months of pregnancy. Between two and five months of pregnancy the abortion case must be approved by a court. After five months of pregnancy an abortion should only be allowed if the risk to the mother's life is high should she continue the pregnancy. The basis for my having a pro-abortion position is mainly due to my belief that if the fetus is aborted it would not miss life on earth because it would never have experienced it. Also, if the child was born, it would ^{not} live a good life because its parents would not have wanted him.

*how is this
utilitarian?
make this
clearer.*

In the letter attach I voice these opinions to Congressman Dan Mica. Presently the rights to abort a child are in jeopardy because there is pressure coming from many anti-abortion groups that the fetus is human at conception. I hope my opinions help to strengthen the laws that give women their freedom to abort an unwanted child.

A
94

*Very Good!
well-written,
well-researched.
only a few minor problems
(see my notes)*

*might have
discussed another
theory - you did 2
phenol. rule. don't
But you did that very well.*

methods?

Notes

¹ Robert L. Perkins, "Introduction," in Abortion: Pro and Con. ed. Robert L. Perkins (Cambridge: Schenkman, 1977), pp. 1-2.

² Daniel Ballahan, Abortion: Law, Choice, and Morality (London: Collier - Macmillan, 1970), pp. 1-2.

³ "Abortion - Roman Catholic Perspective," in Encyclopedia of Bioethics. ed. Warren T. Reich (New York: Macmillan, 1978), I, p. 13.

⁴ "Abortion - Jewish Perspectives," in Encyclopedia of Bioethics. ed. Warren T. Reich (New York: Macmillan, 1978), I, p. 54.

⁵ "Abortion - Legal Aspects," in Encyclopedia of Bioethics. ed. Warren T. Reich (New York: Macmillan, 1978), I, p. 29.

⁶ "Abortion - Legal Aspects," in Encyclopedia of Bioethics. ed. Warren T. Reich (New York: Macmillan, 1978), I, pp. 29-30.

⁷ "Abortion - Legal Aspects," in Encyclopedia of Bioethics. ed. Warren T. Reich (New York: Macmillan, 1978), I, p. 30.

⁸ Elizabeth Dobell, "Abortion: The Controversy We Can't Seem To Solve," Redbook, June 1979, pp. 42, 86, 91.

⁹ The theorist could have a religion other than one that relies on the Bible. *true.*

¹⁰ Rules similar to "Thou shalt not kill" and "Love thy neighbor" are found in many religions. There is hardly a religion that approves of killing and hating.

¹¹ William Frankena, Ethics, 2nd ed. (Englewood Cliffs: Prentice - Hall, 1973) pp. 28-30.

Notes

- 12 William Frankena, Ethics, 2nd ed. (Englewood Cliffs: Prentice - Hall, 1973) pp. 25-28.
- 13 Frankena, Ethics, p. 47.
- 14 Frankena, Ethics, pp. 48-49.
- 15 Frankena, Ethics, pp. 50-53.
- 16 Frankena, Ethics, p. 39.
- 17 R. B. Brandt, "The Morality of Abortion," in Abortion: Pro and Con. ed. Robert L. Perkins (Cambridge: Schenkman, 1977), pp. 153,158,161.
- 18 Frankena, Ethics, p. 34.
- 19 Frankena, Ethics, p. 36.

Bibliography

*not in
finished
paper.*

"Abortion - Jewish Perspectives." Encyclopedia of Bio-Ethics
Ed. Warren T. Reich. New York: Macmillan, 1978, Vol. I,
p. 5. This section explains the Jewish beliefs
concerning the rights of the mother. References are given
on abortion from Jewish scripture.

"Abortion - Legal Aspects." Encyclopedia of Bio-Ethics. Ed.
Warren T. Reich. New York: Macmillan, 1978, Vol. I,
pp. 29-30. These pages explain the three basic types
of abortion laws. America's laws on abortion are
presented as well as those of other countries.

"Abortion - Roman Catholic Perspectives." Encyclopedia of
Bio-Ethics. Ed. Warren T. Reich. New York: Macmillan,
1978, Vol. I, p. 13. The article tells that the
Roman Catholics believe that human life begins at
conception. They also believe that the life of the child
in the womb is more important than the life of the
mother.

Brandt, R. B. "The Morality of Abortion." In Abortion: Pro
and Con. Ed. Robert L. Perkins. Cambridge: Schenkman,
1977, pp. 151-169. Rule-utilitarian, R. B. Brandt
discusses the morals of abortion in terms of moral
obligation, good vs. evil, and prima facie duties vs.
actual duties.

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- Frankena, William. Ethics. 2nd ed. Englewood Cliffs: Prentice - Hall, 1973, pp. 25-28, 28-30, 34-37, 39-52. Frankena gives a brief description of the basic ethical theories. He also proposes his own ethical theory.
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- Purdy, Laura and Michael Tooley. "Is Abortion Murder?" In Abortion: Pro and Con. Ed. Robert L. Perkins. Cambrige: Schenkman, 1977, pp. 136-137. They discuss both sides of the question, "Is abortion murder?" They give the reasons which support each decision.

1150 S.W. 14th Drive
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May 9, 1981

The Honorable Dan Mica
House of Representatives
Washington, D.C. 20013

Dear Representative,

I am writing to you in regards to our condition with abortion. I believe that anti-abortion groups are asking that America take a giant step backward in our culture by strongly proposing that abortions be made illegal on the basis that the fetus is human. Right-to-Life groups feel that abortions are immoral. Well, I believe it is a greater injustice to bring an unwanted child into the world. By not allowing the abortion, the child may be forced to live a life of poverty. He might be neglected or abused by his parents; possibly even abandoned by them. Adoption does not totally solve the problem, either. Many adopted children have suffered from the anxiety of not knowing who their biological parents are.

Many feel that an abortion is cruel to the unborn child. I feel abortions inflict much less pain on the fetus than you or I would feel if we were killed. You see, the fetus hasn't experienced life on earth as we have. It would miss nothing. It would not be deprived of life for it hardly knows what life is.

In closing, I hope I have brought new points to your attention. I believe that greater harm is done by not allowing someone to have an abortion than if they are allowed to have the choice. I urge you to support abortions more strongly than before, and to fight to maintain the individual's freedom of choice.

Sincerely yours,


Dale Neumann