

## Abortion does not bring rights into conflict

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Because it involves taking a human's life, abortion, like war or capital punishment, is a matter of grave moral significance. Only if she has very strong reasons of ethics to end her pregnancy should a woman seek an abortion or her doctor perform one.

I think the view I described above, popular though it is, is false. Abortion involves the taking of a human's life, but it is not for that reason particularly fraught ethically. This is because a human fetus has no interest in remaining alive—at least no more interest, that is, than has any other creature of the same level of sentience.

The view that abortion has the moral gravity of war or capital punishment rests on the claim that a human fetus has a right to life. Since a pregnant woman also has rights and privileges, the question whether from an ethical point of view she acts well or poorly in seeking an abortion has to do with whether her rights outweigh those of the fetus she's carrying.

The claim that a human fetus has a right to life, and that the morality of abortion is a matter of weighing competing rights, is found on both sides of the debate regarding access to abortion. Certainly most pro-life advocates say that the fetus has a right to life. They propose that its right to life is so strong that only when the pregnant woman's own life or mental wellbeing is at risk is abortion morally permissible, if even then.

But the claim that the fetus has a right to life is also found among pro-choice advocates. A human fetus has a right to life, many pro-choicers allow, yet a pregnant woman has a right to act in her best interests, especially in matters concerning what happens in and to her body. These interests include education, relationships with family and friends, job or career, and, generally, her future wellbeing and happiness. She may, then, seek an abortion to promote these serious interests, and not only to save her life or mind.

That some pro-choice advocates think that abortion poses a conflict of rights is evident from the recent Halifax *Chronicle Herald* opinion piece "Weight of judgment still hangs over abortion" (22 April 2014). The anonymous author of this article is concerned to explain that her reasons for having an abortion—her age, her relation with the man who impregnated her, her education, her finances, her aspirations for her life—were weighty. The author proposed that it is neither selfish nor frivolous for people to be concerned to create a good future for themselves. Thus, they should be able to have an abortion if bearing a child would put that good future at risk.

Unless she thought that the fetus she was carrying had rights that abortion violates, the author would not be as concerned as she is to assert that her reasons for having an abortion were sound reasons of ethics, reasons that express values we all cherish.

The idea that fetuses have rights might also partially explain the policy in New Brunswick, according to which two doctors must approve a woman's request for an abortion before she may have the procedure done at a hospital and covered by provincial health care. Approval will ensure that a woman has an abortion for an ethically sound reason. What upsets many pro-choicers is the implicit claim that doctors can evaluate a woman's reasons better than she can herself. As the author of "Weight of judgment" tells us, a pregnant woman knows herself and her situation better than anyone else does.

It seems to me, though, that if abortion does involve a conflict of rights, that something like a panel would be a good idea. After all, people are not always good judges of their interests, especially when they are upset or worried; moreover, they are particularly bad at weighing their interests against valid competing ones (we're all prone to bias).

As I said above, though, I don't think abortion involves a conflict of rights between the pregnant woman and the fetus she carries. This is because fetuses don't have moral rights. For one to have rights, one must have interests, and to have interests, it must, at a minimum, be possible for things to go well or poorly for one, well or poorly from one's own point of view. But a human fetus does not have the brain power to have a point of view.

The point is that, ethically speaking, a human fetus demands no more consideration than any other animal possessed of the same level of awareness and self-awareness.

We hear occasionally of women who have an abortion so that they might go on a skiing vacation or because the fetus is the wrong sex. (Pro-life advocates sometimes raise the spectre of aborting fetuses that test positive for homosexuality.) We're supposed to be shocked at the frivolity of these women, for the life of a human being is at stake. The author of "Weight of judgment" assures us that, for her, the decision was not an easy one. Yet I don't see how one could deny that as long as it is possible to be morally frivolous about the death of a fetus, regulating abortion could well be justified.

If I am right, though, that a human fetus is not wronged by being killed, then the decision to have an abortion rather than to bear a child is not an ethically weighted decision at all. It is, rather, a pragmatic decision simply about how best to live one's life, how best, given one's tastes, talents, circumstances, and prospects, to find meaning and happiness.

Pragmatic decisions can be made foolishly, of course, or be made wisely and yet still go wrong. But making them is our business, and ours alone. It's certainly no business of an official panel of white-jacketed professionals to evaluate them.