

Why not abortion for good reasons only?

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Should abortion be a legal option only for women who have good reasons for terminating their pregnancies?

Bad reasons for terminating a pregnancy might include that the fetus is female, that the fetus has a small deformity, that the fetus has genetic markers for retinitis pigmentosa or for homosexuality, or that the child will be deaf. These are bad reasons because girls and women, people with deformities or handicaps, blind people, lesbians and gays, and deaf people can all lead full and wonderful lives.

Bad reasons might include the inconvenience of being pregnant right now or of being responsible for a child in the near future.

Good reasons for terminating a pregnancy, then, might include that the fetus is anencephalic or has markers for Tay-Sachs disease. They might also include that the pregnancy occurred because of rape or that continuing the pregnancy endangers the physical or mental health of the woman.

These would be good reasons, it seems, either because they take abortion to be a form of mercy killing (the case of anencephalic fetuses) or because they tip the scales in the balance between the rights of the pregnant woman and the rights of the fetus (the case of the woman's health).

Those who advocate restricting abortion to cases of good reasons say that they are moderates in the abortion debate, that theirs is a nuanced position. They would not ban abortion, just restrict it, and the restrictions they propose are needed to protect the dignity of human life. They note that wanting to abort a fetus because, for instance, it is female expresses sexist attitudes towards girls and women. Sex-selective abortion, they say, is discriminatory, and discrimination on the basis of sex is in Canada properly illegal.

There is at least one large confusion within the good-reasons-only position on abortion, though. While some of what I've listed as the bad reasons for having an abortion involves discrimination, none involves wrongful discrimination. Wrongful discrimination against an individual harms that individual by unfairly preventing her from fulfilling her interests. Fetuses, though, lack interests. A fetus killed because it is female is not thereby discriminated against wrongfully.

The point is the same with regard to any feature of a fetus that serves as a woman's reason to seek an abortion. Aborting a fetus because it bears a deformity or a marker is not to discriminate against a person bearing that deformity or a person with the condition marked for.

Well, doesn't abortion in these cases at least express the attitude that certain kinds of people (girls, the handicapped) are not as worthy as others (boys, the able)? It may, but it needn't. It probably often does express such an attitude in sex-selective abortion. In aborting fetuses because the child would be handicapped, though, it need express no attitude toward the handicapped other than that a handicapped person would have been better off had he not been handicapped. That attitude is in no way inconsistent with insisting that all people be able to live free from wrongful discrimination. Nor is it inconsistent with cherishing one's disabled friends.

In any case, once we move from the question whether a fetus suffers an indignity in being aborted (it doesn't) to whether certain abortions express sexist or homophobic attitudes (they might), we have moved from restrictions on abortion meant to protect specific individuals from wrongful treatment to restrictions on abortion as part of a general social policy of fostering tolerance and acceptance. Most of us will agree, I suspect, that no pregnant woman's condition should be used through law to further any social goal, not even tolerance.

Abortion laws indifferent to the reasons women have to terminate their pregnancies are certainly preferable to good-reasons-only laws on practical grounds. A good-reasons-only policy would require panels of doctors, prying interviews, and a lot of time and expense. But good-reasons-only policies also fail on principled grounds.