

*Viewpoint*

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## The Ethical Conflicts in the Pro-Life v/s Pro-Choice Arguments

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### Introduction

Abortion is a divisive topic, one that almost everyone has a very strong stance on. Over the years, the subject has been strongly affiliated with politics, religion and morality. Despite a decrease in unplanned pregnancies, the severity of the problem remains staggering. In 2011, of the 2.8 million pregnancies, 45 per cents of the total, were unintended. Meaning 1 in every 20 women and girls aged 15-45 dealt with an unplanned pregnancy. Around 1.1 million women's pregnancies were mistimed/unwanted [1] and about the same number terminated their pregnancies [2]. Abortion affects millions of women worldwide, where people must choose whether to carry their child to term or terminate the fetus. Around 13% of all maternal deaths worldwide are the result of unsafe abortions, according to the World Health Organization. There are two-terms associated with abortion – pro-life and pro-choice. On the one hand, pro-choice campaigners argue that abortion is in violation of a person's fundamental right to privacy, and conversely, pro-life campaigners contend that a fetus is a living being at the moment of conception and that abortion should be criminalized in order to safeguard the life of the unborn child. The moot point of abortion is, right over the womb versus the right of the unborn child.

### Roe v. Wade Case

There are many cases relating to abortion laws in the USA. The most important case is the Roe v. Wade, a 1973 lawsuit that resulted in the Supreme Court making a ruling on abortion rights. Abortion was illegal in Texas at the time, unless it was done to save the mother's life. It was considered a crime to get an abortion or even to attempt one. The Roe v Wade case did not legalize abortion but changed the way that States can regulate abortion and characterized abortion as something that was covered under constitutional rights of privacy. In 1973, the U.S Supreme Court's ruling in Roe v. Wade recognized that the decision whether to continue or end a pregnancy belongs to the individual, not the government. However, in June 2022, in a devastating decision, the U.S Supreme Court abandoned its duty to protect fundamental rights and overturned the Roe v. Wade, ruling there is no constitutional rights to abortion. Since then 14 States have declared abortion illegal.

### Declaration on Procured Abortion

This document was issued by the Congregation for the Doctrine of the Faith on November 18, 1974, during the pontificate of Pope Paul VI. It consists of 27 numbered sections. As per this document, it is the obligation of the Church to defend man against whatever destroys or degrades him and because the issue is so grave, concerned as it is with human life, the most basic of all man's goods (no.1). It also emphasizes that God is the God of life, not death (no. 5) and that the Church's Tradition consistently held that human life must be protected at every stage in its course, including the beginnings (no. 6), despite different opinions. Although a person must subordinate individual interests to society, his bodily life is a fundamental good (no.9). Human life must be

respected at all stages of development, from fertilization until natural death (no. 12). There can be serious motives for having an abortion, but life is too fundamentally a good to be weighed against even very serious disadvantages. No reason can justify deliberately killing the unborn (no.14). Women's liberation does not justify abortion (no. 15), nor does sexual freedom (no. 16), nor technological advance (which must be ruled by morality [no. 17] – nor is birth control the answer (no. 18). Civil law is subordinate to natural law, and the state has the obligation to protect the weak from the strong (no. 21). Law must reform society so that children will be welcomed and received worthily (no. 23).

### **A Woman's Right to Abortion**

In our society, many claim today that a woman has a right to an abortion. Sidney Callahan identifies four main points of argumentation. Of these the one based on the argument that the unborn child cannot be considered a person has already been sufficiently rebutted. Another claiming that abortion is necessary if women are to be considered socially equal to men; ignores the fundamental questions. The other two arguments in dispute are 1) the woman's moral right to control her own body and 2) the moral right to autonomy and choice in personal integrity.

The first claims that in choosing an abortion, a woman is simply exercising a fundamental right of bodily integrity. If she does not choose to be pregnant, she should not be compelled to do so against her will. It is her body that is involved and intimately so. If no one can be compelled to donate an organ to her another or to submit to other invasive procedures on his or her own body for however a noble cause, why should women be so compelled to just because they happen to be pregnant? The alternatives are either compulsory pregnancy or the right to terminate a pregnancy i.e. having an abortion and of these two alternatives, the second is obviously the right moral one since it alone acknowledges the woman's right to bodily integrity.

The second argument holds that for a woman to be a full adult in moral sense not only does she have a right to bodily integrity but also to make and keep the commitments and determine her own lifestyle. A right to abortion is essential to a woman's adulthood, mature responsibility and autonomy. The first argument simply dismisses the fact that abortion affects the body and bodily integrity of the unborn child; whole life is destroyed by it, far more than it does the body and bodily integrity of his or her mother. Pregnancy is not like a disease or an infestation by a biological parasite, it is the way every human comes into the world. Proponents are correct in saying that civil law protects one's own bodily integrity and considers a crime against any invasions of that person's body without free consent. But this same statute clearly holds that it's wrong and unlawful to intentionally harm the bodies, bodily integrity, and the lives of other people, of other bodies. The second argument refuses to recognize that human people can exist only within a community and our freedom to choose is not independent of the truth and is not the same as the autonomy to determine what is right or wrong.

### **The Point of Conflict**

Pro-life and pro-choice movements come into conflict with the issue of abortion. The pro-life movement maintains that even a non-viable, undeveloped human life is sacred and must be protected by the government. Abortion should be forbidden, according to this model, and not performed on an illegal basis either. The pro-choice movement, on the other hand argues that the government should not discourage a woman from terminating her pregnancy before the point of viability. Both groups share the same goal of reducing the number of abortions, but, they differ in terms of scope and methodology [3].

### **Pro-Life Position and Arguments**

The pro-life argument is based on the premise that the right of the fetus is primordial, as "the fetus is innocent, weak, and helpless, and its right to life should be protected at all costs" [3]. Therefore, the pro-life justifies its commitment to the premise that human life begins at conception, and allowing abortions overlooks feticide, or the intentional killing of the fetus. The argument against abortion is based on three principles: The Human Rights Principle, the Mens Rea Principle, and

the Harm Principle [4]. The Mens Rea Principle states that “the intentions of the agent should be given weight” [4]. Furthermore, the Harm Principle which advocates as a norm that “you should not inflict serious harm on other people,” is violated by abortion. The last principle, the Human Rights Principle, is also breached as well. This principle prescribes that “equal rights should be distributed on the basis of humanity”. Pro-life also approves of the belief that the life of the fetus ought to be continued [4].

### **Pro-Choice Position and Arguments**

The absolute pro-choice position believes that abortions are morally justifiable and, as a result, should be performed if the procedure is safe. This argument is based on grounds that the rights of the pregnant woman are superior than any other person (i.e., the fetus) and that the woman should be free to make the choice for herself as an individual, and these choices are considered self-regarding because the fetus is only a potential person, not the other, as declared by the pro-life argument [4].

### **Ethical Dilemmas around Termination of Pregnancy with Fetal Anomalies**

Prenatal diagnosis uses fetal ultrasound, magnetic resonance imagery, and genetic screening to inform expectant mothers of potential fetal anomalies. Parents and families are at risk of physical, mental and social harm because of this. Termination of pregnancy (TOP) could be partly based on beneficence-based obligations to the mother, fetus and the child that it is likely to become and doctor’s moral obligations to society to utilize scarce healthcare resources wisely for non-futile treatment.

In the ethical and legal debates regarding TOP, for fetal anomalies, one must distinguish between the degrees of abnormalities. The challenges faced involve drawing a distinction between severe lethal abnormalities when compared to those that are benign. Termination of pregnancy is restricted in most Islamic countries, countries with restrictive abortion laws such as Nigeria, and Kenya in Africa, Argentina and Peru in South America or even in Australia and Ireland. It has been debated, that while there is a duty to respect the autonomy of a woman, based on rights to bodily integrity and well-being, there may also be beneficence-based obligations to a viable fetus concerning its well-being, as well as a moral obligation on clinicians to prevent depletion of healthcare resources. Such decisions may be opposed by parents acting in their child’s best interests.

### **Socio-cultural aspect of Abortion in India**

The Roe v. Wade verdict that was overturned last year, is set to have far-reaching setbacks not only for American society but worldwide. A little-known fact is that Indian and the US went pro-choice almost at the same time. Two years before the Roe v. Wade verdict came the Medical Termination of the Pregnancy Act, 1971 in India.

In 1971, the Medical Termination of Pregnancy (MTP) Act in India allowed medical practitioners to carry out abortions under certain specified circumstances. It was considered a landmark move in emancipating women’s rights by giving them the choice to have a child. This was followed by amendments to the MTP Act in 2002, 2005 and more recently in 2021, thereby expanding the permissible limit for abortion from 20 weeks to 24 weeks. The medical opinion of one doctor is required to terminate the pregnancy up to 20 weeks and two practitioners’ opinions are required for pregnancies between 20 and 24 weeks.

### **Socio-Ethical Issues**

The social implication of the MTP Act, can be segregated into abortion in unmarried girls versus abortion in married women. As per this Act, a married woman is not considered as a social stigma, whereas unwed girls are not easily accepted. Due to these differences in opinion, there are hindrances in safe abortions, sometimes defeating the very purpose of abortion i.e. the health of the woman undergoing the procedure. The lack of proper cleanliness, staff and facilities sometimes results in infertility, menstrual disturbances, and pelvic inflammatory diseases and sometimes death too. At times, abortions are performed on flimsy grounds and conducted by medical

practitioners for financial gains and go unchecked on most occasions due to fabricated reports. Such abortions can have both long to short term consequences.

India hosted its first National March for Life in Delhi in August 2022, in hope that the MTP Act is completely revoked. Abortion based on sex (sex-selective abortion) where baby girls are aborted in the womb, is a significant issue in parts of India. In 2018, a government report estimated that 63 million women were missing from the country's population. India outlawed sex-selective abortion and prenatal sex detection in 1994 to try to prevent a further sex imbalance and the associated ills that often accompany it. The second national March for Life took place in Pune, Maharashtra. This event will take place every year until abortion becomes unthinkable.

### Conclusions

According to the Aristotle's Potentiality Principle, as fetuses and embryos have all the quality of life that they will have as full persons afterwards in life, they should not be killed. As it is iniquitous to take the life of an adult human being because he has a certain property, it is iniquitous to kill a fetus who will take the property later. The important pro-life versus pro-choice debate is a controversial issue which continues to cause ethical tensions. Both sides of the dilemma have strong beliefs and persuasions.

It is inherently unethical for a woman to have an abortion as an adoption plan can be formed for the baby. Adoption agencies that help birth mothers find adoptive parents may often cover the mother's medical costs and provide other forms of financial assistance to pregnant women. Although adoption is a difficult decision, from an ethical point of view it is typically the best decision for all involved if a woman feels she cannot parent her unborn child.

Action will never change unless hearts and minds change, so that people will consider fertility a blessing, not a curse, and responsible co-operation in giving life, privilege and honor.

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