International Journal of Modern Agriculture, Volume 10, No.2, 2021
ISSN: 2305-7246

THE ETHICS OF ABORTION: ANALYSING THE MORAL FOUNDATIONS OF THE RIGHT TO ABORT A PREGNANCY

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Abstract

Abortion has witnessed considerable political debate in recent years; particularly after anti-abortion statutes were passed in the United States in May, 2019. In terms of legal ethics, the discourse around it has largely focused on the personhood premise; with anti-abortionists arguing that a foetus is a person under the law, and pro-abortions denying the same. This has restricted the debate considerably, and left other avenues of evaluating the ethical sanctity of the practice untouched. This paper attempts to fill that lacuna in abortion scholarship, by constructing a defence of abortion which functions independently of the personhood premise; and one which would make it moral for a mother to pursue an abortion even if the personhood of the foetus was to conceded. It considers a breadth of ethical literature, focusing on human dignity and how it interacts with the subject. The analysis contained herein is primarily jurisprudential, but contains contextual analyses of normative and inferential aspects of various leading international judgments pertaining to the matter as well.

Key words: Abortion, dignity, morality, choice, personhood

Introduction

"*The State controlling a woman, would mean denying her full autonomy, and full equality.*"
- *The Hon'ble Ruth Bader Ginsburg, Associate Justice, Supreme Court of the United States of America.*

In May, 2019, anti-abortion statutes were passed in three states in the United States of America, attracting considerable condemnation on ethical and legal grounds (*Alabama's lawmakers*, 2019). One of the said statutes, in Alabama, made it a felony, punishable with upto 99 years in prison, for a doctor to perform an abortion on a woman, even if the pregnancy resulted from rape (*Alabama's lawmakers*, 2019). Attention was also directed at the important question of whether it was ethically satisfactory to have a majority of male legislators deliberate and take decisions on this issue, considering its impact on the bodily autonomy of women.

From a political perspective, this was seen as a strategy, wherein Republican state governments were passing such extreme statutes, in the hope of having them reach the Supreme Court of the United States. The current conservative majority in the said Court, commentators said, would then likely overturn *Roe v. Wade*, 410 U.S. 113, (1973) [hereinafter "*Roe*"], the landmark decision from 1973 which conferred the status of a fundamental right on abortion. There is weight to this concern, in light of the Supreme Court's recent overturning of a 40-year-old precedent in *Franchise Tax Bd. of Cal. v. Hyatt*, US, No. 17-1299, 5/13/19. Although unrelated to abortion, the decision saw Associate Justice Breyer worry, in his dissent, about other precedents meeting the same fate. In particular, he expressed concern for *Planned Parenthood v. Casey*, 505 U.S. 833, (1992), a leading judgment that had affirmed *Roe*.

This makes it interesting at this juncture, to review the discourse surrounding the right to get an abortion. This studyundertakes that task, in a three-pronged structure. Part I articulates the underlying issue, and sets the foundation for the rest of the paper. Part II outlines the historical background of the right, recalling relevant landmarks in the legal development of abortion as a practice. Thereafter, Part III lists out the key arguments for the protection of the right, and identifies the problems with the argumentation forwarded in anti-abortion scholarship, furnishing a breadth of original analysis, while drawing from leading judgments, and relevant philosophical doctrines. Lastly, Part IV summarises the discussion contained herein, and briefly records the conclusions proceeding herefrom.

The Issue.

The central issue this essay engages with is whether granting a pregnant woman the right to terminate her pregnancy is in conflict with, and secondary to, the right of the foetus to be born.

The authors will argue in favour of the woman's right to abort her pregnancy taking precedence over the 'right to *be born*' of the unborn child. However, it shall also be observed that the non-personhood premise, applied to the unborn child, makes an exceptionally weak argument in favour of abortion rights, as anti-abortionists today simply direct their objections at the aforesaid premise, conveniently disregarding the more pressing issues of ethics and justice underlying it. Through this paper, the authors shall further argue that *even if* an unborn foetus were to be granted legal personhood, an unwilling pregnant woman ought to be given the right to terminate her pregnancy.

Historical Background.

The practice of abortion is ancient, and can be traced to a variety of civilisational settlements, like Ancient Egypt (Potts & Campbell, 2009), China (Damian, 2010), the Roman Empire (Hopkins, 1995), etc. The most pertinent work on the practice, however, is perhaps that of Soranus of Ephesus, an Ancient Greek physician who authored the celebrated medical work *Gynaecology* (Temkin, 1991). Soranus' work constitutes an important analysis of the status of abortion in the erstwhile Greek society, where one faction of physicians considered it ethically impermissible to facilitate abortions, considering it to be a violation of the Hyppocratic Oath; while the other, to which he belonged, was open to prescribing abortions, only, however, if the mother's life was in danger.

Aristotle (Boer, 1979), in *Politics*, considered infanticide to be utterly condemnable as a means of population control, preferring abortion to the practice. However, he caveated this suggestion, by stating that the foetus ought not to have developed sensation or the capacity of feeling pain when the procedure was carried out. This view, again, though popular, was the subject of contestation, considering the evident difficulty in ascertaining the point at which a foetus would have developed such sentient capacities.

Pope Sixtus V (Brind'Amour, 2007), is the only Pope to have forbidden abortions prior to 1869. This ban was short-lived, with his pronouncement being overturned a mere three years later by his successor. This confused stance has continued to plague the Catholic Church ever since. As an institution it has oscillated between an absolute ban of the procedure, as was seen, until recently, in Ireland, and an entirely liberal approach to it, as is seen amongst most Catholics in the United States today.

Multiple other prominent instances exist throughout history, but the underlying crux of the matter remains the same: abortion is fundamentally a moral issue, where questions of personhood have become intrinsically linked. Scholars have struggled with determining the exact point at which personhood may be ascribed to the unborn foetus, and in general, a view in terms of a spectrum is favoured, ranging from the religious concept of *ensoulment* (when the soul enters the body), to the development of rationality (as Kant would put it). This very question of personhood forms the crux of the arguments and considerations put forward hereunder.

Analysis.

(A) BACKGROUND

Ms. Marge Berer, a Co-ordinator of the International Campaign for Women's Right to Safe Abortion, relying on a WHO research, notes six principal grounds on which abortion is allowed in the world today (Berer, 2017, pp. 13-15). These are:

1. Ground I - risk to life;

2. Ground II - rape or sexual abuse;

3. Ground III - serious fetal anomaly;

4. Ground IV - risk to physical and/or mental health;

5. Ground V - social and economic reasons;

6. Ground VI - on request;

If the grounds on which abortion is allowed in a country, are nearer to Grounds V or VI, the outlook towards abortion is considered liberal (Berer, 2017). while an approach which is closer to Grounds I or II, is seen as evidence of the country having a more conservative outlook to the procedure.

Ms. Berer further notes that abortion, despite being recognized as one of the safest procedures in the world, still results in an inordinately large loss of life - one in every six maternal deaths, as a result of being conducted in an improper fashion. The reason for this, she states, is that the procedure is still illegal in many jurisdictions. This compels women to seek out clandestine practitioners, often resulting in complications after the process is over. The WHO research she relies on, further found that the more liberal a jurisdiction is towards abortion, and the more accessible it is, the fewer the number of resultant deaths becomes (Berer, 2017, p. 15).

When looked at historically, it is interesting to note that large-scale bans on abortion were only enacted towards the end of the nineteenth century(Berer, 2017, p.14). The reasons proposed by the authorities advancing such bans were threefold:

1. Abortion was dangerous, and abortionists were killing a lot of women. This prompted state action from a public-health perspective - nevertheless, women still sought such procedures out;

2. Abortion was considered a sin or a form of transgression of morality, and the laws were intended to punish and deter such behaviour;

3. Abortion was restricted to protect fetal life (Berer, 2017, p. 14) (Craddock, 2017, p.541).

Ms. Berer argues that, given the safety of abortion as a procedure today, and the compelling arguments that exist to allow women to avail of the process, any *public health* argument falls out at the very outset. Indeed, disallowing abortion, even when it virtually guarantees success today if conducted properly, causes more harm than good to the cause of public health (Berer, 2017, pp.14-15).

Thus, what remains, are reasons 2 and 3 - moral impermissibility, and the protection of fetal life. These shall be elucidated on in the subsequent sub-section.

Legally, most scholars in favour of restricting abortion rights, take recourse to the second and the third reasons. Their logic attempts to prove that even an unborn child, regardless of the stage of pregnancy, is a "person" under the law, and, therefore, has rights. This again, is related to the reasoning provided in *Roev. Wade*, where the Supreme Court of the US upheld abortion, because they held that the foetus was not a person. Anti-abortion strategy is technical, and aimed at disproving this premise.

Writing for the conservative legal publication, *The Harvard Journal of Law and Public Policy*, of which Sen. Ted Cruz was an erstwhile executive editor, Joshua Craddock, a candidate at the Harvard Law School, states that the US Supreme Court has largely avoided the question of whether an unborn child is a person (Craddock, 2017, pp.539-541). His conclusion of the attitude of the Court towards this, can be summed up in the statement, "Who knows? So we'll say no" (Craddock, 2017, p. 541).

This sets the context for most of this debate. Driven mostly on originalist interpretations of the Constitution of the United States, religious stigma, and unilateral value judgments, conservative factions have always spoken out heavily against abortion (*Alabama's lawmakers*, 2019) although contemporary electorates are almost always in favour of according women such autonomy to some degree or the other (*Alabama's lawmakers*, 2019). Politicisation of the issue, is pursued to mostly cater to 'pro-life' communities within the conservative bastion of voters, like evangelicals in the United States.

At the other end of the spectrum, there are activist-groups which ask for an absolute devolving of the right to abort, onto the woman (Markowitz, 1990). That is, these groups demand that women should be allowed to terminate a pregnancy at any point of their choosing - even if it is in the third trimester. This, again, is not a popular standpoint, for many reasons, including, principally, the woman's health. Most individuals generally adopt a more moderate view on the subject - they prefer women wielding the right to abort; however, in the case of regular pregnancies, this preference is only up to the commencement of the third trimester(Berer, 2017). These facts provide a foundation for the rest of the deliberations contained in this essay. Before that, however, a few words ought to be said on 'Pro-Choice' demands.

(B) THE EXTENT OF DEMANDS FOR THE RIGHT TO ABORT: DECRIMINALISATION & DIGNITY

Ms. Berer notes that activists are vastly aligned with asking for the *decriminalisation*of abortion. However, their calls for "safe, legal abortion," (*Alabama's lawmakers*, 2019) are almost always with some qualifications - like allowing it until the commencement of the third trimester. An *absolutelegalisation*of the practice has, even when demanded, occasionally, by fringe movements, not witnessed international prominence or support. This warrants a questioning of what it is that 'decriminalisation' means in this context.

The answer to this is somewhat confusing. To date, Canada remains the only country to have *absolutely* decriminalised abortion, through its Supreme Court's decision in *R. v. Morgentaler*, [1988] 1 SCR 30. No other country, regardless of its political atmosphere, has gone so far as that (Berer, 2017). This seems to support the understanding of 'decriminalisation' as '*qualified legalisation*,' as opposed to its ordinary implication of a complete removal of sanctions against abortion accessed at any time, and due to any reason. As a practice, abortion exists mostly as an *exception* to the prevailing law; that is to say, certain grounds, as identified in the previous section, are provided, on the satisfaction of any or all of which, a pregnancy can be terminated. Contemporary calls are oriented towards widening these grounds, and bringing them closer, as far as 'morally' permissible, to Ground VI in Ms. Berer's study - that is, abortion on request, with certain qualifying conditions.

This leads to the emergence of a second question, but one that is equally important to answer. Why should abortion be permitted to such a degree? Prof. Reva B. Siegel, from the Yale Law School, observes that the reason is *dignity* (Siegel, 2008). This reasoning flows from *Planned Parenthood v. Casey*, 505 U.S. 833, (1992), the future of which Justice Breyer has expressed concerns about, as noted in the Introduction. *Planned Parenthood* considered it an affront to the dignity of a woman, for the State to regulate her decision to become a parent(Siegel, 2008, 1696-1700). This view largely resonates with abortion activism today as well. Parenthood, and the decision to raise a child, are integral and personal choices of the woman who shall become the said parent. Allowing the State to make that decision for her absolutely, would imply stripping her of her agency in the matter altogether. This would, thus, constitute a grave assault on her dignity.

Interestingly, the preservation of the dignity of a woman, has increasingly become a point of contention for pro-life activists as well. This was a prominent line of reasoning in *Gonzales v. Carhart*, 127 S. Ct. at 1632., a Supreme Court decision in the United States, which upheld the federal Partial-Birth Abortion Ban Act of 2003. The Act banned the practice of *intact dilation and extraction*, which is a surgical procedure that removes an intact foetus from the uterus, for procedures like late-term abortion and late-term miscarriages. The Court noted that the practice had a "*disturbing similarity to the killing of a newborn infant*," (*Gonzalesv. Carhart*, 2007, at 1632) and that the ban expressed respect for the dignity of human life.

However, the Court went further, and stated that the ban was also justified from the perspective of protecting the dignity of women. Relying on an *amicus* report on the basis of some affidavits, the Court held that it seemed "*unexceptionable to conclude that some women come to regret their choice to abort the human life they once created and sustained*," although it noted that it had found "*no reliable data to measure the phenomenon*,"(Siegel, 2008, p.1698).

Prof. Siegel wrote that it seemed particularly odd, even beyond that reasoning, for the Court to have included a discussion of women regretting having undergone abortion (Gonzales, 2008, p.1698), in that case. Especially so,

because the case was concerned with a *particular* procedure for conducting the *already-permitted* practice of abortion, and questioned only whether that *procedure* of performing it was permissible or not. The question was *not* whether women *generally* regret the procedure. Such concerns resonate with the situation today.

Protection of the dignity of women remains a subtle line of argumentation within the pro-life movement. It adds a shade to the third reason listed in Section (A), which is used to restrict abortion. On that note, this paper shall now evaluate reasons 2 and 3, from the said list in Section (A).

(C) IS ABORTION A TRANSGRESSION OF MORALITY?

This is one arm of the debate on allowing abortion to be an individual choice. Put simply, the argument of anti-abortionists,is that a woman ought not have the absolute right to decidewhether she can terminate her pregnancy. Their reasoning is that this would preclude the unborn, which might otherwise have existed as a human being, from exercising its *right to be born* - a derivative of its right to life. The rights of the foetus are dealt with in greater detail in the next subsection, while this one primarily deals with the extent of autonomy each side provides women. The anti-abortionists base their claim on the idea that an embryo is a fully formed miniature of an adult human being, a unit of life, and killing it, would thus be tantamount to killing a human on earth.

One stance in opposition, is the feminist argument regarding abortion. Taken to the extreme, the feminist stance would be, that "*an unborn conceptus at any stage of development cannot be considered a full human being, then its right to life is not absolute, rather it must be subordinated to the woman's right over her own body and life, which is absolute, just as men's rights are.*" However, feminism is a broad and amorphous subject, and multiple proponents, support the majority stance in the world today, that women ought to be allowed the right to abortion, until late stages in pregnancy - a point which is defined differently in different nations (Berer, 2007).

In order to consider which point is correct, the two stances ought to be juxtaposed. The authors should point out that they are considering only normal cases in this regard, that is, instances where the pregnancy did not result from any heinous crime, nor posed any threat to the life of the mother. In such exceptional situations, termination should, logically, be allowed even after the prescribed gestational limit. This is because the Right to Life of the mother, being absolute, takes precedence over that of the yet-to-be-born child, which was either conceived unwillingly as the result of a crime like rape, or which, if allowed to continue to subsist within the mother for the purpose of mandating its birth, would result in life-threatening consequences for her. This is an exception to this debate, and should not be restricted by the aforesaid limit.

In all other instances, the subsistence of the child is entirely dependent on the sacrifice of the mother, during the tenure of her pregnancy. The process itself, is both mentally, as well as physically, burdensome for the mother. To understand this principle, the following points may be considered:

1. Rights and duties, Hohfeldianjural correlatives, impose on the State the *duty* to protect the rights of the persons holding them. Let us start with the woman (Husik, 1924, 263);

2. Every woman, as a human being, is provided with the Right to Life and Personal Liberty, and, derivatively, the Right to Self-Dignity;

3. The conception and formation of the child is, *inter-alia*, contingent *biologically* on the mother, as opposed to its development into a functional human being post-birth, the responsibility of which can be shifted to other willing institutions like individuals willing to adopt and orphanages;

4. If the mother were to not have conceived, the foetus would not have existed, developed into a human being; entered society, and become capable of asserting Rights;

5. Thus, the very existence of the child, is *always* dependent on the *consent* of the mother, to accept all associated burdens and consequences until it is born;

Prior to delving further into this, a certain factor ought to be noted. The consent of the mother, in conceiving a child and agreeing to become its parent, is of a *continuing* nature. Until the child takes birth, and becomes an individual separate from the mother, who does not have any impact, adverse or otherwise, on the health of the mother; its existence is entirely dependent on, and, therefore, a derivative of, the existence of the mother. Throughout the period of the pregnancy, the mother is burdened with multiple restrictions and physical toils, and afterwards, she has a shared responsibility in raising the said child.

The decision to conceive, thus, is vested in the mother in any circumstance.

Now, the following point ought to be considered;

The child is incapable of self-assertion until it takes birth and becomes an extant moral member of society. Thus, its capacity for reason is merely contingent, and does not exist until the child takes birth.

This point should be elaborated in light of an argument against abortion focusing on Kant's conception of human dignity. The authors understand that there is an argument from that group about abortion being a degradation of the dignity of the unborn child. The authors would like to propose a counter. For abortion to qualify as a question involving the categorical imperative, the unborn child *would have to be recognized as a sentient and rational human being*. Kant says humans must respect other humans because they are rational, and this rationality, in addition to sentience, qualifies us as humans, and distinguishes us from mere animals. The categorical imperative is, of course, the unconditional duty that a follower of Kant would obligate himself to follow under all circumstances, in their dealings with other human beings. In light of the above, until the pregnancy comes to term, the foetus' capacity for reason remains *entirely* contingent. Thus, it is not really being dealt with as a fully functional human being yet, but simply as a contingency, incapable of any capacity for reason.

Therefore, the question of whether the baby can be terminated or not, would not necessarily be a question of the categorical imperative, but that of a hypothetical imperative, or a conditional question. For a woman whose life is at stake, it might be 'If you wish to continue living, undertake the abortion,' for a woman who does not wish to enter motherhood at that particular moment of time, it might be, 'If you wish to not assume the responsibilities of motherhood right now, you may undertake an abortion.' Note that the authors propose that this would be permitted under Kantian philosophy only because the unborn conceptus is not yet a human being, and thus, its abortion is not a consideration involving the categorical imperative. However, it ought to be noted that there are multiple flaws with the Kantian system itself, and doesn't need to be disproved beyond that point. For instance, it is arguably incapable of including certain mentally handicapped members of society as well. Thus, it cannot be taken as the predominant model of morality in all circumstances anyway.

In the light of the above, the transgression of morality argument falls. If a woman undergoes an abortion, she is simply *withdrawing consent*. The existence of the child as an individual is still prospective, and therefore, the *right to life* of the child is prospective as well. The consideration showcases that mother is the *only* person, and she is *the only* individual wielding rights. Taking this away from her, would, ironically, amount to a moral transgression.

Let us substantiate this point further. Even in the event that one considers the baby to be a person, abortion can still be argued to be justified on a line of reasoning. The baby might, again, be recognized as having no moral capacity yet. However, this factor is not critical. Moreover, in this case too, the mother shall have withdrawn her consent - the nature of which was explored above - to undergo the vast array of changes, hormonal and otherwise, to her body, caused by her support of the unborn child. Simply cloaking the future interest of this non-developed conceptus, which is still biologically a part of the mother, and every characteristic of which is contingent and uncertain - is, in essence, nothing more than an empty value-judgment. It is derived from a vague sense of normative correctness which flows from placing obligations on women without their consent.

As a thought experiment, consider this, if an otherwise innocent person, A, were to come and attempt to kidnap another, B, to forcefully take a kidney of the latter without his or her consent (considering, of course, that B has

two healthy and functional ones), because he or she would die unless she got a transplant, society would label B a victim and allow him or her to kill A, if the situation demands, in self-defence. This is because human beings would consider such an act immoral. Why? Because it assaults the fundamental dignity of B. We place an incredible weight on physical and biological assaults, because of their proximity to the victim's life and dignity. Even if B, in the above example, were to have promised Aa kidney and then changed his or her mind, society would still not take away from B the right to self-defence.

This finds an overlap with the logic advanced by Chief Justice Dickson in *Morgentaler* (*R. v. Morgentaler*, 1988, p.63), who held that "[f]orcing a woman, by threat of criminal sanction to carry a foetus to term unless she meets certain criteria unrelated to her own aspirations and priorities," was violative of her right to security of person under Section 7 of the Canadian Charter of Rights and Freedoms, which protects individual autonomy and personal legal rights from actions of the government.

Also, notice that this is significantly different from *supporting a person financially*. Anti-abortionists often use analogies like caring for one's elderly parents instead of killing them. Such ideas are wholly out-of-context. *Financial* demands are never the equivalent of *directlybiological* demands. One's body is a fundamental component of their life. Their financial standing is derivative. For example, if A, in the above example, were to attempt to steal a considerable sum of money from B; in most circumstances, B would still not have the right to *kill* A. Such arguments suffer heavily from a strawman fallacy, and do not really affect the arguments of the pro-abortion faction adversely.

To conclude this point it should be understood that the responsibilities of bringing up a child which has been born can be validly carried out through proxies, or transferred to other entities, while the biological requirements involved in being a pregnant woman cannot be transferred to some other willing candidate. If adoption is an option, it is only an option post-birth, because such responsibilities as care-giving, and financially taking responsibility of a child, can be transferred to the willing candidate only because the child can be severed from the personality of the mother. This isn't the case when the mother is pregnant with the child. The demands are biological, and impact the mother *directly, personallyand mandatorily*, thereby giving her personality, and the rights associated with it, preference in the moral calculus.

In the light of the above, it really would be an infringement of the pregnant woman's dignity to require her to carry the pregnancy to term. As a final example, it may be noted, that just like we do not *compel* an individual to donate a kidney to a patient direly in need of one (again, considering that the said individual has two healthy and functional ones), it becomes morally abhorrent to compel the non-consenting woman to go through such duress to give birth to the unborn. This would amount to an imposition of majoritarian morality on the unwilling woman, and hence, gravely problematic for her individual dignity.

(D) RIGHTS OF THE UNBORN V. RIGHTS OF THE MOTHER

The authors shall now consider the unborn conceptus' *right to be born*, that anti-abortionists stress on, in this debate. Consider this: the *only* grounds on which abortion, can be argued against, would be religious grounds (if any religion does not permit it, and the same is constitutionally protected), and moral grounds (where the baby is recognised as a human being). Some targeted counters can be advanced in this regard:

1. Even in the worst scenario, enforcing the beliefs of a particular religious community on the entirety of the members of the modern, secular State, which might well consist of members who do not subscribe to the said viewpoints, would be morally reprehensible, as it destroys the agency of the said members and imposes the viewpoints of the majority (against abortion) on them. This directly conflicts with the secular character of the State, and degrades the dignity and agency of the woman in consideration;

2. The morality ground has already been highlighted and disproved above. The standards for personhood are ill-defined. There exists no consensus among individuals from the medical sciences, philosophers, jurists, etc. as to some uniform basis for ascribing personhood to the unborn conceptus. Even within the mentioned categories, consensus is often difficult to manage. Some ascribe personhood to 'ensoulment' (Stith, 2006), while

others follow St. Thomas Aquinas' individuation argumen (Kenny, 1987); some prefer attaching personhood to the *quickening* landmark in pregnancy, while others may regard some other biological stage of development in the foetus as warranting the attachment of personhood; some may regard consciousness as its beginning(Schiff, 2002, p.42), while others may consider the emergence of rationality (Kant) to be a marker. This makes evident that such factors are mostly value-judgments, and are unsettled. Thus, if personhood is simply a tool used in the interests of policy, the authors would submit that it be used to further the interests of as many *actual, individual* members of society as possible. It is obvious that a foetus neither knows of our moral code, nor exists as a separate being. The pregnant woman, however, does exist as such, and faces enormous sacrifice throughout her pregnancy. If the mother does not consent to the same, and wishes to manage her autonomy in a certain manner, the authors would, in light of the trailing analysis, submit that she has a right to do so.

3. Finally, *even if* the unborn conceptus were to be considered a person, a pregnant woman would be under no compulsion to *biologically* support the conceptus at her own expense if she does not consent to it. It is morally impermissible to require an individual to compromise on their biological integrity and their dignity simply because third-parties wish to impose their sense of normative morality on her.

This proves that the Rights of the pregnant woman take precedence over those of the unborn child, because (a) she is unarguably a person, governed according to laws that she validly, individually, participate in, (b) the foetus' coming into existence is a contingency dependant on the pregnant woman's continuing consent, and (c) the foetus is not a separate moral or biological entity - its very existence is dependant on the biological faculties of the pregnant woman, and its formation is totally derivative of the way in which the mother manages her body. There does not exist any universally agreeable basis for granting rights to the unborn conceptus, and allowing them to supersede the certain, distinct, and fundamental rights of the pregnant mother.

Conclusion.

From the discussion above, it can be said that anti-abortion rhetoric is deeply flawed. Evaluatively, it is entrenched in normative conceptions of morality, which are not really backed by proper reasoning. Value-judgments of this kind have long been the force behind society's targeted assault on female dignity.

Pro-choice theory revolves around understanding the implications of female dignity. It takes an objective view of the kinds of demand that such value-judgments, mostly the product of patriarchal structures, put on women. It shows that the sheer force of the biological assault that such requirements place on a woman, is unjustified on a principled level. Implementational aids, like adoption, and contraception are not the issue here. The issue is our collective sense of female agency, and its evolution. The issue is our collective understanding of the implications of female consent and its withdrawal, and according to it the respect that is due.

This paper aims to have provided a comprehensive and comprehensible perspective on abortion and the questions of morality that surround it. It has relied on leading scholarship, and relevant judgments on the topic. Lastly, it has attempted, as far as possible, to undertake an objective evaluation of the issues at play. As a final disclaimer, the thoughts expressed in this paper are the authors' own, and any fault connected therewith is entirely theirs.

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