

MY BODY MY RIGHT: FROM FEMINIST PERSPECTIVE ON ABORTION

Dr. Koyel Koley

Faculty, Department of Philosophy
Sovarani Memorial College
Kolkata, India.

Abstract : *Feminist perspectives on abortion focus on a fact the moral implications of which are either overlooked or considered unimportant by most other disputants in the debate. This is the fact-floating entity about whom questions of potentiality and personhood arise as though in a vacuum. Rather a fetus is a being whose existence and welfare are biologically and morally inspirable from the woman in whose body it develops. From a feminist perspective the central moral subjects of the abortion question are thus not only, or not primarily, fetuses but women.*

Within an influential strand of the feminist philosophical literature it has been usual to understand the moral dilemmas arising from this unique relationship between a fetus and a woman in terms of a conflict of rights and to defend a woman's right to abortion via the notion of bodily autonomy. In its crudest form, the alleged conflict is between (a) the right to life of the fetus, a right based on the presumption that it is a being deserving of some moral consideration, and (b) the right of the woman to bodily autonomy, that is, her right to decide what happens in and to her body. The paper examines the problems associated with feminist articulations of rights claims and other alternatives for advocating reproductive freedom.

Key words : *Biological, Fetus, Moral, Reproductive freedom, Woman's right.*

1.Introduction :

From a feminist perspective, the central moral feature of pregnancy is that it takes place in women's bodies and has profound effects on women's lives. Since only women experience a need for abortion, policies about abortion affect women uniquely. Therefore it is important to consider how proposed policies on abortion fit into general patterns of oppression for women.

Feminist ethics promotes the value of reproductive freedom which is defined as the condition under which women are able to make truly voluntary choices about their reproductive lives. In addition to reliable and caring abortion services, women also need access to safe and effective birth control, which would provide them with other means of avoiding pregnancy. Again, it is important to stress that feminist accounts do not deny that fetuses have value. Feminists positively value fetuses that are wanted by the women who carry them and oppose practices that force women to have unwanted abortion. Although feminists are often found as being supporters of the right to abortion, it will be seen that the feminist case can be argued very well on both sides of the issue.

In the context of women's rights, the issue is often presented not as a moral issue but as a political issue — not so much as to whether abortion is ethically wrong, but whether women should be prevented from having abortions if they want them.

There is also a second political ground, namely, that women cannot choose freely whether or not to abort a pregnancy unless they also have the right to the necessary support if they are to continue pregnancy.

To put it in another way, women should have the right not to be pushed towards abortion because of poverty or lack of family support.

The women's rights argument for abortion involves not only placing an appropriate value on the lives and freedom of women, but also accepting that it may sometimes be permissible to sacrifice the life of a fetus. Infact, in its crudest form, the alleged conflict is between a) the "right to life" of the fetus, a right based on the presumption that it is a being deserving of some moral consideration, and b) the right of the woman to bodily autonomy, that is, her right to decide what happens in and to her body.

2. Objectives of the Study

→ To study the right of the fetus whose existence and welfare are biologically and morally inspirable from the woman in whose body it develops.

→To study the right of the woman to bodily autonomy,that is,her right to decide what happens to her body.

3.Material and Method

This is a descriptive study. A part of my doctoral thesis. Data has been collected from journals, articles, books, magazines and websites.

4.Results

In this paper I intend to show that pregnancy is not simply a biological event with respect to which women are passive. Rather it is an active process and a social process, which places women in a situation of moral responsibility—namely, decision responsibility – namely decision responsibility. Further, the approach to abortion must address women's reproductive needs to balance the systematic oppression they face because of gender, race, class and ethnicity.

5.Discussion

5.1 Women's Rights Argument For Abortion :

Here are some of the women's rights arguments in favour of abortion:

- A woman has a moral right to decide what to do with her body.
- The right to abortion is vital for gender equality.
- Abortion is not murder: the so called "Pro-life" Movement is Anti-woman.
- Abortion is Self-Defence.
- Abortion affects woman disproportionately.
- Banning abortion puts women at risk by forcing them to use illegal abortionists.

- The right to abortion should be a portfolio of pregnancy rights that enables women to make a truly free choice whether to end a pregnancy.
- The responsibility of determining the value and the moral standing of the fetus must rest with the woman.

These arguments remind us that even in the abortion debate we should regard the women as a ‘person’ and not just a “container” for the fetus. We should, therefore, give great consideration to her rights and needs as well as to those of the unborn.

5.2 A woman has a moral right to decide what to do with her body.

Many people regard the right to control one’s own body as the key to moral right. If women are not allowed to abort unwanted fetus they are deprived of this right.

The simplest form of woman’s rights argument in favour of abortion goes like this:

- a) a woman has the right to decide what she can and cannot do with her body.
- b) a fetus exists inside a woman’s body.
- c) a woman has the right to decide whether the fetus should remain in her body.
- d) therefore a pregnant woman has the right to abort the fetus.

The issue brings many ideas about human rights into sharp focus.

- 1) Every human being has the right to own his or her own body.
- 2) A fetus is a part of a woman’s body.
- 3) Therefore, the woman has the right to abort a fetus she is carrying.

That is to say, a woman has a right to her own body, and if she chooses to abort, then all efforts should be made to protect the woman from injury. To rule otherwise would be to deprive her of this right. This claim involves that, even if a fetus does have a right to life, the woman’s right to bodily autonomy overrides that right. On this view then, the ‘right to life’ of the fetus, to the extent that it has such a right, cannot possibly outweigh the right to bodily autonomy. Banning any type of abortion to “protect the fetus” necessarily grants rights to the fetus. If a woman has no right to her own body, then by what logic does a fetus (which, by definition, is a biological parasite) have a right to the woman’s body? It is only at birth that the infant becomes a member of the human moral community in its own right because its relationship with its mother and other human beings changes significantly. It is a woman’s individual right—to her life, to her liberty, and to the pursuit of her happiness—that sanctions her right to have an abortion.

Thus, if it is a common claim that a woman ought to be in control of what happens to her body to the maximum extent possible, that she ought to be able to use her body in ways that she wants to, and refrain from using it in ways that she does not want to. This right is particularly pressed where certain uses of her body have deep and lasting effects upon the nature of her life— personal, social as well as economic. Therefore, it may be argued that a woman should be free either to carry her fetus to term, thereby using her body to support it, or to abort the fetus, thereby not using her body for that purpose.

Some argue that, even if the fetus has a right to life, abortion is morally permissible because a woman has a right to control her own body. The best known variant of this argument draws an analogy between facing a woman to continue an unwanted pregnancy and forcing a person’s body to be used for another person suffering from kidney failure.⁷ In this paper Thomson argues that, even if the embryo /fetus is said to have a right to life, yet abortion is permissible in some circumstances. Her central argument revolved around a thought experiment. Imagine, Thomson says, that you wake up in bed and find yourself next to a famous violinist. He is unconscious with a fatal kidney ailment; and only because you happen to have the compatible blood type to help, the society of Music Lovers has kidnapped you and plugged your circulatory system onto his, so that your kidneys can function as a dialysis machine for him. If he is disconnected from you now, the violinist will die; but in nine months he will recover and can then be safely unplugged from you. Thomson argues that you may permissibly unplug yourself from the violinist even though this act would kill him. No doubt the violinist has a right to life, Thomson contends, but this right does not entail the right to use another person’s body. In short the violinist has no right that would entail an obligation on your part to extend to him the continued use of your body. He could benefit from your being a ‘good Samaritan’ but he does not have a right against you on that matter. Thus, in Thomson’s view, disconnecting the violinist from you do not violate his right to life, but merely deprives him of something—the use of your body—to which he virtually has no right. Similarly, even if the embryo/fetus has a right to life, it does not have a right to use the pregnant woman’s body. In other words the pregnant woman is not obligated to keep the fetus attached to her body, especially, if the fetus threatens her life. Thus abortion, in atleast some circumstances is permissible. However, Thomson notes that, the woman’s right to abortion does not include the right to directly insist upon the death of the child, should the fetus happen to be viable, that is, capable of surviving outside the womb. In other words on Thomson’s view, the right to an abortion does not entail a right to commit infanticide.

However, a number of different aspects of responsibility are often conflated in the abortion debate. First, we should distinguish causal responsibility from moral responsibility. By causal responsibility we mean simply responsibility for the direct causal consequences of one’s actions. In this sense, a woman can be said to be responsible for the existence of the fetus (for she voluntarily engaged in sexual intercourse, knowing that it can result in pregnancy. If she then becomes pregnant, she is causally responsible for the fetus inside her body.).

However, causal responsibility for the existence of the fetus, the feminist would argue, does not necessarily imply moral responsibility for maintaining the fetus’ existence inside the body. Infact in pregnancy the assumption of parental responsibility necessarily involved certain commitment towards, the fetus. In other words the decision to continue a pregnancy is a decision to assume responsibility for the well being of the fetus. Pregnancy is not simply a biological event with respect to which women are passive. Rather it is an active process and a social process, which places women in a situation of moral responsibility—namely, decision responsibility —this is because fetuses are morally significant beings since they are potential persons and, further, the decision to commit or not to commit oneself to the existence of such a future person has far-reaching implications for the woman’s own life, as well as for the lives of others. Let us consider this position a little.

In Thomson’s argument pregnancy emerges as a kind of contract between the woman and the fetus, such that she contracts with it to allow it to use her body for the required period until it is able to survive without her. In Thomson’s violinist example the problem seems to be that the unwanted fetus attempts to use a woman’s body without her having contracted with it to do so (as in case of pregnancy due to rape). It is this factor which makes abortion permissible in this case. Thus, on this view, the fetus represents a potential threat to the woman’s bodily autonomy up to the moment of birth. It seems that underlying this ‘property-contract model’ of bodily autonomy is a very inert view of pregnancy in which pregnancy is represented as a purely biological process with respect to which women are passive. It is, as though, having agreed to the terms of the contract, the woman simply allows her body to be used by the fetus. But the relationship between the

woman and the fetus is a very special and intimate one. The fetus is not simply a stranger who contracts with the woman for the use of her body, neither is it an absolutely separate being growing within her body—thus its very existence places her in a situation of moral responsibility.

Hence, to think that the question of autonomy in abortion is just a question about preserving the integrity of one's body boundaries and to see the fetus merely as an occupant of the woman's uterus, is to divorce woman's bodies from their subjectivities. The body is one's mode of being in the world, hence changes to one's body do affect one's relation with the world. In pregnancy, the gradual differentiation and development from within her own body of another being, which is now a part of herself, affects a woman's mode of being in the world both physically and morally, and re-shapes her sense of self. Thus in pregnancy, questions about the fate of the fetus cannot be separated from the issue of a woman's right to self determination. The question about the morality of abortion, then is not simply a question concerning personhood and fetal status, but more fundamentally about women's self-determination.

Thus, in some contexts in which this argument is advanced, it is clear that it is not addressed to the issue of the morality of abortion at all. Rather, it is made in opposition to laws against abortion on the ground that, the choice to abort is a moral decision that should belong only to the mother. In other words, here we use this principle as a putative ground tending to show the permissibility of abortion, with the claim that, because it is the woman's body that carries the fetus and upon which the fetus depends, she has certain rights to abort the fetus that no one else can have.

6. Conclusion :

The feminist ethics framework views the situation of the pregnant woman considering abortion as part of a social system. A central moral feature of the argument is that pregnancies take place within woman's bodies and have profound effects on their lives. The other central argument is grounded in women's status—their social and family roles and responsibilities, their secondary status in most spheres of activity and male-centred work cultures and employment policies.

Within this framework, it may be argued, women should be the judge of whether abortion is an appropriate response to a pregnancy. It is inappropriate to lay down abstract rules for when a decision to abort or not is "right". Women's deliberations will involve considerations of their commitments to the needs and interests of everyone concerned, including the fetus. Women should be considered as full moral agents, responsible for making moral decisions. Women must have the freedom and the authority to control their reproduction, free of male dominance and oppressive conditions of poverty and subordination.

This argument might seem to fall within the libertarian framework which holds individual rights sacred and absolute. However, it is based on an analysis of empirical realities recognising the 'individual in isolation'. Its appeal is not so much to the woman's right to bodily integrity, but to privacy and pursuit of happiness. It is based on two fundamental principles: human beings have "the right to a full human life and whatever is necessary to achieve this", and "decisions should be made by those, and only by those who are importantly affected by them." Since it is the woman who will probably be responsible for rearing the infant to adulthood if it is born, the decision to have or not have the child must be hers.

Further, the approach to abortion must address women's reproductive needs to balance the systematic oppression they face because of gender, race, class and ethnicity. For example, women from poorer families are much more affected by the lack of access to abortion. Thus, the two reinterpreted principles—the notion of a 'relational' autonomy and a redistributive justice—and the feminist perspective of 'personhood' together justify women's rights to abortion from the ethical point of view.

Acknowledgement:

First of all I would like to acknowledge Almighty God without whom I could not be able to do what I am doing. I would like to thank Prof. Roma Chakraborty of Calcutta University for guiding me to be a skillful researcher. I would like to thank Mr. Somnath Maji and Ms. Moumita Dey for their immense support in preparing my research work. I would also like to show my gratitude to the editor board of Journal of Research.

Reference :

1. Mary Anne Warren: On the Moral and Legal Status of Abortion.
2. Implantation is an event that occurs early in pregnancy in which the embryo adheres to the wall of uterus.
3. Warren, "On the Moral and Legal status of Abortion". op.cit, supports this distinction by outlining five criteria for personhood, specifying that a person need not satisfy all these criteria but that a being which satisfied none of them could not be considered a person. The five criteria are: consciousness, reasoning, self-motivated activity, the capacity to communicate, the presence of self-concepts and self-awareness.
4. Judith Jarvis Thomson, A Defence of Abortion.
5. 'A Defense of Abortion', David Boonin. New York: Cambridge University Press, 2003.
6. <http://www.wikipedia.com>.
7. <http://www.wikipedia.com>.
8. www.wikipedia.com, 'Woman and Abortion', reproduced by permission.
9. Tong R. Feminist Approaches to Bioethics: Theoretical Reflections and Practical Applications USA: West View Press, 1997. Willis E. Putting Women Back Onto the Abortion Debate. Village voice, July 16, 1985; pp. 15.
10. Sherwin S. No Longer Patient: Feminist Ethics and Health Care. Philadelphia: Temple University Press 1992.
11. Jagger A. Abortion and a Woman's Right to Decide. I: Carol CG, Wartofsky MW, (eds). Women and Philosophy: Toward a Theory of Liberation. New York: Putnam's 1976.
12. Warren M. "On the Moral and Legal Status of Abortion", In Beauchamp T. and Walters LE (eds.) in Contemporary Issues in Bioethics, California: Dickenson, 1978, pp. 217-228.
13. Petchesky R. Abortion and Womans' Choice: The State, Sexuality, and Reproductive Freedom. Boston: North Eastern University Press, 1985.

AUTHOR'S PROFILE

NAME : DR. KOYEL KOLEY
AFFILIATION : FUCULTY, DEPARTMENT OF PHILOSOPHY,
SOVARANI MEMORIAL COLLEGE.
TEACHING EXPERIENCE : FROM 2004 ONWARDS.
QUALIFICATION : M.A. [GOLD MEDALIST] (C.U), 2004
SPECIALIZATION : LOGIC, PH.D (C.U), 2014
TITTLE OF THESIS : “The Abortion Controversy : From Medical, Legal and Moral Perspectives.”
RESEARCH EXPERIENCE : FROM 2007 ONWARDS.
SCHOLARSHIP OBTAINED : 1. Anil Chandra Gupta Memorial 2003
2. Ramuttam Bhabataram Sontosh kumar Bhattacharya 2004.

