

Is it moral to kill an innocent person? The moral dilemma of abortion

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Abstract— Abortion is one of the most difficult moral issues in health care. The decision of abortion is very controversial, because it involves two people: the one who threatens the life and the one without any fault whose life is threatened. The moral issue that has been raised with abortion is the rightness or the wrongness of abortion, and the debate between proponents and pro-life focuses on the personhood of the fetus and the right of the mother. Different moral perspectives will be presented in this paper, representing those who regard themselves as pro-choice and those who see themselves as pro-life. The main purpose of this paper is to give a comparative analysis and not to convince people to accept one view and reject another, as well as, the moral responsibilities of nurses toward abortion.

Index Terms— Abortion, Personhood, Fetus, Moral value, Mother's rights, Nurses.

1 INTRODUCTION

There are many moral issues that have been raised in health care, but abortion is one of the most difficult moral issues that involve at least two people. Brody (2008) mentions that abortion involves the one who threatens the life and the one without any fault whose life is threatened. Different moral perspectives will be presented in this paper, representing those who regard themselves as pro-choice and those who see themselves as pro-life. The main purpose of this paper is to give a comparative analysis and not to convince people to accept one view and reject another.

Abortion is defined as the "expulsion of the human fetus before it is capable of surviving outside the womb" (Charles 1991, as cited in Grisanti, 2000, p. 170). The basic ethical issue that has been raised with abortion is the morality or the immorality of abortion. Most of those who think abortion is wrong or immoral believe that the fetus is a person from the onset of pregnancy and has the right to live. However, proponents see the fetus from the moment of conception until before delivery as a human being that has not met the criteria of personhood; therefore, it does not have the right to live and the mother has the right to end the pregnancy (Thomson, 2008 & Pence, 2007). Abortion supporters distinguish between a human being and a person according to certain criteria: they believe that "'human' is a factual, biological term whereas 'person' is an evaluative term, implying a right to life" (Pence, 2007, p. 178).

The complementary second ethical issue associated with abortion is the woman's personal right over her body and the life of the unborn child. From the proponent perspective, it is a common view that the woman has a right to care for her body and control what she wants to do or not to do without any repression of that right. Moreover, proponents believe that abortion is a moral decision

that belongs only to the woman, and she is able to accept or reject using her body for something that may affect her life physically, socially, and economically; therefore, the woman should be free to decide whether she wants to carry her fetus or to abort it (Brody, 2008). Grisanti (2008) represents other pro-abortionist and anti-abortionist perspectives regarding the moral decision of abortion. Proponents do not see themselves as anti-life; they consider themselves as choice supporters, even though they see fetus as a human being and not as a person who has the right to live. Similarly, opponents also regard themselves as supporters of the woman's right to care for and control her body. However, they see that abortion touches not only mother's life, but also touches the life of the fetus. Therefore, the mother should not have a right to control the unborn child's life.

Thomson (1971) argues that the fetus is not a person who has the right to life from the moment of conception or in the early term. She states that "a newly fertilized ovum, a newly implanted clump of cells, is no more a person than an acorn is an oak tree" (p.267). Moreover, Thomson asserts that abortion is morally permissible, and that woman should still have the right to abortion and to control what happens to her body even if the fetus were a person and had the right to life. On the other hand, Marquis (1989) does not argue the issue of abortion as it is always presented by other opponents. He observes that human beings have a strong intention to continue their lives; therefore, the discontinuation of the life of a human being is immoral, especially where that being has a valuable future. Marquis points out that in "any killing where the victim did have a valuable future like ours, having that future by itself is sufficient to create the strong presumption that the killing is seriously wrong" (p. 6). Then, he presents the idea that the fetus has a valued future; therefore, killing a fetus is morally wrong. Furthermore, Marquis claims that abortion is a process of killing a fetus; therefore, he believes that abortion is morally wrong and interferes with the fundamental desire of a human being.

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2 ABORTION AND PERSONHOOD

Most of the pro-choice and anti-abortionists agreed with

the analysis that killing an innocent person is a morally wrong action, and if the fetus satisfies the criteria of a person, it is prima facie immoral to terminate its life. Therefore, abortion is prima facie morally wrong. However, oftentimes, disagreement arises about the personhood of the fetus; in other words, what is a person? And when does the fetus become a person? (McBrayer, 2007).

2.1 What is a Person?

Anderson (2000) defines a person as "any entity that has the moral right of self-determination" (Para.3). He points out that person is a moral concept; it is that kind of being that has the moral right to choose to have life without any interference from others. If we look at abortion from the perspective of Christianity, then let us first consider what God says in the Holy Bible about human beings. In Genesis 2:7, the Bible states "then the Lord God formed the man of dust from the ground and breathed into his nostrils the breath of life, and the man became a living creature." In addition, in Exodus 20:13, God commands us to protect the life of the innocent person. Additionally, from the Muslim perspective, in the Holy Qur'an, God describes how he creates people from inanimate substance. He says:

And indeed we created man (Adam) from an extract of clay (water and earth). Therefore we made him (the offspring of Adam) as a Nutfa (mixed drops of the male and female sexual discharge and lodged) in a safe lodging (womb of the woman). Then we made the Nutfa into a clot (a piece of thick coagulated blood), then we made the clot into a lump of flesh, then we made out of that lump of flesh bones, then we clothed the bones with flesh, and then we brought it forth as another creation. So blessed is Allah, the best of creators. After that, surely, you will die (Al-Hilali & Khan, 1984. pp. 455-456).

These two religions (Christianity and Islam) have an agreement that God created all human beings and distinguished them from other creations; therefore, the lives of all innocent humans must be protected and not be threatened on request. That leads us to the conclusion that the creation of a person should not be caused by us to die without realizing its purpose. According to the Abrahamic faith traditions, a person is created for a sacred purpose. Therefore, a person is a complete moral system, and the life of any stage of the fetus' development should not be terminated because it has moral value.

2.2 When does the fetus become a person?

It is very often that people use the term "person" as an alternative or synonym for "human being." However, Pence (2007) and McBrayer (2007) show a clarification from the 1970's by Mary Anne Warren: A human being is determined by the right types and numbers of chromosomes that an entity has; a person, on the other hand, is a moral notion holding that persons, as community members, have equal moral rights. Moreover, both Anderson and McBrayer mention some properties that are necessary for an entity to be a person, such as the ability to speak a language and make moral judgments, intelligence, soul, and self-awareness. These

characteristics collectively make up the cognitive criterion. Warren (1973) argues that a fetus in any stage of its development does not meet the basic criteria for being a person, and it does not have the same moral right that any person has in the moral community.

Critics of the cognitive criterion argue that defining a person based on the cognitive criterion cannot be a legitimate answer to the moral question of abortion or determine when a human being should not be protected. It not only threatens the fetus as a potential person, but also does not protect human beings who have lost their cognitive capabilities or those whose cognitive functions are primarily absent, as in the late stage of Alzheimer's disease or some mental disorders (Pence, 2007).

Philosopher Pence also mentions two more criteria (the genetic and the neurological) that define a person. The supporters of the genetic criterion argue that when the ovum is fertilized, it creates an embryo; then, the embryo has all the potential to become a person. With that intent, however, they set a distance between the potential to be a person and being a person and free the embryos from the moral values that potential personhood has assigned to them. This analysis makes it unclear when it comes to distinguishing between being a human being and being a person. According to Pence, the genetic criterion is refuted; human genes without the moral concept cannot define a person. For example, a dead human is no longer a person even though the body still has sufficient types of genes; therefore, this criterion is no longer active. The third criterion for personhood is the neurological criterion. It has fewer moral problems than cognitive and genetic criteria. In this standard, detectable brain waves are what define a person. Since the fetus in the third-term develops a brain and adults in a persistent vegetative state still have brain waves, this criterion considers both of them as persons.

According to Charlier, Le Gentil, Brun, and Hervé (2013), the concept is that the fetus in the French Laws of Bioethics is no more than a part of the mother's flesh. A fetus is not a person and does not have any legal status until it meets the criteria of a person at the moment of birth. Some philosophers even disagree with the claim that the fetus is a potential person or already a person. They believe that the fetus has a weak moral position and its weakness gives permission to terminate its life when it comes to benefiting others. Similarly, some believe that awareness of one's personhood is what differentiates a person from a thing. However, the problem that arises from this analysis is that we do still consider children and young people as persons.

3 THE FEMINIST VIEW: REFRAMING THE ARGUMENT FROM MORALITY TO CIVIL RIGHTS

The United Nations' Department of Economic and Social Affairs (2011) mentions that abortion is permitted based on several grounds: 1) for the saving a pregnant woman's life, 2) protecting women's physical and mental health, 3) in case of rape, incest or fetal impairment, 4) for socio-economic reasons, and 5) is permitted on request after a woman justifies the reason for abortion. In some countries, a woman who requests

abortion has to meet certain procedural requirements in order to have legal abortion. This perspective leads some to the conclusion that even the legal system realizes the moral values that associate with abortion.

However, in the early of 1970's, the argument to legalize abortion in the United States was shifted from its moral moorings to becoming a civil right, in terms of equality between men and women. Gender egalitarianism was one of the major issues in the movement of woman's fundamental rights; egalitarianism could not be reached without women having the right of control on their own reproductive lives. Therefore, the argument was to give all women, regardless their social and economic class, the right to control over their bodies. To consider this demand as a right, it needed to be legalized in order for women to have access to a safe and healthy abortion. Moreover, in some states that restrict abortion, abortion has been shifted to become a privilege instead of civil right. Poor women have experienced challenges in receiving affordable and good quality healthcare. Institutions and agencies refuse to fund or provide healthcare services regarding abortion; therefore, women demand legalizing their right to terminate their pregnancy with a legal and safe abortion (The National Woman's Law Center, 2014).

Women's rights in society comprise the second issue that has shifted the phenomenon of abortion away from its moral context. Pomeroy (2008) presents abortion from a feminist pro-choice viewpoint stating that abortion is an integral part of a woman's fundamental right. Feminists believe that "without abortion, women would unjustly be forced into motherhood. From a feminist standpoint, denying the right for women to choose to have an abortion forces them into submissive roles in society" (Para. 5). Many women also believe that pregnancy puts them in a second-class citizenship which limits their opportunity to have an education, a career, and quality healthcare. Before abortion became a legal issue, women had two choices: 1) to continue their pregnancy even if it was against their will, or 2) to have an illegal abortion which could put their own bodies at risk by experiencing an unsanitary and hazardous medical procedure. Therefore, women demanded the legalization of abortion to insure that they would have access to a safe and sanitary procedure and also to exercise their personal right to control their own bodies.

4 THE NURSES' LEGAL AND MORAL RESPONSIBILITY

According to McLemore and Levi (2011), in 1973, all state laws that restricted elective abortion, especially in the first trimester, were invalidated by the Supreme Court decision which is known as the case of *Roe v. Wade*. Even though abortion has been permitted and grounded in the developed countries mostly for medical and economic reasons, and not because of the movement in the gender and social equality between men and women, nurses have faced the moral challenge of being involved in an abortion procedure.

Since abortion has become legalized, nurses have experienced a moral distress as a result of the complexity in their professional core values concerning abortion. Laabs (2007) argues that advanced practitioner nurses are well trained and capable of performing most of the procedures that are relative-

ly simple such as abortion. Also, some states do not require only physicians in their abortion provision. However, Laabs states that nurses should not perform abortion even if they are allowed by law. She also states that "to become abortion providers would violate the integrity of the nursing profession and cause harm to mother and child. Both unborn children are patients for whom nursing professes to advocate and protect" (p. 381). Moreover, nurses should perform their role to protect the health of the unborn babies as they do with the born ones. The issue of respecting patients' autonomy should not move nurses out of their professional responsibilities in terms of providing fair nursing care.

Every healthcare discipline has ethical principles that are represented by its own core values; these principles usually frame care providers' rights and the duties inside a health institution. Sonfield (2005) mentions three professional core values that are in conflict when a care provider is involved in the abortion decision or procedure. The principle "beneficence" refers to all actions that are done to promote the good for an individual, group, and community. This principle goes along with "non-maleficence" which obligates care providers to avoid harm. Similarly, the values "promote justice" and "respect for client autonomy" require providers to avoid discrimination and respect clients' decisions regarding their health. Therefore, abortions put nurses in a moral distress for they cannot balance between these values if they are obligated to perform abortion. From a nurse perspective, whether or not abortion interferes with nurses' personal beliefs, nurses cannot be involved in an action that threatens the life of an innocent person because such an action interferes with their professional ethical principles. Therefore, a nurse must not be obligated to perform an abortion against his or her personal morality or mistreated if he or she refuses to perform an abortion.

5 CONCLUSION

In the early of 1970's, abortion has shifted to becoming a civil right; since then, women have had the right to end their pregnancies as one of their fundamental personal rights to have control over their own bodies. Abortion has raised an ethical question whether it is moral or immoral; however, there is not a clear answer besides the religious perspective that determines the rightness or the wrongness of abortion. Most of the pro-choice and pro-life advocates agree with the analysis that killing an innocent person is a morally wrong action. However, the disagreement arises about the personhood of the fetus, which is represented by two questions: "What is a person?" and "When does the fetus become a person?" Whether abortion is morally right or wrong, it imposes a moral distress on nurses as a result of the complexity in their professional core values concerning abortion. Therefore, nurses must not be obligated to perform an abortion against their personal and professional morality or mistreated if they refuse to perform an abortion

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