

# Current ethical issue of abortion



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## **Abortion in relation to Natural Moral Law and Utilitarian Ethics - Aran Cauchi**

The current ethical issue of abortion is a broad and complex ethical issue which can be approached from many moral and ethical directions. Two such directions can be the deontological Natural Moral Law and the teleological or consequentialist Utilitarian ethics.

Abortion, from the Latin *aborior*, to pass away, is an induced termination of a pregnancy. Historically, as today, an abortion is the focal point of much controversy. The laws governing abortion have changed considerably in the last fifty years to accommodate abortion as an option for a pregnant woman. A landmark US case giving a mother right to wilful abortion occurred in 1973 set in motion by a woman called Jane Roe in Dallas, Texas. Roe wished to terminate her pregnancy, but in Texas at the time, only victims of rape or incest could procure a legal abortion. The case reached the Supreme Court where the judges ruled that abortion was a constitutional right to women, overturning laws in every state which denied abortion to women through medically qualified doctors. Abortion is now legally allowed in many western countries for women. Since the legality of abortions came into effect, much debate has occurred from opposite so called pro-choice and pro-life groups, gathering many arguments from both deontological and teleological ethics.

Utilitarianism is the idea that the moral worth of an action is determined solely by its contribution to overall utility: that is, its contribution to happiness or pleasure as summed among all people.[1]

Utilitarianism places no emphasis on whether an action is 'right' or 'wrong', right is only so once the pleasure has been decided to outweigh the pain in <https://assignbuster.com/current-ethical-issue-of-abortion/>

the circumstances resulting from the decision. Pleasure, in early Utilitarian thinking, was only concerned with the physical, e. g. being well fed. John Stuart Mill later argued that pleasure was also quantifiable in intellectual and spiritual terms. These 'higher' pleasures he argued outweighed the 'lower' pleasures. Mill proposed, for example being well fed, at the expense of a man's spirituality was a lesser pleasure, and in effect, not as 'right' as a spiritually enlightened man who was hungry. The hungry man experiences higher pleasure, as spiritual enlightenment lasts significantly longer than the feeling of being well fed.

Consequentialist Utilitarians would argue that abortion is an entirely neutral act. The consequences resulting from the abortion determine the rightness. A specific system of measuring the pleasure against pain can be utilised called Hedonic Calculus. Hedonic Calculus first proposed by Jeremy Bentham, measures pleasure/pain through eight categories:

- Certainty
- Duration
- Extent
- Intensity
- Remoteness
- Richness
- Purity[2]

This calculus subjectively determines if the pain outweighs the pleasure in a scenario of a potential abortion. A mother may need an abortion to save her own life if it is in peril due to her pregnancy, she cannot afford to leave her

children motherless. This scenario, shown through Hedonic Calculus allows abortion to be the 'right' choice as 1. There is a high certainty the mother will die, 2. The duration of mourning for the family would be very long as would the duration of risk to her other children, 3. The pain and suffering for her surviving family would be very great and so on.

A different scenario in which the mother seeks an abortion so she can go on a holiday would be morally 'wrong' as from categories: 2. the pleasure of a child will last years compared to that of a comparatively short holiday, 4. The intensity of the pleasure of a child is much greater and higher significance as it is emotional and spiritual than a physical and emotional holiday. The taking of a life can be justified in Utilitarianism as there are no standing rules of what is right or wrong for a general scenario, i. e. abortion. Every circumstance is different and warrants a separate evaluation to determine the correct action.

Natural law is a branch of deontological ethics, deon meaning duty in Latin. Natural law or the law of nature is a theory that posits the existence of a law whose content is set by nature and that therefore has validity everywhere.[3] These laws, created by God, are discernible to all peoples and are thought of as 'moral absolutes', 'natural moral law theory implies that we discover morality - we do not invent it,' (J. P. Moreland, What Is Natural Moral Law). It is man's duty to be rational, and as God is rational too, it is rational that humans must love God.

Thomas Aquinas, a figurehead for natural moral law proposed five primary precepts and other secondary precepts. The primary precepts proposed where:

- The continuation of the species through procreation
- The education of children
- The desire to live in society
- The worship of God
- The preservation of the self

These precepts are considered in natural moral law to be the most basic aspirations of all humans. Aquinas believed that all humans wished to do good and follow the precepts but through ignorance to the Natural Moral Law, some could do wrong. Aquinas argued that 'good' ethical decisions could be arrived at by reason alone. Human's have the power of deducing what is 'good' and what is 'wrong' through application of their conscience.

Natural Law, being deontological, imposes inalienable rules that cannot be broken. Natural Law can be seen as order provided by nature which exists for a purpose. A common criticism of Utilitarianism would be the difficulty of its real world application. The theory of a decision may be morally sound, but the limitless unexpected permutations prevent proper ethical conduct from occurring once theory is put to practice.

The Tribunal of the Holy Office, a catholic authority was once queried on the 4th of May, 1898 as to whether a foetus was allowed to be removed from its womb before natural course did so. The tribunal resolved that there was no exception to natural birth, even inducing premature labour with the intention

of saving the baby's life. However, if life saving surgery were to be performed on the mother, which would have consequences on the growing foetus, 'it should not be maintained that the fetal(sic)lifeis thereby directly attacked. Theevilis not made a means to obtain thegoodeffect; for this would be to doevilthatgoodmight come of it.'[4]

This fulfils the Natural Law requirement of the act of 'being good' as separate from the concept of 'doing good'. To be morally correct, one must not embark on a course of action which is 'right' purely to obtain an evil or vain end. The 'right' must be to cause neutral or correct consequences. This certainty of rules and moral action allows the system of Natural Law to be an unquestionable authority if placed alongside Utilitarian ethics which are in permanent flux.

The Catholic Church supports the notion of ensoulment, where at conception a foetus is given a soul by God. A soul is viewed as a separate form to the physical body, but is linked inextricably until death. The act of abortion goes against the first precept of Natural Law, denying the continuation of the species through abortion. Even if that abortion would lead to saving a life, the authority to kill a foetus does not rest in human's hands. It is inhumane to end the life of a baby, as natural law theory holds; one may never directly intend to kill an innocent human being[5]. After conception, Natural Law argues that the foetus is human so is equal in right to life as its mother. There is no greater worth placed on the mother living than the child as both are considered equal.

Utilitarianism would argue against the inflexibility of the rules of Natural Law regarding to the preservation of a child's life. Utilitarians would argue that greater suffering may be caused by the preservation of a foetus' life. The mother of the child may be a chronic drug addict, and the chances of the baby growing up disadvantaged are high. It could be argued that the mother may not be fit to care for a child and the child would suffer a hard life, through mal-parenting and possible separation from the mother in later years. A possible course of action would be a wilful abortion by the mother to prevent suffering of a child. The rigidity of Natural Law allows no exceptions to be made, even if the pleasure resulting from an abortion vastly outweighs the pain. This rigidity of laws could cause unnecessary harm to many people.

Correct decision making can stem from both deontological and consequentialist ethics. While Natural Moral Law argues that the laws of nature are absolute, Utilitarianism argues that no laws constantly serve the greatest good, and only through flexibility can good be achieved. The primary precepts of Natural Law indicate clearly that abortion is 'wrong' so far as the taking of an innocent life, and interrupting the natural result of procreation. Utilitarianism states that abortion, like all actions is an entirely neutral act until the consequences are evaluated. Both ethical systems allow an opportunity for an individual to formulate an understanding of, and ethically right decision on abortion.

1. <http://en.wikipedia.org/wiki/Utilitarianism>

2. <http://tutor2u.net/blog/index.php/religious-studies/comments/abortion-and-ethical-theory/>

3. " Natural Law," International Encyclopedia of the Social Sciences.

<https://assignbuster.com/current-ethical-issue-of-abortion/>

4. <http://www.newadvent.org/cathen/01046b.htm>
5. [http://www.lifeissues.net/writers/irv/irv\\_08natlaw.html](http://www.lifeissues.net/writers/irv/irv_08natlaw.html)