Analyzing Moral Issues 7th edition Boss Solutions Manual

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CHAPTER 2

Abortion

CHAPTER SUMMARY

Despite its legalization, abortion remains one of the most divisive moral issues. This chapter looks at the history of the abortion debate and some of the key moral issues underlying this debate, such as women's rights and the moral status of the fetus.

LEARNING OBJECTIVES

In this chapter students will learn about

- the social and legal history of abortion in the United States
- the history of why the Thalidomide tragedy and German measles epidemic fueled public support in the 1960s for reform of anti-abortion laws
- the U.S. Supreme Court 1973 *Roe v. Wade* decision
- how the American public feels about abortion
- abortion legislation since *Roe v. Wade*
- why the legalization of abortion does not necessarily imply that abortion is moral
- what different religious groups, such as Muslims, Christians, Jews, and Hindus, think about the morality of abortion
- the different methods of abortion
- the difference between quickening and viability and why both are problematic as criteria of personhood
- the problem regarding the conflict between fetal rights and maternal autonomy and rights
- the rights of fathers in abortion and childrearing decisions
- the meanings of elective and selective abortion
- the different moral issues involved in abortion. These moral issues include personhood, the moral status of the fetus, the rights and autonomy of the mother, justice, selective abortion and the principle of discrimination, and consequentialist arguments.

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TEACHING SUGGESTIONS

1. **Because the abortion controversy has become so divisive, students are likely to engage in resistance when the issue arises.** Encourage students to back up their arguments with good reasoning and to be flexible in their thinking instead of relying on rhetoric and opinion.
2. **Encourage students to relate the different articles to moral theory.** This will reinforce their understanding of moral theory and help clarify the argument presented in the readings.
3. **Use the Marquis article for students to practice and reinforce their skills in critical reading and breaking down arguments.** Ask students to break down another reading in the chapter as either a class or a group assignment.
4. **Discussion of fetal personhood should not be isolated from debates over the personhood of other human groups and nonhuman animals.** Relate the arguments regarding the criteria for personhood to those in the chapters on racism and animal rights.

KEY ARTICLES

Mary Anne Warren and **Don Marquis** or **Serrin Foster** (for opposing views on the morality of abortion)

ARTICLES BY TOPIC

- **Abortion and Infanticide:** Warren and Marquis
- **Abortion and Patriarchy:** Warren
- **The Moral Status of the Fetus:** Warren, Marquis, and Wilson
- **Women's Rights and Abortion:** Blackmun and Rehnquist for the U.S. Supreme Court, Warren, Foster

MAKING THE CONNECTION

Moral Theory (Chapter 1): The morality of abortion is addressed in discussion questions after the following readings: Mill, 3

Moral Issues: The issue of abortion is addressed in the following articles
Feminism, Motherhood, and the Workplace (Chapter 6)
- Case Study 3: "Infertility Treatment: Are Eight Babies Too Many?"

ANSWER KEY TO CRITICAL READING QUESTIONS

U.S. Supreme Court, *Roe v. Wade 410 U.S. 113*
Justice Harry Blackmum delivers the majority opinion and Justice William Rehnquist delivers the dissenting opinion in this excerpt from the decision by the U.S. Supreme Court in the 1973 case that legalized abortion.

Critical Reading Questions

1. What are the three reasons Blackmun outlines to explain why abortion laws were enacted in the nineteenth century? *Antiabortion laws were passed i) to discourage illicit sexual conduct, ii) because abortion was a hazardous medical procedure for women at the time, and iii) the state had an interest in human life from the time of conception.*

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2. On what grounds does Blackman dismiss these three reasons as no longer valid? *The first argument is the product of Victorian concern to restrict illicit sexuality. The second argument is no longer valid because abortion is now a safe medical procedure. The third argument rests on the assumption that human life is present from conception whereas there is only potential human life.*
3. How does the majority opinion interpret the Fourth Amendment as protecting a right to abortion? *The Fourth Amendment protects citizens from searches and seizures, which the majority court claims embodies a right to privacy and, hence, to have an abortion.*
4. Why does the majority reject the idea that the fetus is a person and what is the relationship between viability and personhood? *No case can be found that considers the fetus a person as defined by the Fourteenth Amendment. Instead, the majority opinion adopts viability as the point when the state can take a legitimate interest in potential life.*
5. Why does Rehnquist reject the "right to privacy" as not relevant to this case? *Performance of a medical abortion by a licensed physician is not a private act. Furthermore, the idea of privacy, as expressed in the Fourth Amendment, relates to freedom from search and seizures, which have no relationship to abortion.*
6. Why does Rehnquist reject the argument by the majority that the right to abortion is protected by the Fourteenth Amendment? *The liberty protected by the Fourteenth Amendment only protects deprivation without due process of law which places a limit on legislative power.* Roe v. Wade *goes beyond that limit by allowing abortion in cases where the mother's life is not in jeopardy. Also there is no case in which the fetus is considered a person under the Fourteenth Amendment.*

Mary Anne Warren, "The Moral Significance of Birth." Warren defends a liberal pro-choice position on abortion. Women have a fundamental right to make their own decisions about their bodies. Because the fetus is not a person, abortion can be justified under any circumstances.

Critical Reading Questions

1. According to Warren, what is the relationship between moral and legal rights? *Legal rights are not always grounded in moral rights.*
2. What are Warren's arguments against the use of the "intrinsic-properties assumption" and the "single-criterion assumption" as the foundation of moral rights? *The intrinsic-properties assumption requires that personal relationships are irrelevant to the ascription of moral rights. The single-criterion assumption denies that there can be a variety of sound reasons for ascribing moral rights and a variety of things and beings to which some rights may appropriately be ascribed.*
3. Why does Warren reject both sentience and viability as sufficient conditions for personhood? *She rejects sentience since it would grant animals moral equality with humans. She rejects viability since it is entirely dependent on what is technically possible and, therefore, it is subject to change.*
4. What arguments does Warren use in support of self-awareness as a condition for personhood? *Although infants are sentient, they do not have a sense of who they are or a desire to continue to exist. Because infants lack full personhood, infanticide is not as bad as the killing of an older human being. Warren also argues that the practice of infanticide across cultures supports the consideration of self-awareness for ascription of moral personhood.*
5. Why does Warren consider early infanticide morally preferable to infanticide after a few weeks, even though the two-week-old infant is not yet a person? *Because after a few weeks an infant has established social relationships with its parents and relatives.*

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6. What arguments does Warren use to support her claim that, in our society, we should extend protection to human infants even though they are not yet persons? *An infant's emergence into the social world makes it appropriate to treat it as if it were a person. Also in privileged societies, infants whose parents cannot support them can usually be placed with people who can care for them, thus infanticide doesn't benefit the child or its parents. Extending the same protection to sentient, late-term fetuses, in contrast, would involve treating women as less than persons by requiring some pregnant women to jeopardize their health or their lives for the good of their fetuses.*
7. What is the relationship, according to Warren, between personhood and being a member of a community? *Being a member of a community, in the case of an infant, is a sufficient but not necessary condition for personhood. Personhood does not require that a normal human adult be a member of a social community, but that personhood be extended to an infant who is a member of a social community.*
8. What does Warren mean when she says that granting legal personhood to the fetus is "necessarily incompatible" with respect for the personhood of women? *Medically speaking, it is impossible to care for the fetus without doing something to the woman. Likewise, care for the woman may require harm to the fetus. Thus, granting legal personhood to the fetus would pit its rights against the mother's. Treating one as a person requires treating the other as less than a person. Warren argues that the only reasonable way to resolve this conflict is to honor the mother's personhood as a self-aware and socially established human being.*

Don Marquis, "Why Abortion Is Immoral." Marquis argues that the moral presumption against killing a fetus is as strong as the moral presumption against killing an adult human or a newborn since both deprive the victims of the value of the activities, experiences, and enjoyments of their future.

Critical Reading Questions

1. What is the major presumption of Marquis's argument that abortion is immoral? *Abortion is seriously immoral because it deprives the fetus of all the experiences, activities, projects, and enjoyments that would otherwise have constituted his or her future*.
2. Why, according to Marquis, is it wrong to kill adult humans? *It is wrong to kill adult humans for the same reason it is wrong to kill fetuses. It deprives adults of all the value of their futures.*
3. What does Marquis mean by the phrase a "future like ours"? *A future with activities, projects, experiences, and enjoyments that are, or will come to be, either valuable for their own sake or are means to something else that is valuable for its own sake.*
4. What are the implications of Marquis's argument for the killing of nonhuman animals? *It may also be wrong to kill nonhuman animals who have a future like ours.* What are the implications of Marquis's argument for euthanasia? *Euthanasia may be acceptable for people who are severely and incurably ill, who face a future of pain and despair, who wish to die, and who will not have suffered a loss if they are killed.*
5. On what grounds does Marquis dismiss arguments against abortion that depend on the category of personhood? *Arguments against abortion that are based on personhood cannot account for the wrongness of killing infants and young children.*
6. Why is a "future like ours" of value to the fetus? *The future of a standard fetus includes a set of experiences, projects, and activities that are identical to the futures of adult human beings and to the futures of young children.* Why is it wrong to deprive a fetus of this future? *The loss of a "future like ours" to a fetus is as great as the loss of a "future like ours" to an adult or young child.*

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7. What are the implications of Marquis's argument for the use of contraception? *Contraception is not immoral because it merely prevents the actualization of a possible future of value. There is no actual future being lost because there is no actual subject of the loss.*

Serrin M. Foster, "Refuse to Choose: Women Deserve Better Than Abortion." Foster argues that feminists have traditionally been opposed to abortion, and rather than benefiting women, abortion harms women.

Critical Reading Questions

1. What was the position of feminists over the last two centuries on abortion? *Until the mid-twentieth century, the majority of feminists opposed abortion.*
2. What does Foster mean when she says that making abortion a woman's choice also makes abortion her problem? *Because it is left up to the women to decide whether or not to continue the pregnancy, the father and society no longer feel a moral obligation to support her in her pregnancy and after the child is born.*
3. How do colleges generally react when a student becomes pregnant? *Most colleges encourage pregnant students to get an abortion by sending the message that having a baby may ruin their lives and prevent them from continuing their education.*
4. According to Foster, how does abortion harm women? *Abortion can damage their bodies and leave emotional scares as well.*
5. What options does Foster propose instead of abortion? *She proposes providing pregnancy resources and forums on campuses as well as housing, child care, and family health care insurance for students with children. She also advocates family-friendly workplaces and better child care facilities.*

Linda Lowen, "20 Arguments from Both Sides of the Abortion Debate." Linda Lowen presents arguments both for and against abortion in this reading.

Critical Reading Questions

1. What are the 10 pro-life arguments? *1) Life begins at conception and should be protected; 2) Civilized societies punish people for taking another life; 3) Adoption is an alternative to abortion; 4) Abortion can result in medical complications; 5) Abortion for rape and incest punishes the unborn child; 6) Abortion is not a form of contraception; 7) Control of our bodies involves responsible use of contraception; 8) People who are opposed to abortion should not have to fund them with their tax dollars; 9) Young people who have an abortion may regret it later; 10) Abortion can cause psychological stress.*
2. What are the 10 pro-choice arguments? *1) Most abortions are done in the first trimester when the fetus depends on the mother; 2) Personhood is different from human life; 3) Adoption is not an alternative to abortion for most women; 4) Abortion is a safe medical procedure; 5) Forcing a victim of rape or incest to carry a pregnancy causes further psychological harm to her; 6) Abortion is rarely used as a form of contraception; 7) Control of one's body is critical to civil rights; 8) Use of tax money enables poorer women to get abortions; 9) Teenagers who become mothers have grim prospects for their future; 10) Stress of an abortion does not lead to post-abortion syndrome.*

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James Q. Wilson, "On Abortion." In this reading, Wilson argues that developing life emerges gradually, and the relationship between the mother and fetus changes as this development progresses. Wilson suggests that these two factors make aborting a fetus shortly after conception morally more serious than a fetus that is nearing the end of its term.

Critical Reading Questions

1. What parallel does Wilson draw between abortion and infanticide? *There is no significant difference between a full-term fetus and a newborn.*
2. What, according to Wilson, is the source of our moral qualms about abortion? *The moral qualms over abortion come from the instinctive appeal of the infant (including a late-term fetus), a feeling of compassion, and attachment to the infant.*
3. On what grounds does Wilson disagree with the *Roe v. Wade* Supreme Court decision? *The Supreme Court avoided addressing the moral issue of abortion and the personhood of the fetus, instead focusing on the rights of the woman.*
4. How do most Americans feel about abortion and how do their views differ from that of the Supreme Court Justices? *Most Americans oppose abortion on demand as well as a prohibition on all abortions. This reflects an underlying belief that the fetus is entitled to some degree of moral respect, unlike the Supreme Court whose opinion is based purely on the rights of the woman.*
5. Why, according to Wilson, do exceptions for rape and incest make no sense? *"If it is wrong to kill a person, and the fetus is a person, then it is as wrong to kill a fetus that is the product of rape or incest as it would be to kill a newborn infant who was conceived in that manner."*
6. Why does Wilson disagree with the position that we should ban all abortions because life begins at the moment of conception? *Wilson maintains that conception is not a clearly defined moment.*
7. At what point does Wilson argue that the fetus becomes human as far as abortion is concerned? *Wilson argues that a fetus becomes human after the first trimester when it looks like a human.*
8. On what grounds does Wilson disagree with Noonan's opposition to referring to the woman's feelings as a guide to the humanity of the fetus? *Noonan opposes a test of humanity based on such feelings because "feeling is a notoriously unsure guide to the humanity of others." Wilson objects to this because parents don't feel a negative bias toward their own child whereas they may feel a bias toward other people.*
9. What is the Catholic Church's position on abortion? *Abortion violates the commandment against killing; every life is sacred.*
10. How would Wilson like the Supreme Court to change its policy on abortion? *He wants the Supreme Court to specify "undue burden" more specifically and in a way that takes as its first principle the protection of human life.*

QUIZZES/TESTS

The following critical reading questions are suggested for use on tests and quizzes: U.S. Supreme Court, 1, 2, 4; Warren, 3, 6, 8; Marquis, 1, 4; Foster, 2, 4; Lowen, 1, 2; Wilson, 2, 4, 7.

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