

- Le feu qui brûle, le feu qui chauffe, le scapel qui sauve ou qui mutile, l'atome qui produit d'énergie ou qui dévaste, chaque progrès technique comporte son revers. Jacques Milliez

## Abortion and Moral Repugnancy \*

*Laurence Thomas*

MUCH OF THE ENERGY FOR ABORTION comes from the simple truth that whatever else is true the fetus cannot really be a person *exactly* like you and I are. For no one thinks that that if we are forced to choose between saving the life of the mother (who has no children or other obligations) and saving the life of the fetus, then morality requires us to flip a coin, let alone to choose the life of the fetus over the mother. The Catholic Church has complicated views about not directly killing a human being; and many a woman would rather give her life than see the fetus die. But the issue is whether it is held that morality requires that a woman so choose. Exceedingly few think that it does, including those who insist that the fetus is just as much of a person as you and I are. So if an abortion may be induced in order to save the life of a mother, when the fetus is already a few months old, then it seems patently absurd to hold that what we have at the very moment of conception is a full-fledged person. This points to why the issue of abortion confounds us so. On the hand, it seems next to impossible to draw any well-defined boundaries with respect to whether we have a person or not. On the other, the very idea that there are no boundaries proves deeply unsettling.

In her searching essay, Anne Fagot-Largeault nicely raises the question of the moral status of the fetus vis à non-human living things. Suppose that a pregnant woman has an old and feeble dog that she dearly loves. She carries her beloved pet up and down the stairs, so that the animal and her are always on the same floor of the house. Alas, the doctor informs her that she can no longer do this without seriously endangering the health of the fetus that she is carrying. The woman opts for an abortion. I shall assume without argument that surely there is something repugnant about such a choice; and in order to reach this conclusion we need not surreptitiously rely upon the idea that the fetus is a full-fledged person. Even Thomson, whose essay "A Defense of Abortion" is taken by many to have firmly established a woman's right to have an abortion, thinks that there can be indecent reasons for having an abortion, as when a woman does so purely because coming to term with the fetus would interfere with her travel plans.

There can be reasons for and reasons against doing what one has a perfect right to do. Indeed, one can be morally repugnant while acting perfectly within one's rights. For example,

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\* This essay, in particular the idea of a womb transfer procedure introduced below, builds upon my essay "Trent Ans Après," *Raisons Politiques* 12 (2003), which was part of a collection essays published in honor of Judith Jarvis Thomson's landmark essay "A Defense of Abortion," *Philosophy and Public Affairs* 1 (1971). In writing this essay, I owe an enormous debt to Kenneth E. Goodpaster's essay, "On Being Morally Considerable," *The Journal of Philosophy* 75 (1978).

I act within my rights in insisting upon the money that Opidopo owes me, although I do not need the money at all and Opidopo has just lost his job owing to drastic cutbacks and could certainly use the money to buy food for his children. Clearly, I am not showing him either compassion or mercy. That, however, is perfectly compatible with acting within my rights. Allowing that the fetus is definitely not a person, the woman who has an abortion so that she can continue carrying her dog up and down the stairs seems to be giving things the wrong weighting. If calling the fetus a full-fledged person accords it too much moral weight, it would appear that she has accorded it too little moral weight. Therein lies the repugnancy of her decision.

It would seem that both sides of the abortion debate have lost sight of the truth that a decision can be morally repugnant without violating any rights at all; and I regard it as one of the virtues of Fagot-Largeault's essay that she does not cast her discussion in terms of rights. I have already illustrated from the pro-choice side that we can have moral repugnancy without the violation of any rights, let me do so from the pro-life side. Consider those who insist that a woman is morally obligated to bring into the world a child who is severely deformed both mentally and physically. This is morally repugnant because doing so attaches more weight to the ideal of valuing life than to the reality of living it. This point seems to hold even for the woman who chooses of her own free will to bring such a child into the world. Notice that attributing a right to life to the child at the very moment of conception does not change anything at all. This is because we all know that life can be so horrific as to be unbearable. After all, we think that there can be absolutely compelling reasons in terms of health for letting human life expire. So the thought cannot be that for any human life it is worth living merely in virtue of being human. And if there can be compelling reasons in terms of health for letting life expire, it would be stunning if there could never be any compelling reasons in terms of health for terminating the development of a fetus. Nor, finally, can the objection in this instance be that aborting such a fetus sets us upon a slippery slope. For the issue of when we should let life expire is hardly a well-defined matter.

Together, these considerations suggest that it is a mistake to think of abortion as being either all about the woman or all about the fetus. It is certainly a mistake to think it is about rights and nothing more.

In what follows, I am going to try to support the general intuition of this essay with an example that owes its inspiration to Aldous Huxley's novel *Brave New World*.

I ask you to imagine a world in which the fetus can be safely and easily removed from one woman's womb and placed in another womb, be it artificial or the body of another woman. If necessary, then, the fetus can be placed in an artificial womb initially and later transferred to a woman's womb. Let us call this a womb transfer procedure (WTP). Surely, it is just a matter of time before medical technology will permit us to perform a WTP without any complications whatsoever. A woman will be able to go in for a WTP and leave within hours. In fact, a woman who goes in for an abortion may just as easily go in for a womb transfer procedure. She turns left for one procedure and right for the other. Further, we can imagine that phenomenologically there will be no difference between the two procedures, nor any difference in terms of risks. What is more, the fetus in the new womb grows unproblematically or at least no more problematically than a fetus growing in the womb in which it was conceived. Finally, the costs for the woman having the procedure are identical to the costs of an abortion. The additional costs of placing the fetus into the new womb, including an intermediary artificial womb (should that be necessary), are borne by the woman receiving the fetus.

In effect a WTP would enable adoption at the level of the fetus. Needless to say, this

would be extraordinary. The question that immediately arises, then, is this: Given that a woman has a right to do both, what reason would a woman have for choosing to have an abortion when by way of a parallel procedure, that is no more arduous, she could opt to have the fetus transferred to another woman's womb? It will be noted that I did not ask whether having the right to abort is compatible with the availability of a WTP. I merely asked what reason would a woman have to choose having an abortion over having a WTP, given that she has the right to do either.

Offhand, a WTP speaks to two quite different desires at once. On the one hand, the procedure speaks to the desire of the woman to be entirely rid of the fetus that she is carrying, as she would never have to concern herself with it again. In effect, a WTP allows a woman to put a child up for adoption without having to endure any of the travails of childbirth and all the emotions that this entails. On the other hand, the procedure speaks to the desire of infertile couples to adopt a child and does so in a most dramatic way, in that the fetus would be transferred to the other woman's womb which would allow the other woman to experience birthing.

Now, we talk about abortion as if it were something other than a form of killing. The right to abort a fetus is none other than the right to kill it; and it is certainly a human, whether it is a full-fledged person or not. Now, to be sure, we all understand that it can be morally permissible to do what results in the death of even a full-fledged person. Judith Jarvis Thomson gives us a justly famous example of just this sort. If a person has been kidnapped and connected to a violinist in order to save the violinist's life, surely the kidnapped person may unplug herself even if her doing so results in the violinist's death and this is readily apparent. But the moral permissibility here is not a cause for celebration. Indeed, if someone unplugged herself and then with utter glee watched the violinist die that would be morally repugnant behavior on the part of the person who had done what is morally permissible in freeing herself. Her behavior would be morally repugnant, though ne'er a right was violated. There are obviously many ways in which the kidnapping example is disanalogous to becoming pregnant as a result of voluntary sex where normally quite adequate birth control measures just so happen to fail. But we can think of sufficiently analogous cases easily enough. No one who volunteers for sex also volunteers for terminal cancer. So if the developing fetus would cause a woman to have terminal cancer, surely she may abort it. This she may do even if the fetus itself would remain cancer free and notwithstanding the fact that the fetus resulted from perfectly voluntary sex that took place with the hope of becoming pregnant.

I am not about to suggest that the fetus is a person or should be considered as such. Still, we can ask what should our moral attitude towards the fetus be. One possibility is that the fetus has no moral standing at all, and so its moral standing is equivalent to the moral standing of a fly (say). In this case, there can hardly be any moral grounds for objecting to abortion and to the death of the fetus that ensues on account of it. A person could even celebrate the outcome just as we sometimes celebrate (or at least express glee over) the killing of an annoying fly. Another possibility is that even if the fetus has considerably more moral standing than a fly (though not the moral standing of a full-fledged person), both abortion and the ensuing death are nonetheless permissible as something on the order of the lesser of two unfortunate situations. This is no doubt the reason why some opponents of abortion make an exception in the case of rape. Thomson rightly notes that a fetus conceived owing to rape hardly has less of a right to life. But how we should behave as morally decent individuals is not settled entirely by rights, as Thomson knows all too well; for she herself offers examples where how we should behave is not settled entirely by the rights a person has. Here is her

example: If a person has a box of chocolates (that she bought or received as a gift), it would be cruel for not to offer a piece of chocolate to her sibling sitting right next to her, although the sibling does not have any rights to the chocolates.

At any rate, if the fetus has some non-negligible moral standing (but not the moral standing of a full-fledged person), then abortion and the ensuing death of the fetus would rarely be something to celebrate. People sometimes have their pets put to death. This is never celebrated, though generally speaking we do not make too much of animals having a right to life. If the fetus has some non-negligible moral standing, then abortion would be much more like that than not.

This brings us back to the womb transfer procedure. On the one hand, suppose that the fetus has no moral status at all. Opting for the procedure would stand as a kind thing to do, given that doing so would make it possible for another person to fulfill the dream of raising a child. Moreover, opting for the procedure would come at no cost to the individual herself save that of the cost of an abortion. But we do not have to be kind. Certainly, we do not have to be kind in every way possible. No one is or can be. So even if the fetus has no moral status at all, a morally upstanding woman could certainly choose not to opt for having a WTP. On the other hand, suppose that the fetus has some non-negligible moral standing (but not the moral standing of a full-fledged person), what follows at the very least is simply that there would at least be a consideration in favor of opting for a WTP, even if that consideration could be overridden. If a person owes me money, that is a consideration in favor of me asking for it. Yet, there can be good reasons for not doing so—reasons sufficiently compelling that I look like a kind of moral monster if I act within my rights and insist upon being given the money that is owed to me, as the example of Opidopo given earlier shows.

Significantly, all that has just been said follows without establishing whether the fetus has a right to life. Certainly, the moral status of the fetus is somewhere on the continuum that includes no moral standing at all and some non-negligible moral standing (but not that of a full-fledged person).

I have been careful not to claim that opting for a WTP would be morally obligatory. Having the option of a WTP brings into sharp relief the reality that abortion constitutes the killing of a fetus—a killing that can be avoided at no more cost to the woman than having an abortion. In opting for this procedure, there is, to be sure, the issue of the woman knowing that she has a child somewhere “out there”. The argument, though, cannot be that this consideration is so weighty as to make opting for a WTP so saintly as to put it on the order of laying down one’s life for another. In fact, it surely has to be less difficult to opt for the WTP than it is to opt for putting a child up for adoption after one has given birth to it. For it can be said of the latter woman that she has bought a child into the world, with all that this implies in terms of the travails of giving birth and the psychology of caring for the fetus until it is born. With the former, the task of bringing the child into the world is accomplished by another person. This is not to trivialize the significance (emotional or otherwise) that opting for a WTP has for a woman—any more than it is to trivialize the significance (emotional or otherwise) that having an abortion has for a woman. Rather, it is to point to real differences where they exist. A woman who opts for a WTP does not bring a child into the world. Rather, she makes it possible for another woman to do so. That is a non-trivial difference.

Like myself, Fagot-Largeault is mindful of the fact that we live in a pluralistic society. Sometimes, the idea of pluralism is invoked as if any consideration that might be put forth merits consideration. But pluralism without moral boundaries is not a virtue. In the end, Fagot-Largeault accepts this truth; for she thinks that animals should not be treated cruelly. I want to concede for the sake of argument that in a pluralistic society, there will always be

opposing sides with regard to the issue of whether or not the fetus is a full-fledged person and there are no decisive set of considerations that settle the matter one way or the other.<sup>1</sup>

But we can be morally repugnant in our treatment of the fetus even if it is not a full-fledged person. As medical technology continues to lower the threshold of viability, it is just a matter of time before advances in medical technology bring out this reality by affording us the opportunity of a womb transfer procedure. The hope is that the pluralism of which Fagot-Largeault speaks is not masquerading as a crass form of moral indifference. For with the womb transfer procedure available, it will be possible to be cruel and inconsiderate in opting for abortion even if the fetus itself has no moral standing at all. This is not because the procedure would bring to the fore rights possessed by the fetus that we had missed, but because the procedure will give us an option that previously was simply unavailable, namely the ability to remove the fetus from the womb during the first tri-semester without killing it and allow another woman to give birth to that fetus. The procedure allows for an act of kindness in a way that heretofore was not possible. And that reality forces us to ask what is that we really want: To be rid of the fetus or to have it dead? Today, it can be argued that the death of the fetus is, alas, just an unintended consequence of removing it from the womb that we have to accept. Do we mean that? Or will the availability of a womb transfer procedure reveal that we prefer a fetus's death even though we would have no responsibility whatsoever for its development and living, as of the minute it is removed from the womb? As a general moral posture, the latter preference strikes me as rather morally repugnant. Significantly, though, advances in medical technology will make it clear which preference we really embrace; and this will be done without ever settling the question of whether the fetus has a right to life or not.

I share Fagot-Largeault's society's stance that how the fetus is to be treated society must in some respects be negotiated. This truth, though, should not blind us to the reality that the outcome of our negotiations may reveal us to be morally repugnant citizens or morally considerate citizens, whatever rights we or the fetus may have. Not only that, in choosing for ourselves, it is also the case, as I have argued in the epilogue of *The Family and the Political Self*,<sup>2</sup> that we are choosing for posterity. Only human beings can make moral choices; and perhaps more than we realize the issue is whether, in the conclusions we reach regarding the fetus and abortion, we shall bestow the gift of moral excellence upon both ourselves and posterity.

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<sup>1</sup>Here I follow Amy Gutmann and Dennis Thompson in *Democracy and Disagreement* (Harvard University Press, 1996).

<sup>2</sup>(Cambridge University Press, 2006).