



Abortion Rights  
Coalition of Canada

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Voice for Choice

Coalition pour le droit à  
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Canada's only national political pro-choice advocacy group

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## Position Paper #79

# Fetal Personhood and the Moral Status of the Fetus

## Background

When does an egg become a fetus? When does a fetus become a baby, or a person? These are common questions surrounding the abortion “debate”. In Canada, a fetus does not have any rights until it is born, making it a baby at that point by law, as well as global human rights standards<sup>1</sup>. But it is worthwhile to delve deeper into what is meant by fetal personhood and the difference between a fetus and a baby, and what that means for a pregnant woman or transgender person.

Anti-choice groups attempt to argue that human life begins at conception, and that therefore fetuses are persons and abortion is killing a person.

Most anti-choice rhetoric is based on misconstrued passages from the Bible<sup>2</sup>, which does not condemn abortion. In truth, there is no “moment of conception”, as fertilization of an egg is a 24-hour process. Regardless, a zygote and fetus are part of a woman’s body and completely dependent on it for survival, meaning only she can make the decision about whether to carry it to birth given the risks of pregnancy and childbirth.

## The Moral Status of the Fetus

Even with the legal definition that fetuses don’t become persons until birth, the status of the fetus can still feel like a gray area. Most happily expectant mothers think of their fetus as a “baby”, and women (and their partners) talk about “loving” their baby when it is in the womb – a sentiment that should be expected and encouraged by those who wish to have a child. Many pregnancy-related articles discuss how important it is to “bond” with an unborn baby, although the pressure to do so is unwarranted<sup>3</sup>.

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<sup>1</sup> *Criminal Code of Canada*, R.S.C., 1985, c. C-46, s. 223(1). “A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother”.

AND: Arthur, Joyce. April 6, 2012. Motion 312: *An ignorant affront to global human rights standards*.

Rabble.ca. <http://www.rabble.ca/columnists/2012/04/motion-312-ignorant-affront-global-human-rights-standards>

<sup>2</sup> See ARCC *Position Paper #94 - The Bible and Abortion* for a breakdown of the passages. <http://www.arcc-cdac.ca/postionpapers/94-Bible-and-Abortion.pdf>

<sup>3</sup> Children born via surrogates and those who are adopted have no issue bonding with their parents.

<http://theconversation.com/do-mothers-really-have-stronger-bonds-with-their-children-than-fathers-do-57590>

Some women may have little feeling towards their fetus until it is born, while others feel love for the zygote the instant they see a positive pregnancy test. These are both normal reactions, but society pressures pregnant women to “love”, talk to, and interact with their fetuses, sometimes criticizing those who do not. There is little room for women experiencing unwanted pregnancies who may feel emotionally miserable and horrified at the prospect of pregnancy and childbirth and raising a child.

Both negative and positive reactions to a pregnancy are entirely normal and common, and can occur in the same woman for different pregnancies, years apart. This is why society should take its cue from pregnant women. If a pregnancy is wanted, then her family and friends can celebrate the coming baby, and society should do what it can to ensure not only a healthy pregnancy and birth, but a secure family life. But if a pregnancy is not wanted and will be aborted, the fetus has no standing in society whatsoever, and is no-one’s else’s business. The only role of society then is to ensure safe and accessible abortion services. The intrusion of strangers into influencing the woman’s decision – anything from biased persuasion by “crisis pregnancy centres” to the point of forbidding abortion by law – is a violation of women’s right to life, privacy, and conscience.

### **What if a fetus is a human being?**

For the sake of argument, let’s say a fetus is a human being with a right to life. That still cannot include the right to use the body of another human being, since the state cannot force people to donate organs or blood, even to save someone's life. We are not obligated by law to risk our lives jumping into a river to save a drowning victim. Therefore, a pregnant woman cannot be required to save her fetus by loaning out her body for nine months against her will.<sup>4</sup>

Further, a fetal right to life does not automatically overrule a woman's right to choose, which can be argued to have a higher moral value under the circumstances. The free exercise of one's moral conscience is a fundamental right in our society.

A fetus cannot exist outside of a woman’s body and is completely dependent upon her, and *only* her – she can’t give it to someone else to care for. Therefore, it is part of the woman, part of her personhood, not its own being.

Pregnancy entails profound physical, psychological, and long-lasting consequences for a woman. It comes with many changes, discomforts, and limitations – not to mention numerous health risks including the risk of death.<sup>5,6</sup> Pregnancy is not a mere "inconvenience". A woman’s freedoms are significantly restricted if she is forced to carry to term. She must have the right to choose whether to take on those risks, and not be forced to do so by law. She has a right to an abortion in self-defense, even if the fetus has a right to life.<sup>7</sup>

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<sup>4</sup> McDonagh, Eileen L. 1996. *Breaking the Abortion Deadlock: From Choice to Consent*. Oxford University Press, New York, NY. And: Jarvis Thomson, Judith. 1986. *In Defense of Abortion*. Reprinted in *Rights, Restitution, and Risk*. Ed. W. Pavent. Harvard University Press, Cambridge. Massachusetts.

<sup>5</sup> National Institutes of Health. 2017. *What are some common complications of pregnancy?* <https://www.nichd.nih.gov/health/topics/pregnancy/conditioninfo/complications>

<sup>6</sup> World Health Organization. 2018. *Maternal Mortality*. <https://www.who.int/news-room/fact-sheets/detail/maternal-mortality>

<sup>7</sup> Arthur, Joyce. August 2001. *Personhood: Is a Fetus a Human Being?* <http://www.prochoiceactionnetwork-canada.org/articles/fetusperson.shtml>

Forced unwanted pregnancy can also be seen as a form of involuntary servitude, or slavery.<sup>8</sup> Even if the fetus has a right to life, it is enslaving the woman if she does not wish to carry to term. Same goes for the state if it makes abortions illegal. Obviously, when a woman or transgender person wishes to be pregnant and carry a fetus to term, the service they are performing must be voluntary with its own intrinsic sense of reward.

## **Conclusion**

ARCC recognizes that fetal personhood and the moral status of the fetus are emotionally-laden topics. It is hard for people to be objective about abortion at times, due to various life circumstances (infertility, loss of a child), the taboo nature of discussing abortion, and anti-choice propaganda. Yet, to stand back and look at how a fetus is part of a woman's body is to see that requiring a woman to carry a fetus to term is putting her in a state of involuntary servitude, as well as requiring her to risk her health and life without consent. As such, abortion should be available to anyone who requires one, regardless of the moral status of the fetus.

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<sup>8</sup> Allotey-Reidpath KD, Allotey P, Reidpath DD. Nine months a slave: when pregnancy is involuntary servitude to a foetus. *Reprod Health Matters*. 2018 Dec;26(52):1451173. doi: 10.1080/09688080.2018.1451173 <https://www.ncbi.nlm.nih.gov/pubmed/29651926>