

How to Think About the Fetus

By Joyce Arthur, Executive Director
Abortion Rights Coalition of Canada /
Coalition pour le Droit à l'Avortement au Canada
joyce@arcc-cdac.ca • www.arcc-cdac.ca

The "Fetus Focus Fallacy"

Focusing on the fetus always has dire legal and social consequences for women. As soon as we give special rights to fetuses, we separate them from their mothers and create an adversarial relationship that hurts both.

For example, pregnant drug abusers tend to forego prenatal care entirely rather than risk arrest and prosecution. And pregnant women have been punished and jailed under child protection and fetal rights laws in the United States. [1]

Focusing on the fetus also devalues women, because it usurps their moral decision-making, as well as their bodies and wombs.

When we protect the interests of fetuses, we sacrifice women's rights and autonomy, and end up harming their children in the long run. We can trust pregnant women to act in the best interests of their fetuses – and that can mean having an abortion.

When women have the necessary support and resources to raise kids, we can be confident they will be good mothers. If women have liberty and equality, their mothering will also be willing, happy, and confident, which further benefits children. [2]

The best way to protect fetuses and children is to support pregnant women and mothers.

Society cannot decide what the fetus is

There's a wide divergence of opinion on whether a fetus is a person, or a human being, and what its moral value should be. Biology, medicine, law, philosophy, and theology have no consensus, and neither does society as a whole.

We all have our own opinions about what the moral status of the fetus might be. Some people believe a fertilized egg is a full human being with an absolute right to life that supersedes any right of the woman. Others believe that a fetus attains moral value only after it becomes viable, or upon birth. But that's all these beliefs are—opinions. There's no way to decide between them, because they're subjective and emotional.

That's why we must give the benefit of the doubt to women and let *them* decide the value of their fetuses—because women are indisputable human beings and persons with rights.

There will *never* be a consensus on what the fetus is, because this question is inherently subjective and unscientific. It's a matter of personal opinion.



Are these the key questions in the abortion debate?

- When does life begin?
- Is a fetus a person?
- Is abortion murder?

Anti-choice people insist that the morality and legality of abortion rests on when life begins and whether a fetus is a person or not. If so, abortion is murder, they say, and therefore immoral and illegal.

But those are *not* the key questions. Anti-choice people are committing the "Fetus Focus Fallacy." The practice of abortion is unrelated to the status of the fetus—it depends totally on the aspirations and needs of women. Women have abortions:

- regardless of the law
- regardless of the risk to their lives or health
- regardless of the morality of abortion
- regardless of what the fetus may or may not be

For example, overall abortion rates do not differ much between countries where it's legal and countries where it's illegal. [3]

Also, when women decide to have an abortion, it's not because they think the fetus is a meaningless blob of tissue. They have abortions because they can't take care of a child right now. In other words, women have abortions because they're responsible – they want to be good mothers to their existing children or to their future children. Being a good mother also entails taking good care of oneself first – such as gaining confidence and independence, and obtaining an education and career.



No, here's the REAL questions:

- Should we let women suffer and die from unsafe, illegal abortions?
- Should we force women to bear children against their will?
- Should we force unwanted children to be born?

Ultimately, it doesn't matter what the fetus is, how valuable we think it is, or whether it has any rights.

True justice demands that women not be compelled to bear children they don't want.

In a nutshell

- Focusing on the fetus always has dire legal and social consequences for women, and devalues women.
- The best way to protect fetuses and children is to help pregnant women and mothers, and protect their rights.
- It doesn't matter when life begins or what the fetus is – women need abortions anyway.
- Women decide to have abortions because they want to be responsible mothers, not based on the status of the fetus.
- True justice demands that women not be compelled to bear children they don't want, regardless of how we feel about fetuses.
- There can never be a social consensus on the value of the fetus, because it's subjective. It's a matter of personal opinion.
- The pregnant woman's opinion is the only one that counts. A fetus becomes a person when the woman carrying it decides it does.
- Women must consent to pregnancy.
- Women have the right to abortion *even if* the fetus is a legal person with rights, because a pregnant woman has the right to defend her life and health with an abortion.



The self-defense argument

Women have the right to abortion even if the fetus is a person with legal rights. We can argue for abortion rights based on self-defense. [4]

A fetus is not "innocent," as anti-choice people claim. Although an unwanted fetus has no ill intent, it is co-opting the woman's body and endangering her life and health against her will.

Bringing a pregnancy to term is far riskier than having an abortion, and any pregnancy has a profound effect on a woman's whole being, mentally and physically. Therefore, a woman has the right to defend herself with an abortion.

A woman with a born child is under no obligation to donate a kidney or blood to save her child's life, so how can a fetus have even more rights over the woman than her born child? It can't. Even if a fetus has a right to life, a pregnant woman cannot be required to save it by loaning out her body for nine months against her will. Once a woman is pregnant, she must give her consent for the pregnancy to continue. [5]

Abortion rights override fetal "rights," even if the fetus is deemed a full human being with legal rights.

Sex is not a contract for pregnancy. Anti-choice people say that because the woman chose to have sex, she must accept the risk of pregnancy. [6] But people have a right to non-procreative sex because of legalized birth control, which implicitly provides the right to enjoy sex without reproducing. [7] Consent to sex does not entail consent to pregnancy, any more than consent to swimming implies consent to drown.

If a woman does not consent to pregnancy, she has a right to defend herself with an abortion.



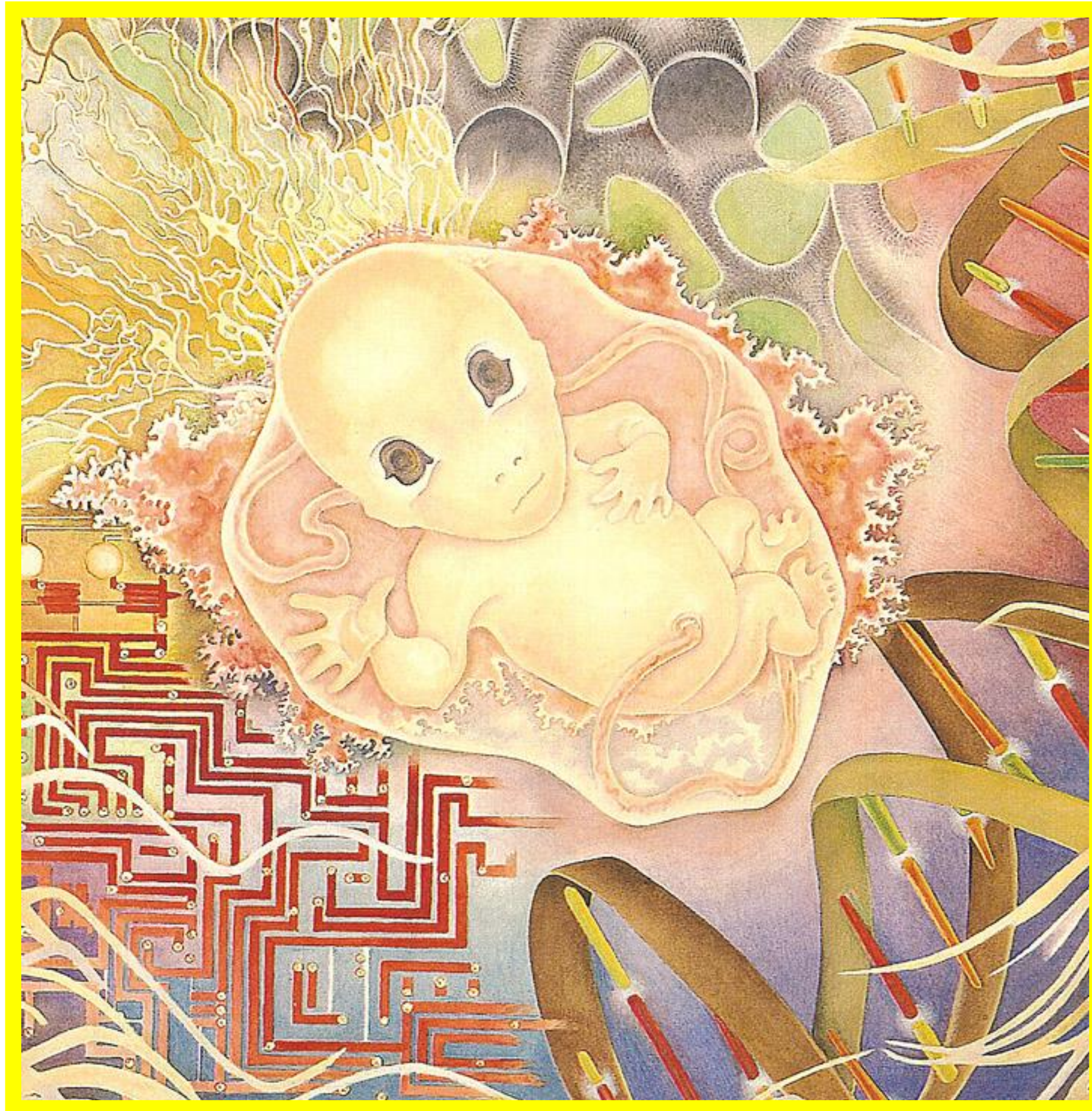
Only the pregnant woman can decide

A pregnant woman's opinion about her fetus is the only valid opinion, no matter what it is. The woman who sees her unwanted fetus as an unwelcome parasite and feels tremendous relief after an abortion, deserves the same degree of respect as the happily pregnant woman who talks to her unborn baby and names it.

Both of these reactions to a fetus, and all reactions in between, are perfectly valid and natural. Both may even occur in the same woman, years apart. Both of them are true and right because both spring from the same ethical source – the biological imperative to be a good mother, at the right time, in the best circumstances possible.

The only opinion that counts is that of the pregnant woman.

A fetus becomes a person when the woman carrying it decides it does.



A complete little person? ↑

A clump of tissue? ↓



References:

- [1] Paltrow, Lynn, and Jeanne Flavin. 2013. Arrest of and Forced Interventions on Pregnant Women, 1973-2005: Implications for Women's Legal Status and Public Health. *Journal of Health Politics, Policy and Law*. Vol 38, No 2: 299-343. <http://jhpl.dukejournals.org/content/38/2/299.full.pdf+html?sid=b0811f36-d4e4-4b51-a830-e175e6eee40c>
- [2] Arthur, Joyce. The Fetus Focus Fallacy. *Pro-Choice Press*, Spring 2005. www.prochoiceactionnetwork-canada.org/articles/fetus-focus-fallacy.shtml
- [3] Of 44 million abortions a year in the world, 21.6 million are illegal and unsafe. About 47,000 women die every year from unsafe, usually illegal abortion – about 13% of all maternal deaths. Source: Guttmacher Institute, *Facts on Induced Abortion Worldwide*. Jan 2012. http://www.guttmacher.org/pubs/fb_IAW.html
- [4] McDonagh, Eileen L. Adding Consent to Choice in the Abortion Debate, *Society*, Vol 42, No.5, July/Aug 2005, pp 18-26.
- [5] 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. Parent. Harvard University Press, Cambridge, MA.
- [6] BBC. 2014. *Ethics guide: Responsibility of the mother*. <http://www.bbc.co.uk/ethics/abortion/philosophical/responsibility.shtml>
- [7] U.S. Supreme Court cases *Griswold v. Connecticut*, 1965; and *Eisenstadt v. Baird*, 1972, found that the use of birth control fell under a constitutional right to privacy.

Graphics:

Fetus: *Faust in Utero*. 1986. (Experience 29, Great Themes for a Journey). Artist: Sveva Caetani.
Embryo: Etchevers Lab. <http://openwetware.org/wiki/Etchevers:Research>
Graduate: Female graduate bobble head. <http://www.mini2you.com/news/Sport-Bobblehead-Do-You-Know-Its-Value.shtml>
Pregnant woman: *Silhouette of pregnant woman with flowers*. Artist: Yulia Drozdova. <https://www.colourbox.com/>