

## Feminist Ethical Approach to Termination of Pregnancy

### Feminist Etik Açısından Gebeliğin Sonlandırılması

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**Introduction:** *Feminism was born as an ethical opposition to the women's oppression by patriarchal society in almost every aspects of life. Termination of an unwanted pregnancy is one such aspect of life where this oppression is felt most intensively both in the past and still today. The aim of this study is to analyze how the feminist theorists and their supporters perceive the issue of termination of pregnancy and with which arguments they defend or object it.*

**Methods:** *The texts and books which were used in this study are accessed via my own personal library, Library of Marmara University Faculty of Medicine, Prof. Dr Orhan Oğuz Central Library of Marmara University and the remote access service to the databases of Marmara University Library which is offered by the library's itself.*

**Results:** -

**Discussion and Conclusion:** *The study, in accordance with the neutral stance of the previous revisionary texts written on the termination of pregnancy, doesn't support any specific thought or side regarding feminist ethical approach to the termination of pregnancy. But the study shows that feminism has been in this world not more than 250 years and in the academic field not more than 50 years as a serious philosophical idea which gained supporters and a constructive stance by going beyond it's critical nature. Ergo, feminist views should be voiced more, should be taken more seriously and it's intellectual content should be improved whenever possible in the philosophical, medical, legal, etc. texts written on the termination of pregnancy.*

**Keywords:** *Feminist Ethics, Abortion, Pregnancy*

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**Giriş ve Amaç:** *Feminizm, erkek egemen toplumun hayatın neredeyse her alanında kadınlara yaptığı baskılara etik bir karşı çıkış olarak doğmuştur. Kadınların geçmişte ve günümüzde bu baskıları en çok hissettikleri alandan birisi de istenmeyen gebeliklerin sonlandırılması konusudur. Bu çalışma, feminist teorisyenlerin ve destekçilerinin istenmeyen gebeliklerin sonlandırılmasını ne şekilde algıladıklarını ve hangi argümanlarla bunu savunduklarını veya karşı çıktıklarını analiz etmeyi amaçlamıştır.*

**Yöntem ve Gereçler:** *Çalışmada; kendi kişisel kitaplığımdan, Marmara Üniversitesi Tıp Fakültesi Kütüphanesi'nden, Marmara Üniversitesi Prof. Dr. Orhan Oğuz Merkez Kütüphanesi'nden, Marmara Üniversitesi Kütüphanesi'nin İnternet üzerinden sunmuş olduğu veritabanlarına uzaktan erişim olanığından yararlanılarak kaynakça bölümünde belirtilmiş olan metinlere ulaşıldı.*

**Bulgular:** -

**Tartışma ve Sonuç:** *Çalışma, feminist etik açısından gebeliğin sonlandırılması ile ilgili daha önce yazılmış*

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*derleme metinleriyle uygun olarak bir tarafı veya görüşü savunmamaktadır. Fakat çalışma göstermektedir ki feminizm düşüncesi günümüzden yalnızca 250 yıl, akademik camiada taraftar bulan ve özünden gelen eleştirel boyutunun yapıcılık kazanarak ciddi temelleri olan felsefi bir düşünce olduğu kabul edilmesi ise günümüzden yalnızca 50 yıl öncesine dayanmaktadır. Dolayısıyla, feminist düşünceler, gebeliğin sonlandırılmasıyla ilgili yazılan tıbbi, hukuki, felsefi vb. metinlerde daima yer bulmalı, sesine daha çok kulak verilmeli, düşünsel içeriği her fırsatta geliştirilmelidir.*

**Anahtar Kelimeler:** Feminist Etik, Kürtaj, Gebelik

## INTRODUCTION

Termination of pregnancy, has long been debated ever since the medicine came to existence. Ethical issues regarding this issue can be seen in the earliest texts of medicine such as Hippocratic Oath. For centuries, in accordance with the issue's controversial nature, the world has witnessed many heated debates regarding the termination of pregnancy. In recent centuries, this never-ending debate has received contributions from both lay people and various professions apart from medical doctors such as theologians, lawyers, philosophers etc. Despite the fact that members of all these groups have ways of thinking from their own perspectives, philosophers appear to have the most sophisticated thoughts about the termination of pregnancy. Among them, who are supporters of the feminist theory, hold striking views in terms of ethics of termination of pregnancy. This essay aims to analyze the issue of termination of pregnancy through the perspective of feminist ethics.

## WHAT IS FEMINIST ETHICS?

Feminist ethics is described by feminists themselves as an attempt to think back, ameliorate, redevelop the conventional ethics whenever it disregards or fails to keep women's interests and rights tantamount to men's interests and rights (1,2). In accordance with the description above, feminist ethics has recorded very important advances in 4 subtitles of ethics. These are; *care ethics*, *applied ethics*, *the ideal of autonomy and discourse ethics*. For *care ethics*, the term 'care' has paramount importance in making ethical interpretations. It's originally developed from conclusions of a social experiment conducted by Carol Gilligan in 1983. *Applied ethics* can be expounded as an area of ethics which discusses which act should be done in morally controversial situations. Marriage, reproduction and abortion can be given as instances to the feminist ethics relevant areas of *applied ethics*. *Autonomy* in the feminist ethical sense, is mostly spoken in concepts such as character, virtue, identity and responsibility. *Discourse ethics* is another area in which feminists base their thoughts on Jurgen Habermas' works while paying significant attention to the term gender (3).

## FEMINIST ETHICS IN THE HEALTHCARE

Medicine deals with men's and women's health separately. This is because males and females vary in terms of physiology, psychology and many other aspects. Feminist ethics in healthcare stems from health conditions which are specific to females like pregnancy, menopause, breast cancer (mostly) and a social fact that women's access to healthcare is harder than men's (4). Feminist ethics predominantly deals with reproductive aspects of health care. As a matter of fact, the scope of feminist ethics in healthcare is not limited with reproduction (5). For example, a reputable feminist, Susan M. Wolf argued that physician assisted suicide may perpetuate the oppression of women. Her claim is linked with the traditional view of women as self-sacrificing, emotionally labile, suicide attempter but not completer. According to her; women, by choosing to terminate their lives by means of physician assisted suicide, act in accordance with the traditional view of women which aggravates and perpetuates women's oppression since ancient times (6). A number of other feminists have criticised hospital

policies commanding shorter hospital stays for patients where after the female relatives of the patient have to make disproportional efforts of care compared to the male relatives of the patient (7).

Given the fact that feminist ethics is a broad concept which encompasses a wide range of topics in healthcare, there are some healthcare topics which received contributions from feminist ethical views discernibly more. Those topics are the especially reproductive ones and termination of pregnancy is one such topic.

## **TERMINATION OF PREGNANCY**

Termination of pregnancy, also known as induced abortion, is said to be one of the most frequently performed procedures in the field of gynaecology. Invasive methods had been the only certain choice for the abortion for a very long time, but medical physiological procedures have been available since late 1980's for the early termination of pregnancy (8). Despite the usage of same methods in all parts of the world for the termination of pregnancy; laws and regulations are variable in almost every country in the world (9, 10, 11, 12).

Before 1960's, generally, abortion was either completely illegal or was legal only if the mother's life was at stake because of pregnancy in almost every country in the world. The other reasons which women sought for abortion were largely ignored and considered illegitimate by the laws. However, after the 1960's, many modern countries began mitigating their legal restrictions of abortion (9), due to cases such as *Roe vs Wade* (13).

*Roe vs. Wade*(1970-1973) is an American lawsuit which took place when Norma McCorvey, under the alias *Jane Roe*, sued the State of Texas in 1960. She claimed a right to terminate her pregnancy by a competent, licensed physician in safe and clinical conditions on her demand without a clinical necessity or a rape. The judge decided that laws of Texas State which regulate abortion (articles 1191-1196) conflict with the American Constitutional Law's 1'st, 4'th, 5'th, 9'th and especially 14'th amendments owing to the 'status of foetus' and 'people's right to privacy'. This case is accepted by many legal authorities as a landmark case since it exacerbated the division of American society as 'pro-life' and 'pro-choice' supporters (13, 14).

The world witnessed a wave of mitigations in abortion laws in the Western countries in the aftermath of *Roe vs Wade*. Such mitigations allowed the female citizens of the certain countries to terminate their pregnancies for reasons such as if the mother's physical or mental health is endangered by the pregnancy, if the child was conceived as a result of rape or incest, if the mother just doesn't want the baby and etc. Despite the gradual progression towards more liberal abortion laws in the world, not all the countries allow women to terminate their pregnancies in the modern times. The statistics show us that women who benefit from such alterations in laws correspond only to the 55% of the worldwide population of women. 25 % of the worldwide population of women have either no opportunity for the termination of pregnancy or their lives should be threatened seriously to get a legal service of termination of pregnancy (15).

## **TERMINATION OF PREGNANCY OF THROUGH THE PERSPECTIVE OF FEMINIST ETHICS**

Dwelling on the philosophical debates about abortion, *prima facie*, we witness the clash of two ethically distinct concepts. They are the "right to life of foetus" and the "autonomy of mother" (16). This conflict is further elaborated by asking questions such as 'Are foetuses human beings?', 'When does the life begin?', 'Is the sanctity of life of foetus is *on par* with the mother's?' (15). In all these questions and disputes they bring together with them, feminists appear to be in favour of recognizing the mother's autonomy superior than any claim of rights of other parties like foetus, state, father etc.

Feminists also acknowledge that the final decision about the pregnancy's fate is dependent on the supreme will of mother (17). "*Pro-choice*" and "*pro-life*" are the two terms which became famous during THE debates of termination of pregnancy in 1960's and 1970's in the USA. Basically, *pro-choice* supporters claim that mother's right to terminate her pregnancy is superior than the foetus' right to life. Conversely, *pro-life* supporters deny the mother's right to terminate her pregnancy owing to the foetus' right to life. (15, 18). General attitude of feminists fall into the category of *prochoice*, though there have been some very few numbers of feminists who supported *pro-life* arguments and identified themselves *pro-life* supporters (19).

First philosophical texts in the defense of abortion, such as Judith Jarvis Thompson's 'A Defense Of Abortion' , are grounded on the basis of mother's right to do it. Thompson uses the allegory of violinist to justify her views. In her scenerio, we are abducted and put into a hospital by the fans of a famous violinist who suffers from a lethal kidney disease and our body is attached to his body to keep him alive. The hospital's director tells us that in 9 months the violinist will be free of the disease provided we don't cut the bond between us and him. This is such a bond that confines our body to the hospital room, damages our kidneys and carries a huge burden which our body has to endure. She considers arguments for and against the abortion with the help of the resemblance of this scenario to the pregnancy (15, 20, 21). Laura M. Purdy also defends the abortion on the basis of right by saying that women are both subjects and objects of ethical dilemmas. For that reason, the decision to terminate the pregnancy is women's right. She also considers the right to terminate the pregnancy as one of the major foundations of liberal society to respect women's convictions (22). However, contemporary feminists criticise defenses of abortion which are based on rights due to their individualistic characteristics, their acknowledgement of the individual as the only moral arbitrator and their efforts to come up with abstract moral imperatives which apply to all ethical problems (18).

Catherine MacKinnon, a radical feminist, stresses the fact that women are living in a world in which there has always been an inequality in every aspects of life between women and men and the act of sex is not an exception. According to her, first women who sought for the right of termination of pregnancy were actually looking for a sex with men in equal terms without consequences such as an unwanted pregnancy. Most of those women weren't using any kind of birth control methods because using a birth control method meant that they were "available". This so-called "availability" also meant that those women were looking for sex. This inequality which is deeply rooted in minds of people explains why most advocates and opposers of abortion accept women as controller of sex. Under such conditions of gender inequality, 'right' of termination of pregnancy which defends male authority, won't serve to women's freedom from male aggression and domination over women. By criticising the rights based arguments, she makes her defense of abortion in a different aspect. Her defence is that women should be allowed to make a life or death decision regardless of foetus' moral stance. Since women are living in a world where they experience injustice, oppression, aggression every day; arguing about whether the termination of pregnancy is ethical or not is possible only if members of two sexes finally become equal (23, 24).

When the rights based arguments were proven to be unable to settle the issue of the termination of pregnancy, feminists began looking for another basis for their defenses of abortion. Feminist care ethical approach to the defense of abortion is a product of one such search of basis of defense. Unsurprisingly, feminist care ethical approach has a whole another grounding than rights based arguments. According to the results of a social experiment done by Carol Gilligan in 1983, women have a different way of understanding moral concepts compared to men. Results of this social experiment claim that men perceive moral problems as conflicts of rights between people and try to resolve these conflicts by weighing the rights according to their ranks in a subjective hierarchy of rights according to their convictions. On the other hand, women perceive moral problems as conflicts of responsibilities to people they are in an any kind of relationship with (22).

According to some feminists, these results point out that conflicting right of mother to terminate the pregnancy and the right of foetus to live is actually not the way women perceive the situation. Instead of conflicting rights, arguments can and should be grounded on caring, nurturing and responsibilities we have to the foetus and the baby (17). Leslie Cannold claims that women behave according to the theory of care ethics. She shows that the major reason why women get abortion is not because they don't care about the baby. Instead, they choose to terminate their pregnancies since they believe they will not be good mothers to them. That's why they choose to terminate their pregnancies instead of giving them away to foster families or waiving their rights over them after giving birth (25).

Feminist care ethical approach to the issue is open to the critics since it considers women naturally inclined to care for other people and thus consolidates the traditional prejudiced view of women (26). Owing to these critics, feminist defense of abortion had to take another form with another grounding. A reputable feminist, Allison M. Jaggar, made her defense of abortion over concepts of responsibility and decision making. First and foremost, she changes the so called 'right to life of foetus' to 'right to a full human life' which demands adequate nutrients, air, clean water, compassion etc. Among them, 'being born' is just one requirement to get a full human life. It should be objectively accepted that mothers predominantly take care of these requirements that babies demand while third parties such as doctors, state, theologians, arguably fathers provide only the delivery process and they don't meet other needs of babies to achieve a full human life. Second, she claims that women will be affected mostly from the decision of termination of pregnancy in comparison with any other third parties. According to her; for the reasons stated above, women should be the sole authority and the only decision maker in terms of termination of pregnancy (17).

Another major argument which feminists use in their defenses of abortion is a term called 'Impermissible Sacrifice Principle' coined by a feminist philosopher Sally Markowitz. This principle, in its simplest form is explained by Markowitz herself as "When one social group in a society is systematically oppressed by another one, it is impermissible to require the oppressed group to make sacrifices that will exacerbate or perpetuate this oppression." (19). The traditional oppression of women by men easily comes to the mind and it fits the scenario described by the principle itself. In terms of abortion, we can easily deduce from this scenario that if women are forced by men to be mothers to unwanted children, then this is a situation where the oppressor demands a sacrifice from the victim. It's obvious that laws demanded by men to make the termination of pregnancy illegal requires sacrifices to be made only from women, not from men (19).

Contrary to the mainstream feminist ethical approach to the termination of pregnancy, some traditional and contemporary feminists have enunciated their *pro-life* feminist arguments. Feminist opposition of abortion is sometimes made by the traditional *pro-life* arguments and sometimes by the arguments which are specific to feminists. The major claim of these specific arguments is that immorality of termination of pregnancy comes from the ideals of feminism. The most salient *pro-life* feminist argument is that feminism involves a dedication to some value and claims that termination of pregnancy violates that putative value. For instance, some care ethical feminists think that nurturing is one of the pillars of feminine thinking. They also think that nurturing contradicts with the act of induced abortion. Ergo, abortion becomes immoral for them. Yet some other feminist claims in opposition of abortion are consequentialist. Those feminists think that claims of right of termination of pregnancy obstacles achieving other goals of feminism. Yet another argument enunciated by feminist critics of abortion is that induced abortion bolsters the false image of women as "reusable sex objects" (27).

As it can be clearly seen in the previous passages, feminist ethical thinking is not invariable. Because it has different answers to why and how should the abortion be defended and sometimes even whether it should be defended. Taking this diversity into account, we come across with some disagreements between feminists in some areas of conflicts.

One such confounding conflict is the prevention of sex selective abortions and how it can be implemented since it involves an interference to women's right to terminate their pregnancies. Apart from these rights, a further problem lies ahead. The problem is the possible derangements of sex ratios which may eventually exacerbate gender based discrimination in some parts of the world such as China, India and Africa (17). According to April L. Cherry, liberal feminists claim that nothing can justify the impediment of the mother's right to terminate her pregnancy no matter what reason is stated for her decision. On the other hand, radical feminists claim that the concept of 'right' is only meaningful if they bring a social justice. Thus, if the so called right further aggravates the gender based discrimination then there is no need to be a supporter of that right (28).

## CONCLUSION

In almost all revisionary texts written on the termination of pregnancy, the authors abstained from reaching an absolute conclusion. The controversiality of the issue is an argument of *pro-choice* feminists which explains why termination of pregnancy should be legal. It would be prudent to say that feminism flourished in the views of people who had been oppressed by patriarchy throughout the centuries. Therefore, views of feminist ethics is in fact the voice of the oppressed. In accordance with the Impermissible Sacrifice Principle, feminist thinking on the termination of pregnancy shouldn't be expected to concede from its claims no matter how radical they are. However, as far as the feminism is concerned, it has been in this world not more than two and a half centuries and in the academic field not more than seventy years. It needs more time to ripen until the effects of the oppression are annihilated. Until the equal chances are given to both *pro-choice* and *pro-life* supporters, feminist views should be voiced more, should be supported more, should be allowed to permeate both philosophical and scientific texts written on the termination of pregnancy.

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