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# Abortion, Killing, and Maternal Moral Authority

SORAN READER

*A threat to women is obscured when we treat “abortion-as-evacuation” as equivalent to “abortion-as-killing.” This holds only if evacuating a fetus kills it. As technology advances, the equivalence will fail. Any feminist account of abortion that relies on the equivalence leaves moral room for women to be required to give up their fetuses to others when it fails. So an account of the justification of abortion-as-killing is needed that does not depend on the equivalence.*

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There can be no real question about whether abortion can be justified. To “debate” such a question is to harm women, just as to “debate” Apartheid would be to harm black South Africans. The fact that something so necessary for women is treated as “a debate” shows a worrying lack of respect (see Butler 1991). So this paper is not a contribution to a debate about *whether* abortion can be justified, but an exploration of *how* it is justified. Adopting the principle of charity, I begin to trace the rationality in the thinking of the millions of ordinary women who decide to abort one or more pregnancies during their lives.

I begin by sketching the history of ethical discussion of abortion, which appears mostly in “debate” form. In the last few decades, debate follows the sexist assumption, still widely held, that “whether or not abortion is morally permissible stands or falls on whether or not a fetus is the sort of being whose life it is seriously wrong to end” (Marquis 1989, 202). Debaters proceed to argue over whether or not the fetus is a person, anti-choice writers arguing that it is a person (or potential person), and so that abortion is wrong (Marquis 1989; Noonan 1970), pro-choice writers arguing that because the fetus is not a person, abortion is permissible (Warren 1973).

Feminists have reacted to the inadequacies of purely fetus-centered approaches, reminding us to pay more moral attention to the fact that fetuses

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occupy women's bodies. Judith Jarvis Thomson established in a landmark 1971 paper that moral facts about the pregnant woman alone are sufficient to establish a moral right to seek abortion, regardless of how much a person the fetus might be.

The debate continues, but nuanced explicative approaches are now more in evidence. Writers complain that the persons/rights framework of the debate is too crude to display the moral complexity of reproductive decision making. In the past three decades, several authors have pointed out in different ways that the concepts of 'person' and 'right' are of limited use in the unique context of pregnancy.<sup>1</sup> They may be unsuited to describing the moral contours of reproductive ethics, in part because they originated under political and intellectual conditions that excluded women. They are designed to describe the moral status and claims of adult free, rational, independent citizens. As such, they cannot capture what is distinctive about the biological, moral, and political lives of adult women capable of gestating new life, let alone about the fetus (Little 1999, 296–97).

More nuanced accounts add the idea that there are other sources of moral truth about abortion. The concepts of 'responsibility' and 'relationship' emerge as especially important. Catriona Mackenzie (1992, 138–41) describes a set of moral responsibilities unique to pregnancy that support a subtle pro-choice position. For her, distinct moral responsibilities arise at three points in the reproductive process: during sexual intercourse ("causal responsibility"), when deciding whether to continue a pregnancy ("decision responsibility"), and when caring for a future child ("parental responsibility").

Mackenzie also argues that the two criteria of moral value that are active in the case of the fetus are more complex than the persons/rights framework suggests. First, the changing biological basis gives the fetus a changing and increasingly independent moral claim (145–46). Second, the rights of the woman also change and develop through her pregnancy and in the light of how she discharges the moral responsibilities Mackenzie identifies (146–47).

For Margaret Little, the concept of relationship is the key to understanding how abortion is justified (1999, 310–12). The epistemic invisibility of the fetus to the community, the slightness of its independent presence in the world, entails that the pregnant woman's experience of her relationship with it is our only resource in determining its moral status. Little also builds on the arguments of Thomson and Andrew Koppelman, drawing out further the implications of the fact that pregnancy is occupation. She shows how it follows that we cannot force women to gestate without doing them a harm so serious that it has no lawful equivalent (1999, 300–304).

## WHAT KIND OF ABORTION CAN BE JUSTIFIED?

But despite all this progress in our understanding of the justification of decisions to abort, a problem remains. Does abortion mean evacuating the fetus from the woman's body? Or does it mean killing the fetus? The feminist presumption is that abortion must end the life of the fetus, since this is what women seek when they seek abortions. Women seeking abortion do not want to give up their fetus; they want to ensure that there is no being at all in the world to whom they are related as mother to child (see Mackenzie 1992, 137; Gilligan and Belenky 1980).

While all pro-choice discussions of abortion I have sketched, traditional and nuanced, can show why women cannot be morally or legally compelled to gestate a fetus, this falls short of showing how women can have a moral right to secure the death of the fetus once it is out of their body. We miss this problem, because in the current state of technology, evacuation does in fact ensure the death of early fetuses, allowing the moral problem to appear resolved by a practical finesse. But this makes women's moral right to choose abortion-as-killing vulnerable to developments in medical technology. All the treatments of abortion I have mentioned seem to leave in place a *prima facie* obligation to preserve the lives of aborted fetuses once this becomes practically feasible, however early the abortion and however reluctant the pregnant woman is to have there be a human being in the world to whom she is related as mother to child.

This problem threatens to force us back onto the horns of the dilemma that stymies the debate. If we take the first horn, we hold that the fetus is morally significant—but this forces us to say that abortion-as-killing is morally wrong. If we take the second horn, we hold that abortion-as-killing is permissible—but this forces us to say that the fetus has no moral value. Noticing the problem, Judith Jarvis Thomson (1971), Christine Overall (1987), and Margaret Little (1999) have all taken the first horn, drawing what may seem the most obvious conclusion: women have a moral right to secure evacuation, but not death. It is morally wrong to kill an aborted fetus if this can be avoided.

One might imagine that few people today would want to take the second horn of the dilemma, and argue that the fetus is negligible to show how abortion-as-killing is justified. Mary Ann Warren (1973) memorably argued that fetuses were no more morally significant than fish, and abortion no more morally serious than cutting hair, but this does not seem helpful. No one would try to explain how the loss of life in war is justified by saying the people who die don't matter, so how could it be helpful to say fetuses don't matter?

Fetuses obviously do matter. They are developing human beings, the children of particular parents, of and in their mothers' bodies, and they are morally significant for those reasons. Yet when one scratches the surface of contemporary

writing, one finds philosophers caught on the second horn of the dilemma after all. Steven Ross (1982, 243) and Catriona Mackenzie (1992, 144–52) both ultimately argue that it is morally permissible to kill the fetus in early abortion because it is morally negligible. How can we avoid this dilemma, and show how fetal killing is justified without claiming that fetuses are negligible?

#### RELATIONSHIP AS A SOURCE OF JUSTIFICATION FOR ABORTION

Recent discussions of abortion use the concept of relationship, pointing out that, in addition to intrinsic features like “being a person” or “being biologically (potentially) human,” a fetus may have moral value in virtue of standing in some relationship to persons. Mackenzie and Little both emphasize the intimacy of the relationship between a pregnant woman and her fetus. Ross emphasizes the distinctive life-structuring commitment and feelings that comprise the parent/child relationship. In early pregnancy, for Mackenzie, the pregnant woman does not experience the fetus as distinct from herself. But as pregnancy progresses, and once she has made her decision and commitment, the pregnant woman begins to experience her fetus as a separate but dependent and loved individual—as her child. Little emphasizes the diversity of women’s relationships with their fetuses, drawing out the implications for the moral status of the fetus (1999, 309–12). Bodily intertwinement is only one dimension of the relationship, which includes knowledge of and concern for the fetus as your child.

If the pregnant woman takes on the relationship as “mother-child,” this constitutes the fetus as an enormously valuable being: no matter how undeveloped the fetus, it is now rational for the woman to mourn its loss should it die, and it would be wrong of the woman to renege on that commitment on blithe or callous grounds. It would also be a moral wrong for anyone else to do anything that threatened the well being of the fetus or the mother-fetus dyad. In contrast, if the pregnant woman experiences the relationship as that of “occupied-occupier,” the fetus is thereby constituted as not a valuable being at all: its fragile hold on life, wholly mediated through its carrier, is insufficient to place any moral requirement on the woman to continue to gestate it, or on anyone more distantly related to it.

Little does not address the question of killing versus evacuation directly, but in discussion, she has said her arguments establish a right to seek evacuation of an unvalued fetus, not a right to secure its death. She thus takes the first horn of the dilemma, holding that fetuses outside the womb have moral significance sufficient to entail an obligation to assist their development even if their biological mother has exercised her right to end their occupation of her body. This, as Mackenzie noted, falls short of a right to choose not to be a mother. The pregnant woman whose aborted fetus is “saved” will always be

the biological mother of the person who was her fetus. It will always be a fact of both lives that the fetus was rejected. Residual moral responsibilities toward the fetus, child, and adult who develops, and the fact of dereliction of the central maternal duty of care, will be ineradicable and significant moral facts of the two related lives.

For Little and Mackenzie, relationship is not the only source of the fetus's value. Intrinsic properties also play a role. The difference in intrinsic features between early and late fetuses hides the way Mackenzie is caught on the second horn of our dilemma. She seems to defend the moral permissibility of fetal killing. But it turns out such killing is only permissible when, and because, the fetus is negligible. The early fetus has no independent claim grounded in intrinsic properties—relationship is its only source of value, so that its being an unwanted occupier permits killing it. But when the fetus does have an independent claim grounded in intrinsic properties, killing it is morally wrong. Mackenzie is in agreement with Thomson, Overall, and Little, then, when she says “It is morally indefensible to demand the death of a late fetus” (1992, 154). To establish the permissibility of killing fetuses, Mackenzie denies them value, although to accommodate intuitions about the moral importance of fetuses she nuances her argument by declaring that only early fetuses have no value. The nuance to reassure us that the position is pro-choice is that the moral acceptability of killing early fetuses is established.

Ross also uses relationship to show how abortion-as-killing can be justified. Like Mackenzie, he addresses our dilemma directly, noting that our concept of abortion is ambiguous and arguing that any true pro-choice position must explain how abortion-as-killing is justified. He then explicates the relationship of parent-child to establish that right. Ross argues that the correct way to characterize fetal status is to think of the fetus as “more than just any potential person . . . potentially some particular person's child” (1982, 244). He alerts us to a distinctive fact about gestation, that “only the parent's desire to see the fetus dead is ever taken seriously” (244), and he spells out some distinctive moral features of this relationship: “The fetus represents one of the potentially most central relationships possible to the one who carries it. . . . This captures . . . what the fetus is. The fetus is the only thing that someone—a parent—may with equal comprehensibility and legitimacy care for or want dead” (236). For Ross, then, the relationship that establishes the moral permissibility of abortion-as-killing is parenthood. In Mackenzie's and Little's writing we have a picture of relationship as a combination of physical intertwinement and feelings. Ross is less concerned with physical intertwinement than with the commitments and feelings characteristic of parenthood. For example, he derives the identity of the fetus from the (parental) feelings a fetus/child normally elicits, and he explains how a parent's desire to have her fetus dead is “understandable” in terms of parental commitments and feelings:

A woman may *feel* very strongly that she and not anyone else ought to raise whatever child she brings into the world. . . . The “ought” here needs to be understood in a rather special way. It is clearly not the “ought” of rationality. But neither is it the moral “ought” understood impersonally. It is closer, in some ways, to a *preference*—“this is how *I wish* to lead my life”—but obviously, it is nothing like a wish or whim. It is a *deeply felt personal preference* subscribed to by some, yet intelligible to all. . . . Conforming to this image will be deeply bound up with the *most central values* the person holds: one *wants very much* to be a certain kind of person. (240–41, emphasis added)

Ross’s arguments are unique in contemporary analytic philosophy in avoiding the dilemma I have described—he neither denies the fetus value nor says it may not be killed. Ross is right that if we want to understand how abortion-as-killing is morally justified we need to look more closely not at fetuses and pregnant women, but at a relationship, perhaps parenthood. Ross is on the right track.

But there are problems Ross’s solution, both with the way he conceives of relationship and with the relationship on which he relies. First, for Ross, a relationship is constituted by the subjective states or attitudes characteristic of the parties to that relationship as we normally understand it in everyday life. Thus he speaks of the wishes, commitments, feelings, values, and aspirations that characterize the relationship. He then uses those features to argue that the relationship makes a certain act—killing the other party to the relationship, the fetus—permissible. This reliance on subjective states of one of the relata weakens his argument. Subjective states, even if they go very deep, to the extent of structuring identity and shaping life—are not the right kinds of thing, metaphysically speaking, to be apt to justify harms.

An example will help to show this. That I have a “deeply felt personal preference” (Ross 1982, 240) to be a philosopher steeped in daily conversation about Georg Wilhelm Friedrich Hegel, that I “want” very much to be that philosopher, that conforming to this image is deeply bound up with the “most central values” I hold, couldn’t justify even a relatively minor harm like kidnapping a Hegelian and coercing him to talk to me for a few days. The more serious the harm (killing critics of Hegel, say), the more obvious the inaptness of my subjective states to justify them becomes. To be my kind of Hegelian is obviously an aspiration “shared by some, yet intelligible to all,” as Ross puts it—but equally obviously, it has no capacity to justify harms, and a fortiori no capacity to justify the most serious and irrevocable harm of killing. Yet it is justification of precisely such a harm we seek, when we seek to explain how abortion-as-killing is justified.

The second problem for Ross's account is the relationship he uses. Ross speaks of "parents" and "parenthood" throughout his paper. But since his task is explaining the justification of abortion, he should really be concerned with mothers and motherhood, not parents and parenthood. Abortion is sex-specific: only a woman can have one. Ross's concept of relationship, in which bodily intertwining and facts about real connection are invisible while subjective states take center stage, may explain why Ross fails to notice this asymmetry between mothers and fathers. Ross is quite right that fathers have parental wishes, commitments, feelings, values, and aspirations about themselves as fathers or non-fathers, and it is equally obvious that fathers may just as rationally as mothers wish their fetuses dead. But it is inconceivable that a paternal wish to have a fetus dead should carry any moral authority over what the pregnant mother may do, or what may permissibly be done to or required of her. This must be because of a morally significant difference between motherhood and fatherhood, which Ross fails to explain. Where Ross says, "Only the parent's desire to see the fetus dead is ever taken seriously," this is actually true only of the mother's desire. No father could possibly have a reason we would take seriously for a moment. Ross is misleading in his focus on subjective aspects of relationship, and this emphasis leads him to miss the importance of sex-specific bodily aspects of the relevant relationship that are crucial for understanding the moral justifiability of abortion-as-killing, and which place parenthood and motherhood quite differently in terms of their moral authority in relation to abortion.

The focus on subjective aspects of relationship also leads Ross to misrepresent mothers' reasons for seeking abortion. He senses a possible weakness in his use of feeling when he notes it might be objected that it is whimsical to kill the fetus just because you don't want to love it (1982, 242). His answer is to argue that it is not whimsical because love is not commandable, since it cannot be compelled. Little captures the realities better on this point. Her account, located in the realities of maternal experience, acknowledges a fact that Ross avoids (perhaps because anti-choice writers so often misuse it?): pregnant women normally do come to love the fetus and the child fully. If this is right, the reason for abortion cannot be that one will not love the child (since one normally will). Little puts it thus: "One of the most common reasons women seek abortions is that they do not have room in their life just then to be a mother, but they know if they continue the pregnancy they will not be able to give up the child. . . . One may decline to enter a relationship that, once extant, changes the contours of your psyche such that you couldn't leave it" (1999, 312).

Recent writers are on the right track when they focus on relationship, but we need to go further. We need a more effective account of how abortion-as-killing is justified. This is the task of the next section. My account does not rest on the vulnerable assumption that evacuation is sufficient for killing (as

Thomson, Overall, and Little do). Nor is it caught on the horns of the dilemma, neither devaluing the fetus (as Warren does), nor limiting justification to early abortion (as Mackenzie does). My account also avoids the implausibilities that weaken Ross's account: I do not claim subjective states can justify harms, and I do not suggest that fathers have anything like the same moral authority as mothers in relation to abortion.

#### MOTHERHOOD AND MATERNAL MORAL AUTHORITY

The relationship that holds the key to the justification of abortion is motherhood. What follows is an explication of this relationship, which shows how abortion-as-killing is justified, without presupposing that evacuation is sufficient, devaluing the fetus, or limiting moral justification to early abortion. The idea that mothers have an important role in relation to the rights of fetuses and children is not new. Thomas Hobbes wrote:

If there be no Contract, the Dominion is in the Mother. For in the condition of meer Nature, where there are no Matrimoniall lawes, it cannot be known who is the Father, unlesse it be declared by the Mother: and therefore the right of Dominion over the Child dependeth on her will, and is consequently hers. Again, seeing the infant is first in the power of the Mother, so as she may either nourish, or expose it; if she nourish it, it oweth its life to the Mother; and is therefore obliged to obey her, rather than any other; and by consequences the Dominion over it is hers. (Hobbes 1651/1994, 117–18)

Motherhood is a monumental, complex, life-structuring relationship. It includes procreation, pregnancy, and lifelong responsibilities of care. In everyday thought, we see these as aspects of one relationship, but philosophical writing about abortion, procreation, gestation, and care tend to be treated as independent, happening to coincide in the lives of some women. The concept of motherhood as a unity is fundamental in our culture, and is powerfully at work in women's thinking about abortion. In normal motherhood, the procreative mother becomes the gestating and birthing mother, who becomes the caring, socializing, and educating mother.

The concept of motherhood affects us in negative and positive ways. Negatively, it coerces women into aspects of a role they may not want; positively, it enables us to be good mothers—and most relevantly for this paper, motherhood alone enables us to see how abortion-as-killing is justifiable. To be a full mother is to provide genetic material for, procreate, gestate, bear, nurture, socialize, and educate a human being. To become such a mother is to strive to fulfill a demanding, awesome, complex, and poorly understood

role. To construe yourself as mother in relation to the fetus you are gestating, then, is both ambitious and courageous. The temptations to underestimate or ignore the gravity of this role are considerable, and the opportunities for vice or incontinence or thoughtlessness are many. If women are poorly supported in relation to this responsibility, they will often make bad or weak choices, or fail to face the choices they have.

One aspect of motherhood that has already been stressed in the relationship approach to abortion is its intimacy (Little 1999, 305). To become a mother is to commit yourself to an intimate personal relationship, an ongoing intertwinement of body, mind, and heart. Multiple and deeply felt obligations arise from this intertwinement, to be sure—Little is right to look to other personal relationships, and point out how relationships as such can be sources of moral opportunity and constraint. But motherhood is also quite unique in its scale and complexity, and this fact may be more significant for abortion than Little considers.

Motherhood is centrally a person-creating relationship. In no other relationship do you bring a person into being in as many and as profound ways as you do if you procreate, gestate, birth, and care for a becoming human being. We see bits and pieces of interpersonal creation in other relationships, for example in friendships, teaching, coaching, and fathering. But the fullness and multilayered complexity of personal creation that goes on in mothering is nowhere else even approached. There is efficient causal creation of the person in sexual intercourse (in which the father shares), there is material physical and biological creation of the person by the mother in pregnancy and breastfeeding, there is formal social creation of the person by the mother in early years socialization, and there is the final creation of the person, the summoning into full human being, in the education of the child. To be a mother in our culture is to be absolutely required to perform these works of person-creation. The power of maternal norms is without peer in our moral life. Immanuel Kant's categorical imperative has nothing on the normativity of the cry of your own needy child.

In procreation, the aspect of mothering as bringing a fetus into being is sharply evident. This creation confers moral responsibilities. The mother must not be blithe or callous about her procreative capacities. She must seek good conditions for bringing a new person into the world, and she must choose her partner responsibly. Strange as it sounds, procreators are under an inalienable moral obligation to choose a good father or mother for their child, as if the child were already there waiting for its father or mother to be chosen. But it is not like that—in choosing a mother or father, we choose a child. This fact about procreation reveals a feature of fetuses relevant to the justification of abortion. Where procreation is willed, this contributes to the moral value of the fetus, and makes the moral loss of the fetal life greater.

Where procreation is unwilling, in rape, for example, it is commonly agreed that pressure to continue with the pregnancy is more unjust. What is less commonly noticed is that the moral status of the fetus may be altered by the absence of consent to procreation. It may not be putting it too strongly to say that if the father coerces the mother into sex, then the resulting fetus is anathema. This means something like “there should be no such fetus.” If this is right, it follows that the fetus makes no moral claim on the woman to mother. If anything, the moral pressure may go the other way, morally demanding abortion-as-killing. To say abortion after rape is morally permissible is hardly unusual. What is more unusual is to claim not just that the absence of consent absolves the mother of any responsibility to continue gestating, but that the absence of consent bestows a negative moral status on the fetus.

Women who do continue to gestate fetuses after rapes often report distress and ambivalence about their fetuses and babies (quickening is experienced as repeating the rape, for example). While some call such women “heroic” in giving the use of their bodies and even their parental nurture over to “innocent” babies, these women have simply been misled by inattention to the aspect of the fetus under which it is the result of genetic union of two persons. They—and we—have been encouraged to imagine that all fetuses are equal, and that all fetuses make equal moral demands to be helped to live. Not so. Because the fetus conceived through rape embodies the gravest possible harm to a woman, it should not exist, and there can be no moral obligation to mother it. Women who take themselves to be obliged to continue mothering after rape are raped not once but three times. First by the rapist, second by the anathema fetus, and third by the society that issues such a wicked obligation.

In gestation, the mother has a standing moral obligation to take responsibility for making good decisions about the fate of her fetus. A mother must consider how this new person can fit into her life and the lives of those around them. As Little notes, the metaphor that women seeking abortions most often use is that of space: they say they do not have “space” or “room” in their lives for a child at this time. On a misogynistic reading this sounds frivolous. But if we apply the principle of charity and seek to display the rationality of what women are saying from their unique standpoint, we will see they are pointing to something very important. A child must have a large and special place in its mother’s life. So a mother must consider whether she can or should make such space. She must consider whether she would be able to delegate mothering after birth, giving the child up to someone else. She must consider what the effects will be on those close to her, what the wider implications will be.

A central consideration for maternal thinking about whether to end a pregnancy is the question of how good a mother the woman judges she can be. To decide this, she must draw on the standards of excellence internal to our culture’s concept of motherhood. She assesses herself against cultural norms of

motherhood, asking whether she measures up. To make this judgment well, a woman must ask herself many things. About gestation, she must ask, how well will my body support this fetus? How well will my mind tolerate pregnancy? How dangerous or difficult is my life for this pregnancy? How will my morale or the state of my relationships affect, or be affected by, the baby? About birth she must ask, can I deliver this baby safely into the world?

About child raising, she must ask, can I meet a baby's needs? Are my own needs sufficiently reliably and well met that I can attend fully to this new person? Will I be helped or hindered by those around me in nurturing this baby—kin, friends, the wider community, the state? Is the world around me in a condition in which it will be safe to raise a child? Is the environment clean, healthy, and free of dangers? Is war ongoing or threatened? Is the crime rate high? Are there opportunities for meaningful lives for young people here? The mother must ask about her own resources, do I have the resources, capabilities, and support I need to socialize a child and ensure that others contribute to my child's socialization? Will I be able to ensure an education?

I have sketched very briefly just some of the complex, rigorous, and passionate thinking that millions of ordinary women must put into making a good decision about whether to bring a new person into the world, an essential part of which is to hold our culturally constructed concept of motherhood up to the light, and ask themselves, Can I do this? But even this very brief sketch is enough to highlight graphically just how demanding motherhood is, and thus how conscientious and rational most women are required to be when they find themselves pregnant. It is striking that these deliberations by women, although of course plentiful and perennial, are by and large solitary. This must be partly because of the deeply private nature of the relationship between mother and fetus. But it is also surely at least partly because of the shame and stigma our society continues to inflict on women who "get themselves pregnant" and realize they may not want to continue, and partly because of the open season on women that the "debate" approach to abortion encourages. If a pregnant woman tries share her deliberation, she will most likely be interpreted as inviting "debate," and be told, unhelpfully, either or both that she must save the fetus because it is a person, or it that doesn't matter what she does, because the fetus doesn't matter.

It shames philosophers that they have not given credit to women for their moral and intellectual work in reproductive decision making. It also highlights something discussions of abortion often miss. With a concept of motherhood as demanding as ours, the answer to the maternal question, Can I measure up? will often be no. Women often reasonably conclude they cannot continue as mothers and seek abortions. If a woman judges she cannot continue her pregnancy, I now want to argue, this can justify her not just in seeking the evacuation of her fetus, but in seeking its death.

At the heart of our concept of motherhood is the creation of a person. If one creates something, one is in an important sense responsible for it. If one creates a person, one is thereby responsible for that person, then, until the person becomes responsible for herself. This accords with what mothers say about how responsible they feel. Mothers take themselves to be responsible for organizing their children's lives until the children take over that function for themselves. This implies that in seeking abortion-as-killing, the mother who cannot go on into the next stage of mothering discharges her maternal responsibility for organizing that whole life, by ending it. She does not relinquish responsibility for her fetus's life. Rather, she exercises her maternal moral authority to complete her responsibility early. She fulfils her maternal responsibility for her fetus's life in such a way that the fetus will never be abandoned to the unknown will of others, and will never develop under her own further care. She has consigned it to oblivion, because as its mother she has judged this the right thing to do, in the light of seriously considered facts about whether she can continue to mother as she is in the world as it is.

As close to the heart of the concept of motherhood is the idea that maternal responsibility is inalienable. Whatever else a mother does, she does not abandon her child. Our concept of motherhood normatively connects procreation and gestation with an inalienable responsibility to care, socialize, and educate. Because the concept and practice of motherhood is deeply entrenched, with a long history and wide social support, any one newly pregnant mother's thoughts or hopes on the subject cannot make alienable a responsibility that is inalienable under the concept. To become a mother in our culture just is thereby to subject oneself to the standards internal to our concept of motherhood.<sup>2</sup> It is this, I believe, which puts abortion-as-evacuation, along with adoption, beyond the moral pale for mothers deciding whether to continue a pregnancy. Drawing on the idea implicit in our conception of motherhood, that maternal responsibility is inalienable, women correctly judge it possible to discharge the responsibilities of motherhood by ensuring fetal death, but impossible to do so by giving their child over to anyone else.

It has offended those with anti-choice views that women would rather abort than continue to gestate and give their baby up afterward, and it will offend them, when the time comes, that women will rather have their evacuated fetuses killed than "saved" and consigned to the care of adopting others. The violations involved in unwanted pregnancy are gravely underestimated, and women are profoundly disrespected here. As Koppelman and Little point out, the violation consists in an occupation of your entire body and life, which is without lawful parallel in our culture. Unwanted pregnancy violates more completely than imprisonment or even forced labor. The disrespect consists in maintaining that over one-third of women might be morally wicked, rather than justified, when they judge that abortion-as-killing conforms better to the requirements of maternity than adoption.

My arguments from the concept of motherhood also show how the continued life of your child in someone else's care may be harmful to mothers and children. As a mother, you will always know that your child is somewhere in the world. If you are not blithe or callous, you will be concerned about your children. You may regret and feel guilt and shame about abandoning them. You may miss them and long for them. Under the harsh light of our conception of motherhood, you may correctly judge that you should have cared for them, and should still be there for them. These are serious harms to the mother—but there are also harms to the child. The child will always have been abandoned by her mother, and will have grounds for grievance at the mother, or at the world that led her mother to judge she could mother no longer. Mothers' reluctance to "loan their bodies" to fetuses who are then borne and given up for adoption may be due not to a lack of concern, but rather the reverse. Their reluctance may reflect their determination to discharge a maternal responsibility they judge to be inalienable, a refusal to inflict on themselves or their child the serious structural harms of abandonment.

If this is right, the usual philosophical discussion of abortion has had it back to front. It is usually supposed that abortion-as-evacuation is more easily justified than abortion-as-killing, because killing is a greater harm than exile. But from the perspective of our conception of motherhood, abortion-as-killing may be the only kind of abortion that can be justified. You can justifiably end your fetus's life, but you cannot justifiably abandon it. That this seems an extraordinary conclusion, underscores how unique motherhood is in human life, and how much we are likely to be misled if we assume moral categories that work between adults will capture the moral realities of person-creation adequately.

#### THE ARGUMENT SO FAR

I have argued that our concept of motherhood uniquely shows how abortion-as-killing is justifiable. First, motherhood confers moral authority on the mother as creator. Second, the unity of motherhood places a *prima facie* obligation on mothers to continue if they can from procreation to gestation to birth to care, to consider whether they can against the standards set by our concept of motherhood and, if they cannot continue, to complete their maternal responsibility early by ending the life of their fetus. Third, moral facts about the procreative aspect of motherhood show how abortion-as-killing after rape may be not just permissible but required. Finally, seen from the standpoint of motherhood, adoption and abortion-as-evacuation may be harder to justify than abortion-as-killing.

An analysis of the concept of motherhood captures more fully than anything else the structures of moral deliberation and justification that characterize the good decisions about whether to continue a pregnancy that ordinary women

discreetly make every day. As I argued above against Ross, the sort of person I want to be cannot justify a decision to seek abortion-as-killing. My wants, aspirations, deeply felt convictions, and so on just aren't the right kinds of thing to justify such a grave act as ending the life of a fetus. They can explain a pregnant mother's motivation, to be sure, but they can't display the virtue or rationality of what she does. Only facts about what a real relationship actually permits and requires can do that. And only the unique, complex, person-creating relationship of motherhood can possibly explain how killing a fetus can be justified.

It is easy to mystify person-creating motherhood. It is easy to pretend virtuous achievement of it is beyond the reach of most women, or to pretend it is the only route to virtue for women—their crowning glory. Misogynists and feminist essentialists are equally vulnerable to these mistakes. Women's writing goes some way to getting rid of the myths, and setting full motherhood in its place, as one among many forms of good human life for women. Sara Ruddick's work on motherhood (1989) does much to display ordinary but impressive rationality and virtue involved in mothering, to dignify motherhood and set it in its rightful place amongst intellectual and cultural achievements of the human species.

### THREE OBJECTIONS AND REPLIES

The first objection is that if our concept of motherhood can justify abortion-as-killing, then it will surely also justify infanticide, and this is morally intolerable. It is true that up to a point the possibility of justifying infanticide does follow. Motherhood can sometimes justify the killing of infants. But the moral dangers are not great because the standard for justification of infanticide set by our concept of motherhood is very high. It is constrained in three ways, by increasing maternal commitment, by other moral relationships that increasingly limit and safeguard against excesses or perversions of maternal moral authority, beginning at birth and increasing as the child grows, and by the sheer rarity of situations so bad that they render infanticide a tolerable option.

My arguments imply that mothers do indeed, and of necessity, have the moral authority to decide the fate not just of fetuses, but also of born babies and children. When circumstances are objectively terrible, when the mother is in a good position epistemically, and when she judges it would be best for the child's life to end, she alone has the authority to determine that this should happen. But a mother will very rarely make this judgment. This is partly because of strength of attachment and love that, with authority, is implicit in motherhood. After a pregnant woman has conscientiously exercised what Mackenzie calls "decision responsibility," and continued into "parental responsibility," she has gained not just authority but also duties of care. In her decision, the mother

has summoned the fetus to membership of the moral community, and entitled it to exceptional protection and care from her. Once this commitment has been made, motherhood demands of women that they do everything in their power to protect and nurture their child, and mothers typically oblige, often at the cost of immense self-sacrifice.

So, situations in which the only way a mother can mother is to kill her child are rare and tragic. But they happen, so any complete account of the morality of motherhood must acknowledge them. The quotation above from Hobbes about maternal authority evokes one such situation, in which the mother lacks the resources to nourish her child. This situation is still wretchedly common in our inegalitarian world. In such a situation, for Hobbes, the mother has the moral authority to kill her child by exposing it. The mother acts to spare her child a slow death by starvation. Another example can be found in Toni Morrison's novel *Beloved*, in which a runaway slave kills her young daughter at the moment they are about to be recaptured. Here, the mother kills to spare her daughter a life of slavery. These situations are painful to imagine, let alone to live. They are situations in which it has become impossible for the mother to protect the child, and nearly certain that the child will suffer terribly without her protection. But like abortion-as-killing, infanticide in such cases actually fulfils rather than reneges on the responsibilities of motherhood. A mother who fails to extend the final protection to her child of killing, arguably fails in the hardest of many hard but inalienable maternal duties.

Situations in which infanticide may be justified are also limited by other moral relationships. As soon as it is born, even while it is being born, a child forms relationships with others. These relationships, like motherhood, impose moral duties on the capable relata. The birth assistant, the father, the grandparents, the siblings, and the caregivers, all who are involved in the life of the dependent child, thereby have obligations to meet its needs. The extreme situation in which the mother's moral authority over the life and death of the child is actualized, then, is by definition one in which no others known to be safe are available to protect the child when the mother cannot do so. Where trusted others within the web of moral relationships that includes mother and child can protect the child, the mother would obviously be doing a grave wrong if she killed her child. But the relationship caveat is important. Mothers, bearing the awesome responsibility they do, cannot be expected in an instant and under stress to trust their child to the protection of just any volunteer, or the impersonal state. Where there is no known, trusted, safe person available, a mother may well conscientiously judge it right to end her child's life, rather than abandon it to the mercies of unknown, untested, and perhaps unsafe others.

Since arguing for the justifiability of infanticide places me in apparent agreement with thinkers who regard abortion and infanticide as morally permissible on the ground that fetuses and young children are morally negligible, it is worth

emphasizing just how much clear water there is between my views and theirs. I do not deny fetuses matter. On the contrary, I assert that fetuses have full moral significance as human beings, albeit human beings in a unique situation structured by a unique relationship. My argument is not that fetuses and young children may be killed because they are negligible, but that mothers have a moral authority and inalienable moral responsibility to end the life of their child if they judge it is unsafe to continue. This authority and responsibility flows from the facts and moral duties of motherhood. To take on motherhood, I have argued, is to accept that in certain circumstances you may be morally obliged to end your child's life.

The second objection is that my arguments establishing a maternal right to seek abortion-as-killing deprive us of moral resources we need to prevent an epidemic of blithe abortions in place of abstinence and contraception. I think this objection has more to do with a lack of respect for women than any shortcoming in my arguments. There will be no epidemic of abortions, because women are morally and intellectually competent. Of course, when things go badly—education is poor, economic prospects are poor, and injustice is common—women, like men, will predictably fall short of virtue, with those who conceive children failing the standards internal to motherhood just as the childless fail the standards that apply to them. But when things go normally, that is to say healthily and well, women are morally competent, including in relation to motherhood.

The fear of an epidemic of abortions hints at the persistence of a patriarchal obliviousness to women's capability. At worst, it expresses a fear of conceding moral authority to women because they might use it vengefully. Women, on this uncomfortable line of thought, given the moral go-ahead to control whether and when they mother, might use this power against the men who have oppressed them, and refuse to bear them or their children. But we have all been mothered subject to maternal moral authority, so we should know better than to fear this of women. We need to trust the maternal authority of women, as a part of coming respect them fully as human beings.

The third objection is that since our concept of motherhood is socially constructed, surely if it enables the justification of abortion and even sometimes infanticide, the right thing to do would be to change our concept of motherhood rather than accept that these intuitively terrible acts can be justified. I have acknowledged that other conceptions of motherhood are possible. Should I not concede that it would be morally preferable to posit a practice and concept of motherhood that does not bring this moral power of life and death, so potentially dangerous to nascent human beings, with it? In the light of the concept of motherhood we actually have, women's choice of killing over abandonment may be justified. If the concept were to change, what it could justify would change, too. But it is not clear that we should seek to change it.

It is possible, of course, to dismantle the concept of motherhood, to normalize partial mothering, with a woman just providing the gametes, just procreating, just gestating, just nurturing, just educating, and so on, without thereby falling short of normative motherhood. In vitro conception, surrogacy, adoption, paternal care, shared or delegated socialization, and education are all possible. Some of these possibilities are actualized in other cultures, and some have been or will be actualized in our own. But it is far from clear that such changes represent moral progress.

Our concept of motherhood captures important opportunities for human achievement and connection that we do not see in any other life-structuring practices, and that would be lost if we adopted a more modest, provisional, or distributed conception of the creation of new members of our community. The fact that human beings come to life in women's bodies is striking and morally important. This magical natural fact affords the opportunity for practical and moral elaboration. Some elaborations, like the deification or enslavement of women, are bad. Others are very good for us indeed. Good elaborations include the one that says it is good, if you procreate and gestate a new person, to continue to care for them, socialize them, and educate them. And the one that says mothers are responsible for deciding whether their child should enter the world, or continue in it, and that it is justifiable for a mother to end the life of her child if the circumstances are terrible. These norms of motherhood have a very long history. They have stood the test of time.

Dismantling or weakening our concept of motherhood, replacing maternal commitment with the commitments of others less intertwined with the child, is unlikely to ensure the protection of new people anywhere near as well as the passionate commitment of mothers has done. So I reject the suggestion that we should seek to change our concept of motherhood to protect children by limiting the moral authority of mothers. Our concept of motherhood already has built into it moral constraints of attachment and care that protect children, and a recognition of the increasing importance of other relationships that gradually shares out the moral authority that at first belongs uniquely to the mother. It is part of motherhood to love your children and protect them no matter what.

The solution to the still too-frequent fact of women deciding to end the lives of their children through abortion is not to undermine maternal moral authority, but to make the world safe enough for women freely to decide to continue to mother. In all cultures across the globe, we need to stop coercing women and stop harassing them when they fail as mothers or as "child-free" workers. We need to listen much harder, to hear what women have to say about motherhood, what it demands of them and what it demands of the people around them. We need to support women as fellow human beings who have a hard and dangerous job to do in bringing the next generation to join the adventure of our species.

## NOTES

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1. See Weiss 1978; Mackenzie 1992; Hursthouse 1991; Little 1999; and Koppelman 1990.

2. MacIntyre's concept of a practice is useful for understanding the normativity and durability of practical relationships like motherhood (1981, 169–89)

## REFERENCES

- Butler, Twiss. 1991. Abortion law: "Unique problem for women" or sex discrimination? *Yale Journal of Law and Feminism* 4 (1): 133–46.
- Gilligan, Carol, and Mary Belenky. 1980. A naturalistic study of abortion decisions. In *New directions for child development: Clinical developmental psychology*, ed. Robert Selman and R. Yando. San Francisco: Jossey-Bass.
- Hobbes, Thomas. 1651/1994. *Leviathan*. London: Dent.
- Hursthouse, Rosalind. 1991. Virtue theory and abortion. *Philosophy and Public Affairs* 20: 223–46.
- Koppelman, Andrew. 1990. Forced labor: A Thirteenth Amendment defense of abortion. *Northwest University Law Review* 84 (2): 480–535.
- Little, Margaret. 1999. Abortion, intimacy, and the duty to gestate. *Ethical Theory and Moral Practice* 2: 295–312.
- Mackenzie, Catriona. 1992. Abortion and embodiment. *Australian Journal of Philosophy* 70 (2): 136–55.
- MacIntyre, Alasdair. 1981. *After virtue*. London: Duckworth.
- Marquis, Don. 1989. Why abortion is immoral. *Journal of Philosophy* 86: 183–202.
- Morrison, Toni. 1987. *Beloved*. New York: Knopf.
- Noonan, John. 1970. *Morality of abortion: Legal and historical perspectives*. Cambridge: Harvard University Press.
- Overall, Christine. 1987. *Ethics and human reproduction*. Boston: Allen and Unwin.
- Ross, Steven. 1982. Abortion and the death of the fetus. *Philosophy and Public Affairs* 11: 232–45.
- Ruddick, Sara. 1989. *Maternal thinking*. Boston: Beacon Press.
- Thomson, Judith Jarvis. 1971. A defense of abortion. *Philosophy and Public Affairs* 1: 47–66.
- Warren, Mary Ann. 1973. On the moral and legal status of abortion. *The Monist* 57 (1): 43–61.
- Weiss, Roslyn. 1978. The perils of personhood. *Ethics* 89 (1): 66–75.