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ABORTION: WHY BIOETHICS CAN HAVE NO ANSWER – A PERSONAL PERSPECTIVE

Geoffrey Hunt

Key words: abortion; bioethics; conception; disagreement; embryo; fetus; rationality

Abortion is one of the great moral debates of the epoch. Is there a rational method by which the debate can be resolved? Can bioethics’ promise of such a method be fulfilled? Surely, a strictly rational approach can establish solid grounds for our beliefs once and for all. We would then be justified in deeming as unreasonable anyone who does not accept the perfectly rational conclusions. I present two scenarios to show that there can be no such philosophically grounded method and therefore no such facts to which everyone must agree. This does not mean that it is in fact impossible for people to reach agreement. It simply means that there is no incontrovertibly rational means by which they must do so.

Disagreements

Despite all the knowledge of theologians, lawyers, sociologists, politicians and moralists, disagreement about abortion persists. Perhaps the disagreement persists, in part, because of all this knowledge. When one has a disagreement it is natural to look for a way, a definitive way, of reaching an agreement. There are some who think that the philosopher, in the guise of bioethicist, should be able to throw light on the disagreement in such a way as to lead reasonable people to a final resolution. Are they right in thinking this?

I shall focus on this matter of finding a rationally definitive resolution in relation to abortion. I will present a fairly ordinary disagreement between a mother, who takes the view that, except in extremis, it is always wrong to abort a pregnancy, and her daughter, who considers that, under quite a wide range of conditions, it is not wrong to abort a pregnancy; but, first, is the concluding scene of the life of shipwrecked Captain Gulliver, who, it will become clear, represents us all in our search for understanding about disagreement.
Scenario 1

Stranded in the distant unexplored land of Bioetika, Captain Gulliver finds himself in deep trouble with the natives. The problem is that he does not understand what he has done wrong. If he did, he would be prepared to tell the most despicable lies to get himself out of the fix, but nothing quite makes sense. What is clear is that he has given deep offence to the locals, who have strung him up. Their chief is now interrogating him. At the centre of the contention are two sticks that Gulliver had picked up to make a fire. He pleads ignorance.

Chief: Ignorance! How could it be ignorance? Can you not see what you have done? Doesn’t the evidence of your senses suffice?
Gulliver: Evidence? What evidence? If you show it to me then I’ll understand.
Chief: But you have already seen the evidence. You were caught red-handed with it. Yet you showed no remorse, no guilt. Your behaviour is utterly evil. However . . . Perhaps you are mentally defective, or perhaps you cannot see well. (He brings the evidence.)
Gulliver: Is that the evidence? But they are just a couple of sticks.
Chief (incredulously): Sticks? Sticks? Those are sticks over there at the edge of the forest. Look more closely and tell me what you see. How many of these so-called sticks are there and how long are they?
Gulliver: Two of them, and one is longer than the other.
Chief (triumphantly): Well, there you are; convicted out of your own mouth.
Gulliver: Uh, excuse me, but so what? Sticks do occasionally come in pairs, and it would be surprising if they were generally exactly the same length.
Chief: You infidel! Before we suspend you with some twine knotted around your cervical vertebrae until your brain stem is non-functional . . .
Gulliver (horrified): You mean to kill me?
Chief: Kill? No, no, I mean suspend you with some twine around your . . .
Gulliver: But that is to kill me!
Chief (wagging his finger): Stop being unnecessarily emotional. Look, I am going to make you see the wrongness of what you have done while your bodily functions are still within the statistical norm. So, there are two of them, one longer than the other; and how were they placed?
Gulliver: One lay across the other.
Chief: Go on.
Gulliver: . . . at right angles.
Chief: So, at last you see what you have done!
Gulliver: No . . . Well, yes, I moved the sticks.
Chief: You didn’t just ‘move sticks’, you committed sacrilege!
Gulliver: How on earth can moving a couple of sticks be sacrilegic?
Chief: They are not just a ‘couple of sticks’. They are a sign of the highest order and their position marks the grave of our ancestor.
Gulliver (mouth dropping open): Oh! Now I see. It’s a sort of crucifix.
Chief (sarcastically): I don’t know what a crucifix is. But you say you now see. And what has changed in what you have before you that you now see, whereas before you didn’t? Nothing has changed, has it?
Gulliver: Well, nothing, nothing at all . . . and yet everything, absolutely everything!
Chief: I don’t believe you. How can you prove to me that you now see? Prove it and I shall spare you.
Gulliver: I do see. I really do. But I have no idea how to prove it to you.
Chief: Then you shall suffer the penalty of being suspended by the neck until your brain stem is nonfunctional.
Gulliver: You are going to kill me.
Chief: We don’t kill people. We have worked out penalties on a purely scientific and rational basis. Killing has nothing to do with it.

Let us rewrite the story with more familiar characters:

Scenario 2

A young woman is in the third month of her pregnancy. She has just been abandoned by her partner and is not prepared to bring up the child alone. She decides on an abortion. Her mother disagrees with her decision and tries to persuade her that it would be wrong. The daughter does not believe it would be wrong. She says that, although she might feel guilty about aborting at a later stage, she does not feel this way now. They have all kinds of arguments about this issue, but I will focus on just one. It is about what it is that she has in her womb.

Mother: How could you kill your own baby!
Daughter: Well, it’s not really a baby yet, is it?
Mother: What on earth is it then!
Daughter: It’s just an embryo. I mean it’ll turn into a baby later, but it isn’t one yet.
Mother: It’s human isn’t it?
Daughter (paring her fingernails): Well, it’s human, like this fingernail is.
Mother: Your fingernail isn’t a human being.
Daughter: And neither is this in my belly. I mean, it’s a human embryo, but it is not a human being.
Mother (sarcastically): What do you think you have in there?
Daughter: It just hasn’t got to the point of being anything really.
Mother: Look, it’s a little human life, growing in you, dependent on you, which could become your son or daughter. How could you talk in this way?
Daughter: It isn’t my son or daughter yet is it? It isn’t a person at all. Yes, it depends on me, but only like my kidneys depend on my heart, or my brain on my lungs. As for human life, it’s the beginnings of a human life but isn’t one yet, not like you and me.
Mother: Look, it’s alive isn’t it? And you agreed that it’s human, so it’s a human life. Deliberately killing a human life is murder.
Daughter: I do know what murder is, and this would not be it. Yes, it’s alive like the eggs we shed every month during menstruation and human just like those eggs, but we don’t worry about those do we, even though they are human lives in some sense? If we kill those, we are not murdering them are we?
Mother: Ah, but that’s different. You see there hasn’t been conception.
Daughter: So what difference does the fertilization make?
Mother: Don’t try to blind me with your high school science. I didn’t say anything about fertilization. I said ‘conception’.
Daughter: But that’s what conception is. It’s fertilization.
Mother: ‘Conception’ is a better word. To start with, conception is sacred; that’s when a human life begins. To say that fertilization is sacred would sound odd to me. I mean it’s frogspawn and the pea-flowers that get ‘fertilized’.
Daughter: Well it’s the same thing.
Mother: Same thing? Don’t be silly. What are they teaching you in that school? It’s not a frog or a pea plant you’ve got in there, it’s a human being. Just because it’s not fully formed doesn’t make it as unimportant as frogspawn.
Daughter: So you agree that it’s not fully formed. In fact it is far from fully formed.
Mother: Of course it’s far from being fully formed and that’s precisely why you should take care of it, because it depends entirely on you for its formation. You have the God-given power to bring a person into being, to form it, nurture it in your own body; and yet you are treating it as though it is of no importance at all.
Daughter: Well, it isn’t yet – not much, anyway.
Mother: I’m not getting anywhere, am I?
Daughter: We just see things differently, that’s all.
Mother: That’s for sure! You see them wrongly!
Daughter (slamming door): Well, I think you are being emotional and . . . sentimental. It’s my body, and I can do what I want with it.

Rationality

The bioethicists insist on making purely rational comparisons and distinctions. On the basis of an unexamined notion of ‘rationality’ they naturally seek whatever lends itself to a rational approach, ignoring all else. It is, then, no surprise that many speak as though the essential problem lies in the gradualness of the process of development; so the moral status of the fetus (baby?) is rather like ascertaining when someone is bald. ‘Abortion poses a difficult ethical issue because the development of the human being is a gradual process’ (Singer, p. 106).¹ The zygote would seem to be of no moral concern, while killing ‘a human adult is murder’, says Singer, ‘yet there is no obvious sharp line which marks the zygote from the adult. Hence the problem’ (pp. 106–107).¹ The problem appears to be one of precision, of observation, of a clear cut-off point. This is a very beguiling idea for a society steeped in science and technology. Perhaps all we need to do is look very closely at the development of the fetus and embryo and be perfectly rational about what we find. If we can find a change, a difference that any rational person must accept as morally significant, then we shall be certain at what point abortion is wrong and at what point it ceases to be wrong. I submit, however, that this is a radical misconception, pervasive and ‘commonsense’ as it may be.

Singer says:

In thinking about this matter we should put aside feelings based on the small, helpless and – sometimes – cute appearance of human infants . . . [and] laboratory rats who are ‘innocent’ in exactly the same sense as the human infant . . If we can put aside these
emotionally moving but strictly irrelevant aspects of the killing of a baby we can see that the grounds for killing persons do not apply to newborn infants (pp. 123–24).\textsuperscript{1}

In similar vein Rachels says, ‘Do we trust arguments, and follow them wherever they lead, or do we trust our intuitions and reject argument when it does not lead in the “right” direction?’ (p. 74).\textsuperscript{2} Rachels thinks that, as long as the argument is valid, we must accept its conclusion, however repugnant. Once we accept the falsity of the species-membership belief we can ‘focus without distraction on just those matters that are relevant’ and, hence there is ‘an improvement in our moral thinking’ (Rachels, p. 77).\textsuperscript{2}

Tooley states: ‘When philosophers themselves respond this way [horror at infanticide], offering no arguments, and dismissing infanticide out of hand, it is reasonable to suspect that one is dealing with a taboo rather than a rational prohibition’ (Singer, p. 59).\textsuperscript{3}

The real issue, however, is one of incommensurables and moral attitudes. If people disagree over whether a man is ‘bald’ or his hair is ‘thinning’ they are at least speaking in terms of a single category, the quantity of hair. To move from speaking of ‘fertilization’ and ‘embryos’ to ‘conception’ and ‘babies’, however, involves what some philosophers have called a change of category or language game.

The quixotic method in philosophy

Our scientific technological society has set us up to accept something we call a ‘rational’ approach, and ‘bioethics’ is constructed on this basis. A method emerges, which holds out hope of solutions to our deepest moral perplexity. The method, in rough outline, looks something like this.

1) We need to establish a rule for distinguishing between right and wrong actions (e.g. regarding abortion, euthanasia, neonatal care, embryo research).
2) We suppose that this requires an answer to a prior question about ‘moral status’ (e.g. of the fetus/embryo, terminally ill patient, handicapped newborn).
3) We take a proposal for some plausible criterion for answering the status question (e.g. individuality, personhood, human form, consciousness).
4) We decide on, and defend, the most plausible criterion.
5) Someone else then applies the criterion in some analogous (often fantastic) case, where it has absurd results (e.g. a chimpanzee is more of a person than a newborn baby).
6) We either defend the criterion, arguing that the absurdity is not so absurd after all (chimpanzees really are people) or that the analogy is false, or move on to a different criterion.
7) The new criterion runs up against the same difficulties as the previous one; it must do because what is misconceived is the very idea of a rationally decisive criterion.

This method does have the advantage that it can keep bioethicists engaged in refined debate and academic paper-writing indefinitely. If bioethics were an art form and an end in itself, this might be perfectly acceptable. Sculpture, for example, does not seek solutions.
Abortion is seen by many as a ‘problem’ (i.e. as something akin to scientific, technical and technological problems). Problems have solutions. Let us see the bioethical method at work on this problem:

1) Is abortion right or wrong?
2) What is the moral status of the fetus?
3) ‘Quickening’ (motility) appears to be an answer to this question. We have a rationally decisive criterion.
4) No we don’t. Apply the criterion somewhere else: ‘We do not regard the lack of a capacity for physical motion as negating the claims of paralysed people to go on living’, says Singer in a flash of deep insight (p. 110).1
5) Ergo, quickening is no good as a criterion after all. So we still do not know the status; we still do not know whether it is right or wrong to abort.
6) Another criterion is suggested . . .

What is wrong with this method, other than the fact that a total lack of definitive results may arouse the suspicions of the public some time in the next couple of decades? I have discussed this elsewhere.4 The shortest answer, which may not be very helpful, is that it assumes that we can suspend, or put aside, all our reactions and attitudes that are the only basis for the moral positions we take, and then start afresh with some morally neutral findings on which to reconstruct a perfectly rational moral position, one that everyone must accept. (‘Must’ meaning only that it would be illogical not to accept it. People do in fact accept all sorts of illogical things.)

We cannot put aside such reactions and attitudes, and when we think we are starting afresh we are bound to be importing them. We then arrive either at the conclusions that we would have found morally acceptable anyway, or we arrive at conclusions that we find morally unacceptable, but we pressure ourselves and others to accept them in the belief that they are ‘rational’ rather than ‘merely emotional’. Anne Maclean has done a good job in making this clear in a book, which few, if any, writers on nursing ethics have studied.5

Ways of seeing

Look at the things around you: a rock on the ground, a tree, a ring on my finger or a piece of furniture. Then turn the focus on yourself and ask yourself what they mean to you. A ring is not (just) a piece of metal; is it arbitrary or subjective to value this ‘piece of metal’ but not that one? I may describe it in that way (as just a piece of metal), and describing it so shows my attitude to it. I may be showing contempt for it. I feel nothing about the rock, but feeling nothing is my attitude and that is the importance of it: that I feel nothing about it. One may speak of an ‘unborn child’ or an ‘embryo’, of ‘conception’ or ‘fertilization’, of ‘conceptus’ or ‘zygote’, of ‘baby’ or ‘fetus’, of the ‘baby’s kick’ or the ‘fetal reflex’, of a ‘newborn’ (‘infant’) or a ‘neonate’, but the contrast in each case is not between the moral/emotional and the scientific/rational but between one set of reactions and attitudes and another. One is not superior to the other. They have different and, within the proper bounds, legitimate roles.

What is the difference between a gammon steak and a slice of pig’s buttock?
Are they the same thing? Yes, but I’d rather have gammon with my peas and potatoes than a slice of pig’s buttock. If I insist on seeing your gammon as a slice of pig’s buttock then, surely, I am not just being ‘more scientific’ than you, I am making a point. You are not being ‘irrational’ or ‘emotional’ if you tell me to shut up. I am perhaps trying to disgust you, to put you off, to incline you to vegetarianism.

What is meant by describing the signs we take to be significant as ‘arbitrary’ or ‘subjective’? It has not escaped the notice of the perceptive bioethicist that there is no difference (scientifically, rationally) between a fetus just before and just after parturition. Thus, it follows, so it seems, that whatever it is acceptable to do to a fetus (baby?) one week before birth is acceptable to do one week after. We must accept this; reason demands it, or does it? If there is a difference in our attitude, is it explained by the fact that here there is an umbilical connection and here there is not? Our moral attitude cannot be reduced to any set of ‘facts’ at all.

Bioethicists have not generally understood this; thus Glover asks: ‘Can we be sure that, in making birth the boundary, we are not giving more weight to our own responses than to any significant change in the fetus–baby?’ (p. 125).\(^6\) Engelhardt states:

Both birth and viability are lines upon which moral significance is conferred. However, these lines do not possess intrinsic moral significance. It is only persons in the strict sense of moral agents who have moral standing in and of themselves (p. xxiv).\(^7\)

Both of these bioethicists make a misleading distinction between the objective and the subjective and this forces them into a trap: if it is objective, there is nothing moral in it, and if it is subjective, then it is arbitrary or emotional.

**Some thoughts on bioethical significance**

Looking at the development of the fetus (baby?) we may settle on one or more of these points as significant:

1) Conception, fertilization, chromosome fusion (creating a zygote);
2) Implantation (six days);
3) Cell differentiation, individuation (14 days);
4) Ensolement (40–90 days), quickening (16 weeks);
5) From zygote to fetus (beginning third month); human appearance (10 weeks);
6) Sensitivity, pain, nervous system (18 weeks);
7) Viability (26–28 weeks);
8) Birth (nine months);
9) Naming, after birth (Greeks, Romans, Yoruba e.g. eight days);
10) Self-consciousness, cortical development (two years?).

**Conception**

Paul Ramsey argues that the genetic uniqueness of the conceptus entails the wrongness of abortion. Note that, while he speaks of conceptus rather than zygote, it is not the mere fact that it is a conceptus but its genetic constitution that is decisive.\(^8\) However, genetics does not improve on what was sufficient.
Those who focus on this point often argue that the conceptus is a ‘potential person’. This is presented as a matter for rational acceptance. However, it has been objected that a potential person is not a person (‘potential’ is not an adjective like ‘big’ or ‘fat’) and that it is far from certain that any zygote will become an adult human being. It has also been said that it is confusing to think that everything that goes into a person is present in nuce in a couple of fused chromosomes. Scrutiny of the zygote reveals no signs of personhood. Perhaps the objections are missing the point. Note that, to begin with, the objectors generally prefer the term ‘zygote’ to ‘conceptus’. What the objections ignore is that ‘potentiality’ is really part of a way of speaking about what is there, seeing it already as something of profound human significance. Abstracted from its religious–moral context, the ‘potentiality argument’ can decide nothing.

**Implantation**

Some dwell on the point at which the fertilized egg (conceptus) implants in the uterine wall. After all, they say, about two-thirds of all zygotes never implant. It is at this point that we have something of moral significance because it is at this point that it becomes ‘dependent on the mother’, etc. It is hardly surprising that, if we move from the language of embryology to the language of ‘dependence on mum’, we have already found something ‘morally significant’. Others are quick to point out that ‘dependence’ is ‘merely biological’.

**Differentiation**

At a certain point, the embryo (conceptus, baby?) proceeds beyond an undifferentiated ball of cells; the cells start to group into different shapes and kinds. Many bioethicists are rather excited by this, although excitement is hardly a rational attribute. A committee of experts has decided that, before differentiation, we have a (mere) ‘pre-embryo’. The suggestion is that an embryo is somehow evidently better than a pre-embryo. Just like Captain Gulliver’s inability to prove that he has seen what the sticks mean, these bioethicists may find themselves at a loss to explain what exactly they see in cell differentiation to those who do not see it. Not that there is anything wrong with seeing it, but what would be wrong is any pretension that this seeing is somehow more rational, scientific or philosophical than not seeing it. One cannot do without some foundation, but it cannot be a rational one. Indeed, if it were rational then it could not serve as a foundation. What is rational is what rests on reasons (i.e. on something else) and so is not a foundation. I was once at a bioethics conference at which a very eminent speaker said that it came to her in a ‘flash of inspiration’ that cell differentiation was the significant thing; well, precisely.

**Ensoulment/quickening**

At a rather unpredictable point the fetus begins to move (the baby is kicking around?). ‘She kicked me!’, says the wife with a squeal of joy. ‘How do you know it’s a she?’, asks the husband. Perhaps a new attitude is taking shape, or just firm-
ing up. Along comes the gynaecologist (accompanied by the bioethicist) who says: ‘It's just a fetal reflex’ and spoils all the fun. Well, is it a ‘kick’ or is it really a ‘fetal reflex’? Note the words ‘just’ and ‘really’ and the commitments they carry.

Human (fetal) appearance

If we saw fetuses (babies) through a glass panel in the womb, as some have suggested, our attitudes might change. ‘Look, it’s a little person in there, oh, isn’t he sweet!’ Does one’s attitude have to change? Another observer might say, ‘Don’t be ridiculous, I’ve never seen a person who looks like a fetus.’ This looks like a disagreement that a more rational and scientifically inclined person might settle. Thus the bioethicist Michael Tooley says, ‘it is clear that the development of human form is not in itself a morally relevant event’ (p. 65). Well, it is clear to Tooley at least. He apparently has, in the shape of his bioethically trained mind, a perfectly rational instrument lacking in most of us.

Pain, nervous system

Lockwood argues that we should distinguish between human organism (an organism belonging to the species Homo sapiens), human being (sentient human organism) and person (self-conscious being, i.e. conscious of itself in past and future). He says that perhaps chimpanzees and dolphins are persons. We would not want to be subjected to pain even if we are lacking in self-consciousness; thus sentience is morally important. You cannot be sentient without a brain, so having a brain is morally important. Lockwood points out that ‘before the brain comes into being, there is no human being there to worry about’ (p. 19). My life really begins with my brain, and science can ascertain which stage of development is relevant. Lockwood’s conclusion is that ‘unless the interests of some other being are affected thereby, it is morally permissible to do whatever one likes with a human embryo or fetus before brain development’ (pp. 23–24). Once there is a brain, there has to be some overriding reason for abortion.

Is it not truly mortifying to think upon all the millions of people who may have needlessly worried about babies in the womb, ignorant of Lockwood’s revolutionary insight provided by long study of the bioethical method?

Viability

The ability of the fetus (baby) to survive outside the womb is of the greatest significance for some. The fact that viability varies with the state of technology has only been a minor inconvenience in sustaining this position. The United States Supreme Court did not hesitate; it drew the line here in its 1973 Roe v. Wade decision. It does not appear to have occurred to proponents of this bioethical position that what is not viable, or not quite viable, might deserve even greater respect and care. The significance of these biological facts does not reside in their supposed rationality. As for survivability, I personally still have problems surviving outside the womb. What do we have here: birth or parturition? Singer knows:
It seems peculiar to hold that we may not kill the premature infant, but may kill the more developed fetus. The location of a being – inside or outside the womb – should not make that much difference to the wrongness of killing it (p. 108).1

There is nothing peculiar about seeing a world of difference between what you see before birth and what you see after it, any more than there is anything peculiar about seeing a world of difference between what you see between two people before and after marriage, before and after a promise, before and after a majority vote, or before and after one has made a rude gesture at someone. What is really peculiar is thinking of childbirth as merely a change in location. On this basis, marriage is merely a change in the location of a piece of gold, a promise, a change in the location of certain vibrations in the air; a majority vote, a change in the location of human limbs (hands) from a resting position to the vertical, and an unkind gesture, a mere right-angled movement of the middle finger.

**Naming**

With the ancient Greeks and Romans, at a certain time after birth there was a ritual ceremony to name the child. With the Yoruba of West Africa, something similar takes place after eight days. Something changes; with the benefit of studying bioethics we might say that at that point we have ‘personhood’. However, bioethicists (who are nothing if not scientific) are unlikely to be interested in this since they prefer to attach their rites of passage to a biological event that can be seen with a microscope.

Personally, I prefer rites that everyone can grasp in their connection with common experience; but then, what is my personal view weighed against the superior rationality of science and bioethics?

**Consciousness, self-consciousness**

Engelhardt says: ‘In the case of the one-month-old infant, however, there is no evidence that a person in a strict sense is present. The organism shows none of the mental capacities of a mature non-human primate’ (p. xxi).7

Tooley asks: what properties must something have to be person (i.e. to have a serious right to life)?; (1) right to life requires desire for life (something cannot have a right to X if it cannot desire X); (2) it cannot desire life if it has no concept of life; and (3) concept of life requires self-consciousness; ergo, to be a person a thing must be conscious of itself. (Caveat: the unconscious and depressed still have a right to life because they would desire it if they were not unconscious or depressed.) Thus, fetuses and infants have no right to life. Exactly when self-consciousness is attained is ‘obviously a matter for detailed psychological investigation’ (Tooley, p. 83).3 Precision, as I noted at the beginning, is one virtue of the bioethical approach.

Again, we see a rational scheme imposed on things in such a way that common human experience is deemed irrelevant. What mothers, families, relatives, neighbours and nurses feel about the newborn baby is irrelevant emotion; they are gushing over ‘a person in the strict sense’ who is not there. If only they were rational they would see that in all consistency they should hurry down to the zoo.
and gush over a chimpanzee instead. Clearly a doctorate in bioethics does not even qualify one as a baby-sitter.

Conclusion

A purely rational (philosophical, bioethical) foundation for the rightness or wrongness of abortion (or anything else) is impossible. If science, particularly sociology and psychology, had not given religious and moral attitudes such a bad press, we might be looking in the right direction for such a foundation.

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