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A Philosophical Look into the Morality and Legality of Abortion

An Honors Thesis submitted in partial fulfillment of the requirements for Honors in
Philosophy & Religious Studies, College of Arts and Humanities.

By

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Under the mentorship of Dr. Daniel Larkin

ABSTRACT

In his *Nicomachean Ethics*, Greek philosopher Aristotle posits an understanding of ethics and how human life is characterized by the “good.” Aristotle argues that (I) ethics involve humans possessing a rational capacity and specific function; (II) ethics are habitual, and the “doctrine of the mean” is used to gauge proper action; and (III) justice is linked to virtue. A moral issue that can be analyzed through Aristotle’s *Ethics*, as well as works of contemporary philosophers, is abortion. Abortion has been a controversial topic and has been brought before the Supreme Court to determine its morality and legality. Using Aristotle’s *Ethics* as a foundation, as well as drawing from the works of contemporary philosophers, this thesis will explore hypothetical examples to examine how morality and legality apply to abortion, in that it can be moral but not legal; legal but not moral; both moral and legal; and neither moral nor legal.

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Introduction

Abortion is commonly defined as the termination of a pregnancy by means of medicine, surgery, or otherwise, resulting in the death of an embryo or fetus. As can be evident by recent and former court decisions, abortion has been a topic of global interest for centuries, and it remains one of the most contentious issues in contemporary society. Recent debates, protests, and rallies have revolved around the *Dobbs v. Jackson*¹ decision held in June 2022. This action overturned precedential cases *Roe v. Wade*² and *Planned Parenthood v. Casey*³ by returning the right to an abortion to individual states and their people.

As abortion has peaked and made its way through the Supreme Court and lower courts, many philosophers have taken an interest in the morality and legality of abortion. While some take the pro-abortion position and argue that abortion is moral and legal, others take the anti-abortion position and argue that it is immoral and illegal. Then, there are philosophers who concede by arguing on the basis of circumstances. With specific regard to the anti-abortion position, Beckwith (2007) argues that abortion is morally unjustified because a fetus possesses the right to life from the time of conception.⁴ Alternatively, Thomson (1971) asserts a defense of abortion by appealing to a thought experiment to argue against the premise of pro-abortion philosophers, who argue that the fetus should be considered a human being.⁵

¹ *Dobbs v. Jackson Women's Health Organization*, 597 U.S. ____ (2022).

² *Roe v. Wade*, 410 U.S. 113 (1973).

³ *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992).

⁴ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007. Specifically, Beckwith argues that fetuses should be considered a “full-fledged member of the human community”.

⁵ Thomson, Judith Jarvis. “A Defense of Abortion.” *Philosophy & Public Affairs* 1, no. 1 (1971): 47–66.

Among contemporary philosophers, I will engage with ancient Greek philosopher, Aristotle. Although Aristotle did not dedicate his work specifically to the matter of abortion, his moral philosophy is very applicable and should be examined to analyze the morality and legality of abortion. In his *Nicomachean Ethics*, Aristotle introduced several ideas which I will argue are pertinent to the discussion, including, but not limited to: the distinction between involuntary and voluntary action, the function argument, the role of habituation with regard to morality, the doctrine of the mean, and justice.

Drawing from the work of contemporary philosophers, ancient Greek philosopher Aristotle, and the application of hypothetical examples, I will analyze the morality and legality of abortion. I will introduce examples which substantiate the following: abortion is moral and legal; abortion is moral, but not legal; abortion is not moral, but legal; abortion is neither moral nor legal. On the one hand, abortion is morally justifiable on the grounds of extreme circumstances, bodily autonomy, and diverse moral beliefs. On the other hand, abortion is **not** morally justifiable on the grounds of moral ambiguity and uncertainty, moral frameworks within society, religious beliefs, and moral consensus. Comparable to morality, abortion is legally justifiable on the grounds of rights protection, permissibility for specific circumstances, pluralistic society, legal changes, and public health concerns. Alternatively, abortion is **not** legally justifiable on the grounds of legal ambiguity and void, clash of moral justifiability with legal restrictions, and religious perspectives.

I. Aristotle

a. Involuntary vs. Voluntary Actions

Aristotle dedicated his work to the understanding of the classification of human actions. This thesis will investigate Aristotle's works compared to the contemporary moral issue at hand—abortion. One useful way to determine the morality and legality of abortion is by his position on involuntary and voluntary actions.

In Book III of his *Nicomachean Ethics*, Aristotle explores the concept of involuntary and voluntary actions among other actions.⁶ He frames his argument by first defining actions as the result of human agency and intentionality, and then he dives into what he refers to as voluntary and involuntary actions.⁷ According to Aristotle, “the man acts voluntarily; for the principle that moves the instrumental parts of the body in such actions is in him, and the things of which the moving principle is in a man himself are in his power to do or not to do.”⁸ In other words, voluntary actions are those that are carried out with awareness and choice wherein ignorance is absent. Additionally, because voluntary actions are made from an agent's own choice, the agent is aware of the particular circumstances and consequences of their actions. Therefore, these actions are thought to be within the control of an agent's conscious decision-making process. Consensual sex—a contextual example of a voluntary action—is the agreement or the consent between parties to participate in intercourse each time.⁹ While Aristotle does not explicitly address this example or concept in his *Nicomachean Ethics*, based on his position on voluntary

⁶ Aristotle also explores nonvoluntary and mixed actions; however, those are irrelevant to the context of this thesis.

⁷ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 33-34.

⁸ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 34.

⁹ Parenthood, Planned. “What is sexual consent?: Facts about rape & sexual assault.” *Planned Parenthood*.

actions, it can be interpreted that he would find abortion immoral when the actions that put an agent in such a position in the first place was strictly voluntary.

As previously noted, voluntary actions are made when ignorance is absent; however, there are instances where voluntary ignorance is present. To this end, ignorance is defined as the lack of knowing something. In the context of this thesis, examples of ignorance could involve limited access to abortion healthcare services, thereby limiting the opportunity to learn more about abortion, or the lack of sex education, thereby limiting the information about reproductive health and abortion. Because these instances of ignorance do not provide someone with the means to obtain the information themselves, they are deemed involuntary ignorance. However, when someone has the means to obtain information for themselves, such action is considered voluntary ignorance. For example, consider your parents never discuss sexual education with you, especially not abortion. Because there are resources that exist for you to obtain this information for yourself, it is deemed voluntary ignorance if you continue to navigate through life without seeking out this information.

Conversely, involuntary actions are those for which “no one would choose any such act in itself.”¹⁰ In other words, involuntary actions are those which occur without an agent’s deliberate, free choice—they may be compelled by an external force—but the agent is still completely aware of what is going on. More explicitly, actions done by force are those where an external factor (or person) coerces an agent into performing an action against their will. For example (and within the context of this thesis), a woman who is raped, thereby forced to engage in sexual activity against her will (involuntarily), becomes pregnant.

¹⁰ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 34.

Based on this particular exploration of voluntary and involuntary actions, it is important to consider Aristotle's perspective on moral accountability and how he emphasizes the concept of voluntariness in actions. Aristotle argues that individuals should be held morally accountable for their voluntary actions because they reflect their character, intentions, and ethical dispositions. In cases of involuntary actions, where individuals act without deliberate choice or due to external factors, Aristotle maintains that moral responsibility is mitigated. For example, actions influenced by coercion, ignorance, or circumstances beyond one's control fall into the category of involuntary actions. Aristotle suggests that an agent cannot be held morally blameworthy for these actions since they did not result from the individual's willful decisions or intentions.

However, while Aristotle distinguishes moral accountability based on voluntariness, he acknowledges the potential for legal consequences for actions deemed involuntary. Although an action might be considered involuntary from a moral perspective, legal systems often hold individuals accountable for certain involuntary actions due to their impact on societal order or norms. Legal accountability can be based on different criteria, including the protection of public safety, establishing guidelines for conduct, and ensuring justice within a legal framework. The distinction between moral and legal accountability is important in understanding Aristotle's perspective. While he argues for moral accountability based on voluntariness, acknowledging that involuntary actions should not be held morally against an individual, legal systems might still hold individuals accountable for some involuntary actions to maintain order and fairness within society. In essence, Aristotle's philosophical stance emphasizes the significance of voluntary actions in determining moral responsibility, while legal systems may consider a

broader range of factors, sometimes leading to legal accountability for actions that might be considered involuntary from a moral standpoint.

Involuntary vs. voluntary actions will be used in the framework of my arguments to aid in the discussions of the moral and legal permissibility of abortion. On the one hand, cases involving involuntary actions such as rape or incest may raise questions about bodily autonomy and the right to terminate a pregnancy, often leading to arguments for broader access to abortion services. On the other hand, voluntary actions, such as consensual sexual activity without contraception, may influence perspectives on individual responsibility and the extent of legal restrictions on abortion access.

a. Function Argument

Aristotle believed that ethics are based entirely upon practical reasoning, i.e., the use of rational thinking to decide one's actions. This idea led Aristotle to the function argument, which is a tool that Aristotle created to determine the purpose of something. The example that Aristotle provides to explain this concept is that of a flute player—a flute player plays the flute, and to be a good flute player, one must play the flute well, so in other words, to be a good human and live a good human life, one must perform with excellence that specific task that distinguishes humans from all other things, which, for Aristotle, is accomplished by maximizing one's rational capacity.¹¹ To this end, it is important to identify the function of sex.

According to Aristotle, the function of sex serves several purposes within his framework of philosophy and ethics. First, Aristotle views procreation as one of the primary functions of

¹¹ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 10.

sex.¹² It is evident that he sees the continuation of the species as a natural and essential aspect of life throughout his explanations of the roles of males and females in the generation of offspring.¹³ In his view, sex allows for the generation of offspring, thus contributing to the continuation of the human race. Second, Aristotle's works suggest that he sees sex as playing a role in promoting familial relationships. The family unit, he argues, is fundamental to the structure of society¹⁴, and sex within the context of marriage serves to strengthen familial relationships and societal stability through procreation. Lastly, Aristotle's *Ethics* can be connected to the act of sex in his *Generation of Animals* through broader ethical considerations. He suggests that sex, when engaged in virtuously and in accordance with reason, can be a manifestation of virtuous behavior. For Aristotle, virtuous conduct encompasses the pursuit of *eudaimonia*, or flourishing, and based on his arguments, Aristotle would view sex within the bounds of virtuous behavior as contributing to human well-being.¹⁵

Now that we have identified Aristotle's function argument, including the function of sex and reproduction, let's consider what the function of sex is when there is no reproduction. From Aristotle's perspective, if a woman cannot reproduce due to biological factors, medical conditions, or personal circumstances, it might be seen as a departure from the natural function of sex. Since reproduction is central to Aristotle's understanding of the purpose of sexual activity, the inability to fulfill this function might be viewed as a failure to achieve the intended end or telos. However, it's important to note that Aristotle's perspective on reproduction and sexuality is rooted in the context of his time, which lacked contemporary medicine. Therefore,



¹² Aristotle. *Generation of Animals*. Translated by A.L. Peck. Harvard University Press, 1992, 13.

¹³ Aristotle. *Generation of Animals*. Translated by A.L. Peck. Harvard University Press, 1992, 3-262.

¹⁴ Aristotle. *Politics*. Translated by Benjamin Jowett. Oxford: Clarendon Press, 1905, 4.

¹⁵ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 11.

his views may not fully encompass the complexities of reproductive health or the experiences of individuals who cannot conceive. Moreover, Aristotle's philosophy also acknowledges that individuals may have different capacities and circumstances that influence their ability to fulfill their function. He emphasizes the importance of realizing one's potential within the constraints of one's nature. To this end, while infertility might be seen as a departure from the natural function of sex, Aristotle would likely recognize that individuals still have other capacities that contribute to their overall flourishing and well-being.

The function argument will be used in the framework of my arguments regarding the moral and legal permissibility of abortion. By framing the function of sex, particularly in relation to reproduction, it shapes perspectives on the inherent value of potential life, the rights of the pregnant individual, and the interest in regulating abortion practices. This argument influences how individuals and societies weigh competing moral considerations and formulate laws and policies regarding abortion.

b. Habit

Aristotle also argued in Book II of his *Nicomachean Ethics* that while ethics may be no more than practical reasoning, they are also habitual, and one must habituate the right pain and pleasure to be ethical. Aristotle argues that virtues are not innate qualities but are instead developed through habitual action.¹⁶ He suggests that ethical behavior involves a balance between experiencing and responding to pleasure and pain in a virtuous manner. Through repeated practice and the reinforcement of virtuous habits, individuals can train themselves to

¹⁶ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 20-21.

find pleasure in virtuous actions and experience pain in vice.¹⁷ By habituating oneself to act in line with moral virtues such as courage, temperance, and justice, one can develop a virtuous character. Aristotle emphasizes that this process requires effort and practice over time. Through habituation, individuals can attribute ethical principles and make them an essential part of their character, leading to a more fulfilling and flourishing life.

While Aristotle did not specifically address abortion in his works, we can speculate on how he might apply his philosophical principle of habit to this topic. Aristotle would likely emphasize the importance of habituation in cultivating virtuous character regarding the ethical considerations of abortion, such as habituating themselves to act in line with moral virtues such as compassion, empathy, justice, and prudence. Additionally, Aristotle's ethics involve finding a balance between experiencing pain and pleasure in virtuous and vicious actions. In the context of abortion, Aristotle might suggest that individuals should habituate themselves to consider the moral consequences of their actions, balancing the potential pain caused by terminating a pregnancy with the pleasure derived from upholding principles of autonomy, compassion, and well-being. Moreover, Aristotle acknowledges the influence of societal norms and laws on ethical behavior. He might argue that individuals should consider the broader societal context and legal frameworks surrounding abortion when making ethical decisions. However, Aristotle would likely caution against blindly following social norms without critical reflection and moral contemplation. Furthermore, Aristotle emphasizes personal responsibility and accountability in ethical decision-making. He might argue that individuals have a moral obligation to consider the consequences of their actions, including the impact of abortion on themselves, others involved,

¹⁷ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 23-24.

and society at large. Habituation, in this context, involves developing the habit of ethical reflection to guide one's choices.

In the framework of my argument on the moral and legal implications of abortion, the concept of habit can be used to understand how societal norms, cultural attitudes, and individual behaviors influence perspectives on abortion. By recognizing the influence of habituation, I can better analyze the complexities of abortion.

c. Doctrine of the Mean

Aristotle's doctrine of the mean is one of the foundations for his ethical philosophy, which was primarily outlined in his *Nicomachean Ethics*. This doctrine presents a framework for understanding moral virtues and their cultivation in human behavior. The importance of Aristotle's ethics is the notion that virtue is a mean between two extremes, each representing a vice. The mean is considered the virtuous path that lies between deficiency and excess.¹⁸ This concept applies to various virtues, where finding the balance between extremes is key to achieving moral excellence. For example, consider the virtue of courage. Aristotle proposes that courage is the mean between the vices of cowardice (deficiency) and recklessness (excess). On one hand, a coward lacks the appropriate level of courage and avoids situations requiring bravery out of fear. On the other hand, a reckless individual displays an excessive amount of courage, engaging in risky behavior without caution. Courage, as a virtue, exists in the middle, allowing one to face fear and act bravely while maintaining a sense of rationality and caution.¹⁹

¹⁸ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 26.

¹⁹ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 31.

It is important to note that Aristotle's doctrine of the mean is not about finding a midpoint but rather understanding the contextual differences of each situation. What constitutes the mean can vary based on individual circumstances, cultural norms, and personal dispositions. Aristotle stresses the significance of practical wisdom (phronesis) in determining the mean in different situations. Practical wisdom involves a combination of knowledge, experience, and the ability to make sound judgments about what actions best align with virtuous living. The cultivation of virtue, according to Aristotle, involves habituation and practice. Virtues are not innate traits but developed through repeated actions and choices. By consistently choosing the mean between extremes, individuals cultivate virtuous character traits. Moreover, Aristotle's doctrine of the mean acknowledges that ethical decision-making is complex and context dependent. The mean is not an "end all, be all" solution but rather a guideline for moral conduct, encouraging individuals to navigate life with balance and moderation. Aristotle's ethical framework also contributes to his broader concept of *eudaimonia*, often translated as "flourishing" or "human flourishing."

Eudaimonia represents a state of overall well-being and fulfillment attained through a life of virtuous actions.²⁰ For Aristotle, achieving *eudaimonia* involves the development of moral virtues, and the doctrine of the mean plays a crucial role in this pursuit by guiding individuals toward a balanced and harmonious way of living.

Applying the doctrine of the mean to my argument allows for a principled approach to addressing the moral and legal implications of abortion. By seeking a balanced middle ground that considers the complexities of the issue and respects the rights and dignity of all involved parties, I can offer a more comprehensive and thoughtful analysis of the topic.

²⁰ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 7-10.

d. Justice

Aristotle's understanding of justice involves the concept of both law abiding and fairness, and he explores these concepts extensively in his ethical and political works, particularly in his *Nicomachean Ethics* and *Politics*. He distinguishes between two primary forms of justice: distributive (or proportionate) justice and rectificatory justice. Distributive justice involves the fair distribution of resources, honors, and responsibilities among members of a community according to their merit or worth. Aristotle argues that this form of justice is about giving each person what they are owed in proportion to their contributions, merits, or needs within society. It pertains to the fair allocation of societal goods, such as wealth, opportunities, and positions, based on individuals' virtues or merits.²¹ Conversely, rectificatory justice focuses on correcting or rectifying injustices that occur between individuals. This form of justice involves settling disputes and addressing wrongs by restoring the balance that was disrupted. Rectificatory justice aims to resolve conflicts and restore fairness when one party has been wronged by another.²²

Aristotle maintains that justice is intertwined with lawfulness, but he expands the concept to include fairness. He asserts that not everything that is against the law (lawless) is necessarily unfair. There might be instances where the law itself is unjust or inadequate, and acting against such laws might align with a higher moral sense of fairness. In these cases, justice may exceed the limits of strict legal codes. On the contrary, Aristotle argues that everything that is unfair is inherently lawless. He contends that actions or situations that deviate from fairness—whether in terms of unequal treatment, imbalances, or injustices—violate the essence of justice. Even if these actions do not explicitly break established laws, they undermine the principle of justice by

²¹ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 75-77.

²² Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 76-78.

failing to uphold fairness and equality. Aristotle's perspective on justice acknowledges the importance of law and legal systems in maintaining order and structure within society. However, he emphasizes that justice extends beyond mere compliance with laws. True justice, according to Aristotle, encompasses fairness and equity, ensuring that individuals receive what they are due based on merit and that actions and interactions within society align with principles of fairness and morality.²³

In summary, Aristotle argues that (I) humans possess a rational capacity (function argument), (II) humans become ethical by way of habit, (III) the doctrine of the mean can be used to gauge proper human action, and (IV) to be just means to be virtuous.

II. Abortion is Immoral and Illegal—or is it?

a. Neither Moral nor Legal

In a hypothetical scenario where abortion is considered neither moral nor legal, imagine a society where advanced medical technology allows for the removal of a fetus from the womb at any stage of development without causing harm to the fetus. However, both the termination of pregnancy and the removal of the fetus from the womb are illegal. Considering these factors, imagine a pregnant woman discovers that she has a life-threatening medical condition. This condition requires treatment that is incompatible with pregnancy, and continuing the pregnancy would risk her life. To save her own life, the woman seeks medical assistance to remove the fetus. Despite the medical need and the absence of harm to the fetus during the removal process, both the woman and the medical professionals involved are faced with a moral and legal dilemma. The woman's desire to preserve her own life conflicts with the societal norms and legal restrictions regarding abortion. From a moral standpoint, the woman may believe that she has a

²³ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 72-75.

right to protect her own life and seek medical treatment, even if it requires the termination of her pregnancy. However, the legal framework in this particular society prohibits such actions, viewing them as morally and legally unacceptable.

In this scenario, the woman and the medical professionals must navigate the tensions between individual autonomy, medical necessity, societal norms, and law. They may be forced to make difficult decisions that involve weighing the value of the woman's life against the legal and moral consequences of violating said norms and laws. This hypothetical scenario illustrates the challenging ethical decision-making that can arise when moral considerations clash with legal restrictions, highlighting the need for ethical reasoning and careful consideration of the complexities involved in such matters.

For this scenario, Beckwith (2007) is worth engaging with. He argues for the “substance view,” which is the “pro-life” position that abortion is wrong²⁴ because a fetus has the right to live and is considered a “full-fledged member of the human community”²⁵ at the time of conception and remains a full-fledged member of society until a death that occurs as a result of natural causes. From this perspective, any intentional termination of pregnancy would be equivalent to the deliberate ending of a human life, which Beckwith categorically opposes, because fetuses have a predisposed “natural capacity,” which grants them the right to life.²⁶ Beckwith’s arguments also challenge pro-choice positions by rejecting the argument of bodily autonomy²⁷. Beckwith argues for the moral responsibilities that accompany parenthood by

²⁴ More specifically, Beckwith argues that “abortion is *prima facie* seriously wrong. *Prima facie* is the latin expression for “at first sight,” so what Beckwith is trying to argue is that abortion is seriously wrong at first sight, or at first impression.

²⁵ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007, 793.

²⁶ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007, 793.

²⁷ Bodily autonomy is the right of any person to control their own body.

arguing that mothers have an “obligation to the fetus”²⁸. According to Beckwith, the right to life of the fetus supersedes the mother’s right to control her own body. Additionally, Beckwith maintains that as moral agents, humans have a “duty to not kill an innocent person.”²⁹ This duty extends to unborn children, regardless of the circumstances surrounding their conception or the challenges faced by the mother.³⁰ The fetus possesses a right to life, regardless of the circumstances. Thus, he would likely argue against any medical intervention that intentionally ends the life of the fetus, even if advanced technology allows for its removal without harm.

Conversely, Aristotle would prioritize the well-being and *eudaimonia* of the pregnant woman, considering her life-threatening medical condition. Aristotle's ethics focus on virtue and the pursuit of human flourishing³¹; therefore, he might argue that the woman has a moral right to seek medical treatment to preserve her own life, as it aligns with the goal of promoting human flourishing and well-being. Aristotle might also consider the role of practical wisdom in this situation.³² He would likely emphasize the importance of consideration of the specific circumstances, rather than adhering to legal or societal norms, by taking into account both the moral importance to preserve life and the realities of the woman's medical condition. Additionally, Aristotle's understanding of justice would involve balancing the interests and rights of all parties involved, including the pregnant woman, the fetus, and society as a whole. While he might acknowledge the moral status of the fetus, Aristotle's ethical framework would likely lead

²⁸ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007, 793.

²⁹ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007, 793.

³⁰ Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007, 793 – Beckwith acknowledges that even in cases of rape, mother’s have a moral duty to their fetus not to have an abortion.

³¹ Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009, 7-10.

³² See the definition of practical wisdom on page 12 of this thesis.

him to prioritize the immediate and pressing needs of the pregnant woman, especially in a situation where her life is at risk.³³

b. Moral, but Not Legal

In a hypothetical scenario where abortion is deemed moral but illegal, consider that a pregnant woman discovers that her fetus has abnormalities that are likely incompatible with life outside the womb. Medical professionals have determined that the fetus may survive after birth, but the probability is low, and the pregnancy may even cause significant harm to the woman's health during pregnancy. After seeking opinions from religious and ethical leaders, the woman establishes that in her case where severe fetal abnormalities are present, terminating the pregnancy would be morally justified for both the fetus and the mother.³⁴

Despite the moral consensus among religious and ethical leaders, the legal framework in this particular society strictly prohibits abortion under any circumstances. The woman faces the dilemma of either obeying the law and continuing the pregnancy, knowing that it will result in potential suffering for both her and the fetus, or seeking an illegal abortion to alleviate the distress and potential harm. In this scenario, the woman may ultimately decide to proceed with an illegal abortion, guided by her moral beliefs. She may view her decision as an act of mercy and compassion, seeking to prevent unnecessary suffering for herself and the fetus. However, the woman's decision to seek an illegal abortion also highlights the tension between moral principles and legal constraints. This hypothetical example underscores the complexities of ethical decision-making and the challenges that arise when moral principles conflict with legal restrictions, encouraging individuals to consider the repercussions to their decisions.

³³ See Id of this thesis.

³⁴ It should be emphasized that the woman has bodily autonomy and the right to make decisions about her own body while minimizing unnecessary suffering at the same time.

Judith Jarvis Thomson (1971) highlights this challenge in *A Defense of Abortion*. Thomson provides a defense of abortion by criticizing pro-life philosophers on their premise that the fetus is a human being.³⁵ Thomson appeals to a thought experiment involving an unconscious violinist being plugged into someone who has been kidnapped and must stay plugged up to the violinist for nine months to preserve the violinist's life, at which time she poses the question: is it morally necessary for the kidnapped person to stay plugged into the unconscious violinist to preserve his life?³⁶ She relates this thought experiment back to abortion and considers many points of interest as to the impermissibility of a woman preserving the life of a fetus. Thomson contends that while it may be morally commendable for a woman to carry a pregnancy to term, it should not be legally or morally obligatory.³⁷ To that end, Thomson's argument can be applied to support the woman's right to autonomy and bodily integrity. Even if one grants the moral status of the fetus, Thomson's argument suggests that the woman's autonomy and right to control her own body outweigh any moral claims the fetus may have. This is especially relevant in cases where the pregnancy results from consensual sexual activity but was not deliberately chosen, such as when contraception fails. Thomson's emphasis on choice and responsibility aligns with her view that individuals should not be held morally accountable for outcomes they did not intentionally cause. Therefore, even if the woman took reasonable precautions to prevent pregnancy, such as using contraceptives, she should not be morally obligated to continue the pregnancy if it poses a significant burden or risk to her well-being. Additionally, Thomson's argument would emphasize the significant physical, emotional, and financial burdens that may be imposed on the woman if she were to continue the pregnancy to term. These burdens could include the psychological strain

³⁵ Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy & Public Affairs* 1, no. 1 (1971): 48.

³⁶ Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy & Public Affairs* 1, no. 1 (1971): 48-49.

³⁷ Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy & Public Affairs* 1, no. 1 (1971): 47-66.

of caring for a child with severe disabilities, the potential impact on the woman's health and well-being, and the financial challenges associated with providing specialized medical care.

Although Thomson makes some very compelling points, many arguments can be raised in response to her position. One could argue that while her violinist analogy effectively highlights the importance of bodily autonomy, it may not fully capture the complexities of the abortion debate. Comparing the fetus to an unconscious violinist overlooks the unique moral status of the unborn child. One could also argue that Thomson's focus on the woman's autonomy neglects the interests of the fetus, leading to an imbalance in moral consideration. Overall, while Thomson's defense of abortion offers a compelling perspective on bodily autonomy, it remains subject to critique regarding its treatment of fetal rights and moral responsibility.

In contrast to Thomson's argument, Don Marquis in "Why Abortion is Immoral" argues against abortion by framing it as a moral issue concerning the value of human life. Marquis begins his argument by posing the question "why is murder bad?"³⁸ To that end, he asserts that murder denies a victim of a future, which Marquis defines as the loss of all the valuable experiences, activities, and achievements that the victim would have otherwise enjoyed.³⁹ Applying this reasoning to abortion, Marquis argues that abortion is immoral because it deprives the fetus of a "future like ours"⁴⁰. He contends that every human being, from the moment of conception, possesses a future filled with potentialities, experiences, and opportunities, which are unjustly taken away by abortion. Moreover, Marquis's argument challenges pro-choice positions that focus on the woman's autonomy and bodily rights, such as that of Thomson. By shifting the

³⁸ Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy* 86, no. 4 (1989): 189.

³⁹ Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy* 86, no. 4 (1989): 189.

⁴⁰ Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy* 86, no. 4 (1989): 191.

focus away from the woman's autonomy and towards the moral status of the fetus, Marquis encourages a deeper examination of the consequences of abortion on future lives.

To counter Marquis's position, it is essential to highlight the diversity of children's futures and the complexities of human existence. Not all children are granted a "future like ours" in the sense that their lives may unfold differently due to various factors such as disabilities, disorders, or adverse circumstances, which is evident in this hypothetical scenario. Some children may face a future full of medical interventions, dependency, or neglect, which significantly deviates from Marquis's notion of human flourishing. Moreover, children born into abusive or neglectful environments may endure suffering and deprivation that undermine Marquis's argument about the inherent value of life.

Comparatively, Aristotle argues in his *Politics* that no child with disabilities or abnormalities shall be born.⁴¹ According to Aristotle, the state should take measures to prevent the birth of children with disabilities or abnormalities as part of its responsibility to promote the common good. Therefore, preventing their birth is seen as a means of preserving the integrity and effectiveness of the social order. Aristotle also argues that it is legally permissible to terminate a pregnancy by means of abortion to maintain population control.⁴²

c. Legal, but Not Moral

In a hypothetical scenario where abortion is legal but deemed immoral, consider a society where abortion is legal. Considering that factor, imagine someone forcing a pregnant woman, who is financially dependent on them, to undergo an abortion against her will. To appeal this example to real life, imagine a woman's husband or boyfriend financially supporting her and she has no one else to lean on. Faced with the threat of losing support with nowhere else to go, the

⁴¹ Aristotle. *Politics*. Translated by Benjamin Jowett. Oxford: Clarendon Press, 1905, 178.

⁴² Aristotle. *Politics*. Translated by Benjamin Jowett. Oxford: Clarendon Press, 1905, 178.

woman reluctantly agrees to the abortion, despite her personal moral beliefs about terminating the pregnancy.⁴³

While the legality of abortion in this scenario may provide legitimacy to the procedure, the moral dimension of the decision is deeply troubling. The woman's rights and dignity are violated, and the practice of coercing individuals into undergoing abortions undermines the principles of justice and respect for human life that are foundational to Aristotelian ethics. This hypothetical example highlights the distinction between legal permissibility and moral legitimacy, illustrating how actions that are legal under the law may still be considered morally wrong. It underscores the importance of considering both legal and moral dimensions in decision-making.

Lee and George (2005) also provide insight into this scenario. Lee and George first consider the important question: “what is killed in an abortion?”⁴⁴ and begin their argument by determining that a “human embryo is a human being... only at an earlier stage of development.”⁴⁵ Building upon this foundation, Lee and George challenge the notion that abortion is morally permissible based on the premise that embryos and fetuses are not yet persons.⁴⁶ By grounding personhood in the identity of the human organism itself, they advocate

⁴³ Although it goes beyond the scope of this paper, as it relates to abusive relationships, it is important to recognize a potential objection of this scenario. One could argue that the mother could seek out help, either from the doctors assisting with the abortion, a family member, or otherwise, if she truly did not want to terminate the pregnancy. However, someone may respond to this potential objection by arguing that the mother is psychologically brainwashed, much like individuals in abusive relationships, and she may not recognize that avenues and resources exist to get her out of her situation. Additionally, she may be brainwashed to the extent that she believes she deserves that kind of treatment, or that the treatment is not that bad.

⁴⁴ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 13.

⁴⁵ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 14-15.

⁴⁶ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 15.

for the recognition of the moral status and rights of the unborn from the moment of conception.⁴⁷ Lee and George also challenge the notion that abortion is morally permissible on the grounds that human embryos have the potential to reach “higher mental functions.”⁴⁸ In other words, while human embryos and fetuses are human beings, they do not possess the special kind of value that qualifies them as bearers of rights until certain capacities, such as self-consciousness, are present. In this particular argument, Lee and George emphasize the inherent worth and value that human beings possess from the time of conception. Furthermore, Lee and George contend that the act of abortion violates the principle of justice, as it involves the deliberate killing of an innocent human being without sufficient justification. They critique various pro-choice arguments, including appeals to bodily autonomy and the potential harms of unwanted pregnancy, arguing that these considerations do not outweigh the fetus' right to life. They maintain that while women have the right to control their bodies, this right is not absolute and must be balanced against competing moral claims, particularly those of the fetus.⁴⁹

Because Lee and George's perspective on abortion rests on the idea that human embryos and fetuses are human beings deserving of rights and protection from the moment of conception, they would view the coercion of a pregnant woman into undergoing an abortion as a violation of the unborn child's right to life and the woman's autonomy. Additionally, Lee and George would likely highlight the injustice of the situation. They would argue that the woman's decision to undergo the abortion under duress does not negate the moral wrongness of the act. Instead, they

⁴⁷ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 16.

⁴⁸ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 17.

⁴⁹ Lee, Patrick & George, Robert P. “The Wrong of Abortion.” *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub, 2005, 20-24.

would emphasize the importance of protecting the vulnerable, including both the pregnant woman and the unborn child, from coercion and harm.

Comparative to Lee and George, Aristotle would likely emphasize the importance of respecting the dignity and autonomy of individuals, particularly the pregnant woman. Based on Aristotle's exploration of justice and involuntary actions, he would view the coercion of the woman into undergoing an abortion against her will as a violation of her rights. Additionally, because there is no presence of disabilities or abnormalities⁵⁰, Aristotle would likely advocate for the position that the abortion is essentially immoral because it does not promote the growth of the human race^{51, 52}.

d. 

In a hypothetical scenario where abortion is both moral and legal, consider a society where abortion is legal and accessible and there are circumstances where terminating a pregnancy is not only moral but may be considered a compassionate choice. One such scenario arises when a fetus is diagnosed with anencephaly. Anencephaly is the development of a fetus without the necessary components of the brain required for life.⁵⁵ In cases of anencephaly, the fetus is unable to survive outside the womb and may experience *significant* pain and suffering if the pregnancy is allowed to continue to term. Thus, in such *extreme* circumstances, one could make the argument that abortion can be deemed moral and necessary for several reasons. First, allowing a fetus with anencephaly to continue developing in the womb would only prolong its suffering, which would be morally unjustifiable. Thus, getting an abortion would be a compassionate decision to spare

⁵⁰ See page 21 of this thesis regarding Aristotle's position on fetuses with disabilities and abnormalities.

⁵¹ See page 9 of this thesis regarding Aristotle's position on procreation.

⁵² It is worth noting that this scenario does not account for a woman's position to abort a fetus when these extreme circumstances are not present. Although Aristotle respects women's right to bodily autonomy, he would likely argue that it is not necessarily morally permissible to obtain an abortion, depending on the circumstances otherwise.

⁵⁵ Salari, N., Fatahi, B., Fatahian, R. et al. "Global prevalence of congenital anencephaly: a comprehensive systematic review and meta-analysis." *Reprod Health* 19, 201, 2022, 2.

the fetus from further suffering. Second, continuing a pregnancy with a fetus diagnosed with anencephaly can have emotional and psychological effects on the parents. The anticipation of giving birth to a child who cannot survive or lead a normal life can cause distress; therefore, allowing for abortion in such cases enables the parents to spare themselves, thereby respecting their autonomy, and preventing further suffering of the fetus. Third, there is an ethical responsibility to avoid prolonged suffering. By opting for abortion in cases of *severe* fetal abnormalities like anencephaly, mothers are acting in the best interests of the fetus, which is the biggest priority.

Mary Anne Warren (1973) investigates these principles of morality and legality of abortion in “On the Moral and Legal Status of Abortion.” Warren begins her argument by determining whether a fetus should be considered a human being by identifying the criteria for personhood. Warren argues that the fetus does not possess the attributes, such as (1) consciousness, (2) reasoning, (3) self-motivated activity, (4) communication, and (5) self-awareness, thereby challenging the traditional anti-abortion argument that acknowledges fetuses as persons possessing moral rights.⁵⁶ Additionally, Warren engages with other philosophers, such as Judith Jarvis Thomson, to navigate the bodily autonomy arguments. Warren contrasts Thomson’s arguments with those who advocate for personhood of a fetus and emphasizes the importance of women’s rights in reproductive decision-making. Warren argues that in cases where extreme circumstances exist, such as rape, a woman should have the right to obtain an abortion because the woman was “in no way responsible for her pregnancy”; however, circumstances would need to be investigated to determine whether abortion is otherwise permitted with respect to the woman’s bodily autonomy.⁵⁷ Furthermore, Warren argues beyond abortion to recognize broader

⁵⁶ Warren, Mary Anne. “On the Moral and Legal Status of Abortion.” *The Monist* 57, no. 1, 1973, 2.

⁵⁷ Warren, Mary Anne. “On the Moral and Legal Status of Abortion.” *The Monist* 57, no. 1, 1973, 3.

moral questions, such as infanticide and euthanasia. With regard to infanticide, Warren questions whether the moral considerations that inform discussions about abortion also apply to the killing of newborn infants⁵⁸. She continues her exploration of personhood and the criteria for moral status, suggesting that the same attributes that might justify abortion are absent in newborns to an extent. Warren's argument implies that if the moral status of fetuses is contingent upon certain criteria, the same ambiguity may extend to newborns, thereby challenging traditional views on infanticide. With regard to euthanasia, Warren contends that if society is willing to reconsider the moral implications of ending a potential life in the case of abortion, it should also engage in an examination of the moral complexities surrounding end-of-life decisions.⁵⁹ By examining these related issues, Warren emphasizes the need a consistent ethical framework that considers various factors, including the interests and autonomy of all individuals involved.

Warren's exploration of the criteria for personhood and moral status is highly relevant in that an anencephalic fetus lacks the necessary components required for life. Additionally, Warren's emphasis on bodily autonomy and women's rights in reproductive decision-making recognizes the emotional distress and suffering on the parents of an anencephalic fetus, thereby allowing for abortion to respect their autonomy. This relates to Warren's argument that women should have the right to make decisions about their own bodies, particularly in extreme circumstances. Furthermore, Warren's exploration of broader moral questions, such as infanticide and euthanasia, sheds light on the ethical complexities involved. By questioning whether the moral considerations that inform discussions about abortion also apply to other scenarios, such as infanticide and euthanasia, Warren encourages an examination of these issues. This aligns with the consideration of ethical responsibility to avoid prolonged suffering, which may justify the

⁵⁸ Warren, Mary Anne. "On the Moral and Legal Status of Abortion." *The Monist* 57, no. 1, 1973, 7.

⁵⁹ Warren, Mary Anne. "On the Moral and Legal Status of Abortion." *The Monist* 57, no. 1, 1973, 8.

compassionate choice of abortion in cases of severe fetal abnormalities. Similarly, Aristotle would argue that obtaining an abortion in this particular scenario would warrant moral and legal justification on the grounds that the child has disabilities and abnormalities.⁶⁰

One potential objection to the argument presented is that it overlooks the inherent dignity and value of human life, even in cases of severe fetal abnormalities like anencephaly. While it is true that the fetus may lack certain attributes necessary for life, such as consciousness or self-awareness, one could argue that every human being, regardless of their condition or stage of development, deserves respect and protection. From this perspective, the decision to terminate a pregnancy solely based on the presence of anencephaly may be seen as undermining the principle of valuing human life. While it is understandable that parents may wish to spare their child from unnecessary suffering, the objection holds that the compassionate response should focus on providing support and care for both the fetus and the parents, rather than resorting to an extreme measure, such as an abortion, as a solution. Furthermore, this objection raises concerns about the implications of basing the permissibility of abortion on the presence of disabilities or abnormalities. It may lead to a slippery slope where certain lives are deemed less valuable, or disposable based on subjective assessments of quality of life. This could have far-reaching consequences for individuals with disabilities and society's attitudes towards them. From an Aristotelian perspective, the doctrine of the mean and the virtue of compassion would suggest that the most ethical response in such a situation lies in finding a balanced approach that respects the dignity and rights of all individuals involved, including the unborn child. This may involve providing compassionate care and support for the parents while also upholding the sanctity of life principle.

⁶⁰ See page 21 of this thesis regarding Aristotle's position on fetuses with disabilities and abnormalities.

In response to this potential objection raised, proponents of abortion in cases of severe fetal abnormalities like anencephaly would argue that the decision to terminate the pregnancy is not taken lightly and is made with careful consideration of the well-being of both the fetus and the parents. One could argue that it is morally unjustifiable to subject a fetus with anencephaly to continued development in the womb, knowing that it will inevitably result in a brief and painful existence. Additionally, proponents of abortion would refute the notion that allowing abortion in cases of severe fetal abnormalities leads to a devaluation of human life or opens the door to discriminatory practices against individuals with disabilities. In cases of anencephaly, a fetus has no potential for life at all; therefore, terminating the pregnancy in such circumstances does not devalue human life but rather prevents unnecessary suffering for both the fetus and the parents. It is important to recognize that allowing abortion in cases of severe fetal abnormalities (where life is not possible) is not about assigning value based on disability but rather about making compassionate and ethical decisions that prioritize the well-being of all individuals involved. In this context, abortion is seen as a humane and responsible choice that respects the dignity and autonomy of the parents and prevents the prolonged suffering of the fetus.

III. Precedent

Abortion has been heard before the Supreme Court in *Roe v. Wade* (1973), *Planned Parenthood v. Casey* (1992), and most recently, *Dobbs v. Jackson* (2022). *Griswold v. Connecticut* (1965) was the basis for *Roe* because it held that “a right to privacy can be inferred from several amendments in the Bill of Rights, and this right prevents states from making the use of contraception by married couple’s illegal.” *Roe* then held that abortion is a constitutional right granted by the Due Process Clause and the Fourteenth Amendment. Nineteen years later, *Casey* reaffirmed *Roe*’s decision, but *Casey* included the provisions of the state’s compelling interest

(except when the health of the mother is at risk) and an undue burden test. After upholding abortion as a woman's constitutional right for over 40 years, *Dobbs v. Jackson* overturned the decisions held in *Roe* and *Casey* and decided that the right to an abortion should be returned to the states and their people.⁶¹

Conclusion

In this thesis, I have aimed to explore the morality and legality of abortion by employing the works of contemporary philosophers and Aristotle. The topic of abortion remains a highly contentious issue in contemporary society, as evidenced by recent court decisions such as *Dobbs v. Jackson*, and philosophers have long been engaged in discussions surrounding the morality and legality of abortion. Proponents of abortion argue for its moral and legal permissibility on the grounds of the fetus not having moral rights (Warren, 1973) and the mother having the right to bodily autonomy (Thomson, 1971), while opponents argue against it on moral grounds, asserting the right to life of the fetus from the moment of conception (Beckwith, 2007; Lee & George, 2007) and the right of the fetus to a "future like ours" (Marquis, 1989) or the capability of reaching a rational capacity (Lee & George, 2007).

By drawing from the works of contemporary philosophers, as well as Aristotle's philosophical framework, including voluntary and involuntary action, the function argument, habituation, the doctrine of the mean, and justice, it becomes evident that under differing circumstances, such as: the mother having a life-threatening medical condition incompatible with pregnancy, presence of fetal abnormalities or disabilities *possibly* compatible with life,

⁶¹ Although it is beyond the scope of this paper, *Dobbs* would be a great resource for the question of whether there is a distinction between law and morality. The *Dobbs* decision begins by saying that abortion is a matter of serious moral argument but allows states to ban certain moral arguments if they do not fit in with the moral/religious views of a local or state democratic majority. This raises many concerns with regard to the distinction between law and morality in that the decision says one thing but does another.

involuntary abortion (external threat, such as a boyfriend or husband), or the presence of fetal abnormalities such as anencephaly that are *absolutely* incompatible with life, that abortion is moral, but not legal; legal, but not moral; both moral and legal; and neither moral nor legal.

Through these explorations, this thesis has aimed to contribute to a deeper understanding of the moral and legal complexities surrounding abortion.

Bibliography

Aristotle. *Generation of Animals*. Translated by A.L. Peck. Harvard University Press, 1992.

Aristotle. *Politics*. Translated by Benjamin Jowett. Oxford: Clarendon Press, 1905.

Aristotle. *The Nicomachean Ethics*. Translated by W. D. Ross and Lesley Brown. New York, Oxford University Press, 2009.

Beckwith, Francis J. *Defending Life: A Moral and Legal Case Against Abortion Choice*. Cambridge; New York, Cambridge University Press, 2007.

Lee, Patrick & George, Robert P. "The Wrong of Abortion." *Contemporary Debates in Applied Ethics*. Malden, MA: Blackwell Pub (2005): 13-26.

Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy* 86, no. 4 (1989): 183–202. <https://doi.org/10.2307/2026961>.

Parenthood, Planned. "What Is Sexual Consent?: Facts about Rape & Sexual Assault." *Planned Parenthood*. <https://www.plannedparenthood.org/learn/relationships/sexual-consent#:~:text=Both%20people%20must%20agree%20to,Freely%20given>.

Salari, N., Fatahi, B., Fatahian, R. et al. "Global prevalence of congenital anencephaly: a comprehensive systematic review and meta-analysis." *Reprod Health* 19, 201, 2022. <https://doi.org/10.1186/s12978-022-01509-4>

Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy & Public Affairs* 1, no. 1 (1971): 47–66.

Warren, Mary Anne. "On the Moral and Legal Status of Abortion." *The Monist* 57, no. 1 (1973): 43–61.

Case Law

Dobbs v. Jackson Women's Health Organization, 597 U.S. ____ (2022).

Griswold v. Connecticut, 381 U.S. 479 (1965).

Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833 (1992).

Roe v. Wade, 410 U.S. 113 (1973).