

Right to Life in Reference to the Moral Status of the Fetus in Performing Amniocentesis Test in Mid Trimester

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Abstract— *Termination of pregnancy for severe fetal anomalies is ethically challenging in today's society. Ethical dilemmas such as women's autonomy rights may conflict with fetus right to personhood and doctor's obligations to the society. Births of severely disabled babies create conflicts among the parents which lead to complicity between them. The purpose of this paper is to discuss the moral status of the fetus and second in determining the importance of fetus or its women's right on her body. Abortion is generally defined in terms of viability of a fetus. Having seen from the side of society that the entire society can never agree on abortion, it is forced to have to moral status of the fetus and to give less importance to the women's right over her body. But we cannot completely exclude women as the main moral agent and concentrate on the fetus separately. There will always be great debate whether or not abortion is right or wrong or moral. Everyone will have their own opinions and justification for why they feel abortion should be legal or illegal, moral or immoral. Thus, Utilitarianism aims to have the greatest amount of happiness and least amount of pain, at the highest quality for the greatest of people.*

Keywords: *Applied ethics, abortion, fetus, utilitarianism, moral.*

I. INTRODUCTION

Morality is an on-going process in our lives from the early stage to the present one. The most important development is the study of ethics during the 2nd half of the 20th century has been in the field of applied ethics which covers a wide area. In the age of globalization all human beings are busy to attain material comfort or happiness due to rapid technological advancement and modernization of the society, but it seems that they feel insecure in every sphere of life. As a result they are unable to lead a meaningful life which is termed as good life. To preserve social harmony and integration, morality and moral codes are very essential.

Ethics is the branch of philosophy that deals with values relating to human conduct, with respect to the rightness and wrongness of certain actions and wrongness and badness of the motives and ends of such actions.

Philosophers today usually divide ethical theories into three general subject areas: Meta-ethics, Normative ethics and Applied ethics.

II. AN APPROACH TO APPLIED ETHICS

Applied ethics is the branch of ethics which consists of the analysis of the analysis of specific, controversial moral issues such as abortion, euthanasia etc. In recent years applied ethics issues have been subdivided into convenient groups such as medical ethics, business ethics, environmental ethics etc. Thus, applied ethics is a growing interdisciplinary field dealing with ethical problems in different areas of society.

While the term „applied ethics“ gained currency only a few decades ago, it is not a new idea. Philosophy has traditionally

concerned itself with questions of personal morality (what should I do?) and public morality (what is the good for society?). While these questions are fundamental to applied ethics, they also characterize ethics in general. It gives particular and direct attention to specific issues and controversies in private and public life. In the private sphere ethics issues can include matters relating to the family and in the public sphere applied ethics may involve assessing policy in the light of the impact of advances in biomedical and genetics example, life and death, Risk Technology and ethics or it could mean duties to future generations in the light of environmental problems. Thus, applied ethics is the art or science of reflecting on moral dilemmas and moral problems in different social contexts.

One of the influential philosopher in the field of applied ethics is James Childress defines applied ethics as follows:-

“The term „applied ethics“ and „practical ethics“ are used interchangeable to indicate the application of ethics to special arenas of human activity, such as business, politics and medicine and to particular problems such as abortion, euthanasia”¹ (Childress, 1986).

Let us now look at the field of bio- ethics----

III. BIO-ETHICS

The term “Bio- ethics” is the combination of “bio” representing biological knowledge and “ethics” which refers to knowledge of human value system. The issues of medical ethics come within the domain of bio- ethics. The large scale introduction of biomedical and other technologies in second half of the 20th century has intensified old problems and added new ones such as issue over the definition of death and

withdraws of life sustaining medical treatment, abortion, the use of human, animal tissue for scientific research etc.

Today, the ethics of life covers a very wide field including surrogacy, abortion, organ transplantation, cloning etc. Thus solving bio-ethical issues is a complex one.

Here, in this paper, I like to discuss one bio-ethical issue the issue of 'Abortion'.

IV. ABORTION

Medical ethics is an important area of applied ethics and Abortion is one of the items of it. Abortion is one of the most controversial moral issues in today's society. It is a human right issue because human beings have a right to life. Abortion is the expulsion of a fetus from the uterus before it has reached the stage of viability. An abortion may occur spontaneously in case it is also called a miscarriage, or it may be brought on purposefully in which case it often called an induced abortion. Abortion is a sensitive topic that requires a considerable amount of understanding when addressing the ethics behind it.

Now the question arises---'Is abortion morally permissible?', or under what conditions is an abortion morally permissible?', or 'whether fetus is a person'. In looking at the conditions surrounding a particular abortion, we are able to get a better understanding regarding permissibility and impermissibility of abortion.

The problems are supplied by non-philosophers and the theory is applied by the philosophers.

To preserve social harmony and integration, morality or moral codes are very essential in every sphere of our life.

The ethics of life covers a very wide field including abortion, surrogacy, euthanasia, cloning etc. Thus, to solve bio-ethical issues is a complex one.

Here, in this paper, I like to discuss the Right to Life to the moral status of the fetus and the issue of abortion and performing amniocentesis test in mid trimester.

In practical ethics we apply a systematic approach where at first we define the nature of the problem and what is the major ethical dilemma. If a baby born prematurely at 24 weeks gestation is put in intensive care as she is suffering from brain damage and advice by all not to keep the alive. But the parents do not agree. In that case one should analyses the problems by considering the consequences of any given course of actions, duties and obligations from the clinician side, informal consent or a case of respect for autonomy and lastly application of principles. So, ethics is not a set of rules or a formula to follow the rules blindly or rigidly, each case should be treated on its merits and specific circumstances otherwise strict rules may lead to unethical practices where it may fails to recognize new dimension.

V. UTILITARIAN PERSPECTIVE

Utilitarian approach seems to be attractive as it appears to provide an empirical solution to ethical dilemmas. The greater the amount of benefit as such the decision which

attracts a better deal to the majority is considered to be ethically correct. It has an additional 'Beneficence Principle' which aims at doing good. Utilitarian's believe that the purpose of morality is to increase happiness by reducing pain which is said as "Greatest happiness of the greatest number." They also hold that abortion during the second and third trimester is morally permissible in most cases.

Utilitarianism (Act) is useful, as it judge each individual case on its own merits whether to terminate pregnancy as it depends on its mother. The circumstances such as severe fetal abnormality, rape case all can be considered under utilitarian though. In the modern period, much attention is given to the problem of abortion where we find social, ethical concern. Both positive and negative outcomes can be reflected under abortion. For utilitarianism, to be morally and ethically justifiable, the positive outcomes ought to outweigh the negative consequences. The theory supports pro-abortionists because it gives importance to the right of a mother as it overrides the rights of the fetus.

But many philosophers say that cognitive capacities as consciousness, reasoning or self-awareness do not develop until the third trimester or even after birth. So, regarding moral status, the fetuses do not have moral concern before the bright line. The development of moral status parallels the physical, cognitive and relational development of a fetus. As the zygote has little more status than a sperm and egg and as the embryo develops its moral value increases. Just as 6 or 8 week embryo might have very minimal status, a fetus at 32 or 35 weeks has virtually identical moral status to a new born. That is why the earliest abortion is generally having less moral reaction than a third - Trimester abortion is seen as strongest moral status. Thus, early abortion is not seriously morally concerns but the second and third trimester abortion is morally concerned.

VI. RIGHT TO LIFE AND ETHICAL ISSUES REGARDING AMNIOCENTESIS

Right to abortion has been recognized under right to privacy which is a part of right to personal liberty and which emanates from right to life. Let us take one argument against abortion—

First premise: It is wrong to kill an innocent human being.

Second premise: A human fetus is an innocent human being.

Third premise: Therefore, it is wrong to kill a human fetus. (Peter Singer, 2011).

In this argument it shows that as the fetus is an innocent human being so it is wrong to kill a human fetus. But, the question arises that whether 'fetus can be termed as a person?' Many of those who defend abortion try to establish the point that fetus not a person, but only a bit of tissue that will become a person at birth. Michael Tooley in his essay "Abortion and Infanticide" states that it is morally permissible to destroy a human fetus as these organisms do not have the properties that grant them right to life. It does not

possess the concept of 'self' as a continuing subject of experiences and other mental states. But during pregnancy if the fetus is found to be defective or a chromosomal abnormality then the doctor would advised the parents to do the amniocentesis test which will be possible for them to find out the defects of the fetus. Amniocentesis may cause miscarriage which may be higher risk for twin babies.

Thus the ethical issues surrounding amniocentesis are seen on four focal points---

Firstly, is the client involved in high risk pregnancy? And if it involved after doing amniocentesis will the parents' consent to do abortion?

Secondly, is the role of the genetic counselor will be supportive or assist critically to the said parents to take the decision for undergoing amniocentesis and possible abortion.

Thirdly, the client may face terrible strains that are put on doing amniocentesis and after that abortion for the defective found while doing amniocentesis.

Fourthly, Amniocentesis may threaten some values held important in our society.

Thus, prenatal diagnostic testing raises a number of important ethical issues. It effectively addressed in the context of a broader understanding of the goals of prenatal diagnosis. The dual obligations to the pregnant women and the fetus have an important influence on the goals of testing. But the testing seldom leads to the benefit of the fetus as it is more beneficial for the pregnant women as it enhances her ability to make sound decisions about reproductive matters. So, for the process of testing it is important that the patient's confidence be respected. Because this testing occurs within the period of pregnancy, so instead of improving fetal health it consider the fetus to be a patient in its own right, a patient towards whom the medical practitioner owes a duty of beneficence, even though the fetus resides within the body of pregnant women.

VII. CONCLUSION

There will always be great debate whether or not abortion is right or wrong or moral. Everyone will have their own opinions and justification for why they feel abortion should be legal or illegal, moral or immoral. Thus, Utilitarianism aims to have the greatest amount of happiness and least amount of pain, at the highest quality for the greatest of people. Everyone has the right to life, so the unborn person has the right to life. Therefore, abortion is unethical since it constitutes the deliberate destruction of a human being. Many think that right to life overrides the right to control one's own body and abortion is wrong. Though the issue of "Sameness of Being" plays an important role in Tooley's argument to deny that fetuses are the subjects of rights where there would be a time in their lives to have desire. He stated that the fetuses do not established the "subject of consciousness" and has no memories of himself as a fetus without any connectedness between the two, there is no basis for asserting that a fetus is the proper human being where we can't able to

about the fetus. The argument will be never ending but to solve bio-ethical issues there should be a balance among various factors--- the interest of the fetus, the interest of the pregnant women and the interest of the society.

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