

The Concept of 'Killing' in the Case of Abortion: An Analysis

Shaswati Soumya Mishra

M.Phil. Research Assistant (Project)

Email: shaswatimishra321@gmail.com

Abstract

Termination of a pregnancy when performed intentionally it is treated as an immoral act on the ground that it is a case of 'bhuna hatyaa' or 'killing of an embryo (having living)'. It is treated as higher vice (mahaa paapa). The question is also raised that should it be treated as higher vice? If it is a case of killing of a life then it has to be treated as a vice or immoral act. But is it justified to consider the termination of pregnancy as a case of killing? The paper is an attempt to find out a reasonable answer to this question. First of all the soundness (not validity only) of the critics' argument found in the syllogistic form has been examined and it is seen that the argument is not sound. Then the attempt has been taken to examine that if the fetus can be equated with a 'being' so that there can be a claim that it is a case of a killing of a being. It is also found that neither from the sociological nor from the physiological perspective the fetus should be equated with a being.

Keywords

'bhuna hatyaa', sound argument, life, future-life, embryo, fetus.

Reference to this paper should be made as follows:

Received: 21.06.2023

Approved: 24.06.2023

Shaswati Soumya Mishra

The Concept of 'Killing' in the Case of Abortion: An Analysis

Vol. XIV, No.1
Article No.14,
pp. 110-115

Similarity Check: 0%

Online available at
<https://anubooks.com/journal/journal-global-values>

DOI: <https://doi.org/10.31995/jgv.2023.v14i01.014>

Termination of a pregnancy is usually known as abortion. Abortions are seen to be both desired and undesired. Due to certain physical problems of the body of the pregnant woman a pregnancy may be terminated itself without being desired. These cases are called miscarriages. But there are huge numbers of cases where the abortion is desired either by the pregnant woman or some others on her behalf. Previously when the growth of the population was not so alarming it was treated to be a family affair and others were not showing any concern for the affair. But for the last few decades when there has been a huge growth of population and the abortion cases are also increasing like anything on the ground of checking population growth the affair is no more confined to a family affair. Especially when pregnancy is intentionally terminated being considered as unwanted or unnecessary; the real cause behind it makes the issue complicated from various angles.

Currently, it is seen that the cases of abortions are a matter of concern for sociologists, political scientists, philosophers, social reformers, etc. It is because it has different types of bearings on the family, society as well as the state. Moreover, the abortion is very often treated to be killing a fetus. Since it is an intentional act it has to be treated as an immoral act. In fact, in our tradition, it is termed as '*bhuna hatyaa*' or the killing of an embryo. It is also treated as higher vice. But is it really a case of the killing of a being for which it should be treated as a higher vice? In order to find out a reasonable answer to this question there can be the study of the issue of abortion from different perspectives, like, religious, political/ sociological, moral perspectives, etc. In this paper, I would like to examine the issue from a socio-ethical perspective.

Prior to the development of methods prescribed by the medical science, it was done in a very crude manner involving life risk and many other difficulties. That is why the rate of termination of pregnancies in the past was quite low. But the development of medical facilities and their easy availability has increased the rate of abortion to such an extent that it is reported that out of the cases of desired abortions, about 80 percent cases are unplanned pregnancies. Such a tendency undoubtedly has affected the political and social atmospheres for which the attention of the administrators and the philosophers have been drawn in this direction. Thus abortion is not only a social issue but also a political and philosophical issue. In philosophy, it has been developed as one burning bioethical issue under the branch of practical ethics.

Out of the many issues involved concerning the liberalization of abortion the most primary one is that should there be a check and balance policy about it or there should not be any restriction on it treating it to be the problem of one individual.

The individual is at the liberty of solving his/her individual problem. The issue of liberalizing abortion policy has been the subject of arguments between supporters and opponents in various fronts and in various manners. One such issue is that from the standpoint of morality can the act be treated as a just act? Should the abortion be not treated as killing of a biological being? In fact, Callahan has said that "Abortion is an act of killing, the violent, direct destruction of potential human life It is the destruction of an important and valuable form of human life. Its value and its potentiality are not dependent upon the attitude of the women toward it; it grows by its own biological dynamism and has a genetic and morphological potential distinct from that of women."¹ So on behalf of the supporters of treating the act of abortion as killing the argument can be formulated in the following manner:

The act of killing human life is morally wrong.

The fetus is the initial stage of a human life.

Therefore, the killing of a fetus is morally wrong.

I do not find the argument to be sound one. The argument has been formulated in a syllogistic pattern and there are some prescribed rules for deciding the soundness of an argument. A sound argument is one where the argument is not only valid because of following the rules of logic but also because the premises are true. Now in this above case, the truth of the second premise is in need of being established conclusively. But in fact it is seen that the acceptance of the truth of the second premise is quite controversial. The bare meaning of the proposition is acceptable that the fetus is the starting point of the human life. But if the essential feature of the human being (individual conscious response) is searched with the fetus then it cannot be found with it. And from this point of view it cannot be treated as the beginning of human life, rather the time of birth will be treated as the beginning of the human life. The fetus as a part of the mother's body it cannot be considered as a separate being. The fetus is the initial state of human life that is acceptable in a specific manner only that is, it is not a life but a future life.

It is pointed out that there is a difference between the killing of a 'life' and a future life'. Both the types of killings cannot be treated to be the same. It is again controversial to accept the fetus to be a 'life' or a 'future life'. So in order to establish the truth of the second premise it is to be proved that there is no difference between 'life' and 'future life'. Arguments both in for and against are available in different ways. In fact, there are many supporters and opposers of the stand that the act should be treated as killing and should be under the purview of legal actions as the fetus should be treated as a being in the making. Let us look at the arguments with further details from the standpoint of morality.

To the question ‘Is abortion immoral because it is killing of a being?’ it is seen that in a general manner, some say that abortion is immoral because we are physically connected to fetuses that were originally human organisms. So, it is wrong to kill at any stage of development, since we have been the same organism, throughout our existence. In this respect, scholars have pointed out the issue in the form of the ‘Argument from the Sanctity of Human Life, (Satyanarayana, 2013) in the following manner and exposed the two difficulties involved in the argument.

- Killing an innocent human being is morally wrong.
- The fetus is an innocent human being.
- Therefore, killing a fetus by seeking an abortion is morally wrong.²

First difficulty: There is the assumption that ‘killing a person is always wrong.’ which is not right in every case. It can be allowed in the case of self-defense. The probability of the assumption turns the argument invalid. Second difficulty: “The argument assumes that everyone has a moral duty to respect the sanctity of human life. The assumption under consideration is only true under ordinary circumstances.” It cannot be treated to be an absolute assumption. Moreover, in certain circumstances, the transformation of the duty ‘of refrain from killing’ to ‘the duty to kill’ is also possible.³

Thus the major point against the stand is that abortion cannot be accepted to be a moral act as it can be treated as killing. Arguably, it is immoral to kill any life because the act restricts us from enjoying the benefits of someone’s future things like achievements, relationships, enjoying lives, and other things that go beyond our existence as human beings. The fetus has the potential to become a human person as well, therefore it should never be viewed only as a means. This implies that a woman has a responsibility to carry a pregnancy even if doing so would be harmful to her health. We have already seen that the controversy is based on the issue regarding the relationship between the fetus (future-life or a being in making’) and the full-fledged living being. The issue can be viewed primarily from two perspectives, sociological and physiological.

Sociological Perspective

It can be pointed out that from a sociological perspective, it would be too difficult to consider a fetus to be a living being. It is because in order to be considered as a being there must be some participation of the fetus in some way in the functioning of the society. The woman carries the fetus within his participation in the social functioning of the society in different ways. But not the fetus, which (not who) is completely dependent on the mother for its (not whose) survival. It shows that there

is no good reason to ascribe individuality to the fetus until and unless it is separated from the mother physically.

Definitionally considering intellectuals have already mentioned different yardsticks for the consideration of a social being/ living being. For example, British philosopher John Locke has mentioned '*persons are beings with personalities: persons are conscious beings with thoughts, feelings, memories, anticipations and other psychological states*'. He further says: "A person is a thinking, intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places, which it does only by that consciousness, which is inseparable from thinking, and as it seems to me essential to it." ⁴ Locke appears to be very much justified in maintaining such a stand which can also be corroborated by the German philosopher Immanuel Kant, who says that *a person is he who has rationality. A rational being is someone who is capable of reasoning and who can freely decide what he has to do and what is best for him.* We find no incompatibility with the view of the famous sociologist *Emile Durkheim* who has said that '*Man is a moral being, only because he lives in society*'. It may be made clear that the expectations for a 'being' (social/moral) can never be seen with the fetus at any stage of it. So from the sociological perspective, a fetus can never be treated as a being. So destroying a fetus cannot be treated as killing of a being. But for this reason, it is not claimed that the act is morally sound one. It is only stable that the fetus cannot be identified with a being and the 'killing' word is not applicable to a fetus from a sociological perspective.

Physiological Perspective

It is almost evident that no physiologist would prefer to treat a fetus to be a being rather than a part of the mother's body until it is born to bear a name. Technically abortion is done by a trained physician. A physician considers the fetus and its allied portions are to be some kind of tissue developed in the pregnant women's body following to successful fertilization which has to be removed through certain available methods. It is understood that from conception till the 12 weeks of pregnancy the period is treated as the first trimester and from 13 to 28 weeks is known as the second trimester. Abortions are very frequent in the first trimester and unusual in the second trimester and very rare in the third trimester. But in the exceptional cases abortion is also done in the third trimester and in at no stage the physician considers that he is going to kill a life. He has the understanding that he is removing some tissues from the body of a woman which is the need of the hour. So from a physician's standpoint, it is not proper to treat it as a case of killing.

So far as the analysis of the various stages of the development of the fetus is concerned technically the very first state is the state of embryo which is formed after two weeks of the fertilization. The embryonic state continues till eight weeks after which within another two weeks there is the beginning of embryo-electrical activity relating to the brain and the nervous system. Here onwards, the embryo is treated as a fetus.⁵ So a distinction can be done that the embryonic state cannot be considered as a distinct unit whereas the fetus is a separate unit. The distinction cannot be denied. But this distinction does not certify the individual subject-hood of the fetus for which the termination of it can be considered as the killing of a life. Thus from physiological perspective, the act of abortion cannot be accepted as the killing of a life.

Then the question arises that why such a thought to someone to treat the act to be killing. It can be pointed out that normally in our day-to-day conversation in case of a conception, we say that there is a baby inside the mother's womb. The conception of 'baby' carries the notion of 'individuality' with it. So when someone thinks of getting rid of the baby (present in the mother's womb) some do not hesitate to call it killing a baby. They fail to distinguish between a baby inside and outside of the mother's womb. The killing of a baby outside of the mother's womb is undoubtedly a case of murder. But it is not the same with the former case where the baby in the mother's womb which is only a fetus having no individual status of its own. So the crux of the problem is our careless use of the language and lack of proper understanding about the incident on which we are issuing opinions.

References

1. Callahan, Daniel. (1987). "Abortion Decisions Personal Morality". From. *Social Ethics: Morality and Social policy*. Eds. Thomas A. Mapper and Jane S. Zambaty. McGraw Hill: New York. Pg. **26**.
2. Satyanarayana , Y.V. (2013). *Medical Ethics*. Lambert Academic Publishing. Pg. **130**.
3. Leiser, C.F., Burton, M. (1986). *Liberty, Justice and Morals*. Macmillan: New York. Pg. **102**.
4. Locke, John. *An Essay Concerning Human Understanding*. Book II. Ch.27.9.
5. (1995). *Fetal Growth and Development*. Booklet: South Dakota Department of Health.