

# Abortion and Parental Obligation

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ABSTRACT: Although it has received comparatively little attention in the literature, the question of what exactly grounds a parent's obligation to his or her offspring is of central importance to the abortion debate. This essay argues that the true ground of such obligations lies in the biological bond that exists between parents and children, a bond that is forged at conception but that the defender of abortion-on-demand can provide no reasonable grounds for these obligations. Through an investigation of the nature of obligations in general, this essay shows that neither "choice," nor the alleged onset of "personhood," nor the birth of a child can reasonably be said to mark the onset or be the ground of such duties. However attractive the notion of "planned parenthood" may be, the ethical voluntarism of the pro-choice movement effectively does away with parental obligations and, to that extent, does away with the family.

**T**RADITIONALLY, THE PHILOSOPHICAL WAR over abortion has been fought almost exclusively on two fronts: (a) the battle over the status of the fetus and (b) the battle over the extent of a woman's rights over her body. The questions about whether the developing life in the womb is a human being and a person and whether a woman has absolute dominion over whatever happens in her body have been and always will be central to the abortion debate for obvious reasons. The pro-life position apparently hinges on the full humanity or "personhood" of the developing life, and the pro-choice position seems equally dependent on a robust notion of bodily or "reproductive" rights. And indeed, anyone intent on joining the battle must eventually confront these pivotal questions. They sharpen and confine the battle to what at least appear to be the truly relevant issues.

However, by focusing the debate in this fashion, these questions have tended to draw attention away from other questions of relative, if not equal, significance to the abortion debate—questions that

provide a broader context for understanding the debate as a whole. In fact, it is hard to believe that one half of America—if not the Western world, in general—is at odds with the other half solely over the “personhood” of the fetus or the bodily rights of women. Although these issues are of central importance, the abortion debate is also about the nature of sex, the origins of the family and its internal relationships, the relationship between human beings and the state, human nature, nature in general, religion, and a host of other issues.

More specifically, the abortion debate is so frequently framed in terms of rights—the right to life of the developing child and the bodily rights of a woman—that nearly every other facet of the issue has been marginalized or omitted. As a consequence, the debate has tended to be overly narrow.<sup>1</sup> One such issue that has received comparatively less attention but is of the gravest importance in its own right and in relation to the abortion debate is the issue of parental obligation.<sup>2</sup> No one worth listening to would deny that parents have special obligations to their offspring and that it is the mark of good parents to be willing to undergo nearly any hardship in order to provide for and to protect their children. The emotional, financial, and physical sacrifices that good parents make for their children are so common that there is no need to list them, and the parents who do not make such sacrifices—or, even worse, abuse or kill their own children—are rightly recognized as among the worst of criminals. But in healthy parent-child relationships, the question of what the *grounds* are for the special obligation of parents to their children rarely arises, for the intensity of love that parents normally feel for their children moves them to perform their duties with pleasure, or at least with a minimum of groaning. (The duty to change a child’s diaper is more cheerfully fulfilled at 6pm than at 3am.) But within a culture in which abortion is a regular practice—and in which there are depraved human beings, such as dead-beat dads who deny their responsibilities to their offspring or mothers who abandon their newborn children—the question does arise: What exactly grounds a parent’s obligation to his or her offspring?<sup>3</sup>

In response to this question, the pro-choice movement in America argues that a woman only has an obligation to the life

developing within her if she chooses to have an obligation. Even though she is the biological mother of the pre-born child and even if she voluntarily engaged in sexual intercourse, she is not obligated to care for her offspring unless she wishes to be obligated. Neither the voluntary nature of the sexual act nor the biological bond between her and her child are sufficient to obligate a biological mother to become an actual parent.

This view is explicit, or at least implicit, in the writings of a number of pro-choice philosophers. For example, Judith Jarvis Thomson, author of the profoundly influential “A Defense of Abortion,” writes: “Surely we do not have any such ‘special responsibility’ for a person unless we have assumed it, explicitly or implicitly. ...[I]f [the biological parents] have taken all reasonable precautions against having a child, they do not simply by virtue of their biological relationship to the child who comes into existence have a special responsibility for it.”<sup>4</sup> And as Thomson makes clear throughout her article, “taking all reasonable precautions” does not include abstaining from sexual intercourse. Likewise, Mary Anne Warren, who argues more broadly that legally outlawing or morally condemning abortion would impose “an unacceptably great cost” on human beings, writes: “[H]eterosexual intercourse is too important a part of the social lives of most men and women to be reserved for times when pregnancy is an acceptable outcome.”<sup>5</sup> Although Warren does not here explicitly state that parenthood is the product of a choice, it is implicit in her statements that having sex during fertile periods must be permissible as a way to promote a healthy social life and that no woman or her partner would be bound to any offspring that might result from sex during this time. Elsewhere, though, Warren is much more explicit: “[A] woman’s right to choose abortion does not depend upon the extent to which she might be thought to be morally responsible for her own pregnancy.”<sup>6</sup>

As the very name of the premiere abortion-provider in America indicates, pro-choice activists advocate “planned parenthood.” The Planned Parenthood mission statement declares:

Reproductive freedom—the fundamental right of every individual to decide

freely and responsibly when and whether to have a child—is a reaffirmation of the principle of individual liberty cherished by most people worldwide. It helps ensure that children will be wanted and loved, that families will be strong and secure, and that choice rather than chance will guide the future of humanity.

It is choice that is to “guide the future of humanity,” and it is choice that lies behind any obligation to one’s offspring. Having an absolute right to abortion, a pregnant woman may terminate her pregnancy at any time, for prior to birth she has no obligation to the child.<sup>7</sup> So, presumably, the choice that ushers in parental obligation must be the choice to give birth or some other choice following the birth of the child.

In the pages to follow, I will argue that, given the pro-choice logic, there is no way of making sense of the most important institution in any society: the human family. In particular, it will be shown that anyone who defends abortion-on-demand as morally justifiable cannot provide reasonable grounds for parental obligations. In the course of attacking this thesis, I will argue that the pro-choice position is indefensible for a number of reasons. First and foremost, the nature of obligations will be investigated, and it will be shown that neither “choice” in general nor the “choice to give birth” in particular could possibly be the grounds of parental obligation. Further, it will be shown that the only feasible way a defender of abortion-on-demand can rescue the notion of parental obligations is to deny the personhood of the zygote or fetus. Parental obligations, it would have to be argued, are real, but they only begin after the onset of personhood, which, in order to insure an absolute right to abortion, would have to occur at or around parturition. Such a position will be shown to be unjustifiable for various reasons, viz., it confuses the logic of rights and duties, implies a double standard for biological mothers and fathers, and cannot make any sense out of child abuse in the womb.

Although most of the moves of my argument will be negative—I will be attacking the pro-choice position—I will also be defending, more indirectly, a pro-life position regarding parental obligation articulated by Stephen Schwarz in his *The Moral Question of*

*Abortion:*

The parents of a particular child have this obligation to him, and not someone else, because they are his biological parents; because they, and not someone else, begot and conceived the child. It is the biological bond that creates the obligation of parents to take care of their children, and also the rights that accompany this obligation.

This obligation came into existence at conception-fertilization, when the event that grounds the obligation occurred. In begetting and conceiving the child, the parents brought him into existence; they also brought into existence, by the same act, their obligation to nourish and protect him.<sup>8</sup>

Following Schwarz, then, I will be defending the theses that the being in the womb is a person from conception and that, contrary to Thomson, parents simply by virtue of the biological relationship do have a special responsibility to this being. Although voluntary sexual intercourse is the means by which virtually all conception takes place, Schwarz is arguing that *it is the biological bond between parents and children itself that grounds the obligation.*<sup>9</sup> In other words, the act of sexual intercourse is not in itself the ground of the obligation; it is merely the act that brought about the existence of the child who is biologically connected to the parents. So, it is not so much the choice to have sex that obligates a couple as it is the reality, the relationship, that is brought about by that choice.<sup>10</sup>

#### I. THE NATURE OF OBLIGATIONS

In order to understand the merits of this pro-life position on parental obligations and to expose the philosophical weaknesses of the pro-choice position, it will be necessary to make some preliminary observations about the nature of obligation in general. Much of what is right with the pro-life position and wrong with the pro-choice position will come to light when the very *form* of an obligation is understood.

At the outset, it should be noted that the obligations mentioned and defended in this paper should not be understood as absolute obligations. There are certainly some cases in which the obligations

of a biological mother and father to their offspring are overridden. A father, for example, might be drafted to fight in a just war, and his obligation to spend time with his children would be at least temporarily put on hold. The relinquishing of parental duties due to the inability of the biological parents to raise their child properly is, of course, the most common instance. But even in this case, adoption should be understood as a responsible act of caretaking by people who primarily have the needs of their offspring in mind. (Depending upon the circumstances, there are certainly instances in which the decision to put a child up for adoption is a moral failing on the part of the biological parents, especially when their own well-being is their sole consideration.) To use the phrasing of W.D. Ross, we could say that biological parents at least have a “*prime facie* duty” to their offspring, i.e., a duty that must be carried out unless there is some supervening duty, especially the well-being of the offspring, which prevents it from being carried out.

In regard to obligations in general, the second thing of importance to note is that there are some moral obligations that, in some sense, we choose to have and others that we have irrespective of our choices. To begin with the latter case first, it is generally acknowledged that relationships and circumstances give rise to obligations that are quite independent of the wishes of the people involved in those relationships and circumstances. For example, children (simply in virtue of being children) have special responsibilities toward their parents, especially during the latter’s twilight years. Children who do not make special allowances for their elderly parents, by providing emotional, financial, or physical support or just being generally solicitous of their well-being, are as unjust as they are ungrateful. Similarly, siblings have special obligations to one another simply in virtue of the fact that they are siblings, a relationship that is, of course, outside of any choice on their part. Should a sister who is diagnosed with cancer need a bone marrow transplant, a brother of hers who has been determined to be a match would have at least a *prima facie* obligation to become her donor, even though donating bone marrow is often painful and sometimes demands a recovery period of weeks. Likewise, should the parents of

children who are minors die in a plane crash, the moral obligation to raise those children would fall upon the now-deceased parents' siblings or parents (provided no other previous arrangements had been made). In a similar vein, should a person find a newborn infant on his doorstep, he is morally obligated to meet the child's needs until the proper authorities have been notified of the situation; depending on the situation, it could even be the case that meeting the child's needs would involve a significant time commitment. So, at the outset, we can summarily and quite easily dismiss Judith Jarvis Thomson's claim, cited above, that "we do not have any such 'special responsibility' for a person unless we have assumed it, explicitly or implicitly." As Christina Sommers summarizes the point in regard to the family:

For [the voluntarist position] means that there is no such thing as filial duty *per se*, no such thing as the special duty of mother to child, and generally no such thing as morality or kinship relations. All of which is contrary to what people think.... The idea that to be committed to an individual is to have made a voluntarily implicit or explicit commitment to that individual is generally fatal to family morality.<sup>11</sup>

As the foregoing, rather mundane examples illustrate, the type of ethical voluntarism that Thomson in particular and, at least to a certain extent, the pro-choice movement in general assumes is contrary to common experience, denied by nearly every human being, and "fatal to family morality."

On the other hand, there are obligations that, in a sense, people choose to have. For example, a woman may decide that she wants to take out a home loan from a bank, and by doing so, she becomes obligated to repay the bank the principal amount plus interest. So, in a sense, she has made a choice to become obligated to the bank. Likewise, a man and a woman who choose to have a child, in a sense, choose to be obligated; should nature cooperate in their endeavor, they will be so obligated. Both people in these examples certainly choose to be obligated. But what it means to choose to have an obligation needs to be properly understood. As noted in the previous section, choices *per se* do not really obligate anyone—it is the

realities that those choices bring about that truly do the obligating. In the example of the woman above, her choice to take out a loan created a situation of indebtedness, and it is this situation of indebtedness that obligates her to pay back the loan. Similarly, in regard to the couple above, their choice to have a child only obligates them because, in fact, their choice brings about the conception of a child who is biologically connected to them. It is the reality itself—the existence of this new and dependent person in the womb who in fact belongs to the biological mother and father—and not so much the choice to have sex that brings about the obligation. As odd as it may seem, it is really the first category of obligations mentioned above—those that we do not choose to have—that are ontologically prior. It is fundamentally reality that obligates, and choices only bring about obligations if they, so to speak, alter the moral landscape sufficiently to bring them about.

Given this general understanding of the nature of obligations, a number of observations that will later be shown to shed light on the pro-choice position can be made. First, obligations do not arise from choices understood as elections of the will, but from *acts that are actually executed*. On the first of the month, a woman may make a choice, i.e., determine her will, to take out a loan from a bank sometime during the month, but this election on the part of her will involves her in no obligation because she has not carried out any action.<sup>12</sup> She does not have any obligation because, strictly speaking, she has not *done* anything to warrant an obligation, and as is clear from human experience, choices or elections on the part of the will can be retracted before or even while carrying out an act. On the fifth of the month, she may choose not to secure a loan, or she may even turn her car around in the parking lot of the bank, and by doing so, she has incurred no obligation to the bank. In a similar fashion, it is not the choice to marry that obligates a groom to his bride, but the *act of publicly vowing* to love, honor, and cherish her all the days of his life.

And this distinction naturally leads to a second, related distinction: a person does not choose to have an obligation *at the moment of the obligation*, for then the obligation would not be an

obligation at all. It makes no sense to say that, at this moment, I choose to have an obligation, for an obligation is, by its nature, something that binds the will in a given situation. When the mortgage bill arrives in the mail, the woman mentioned above does not, at that moment, choose to be obligated to the bank. Of course, she can choose whether or not to fulfill her obligation, but she cannot choose to be obligated. Her obligation arises because her previous act brought about a situation of indebtedness. The obligations that we choose arise from acts that we undertake at a previous time, such as taking out a loan at a bank or vowing to take care of a spouse for the rest of our life. At the moment the obligation actually arises, the only choice that we have is whether or not to meet our obligation.

Thirdly, and most obviously, the acts that give rise to obligations must have a natural or logical (or at least conventional) connection to those obligations. To phrase this insight as a truism, the acts that give rise to obligations must actually give rise to them. A woman who walks into a bank is not obligated to become a branch manager, to pay back a loan she never secured, nor to pay for damages to the roof should the building be hit by lightning while she is entering. The obligations that arise from our choices must be the result of those choices, either directly or in virtue of the consequences that those choices bring about. Suppose a thief stole a number of television sets from a “ma and pa” electronics store that, unbeknownst to him at the time of the crime, was struggling financially. If the loss of inventory led to the laying off of a number of workers or, even worse, the closing of the store, the thief would clearly be obligated to compensate for both the lost inventory, for which he was directly responsible, and the further financial losses incurred by the employees and the owners, consequences that he neither foresaw nor directly willed. This observation is, of course, pedestrian, but when taken seriously, its implications for the pro-choice account, as will be seen, are fairly significant.

## II. THE PRO-CHOICE ACCOUNT OF PARENTAL OBLIGATION

Viewed in light of the foregoing observations and distinctions, the pro-choice account of planned or chosen parenthood, grounded in an

absolute right to abortion, does not appear to be able to provide reasonable grounds for parental obligation. It will be remembered that, according to Planned Parenthood and many pro-choice philosophers, it is “choice” that grounds parental obligations and that in practice this choice must be understood as the choice to give birth or some choice following birth.

#### A. “CHOICE” AND PARENTAL OBLIGATION

Now, the first thing to observe about this position is that, as noted above, no obligation of any sort can result from “choice” understood as election of the will. Should a woman find herself pregnant and wrestling with a decision whether or not to terminate her pregnancy, she may (say, in the third month of pregnancy) choose not to have an abortion, but this choice cannot be the ground of any obligation to this developing life. By making this choice or determining her will to this option she has not, as yet, *done* anything that would alter the moral landscape. If the biological bond between her and the child does not obligate, as the pro-choice movement contends, then she is still not obligated to him, for this choice adds nothing of moral relevance to the situation. She may now *want* the child and, indeed, may even have undergone a significant emotional or spiritual conversion, but neither of these internal changes is sufficient to ground a moral obligation. That this choice adds nothing is clearly evident from the fact that, given the pro-choice logic, she can change her mind the very next day and her previous choice would in no way constrain her. She may, perhaps, feel remorse for lacking will power, or she may become angry at herself for fluctuating in her decision, but she is still not obligated in any way to this child. Put simply, a choice is not an act, and acts, not choices, give rise to obligations.

Suppose, however, that, in addition to her choice not to abort her child, the woman in question also alters her behavior—changes her diet, begins taking multi-vitamins, and even attends a birthing class. Could it be that these acts, in addition to and following from her choice, now obligate her to her child? According to Planned Parenthood and many pro-choice philosophers, of course, she is still free to change her mind and her behavior, and obtain an abortion;

according to these groups, then it is clear that a mere change of behavior during pregnancy is not sufficient to obligate a woman to her developing child. And granted their initial assumption, these groups are surely correct. If, in fact, the biological bond between child and parents itself does not ground parental obligations, then merely desiring to raise the child or being solicitous of its well-being at a given time is not enough to obligate a mother to do anything for the child later in the pregnancy. Should the mother's boyfriend or husband suddenly abandon her, or should she be ostracized for her decision to keep her child, she would be perfectly free to abort the child later in the pregnancy, for any previous acts of kindness to the child would have to be understood as entirely gratuitous, given the pro-choice logic. A one-time show of kindness or attention does not create a friendship with extensive and often burdensome demands. Friendships of utility and pleasure, to use Aristotle's categories, come to be and pass away everyday without the slightest injustice done to either party involved. Granted, if a woman truly wishes to have her baby, she can justifiably claim that the child is hers because she is the biological mother and that the child is hers because she wishes not to abort him; but as yet there are no grounds for saying that she is *obligated* to the child. If a woman has an absolute right to an abortion during the entirety of her pregnancy, then there can be no possible grounds for anything like an obligation to the life within the womb. And if this is so, the question still remains: When or why, exactly, does a mother (and/or father) have any obligations to her (their) offspring?

#### B. THE CHOICE TO GIVE BIRTH AND PARENTAL OBLIGATIONS

According to Planned Parenthood and much of the pro-choice movement, then, the actual point at which parental obligations begin must be birth. If the woman chooses to give birth, then she has taken on the responsibility of being a parent, with all of its obligations. For example, Judith Jarvis Thomson, cited above, articulates a position of this sort:

If a set of parents do not try to prevent pregnancy, do not obtain an abortion, but rather take it home with them, then they have assumed responsibility for it, they have given it rights, and they cannot *now* withdraw support from it at the cost of its life because they now find it difficult to go on providing for it.<sup>13</sup>

Evidently, then, the choice to give birth to a child (and, then, take it home) is the critical moment when parental obligations begin for Thomson, as well as for much of the pro-choice movement in America. As a *practical* matter, of course, the pro-choice movement had to pinpoint some act or moment in time that ushered in parental obligations or else they would have, in fact, completely undermined the institution of the family. But what is at issue here is the *philosophical cogency* of such a position. Does it make any sense to mark birth as the moment when parental obligations begin?

First, it should be pointed out that the phrase “choosing to give birth,” which has been used throughout this paper, is very odd. The birth of a child is a wholly natural process that the body initiates and, for the most part, carries out on its own; women under general anesthetic can deliver babies. Of course, this observation is not intended to minimize the excruciating pain that is undergone and the remarkable courage shown by mothers giving birth—many men cannot endure even a headache gracefully—but it is intended to minimize its nature as an “act.” Birth is something undergone, not something chosen. If birth is to be regarded as the pivotal *act* that ushers in parental obligations, then it must be understood as an act of omission: “Choosing to give birth” must mean something like “choosing not to have had an abortion and letting nature take its course.” So, the question raised in the previous paragraph can now be rephrased: If a woman chooses not to have an abortion and lets nature take its course, is she then obligated to care of this newborn, and if so, why?

The obvious initial response to this question is that there is surely no natural or logical connection between the birthing of a child and the onset of parental obligations. Admittedly, the type of protection and care that a child in the womb demands is somewhat

different from the type of protection and care that a newborn child demands, but there seems to be nothing distinctive about this moment or process that would mark it as the onset of parental obligations. What could possibly be the rationale for stating that a woman has no obligations to the child in her womb but that after the birthing process she will be obligated to her child by what is arguably the strongest of human bonds? Why not make the magic moment the time when the child cuts her first tooth or goes off to pre-school? As Francis J. Beckwith has pointed out, Judith Jarvis Thomson, who maintained that not having an abortion and taking the child home marked the onset of parental obligations, offers no explanation as to *why* these actions allegedly bring on these responsibilities.<sup>14</sup> Indeed, the problem with answering the question why birth is the beginning of parental obligations is not so much that any attempt to answer it could be refuted but that it is difficult even to imagine what a reasonable response to this question would look like.

Perhaps, though, the pro-choice position is not that the choice not to abort is what marks the onset of parental obligations but rather that all children, even those who are reared by their biological parents, are essentially adopted. As Thomson, for example, seems to intimate in the passage cited above, perhaps the biological mother has no obligations to her child even after giving birth to him. When the child is outside the womb, the biological mother is faced with a choice: she can leave the child in the hands of the state or of some adoption agency or she can take it home with her. Should she choose to take the child home, she would then obligate herself to her child, but not before then. On this pro-choice account, then, all biological parents would obligate themselves to their children in the same manner as adoptive parents would.

Is this account of the origins of parental obligations reasonable? To its credit, there is a certain economy of reasoning at work here. The obligations of every kind of parent—biological parents, adoptive parents, and presumably even the parents of a child who is the result of some sort of technological engineering, such as *in vitro* fertilization, surrogate pregnancy, cloning, etc.—would be explained in an identical fashion: All children are essentially adopted. But a

moment's reflection on this type of reasoning is enough to realize that it is indefensible. Hard cases make bad laws. Once the exception, the peripheral case, or the emergency situation becomes the norm, the result is always moral, if not practical, chaos. To begin with, one would have to assume that there is no such thing as a natural obligation to one's offspring and, as a consequence, that there is *never* a moral failing on the part of a biological mother and father who decide not to "adopt" their own child. Even further, there would also be no moral failing on the part of people who casually and carelessly pursued sex for mere pleasure, knowing full well that they would simply put any child they were to conceive up for adoption. There are, of course, extreme cases in which the choice to place one's child up for adoption is morally justifiable, but the pro-choice position would indicate that this decision would *always* be so. The principle involved, if taken seriously, would mean that no child would have any claim on either his biological parents or even any adoptive parents. Each new generation of human beings would be like a new shipment of animals to the pet store, and some animals are simply never taken home. Of course, as a practical matter, few biological mothers and fathers ever even consider not taking responsibility for their newborn children. Nature will have no part in this nonsense. But even if such a position does not slide us down a *causal* slippery slope, it certainly takes us down a *justificatory* one.

### C. THE ONSET OF "PERSONHOOD" AND PARENTAL OBLIGATIONS

But perhaps these replies to the pro-choice position, that the choice not to have an abortion or some choice following birth marks the onset of parental obligations, may be too facile and may not view the position in its best possible light. Perhaps the position is meant to be taken in something like the following way: "Even though a woman is the biological mother of this human being, this fact alone is not sufficient to obligate her to him. For even though this being is a human, it is not yet a person. And one cannot be obligated to a non-person. By or near the time of birth, the life within the womb has

become sufficiently person-like to warrant special treatment by the mother. So, this being is the mother's, but only when this being has achieved personhood does the mother have a special obligation to him because he is her person." Such a position, it seems to me, is the *only* possible recourse available to a pro-choice philosopher who is committed to the absolute right to abortion throughout all nine months of pregnancy *and* to the notion that parents have natural obligations to their children. Of course, such a denial of personhood has been adopted by a number of philosophers, many of whom also support infanticide on the grounds that even a newborn infant is not a person.<sup>15</sup> And such a position at least appears to have its merits, for outside of the abortion debate, it is indeed reasonable and defensible to argue that a person can only be obligated to another person. St. Thomas Aquinas, for example—not known for his pro-choice activism—maintains more generally that it is not possible to will a good for a non-person: "An act of love always tends towards two things: to the good that one wills, and to the *person* for whom one wills it."<sup>16</sup> And if one cannot will a good for a non-person, then one cannot be obligated to a non-person, for to fulfill an obligation to a person is to will a good that is due to that person. And Thomas also maintains that any apparent willing of a good for a non-person, such as an animal, actually must be an indirect willing of a good for a person.<sup>17</sup> Likewise, Immanuel Kant has famously declared: "Animals are not self-conscious and are there merely as a means to an end.... Our duties towards animals are merely indirect duties towards humanity."<sup>18</sup> Although Kant here contrasts animals with humanity, if one were to argue successfully that human beings in the womb were not "self-conscious"—a criterion of personhood that some pro-choice philosophers have used<sup>19</sup>—then one would have to agree that one cannot have a duty to a human being in the womb.

How, then, is a pro-life philosopher to respond to this argument regarding the onset of parental obligations? Initially it would seem that, at this point in the present discussion, no progress whatsoever has been made and we are back to the same tired and contentious arguments over the personhood of the developing life that we explicitly sought to avoid at the outset. And, in a sense, this is true,

for we seem to be led inexorably back to the issue of the personhood of the being in the womb. But even so, if the line of argumentation presented in this paper thus far has been correct, then a great deal of progress has been made. First, even this pro-choice position is an implicit acknowledgment that “choice” is not the ground of parental obligations: it is the onset of personhood that initiates such obligations, an event or reality that is not chosen, except in the sense that the choice not to abort allows this reality to emerge. More importantly, if it is true that the only possible way for a pro-choice philosopher (one who supports an absolute right to abortion) to rescue the notion of parental obligations is to attack the personhood of the developing life, then philosophers such as Thomson must be fundamentally wrong. If one concedes or assumes for the sake of argument the personhood of the fetus—Thomson writes: “I propose, then, that we grant that the fetus is a person from the moment of conception”<sup>20</sup>—then there is no way to deny that the parents who conceived this person have a *prima facie* obligation to take care of and protect him. The child is theirs because of the biological bond, and the child is their responsibility because the child is a person. So, if nothing else, the foregoing line of argumentation has at least backed the pro-choice movement and the pro-choice philosopher into a corner: Either deny the personhood of the fetus or concede that you have philosophically undermined the notion of parental obligations.

As far as the consideration of the personhood of the fetus *in itself* is concerned, so much has been written on this subject that little, if anything, new can be hoped to be gained at this point in the abortion debate.<sup>21</sup> In my estimation, as I have argued elsewhere, the pro-choice notion of “personhood” is a highly dubious one, of no general moral significance outside the issue of abortion, and engineered solely to exclude the fetus from the community of protected individuals.<sup>22</sup> Additionally, it can, of course, be pointed out that the connection between the point of birth and the onset of this alleged personhood in the fetus is extremely tenuous, especially given the fact that most children are born within a *range* of four weeks (38-42 weeks) and that some children have even survived after being delivered at twenty weeks. However, in the remainder of this paper,

the issue of the personhood of the fetus will not be directly addressed, for there may be something to be gained by reflecting on the notion of the personhood of the fetus *in relation to the issue of parental obligation*. Is it reasonable to suppose that a woman's obligations to the life in her womb only begin at or around birth, which allegedly marks the onset of personhood?

#### 1. RIGHTS VS. OBLIGATIONS

One of the reasons why it is often supposed that a woman is not obligated to support her child until he has reached personhood is that the logic of obligations is often confused with the logic of rights. In our experience outside of the issue of abortion, rights seem to be at least roughly proportional to the *level of development* of a human being under consideration. As the capacities of a human being develop, he is by definition capable of exercising greater capacities, and the rights attributed to him reflect those greater capacities. For example, it is believed that sixteen-year-olds have the capacity to drive a car responsibly but do not yet have the capacity to vote, to drink alcohol, or to direct their own lives responsibly, and so they are given and denied rights accordingly. Indeed, the more developed and independent a person is, the more rights would seem to be granted to him. In regard to abortion, Mary Anne Warren argues in a similar fashion: "It is reasonable to suggest that the more like a person something is—the more it appears to meet at least some of the criteria of personhood—the stronger is the case for according it a right to life, and perhaps the stronger its right to life is."<sup>23</sup> This type of reasoning, which connects the level of development of a human being to the type and/or degree of rights that he has or is granted, inexorably leads to an abortion-on-demand mentality, for the capacities of the mother will always be more developed than those of her child. Although this type of gradualist approach to rights is fraught with intellectual difficulties—most obviously that it would make the right to life of, say, an eight-year-old less than that of a twenty-five-year-old<sup>24</sup>—it has a powerful grip on the popular imagination, and it is one reason why the wholesale endorsement of rights language by the pro-life community is probably less than prudent.

But whether or not this understanding of rights is plausible, it is quite distinct from a proper understanding of the nature of obligations. Whereas the extent of the rights granted to a person and their strength or degree would seem to be *proportional* to that person's level of development and independence, the extent and strength of the obligations that we have toward another human being would seem to be *inversely proportional* to that person's level of development and independence. A parent's obligations to her two-year-old are usually much broader, more pressing, and more physically exhausting than the obligations that she has to her daughter in college. Granted, the *type* of obligations certainly changes throughout the course of parenting—in some ways rearing a teenager is more stressful than rearing an infant—but it would be implausible to suppose that the extent and degree of parental obligations *increase* as the child develops and becomes more independent. Whereas rights do seem to be intimately connected with capacities—Hobbes, for example, speaks of a “natural right” as “the Liberty each man hath, *to use his own power*, as he will himselfe, for the preservation of his own Nature”<sup>25</sup>—obligations, at least in some cases, have to do with *need*. And the question of parental obligations is precisely one about need. The language of rights, at least in its American version, is simply incapable of capturing much of the reality of our moral lives, especially the reality of obligations. In part, then, the pro-choice position that only human beings who have achieved a certain level of development called “personhood” are able to place demands on other human beings is based on a confusion of the logic of obligations with a (highly dubious) logic of rights.

## 2. A FATHER'S OBLIGATIONS

Another way of shedding light on the question of the grounds of maternal obligations is to inquire about the grounds of paternal obligations. Do a father's responsibilities only begin when the unborn human being reaches personhood, which is here assumed to be around the time of birth? Suppose that a man wishes to engage in sexual intercourse but has no intention of raising a child and insists upon using birth control. Yet, as is the case with most unwanted

pregnancies, the birth control fails to do its job, and his partner finds herself pregnant. Much to his chagrin, the woman, who has a healthy network of emotional support, decides not to have an abortion. Is the father, at this point, obligated to his offspring? To make the point more graphically, suppose, later in the pregnancy, that the child is diagnosed with spina bifida, and the woman elects to have fetal surgery, even though she has no health insurance. Is the father morally obligated to provide financial support for this surgery? It seems to me that a consistent pro-choice philosopher would have to deny that the father has any obligation. As Sidney Callahan has observed, “By pro-choice reasoning, a man who does not want to have a child, or whose contraceptive fails, can be exempted from the responsibilities of fatherhood and child support.”<sup>26</sup> However, I would hazard a guess that most people would agree that he does have a moral obligation to provide whatever aid he can, regardless of what the law does or does not demand of him. Our “moral intuitions,” as philosophers like to say, tell us that he has done something deeply wrong by abandoning the woman whom he has impregnated and the human being that he has helped to bring into existence. Yet, if we accept the pro-choice reasoning, there does not seem to be any reason why the father is obligated to a being who has not yet achieved personhood. Having an absolute right to an abortion, the mother herself, as shown above, would not even be obligated to the child at this or any point in the pregnancy, yet the father apparently would be. If, as the defender of abortion-on-demand must maintain, personhood does not begin in the womb, then it is difficult to imagine why this biological father is obligated.

Or, perhaps, the pro-choice account works this way. Although neither a biological father nor mother are obligated to their offspring because of their biological bond to the child, the father’s participation in sex obligates him *to the mother*, and if she chooses to have the baby and opt for fetal surgery, then he must provide what financial support he can as a *direct duty to her*, not to the fetus, which is still not a person. Is this a sensible response? If so, there is a very peculiar one-way obligation at work inherent in the nature of sexual intercourse: When a woman engages in sexual intercourse, she owes

her partner nothing after the act; should she find herself pregnant, she may abort at will with no concern whatsoever for the father's interests. Yet, should a man voluntarily engage in sexual intercourse, he is now at the complete mercy of his partner's decisions: he must provide at least eighteen years of financial support (and emotional support if he is to be anything like a good father) if she wishes to keep the child, or he must simply live with her decision if she wishes to abort. Although the foregoing may accurately describe the bizarre one-way obligation that is present in current American law, it is very difficult to accept that this accurately describes the moral terrain of the situation. Are there any other parallels in human experience to this unique one-way obligation that is allegedly present in sexual intercourse? Is the fetus, which is allegedly not yet a person, to be likened to a woman's private property, in which case the man, who helped her purchase or acquire this property, is obligated to insure its proper maintenance? Yet no one who merely offers to help someone buy a piece of property is ever obligated to maintain the upkeep on that property. Or is the fetus to be likened to a woman's pet? Here too, people who help others purchase or acquire a pet are not obligated to take care of that pet, even as an indirect duty to its owner. In short, the pro-choice reasoning in this regard is dreadfully convoluted and without parallel to any other area of human experience. As a practical matter, the pro-choice movement must find a way to obligate fathers morally to their offspring if they do not wish to obliterate the human family, but philosophically speaking, they cannot make any sense of this type of obligation.

### 3. CHILD ABUSE IN THE WOMB

Leaving the issue of fatherhood aside, we can return to our original question: Is it sensible to maintain that mothers have no obligations to their offspring prior to birth, or whatever moment at which personhood is alleged to begin? Although most people would admit that there are certainly circumstances that would justify overriding or setting aside parental obligations—such as the need to treat the mother for uterine cancer, which could harm or even take the life of the unborn child—do we really want to go so far as to assert that there

are *no* parental obligations prior to birth or the alleged onset of personhood? (An obligation that can always be overridden is, of course, no obligation at all.)

Suppose, for example, a particularly troubled young woman finds herself pregnant. Desperate, she resorts to using cocaine as a means of dealing with her stressful situation. For whatever reason, though, she also chooses not to get an abortion, and not surprisingly, the baby is born prematurely, addicted to the drug, and suffering from withdrawal. Is this woman guilty of any injustice to her newborn baby? Although the legal situation in regard to abortion is not the present focus, it is worth noting that the state will certainly take the child away from this delinquent mother, at least for a time, because she is currently a cocaine addict and presumably because she failed to meet her parental duties *when the baby was still in the womb*. In this situation, the believer in abortion-on-demand is apparently faced with a dilemma. He could, of course, deny that any wrong has been done, though such a response would put him at odds with the moral judgment of most of the human race. If, however, he does admit that the woman committed an injustice, he would have to respond that the injustice really only arose at birth or whenever personhood began. Prior to birth or the onset of personhood, the mother is incapable of wronging her offspring, for at that time the child was not yet a person; the injustice must have arisen when the mother allowed the child to be born and/or to achieve personhood. Had she terminated her pregnancy, she would have committed no wrong; but since she decided to have the child, she failed to meet her parental obligations.

Perhaps the most natural response to an argument of this type is bewilderment: How could it be the case that taking the life of a being involves no wrong but that letting it live does? On the face of it, such a position seems to be counter-intuitive, to say the least. Advocates of euthanasia, of course, argue that ending the life of a terminally ill patient is preferable to needlessly prolonging his suffering. But the case at hand is not analogous, for the terminally ill patient by definition will never recover, whereas the child will. Likewise, some abortion advocates maintain that certain severely handicapped or deformed children should never be born and that we do them a

disservice to let them live. Regardless of the merits or weaknesses of this eugenic argument, the case at hand is again not analogous. (And isn't there a curious notion of obligation present even in this eugenic argument?) Indeed, it is hard to imagine any parallel here with any other area of human experience; further, it seems impossible to formulate any moral principle that would be at work here. We are bewildered by an argument of this sort because no one is really aware of the protocol for treating allegedly potential persons. (If fish routinely turned into people and we polluted some fish's water, would we be better off, morally speaking, to kill the fish before it became human or allow the fish to develop into a man with lung problems?) Indeed, as I have argued elsewhere, one of the problems with the pro-choice notion of personhood is that it has no general moral validity; outside the womb there are no human beings who are non-persons and who would give us some indication of how we should treat what is alleged to be a human non-person in the womb.<sup>27</sup> So, at worst this argument is fallacious; at best it is bewildering, and this is not usually a hallmark of a sound argument.

The more reasonable and philosophically economical account as to why the woman with the cocaine problem is guilty of child abuse is that the child is a person from the moment of conception and that she is the mother of that child. This explanation really helps us to understand the phenomenon of abortion in general. Psychologically speaking, an abortion is an attempt to nullify all of the natural obligations that have arisen due to the conception of a child; the mother is trying to repress these natural obligations before they become too obvious to deny. And much of what we have been doing throughout this essay has been to present cases that demonstrate that parental obligations are present, even if they are not explicitly acknowledged, from the time of conception.

#### CONCLUSION

The aim and scope of this essay have been fairly narrow. A certain position on the nature and origins of parental obligation has been defended, by showing its merits and the weaknesses of the notion of "planned parenthood" that is advocated by the pro-choice movement

and pro-choice philosophers. The aim of this paper has not been to show that all abortions are morally unjustifiable, nor has it been to show the extent of the *prima facie* obligations that parents have, although it has been suggested that these are among the most binding and wide-ranging of all duties. And the unpopular consequences of the position advocated in this paper, such as the condemnation of abortion in the case of rape, have also not been defended in any depth. Nor has the position that parents have natural obligations been demonstrated; it has, in fact, been the starting point of this inquiry. So, of course, there are certainly avenues left for attacking the position that is defended in this essay. Obviously, a philosopher could question that parents have any obligations to their children; he may take seriously and try to defend the adoptive model of parenthood that is presented above and summarily dismissed. Or a philosopher could argue that the traditional family arrangement is itself unjust or obsolete and as a consequence that there are no parental obligations because there are at bottom no parents but only the state or something of the sort.

But if there are parental obligations that are natural and not merely conventional, then the pro-choice understanding of parenthood must be false. Planned Parenthood, as cited above, argues that abortion-on-demand will actually ensure “that families will be strong and secure,” for by eliminating every unwanted child, families will not be burdened by more children than they believe that they can handle. As a practical matter, it seems highly unlikely that this position has strengthened families. In the United States, for example, the legalization and strengthening of “reproductive rights” has occurred side by side with an increase in cohabitation, which almost never leads to a sustainable marriage, and an escalation in divorce rates. But regardless of the practical consequences of this policy, planned parenthood as a philosophical position does away with parental obligations and, to that extent, does away with the family.<sup>28</sup>

NOTES

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1. In regard to this issue, Mary Ann Glendon makes the following observation in her *Abortion and Divorce in Western Law* (Cambridge: Harvard Univ. Press, 1987), p. 39 (a comparative study of abortion and divorce laws in twenty Western countries): “[P]ro-life and pro-choice activists, along with the United States Supreme Court, share several familiar premises and terms about individuals and rights.... [M]ost Americans think of abortion issues as involving individual rights—either the right to life of the fetus or a woman’s right to privacy, choice, or control over her own body. Thus the two seemingly irrevocably opposed positions are actually locked within the same intellectual framework, a framework that appears rather rigid and impoverished when viewed from a comparative perspective.”

2. It should be noted at the outset, as well, that throughout the remainder of this essay, the issue of parental obligations will focus almost exclusively on *moral* obligations, not legal ones. Although the two frequently coincide, people often have moral obligations that the law, for whatever reason, does not recognize, and there are (and have been) legal obligations that have no basis in morality, such as the legal obligation to turn in a slave who has escaped.

3. This paragraph is a modified version of one taken from my “Pro-Choice ‘Personhood’: An Abortive Concept” published in *Life and Learning XIII: Proceedings of the Thirteenth University Faculty for Life Conference* (Washington, D.C.: University Faculty for Life, 2003).

4. Judith Jarvis Thomson, “A Defense of Abortion” in *Moral Problems*, ed. James Rachels (New York: Harper & Row, 1979), p. 149.

5. Mary Anne Warren, “On the Moral and Legal Status of Abortion” in *Ethics in Practice*, ed. Hugh LaFollette (London: Blackwell, 1997), p. 86.

6. *Ibid.*, p. 84.

7. As is well-known to pro-life and pro-choice activists, though less known to the general public, the practical result of *Roe v. Wade* and its companion case *Doe v. Bolton* has been to legalize abortion-on-demand; in the United States, a woman may choose to have an abortion for any reason, however serious or frivolous, at any time prior to birth. However, not all pro-choice philosophers would agree with this extreme position, but some, such as Mary Anne Warren cited above, certainly do support abortion-on-demand. For example, Judith Jarvis Thomson, cited above, famously pulls back from such a position at the end of her “A Defense of Abortion” (op. cit.): “[The case presented] also allows for and supports our sense that in other cases resort to abortion is even positively indecent. It would be indecent to request an

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abortion, and indecent in a doctor to perform it, if she is in her seventh month, and wants the abortion just to avoid the nuisance of postponing a trip abroad.”

8. Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola Univ. of Chicago Press, 1990), p. 118.

9. The phrase “biological bond” can, it seems to me, be taken in at least two ways: first, the bond that exists between the parents as the natural authors of the child—their sperm and egg that unite to form this new human being; second, the bond that exists between a mother and child during pregnancy. Leaving the question of surrogate pregnancies aside, let it suffice for the purposes of this paper to say that the first type of bond is really the crucial one for determining parental obligation.

Additionally, we need to be honest about the implications of this thesis, for if taken seriously, it comes with a host of unpopular—not to say untrue—consequences. If the biological bond is the true ground of parental obligations, then women who are raped also have maternal obligations because, as a point of fact, they are mothers; the same biological bond exists between the woman and child in the case of rape as exists between a woman and child of a voluntary conception. As Schwarz explains in regard to the woman who has conceived due to rape: “The child is *her* child; this remains true even when the child is conceived in violent intercourse and forced on her. The reality of the child as a person, and as entrusted to the woman as her mother, remains fully intact. The woman may not get rid of the child if this means child neglect, still less if it means killing, as in abortion.

“And the further consequence of this position, perhaps equally unpopular, is that practices, procedures or arrangements that sever this biological bond between parents and children—such as sperm or egg donorship—would at least have to be regarded with suspicion if not outrightly condemned. Though perhaps unpopular, such a position is, I believe, true and the only way to make sense of the natural obligations parents have for their children.”

10. I am very grateful to Professor Mary Lemmons for providing me with this insight and saving me from a form of ethical voluntarism that I had previously defended.

11. Cited in Francis J. Beckwith, *Politically Correct Death: Answering Arguments for Abortion Rights* (Grand Rapids: Baker Books, 1993), p. 130.

12. For an excellent understanding of the nature of choice or *electio*, see David Gallagher, “The Will and Its Acts (Ia IIae, qq. 6-17)” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington: Georgetown Univ. Press, 2002), pp. 79-80.

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13. Thomson, p. 149. However, in fairness to Thomson (or, rather, as an indicator of her inconsistency?), she does, at least, appear to decry abortions done for frivolous reasons in the later months of a pregnancy. See, for example, the passage cited in n7 above.

14. See Francis J. Beckwith, "Shifting the Focus in the Abortion Debate" in *Life and Learning V: Proceedings of the Fifth University Faculty for Life Conference* (Washington, D.C.: Univ. Faculty for Life, 1996), pp. 337-39.

15. See, for example, Mary Anne Warren, "On the Moral and Legal Status of Abortion," cited above; Michael Tooley, *Abortion and Infanticide* (New York and Oxford: Oxford Univ. Press, 1979); Peter Singer, *Practical Ethics* (Cambridge: Cambridge Univ. Press, 1983); and Joseph Fletcher, *Humanhood: Essays in Biomedical Ethics* (Buffalo: Prometheus Books, 1979).

16. Saint Thomas Aquinas, *Summa Theologica* I, q. 20, a. 1, ad. 3 in *The Basic Writings of Saint Thomas*, Vol. I (Indianapolis: Hackett, 1997). "Person" has been italicized here for the sake of emphasis.

17. See, for example, Saint Thomas Aquinas, *Summa Contra Gentiles*, III, chapter 112 in *The Basic Writings of Saint Thomas*, Vol. II (Indianapolis: Hackett, 1997).

18. Immanuel Kant, *Lectures on Ethics*, trans. Louis Infeld (Indianapolis: Hackett, 1963), p. 239.

19. For example, pro-choice philosophers Mary Anne Warren, Michael Tooley, Peter Singer, and Joseph Fletcher have all identified "self-consciousness" or "self-awareness" as distinguishing characteristics of personhood.

20. Thomson, p. 131.

21. For defenses of the personhood of the fetus and/or attacks on the pro-choice notion of "person," see, for example, Stephen D. Schwarz and R.K. Tacelli, "Abortion and Some Philosophers: A Critical Examination," *Public Affairs Quarterly* 3 (1989) 81-98; Andrew C. Varga, *The Main Issues in Bioethics* (Mahwah NJ: Paulist Press, 1984), pp. 57-73; Sidney Callahan, "Abortion and the Sexual Agenda," *Commonweal* (April 25, 1986) 232-38; Robert J. Spitzer, S.J., with Robin A. Bernhoft, M.D., and Camille E. DeBlasi, M.A., *Healing the Culture: A Commonsense Philosophy of Happiness, Freedom, and the Life Issues* (San Francisco: Ignatius Press, 2000), and Stephen D. Schwarz, *The Moral Question of Abortion* (Chicago: Loyola Univ. Press, 1990).

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22. Andrew J. Peach, "Pro-Choice 'Personhood': An Abortive Concept," cited above.
23. Warren, p. 87.
24. See Schwarz, chapter 5, for a more thorough critique of the gradualist position in regard to abortion.
25. Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge Univ. Press, 1997), p. 91. Italics have been added for emphasis.
26. Callahan, p. 236.
27. Peach, pp. 192-96.
28. I would like to thank Kathryn Mahon Peach, Laura Garcia, Paul McNellis, S.J., and especially Mary Lemmons for their helpful comments and criticisms of an earlier draft of this paper.