

A Woman's Right to Choose – the moral arguments

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A TRADITION OF
INDEPENDENT
THINKING



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Coláiste na hOllscoile Corcaigh

Starting Point: Pregnant woman as a moral agent

Making moral choices about what she values
and what she can and cannot commit to

Embryos and foetuses are ...

Connected to the human community in and
through women's bodies

2 moral principles: (1) autonomy (2) justice

1. Principle of Autonomy

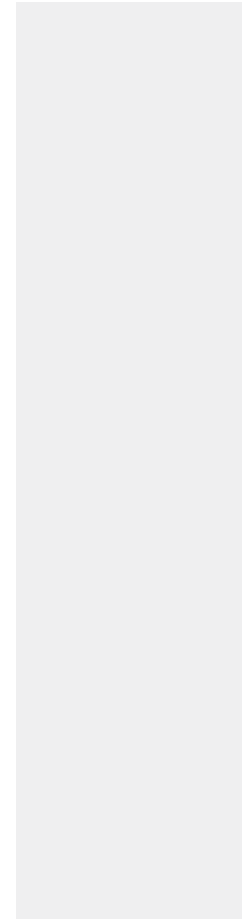
Self-rule or self-determination – a core value

Gives rise to rights of **bodily integrity** and the **right to privacy**

Respect for autonomy:

Don't unreasonably overrule core personal life choices

Don't treat an individual as a means to achieving the goals or ends of others



Reproductive Autonomy:

The right to try to reproduce or not without interference

Pregnancy uniquely burdens women and girls - bodily integrity, sense of self, health and life

Woman is best situated to weigh all the relevant factors; most impacted by decision

Moral claim to make a judgement about what is right or best in a particular situation

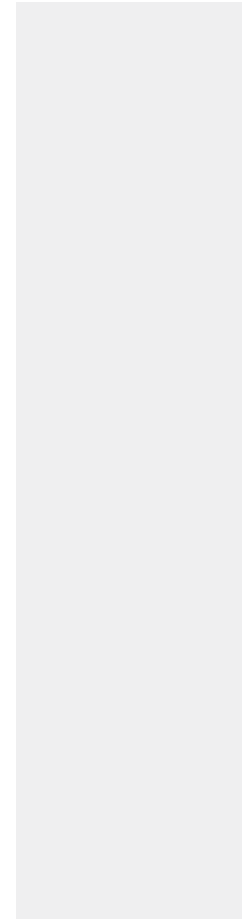
Not a Trivial or Abstract Choice

By definition, no woman or girl 'chooses' a crisis or unwanted pregnancy - a 'grim option'

Context of pregnancy, personal circumstances, values and goals, health and life risks

Advice and support from those close to her

Disrespect: to treat women and girls as passive objects or mere life support systems



2. Principle of Justice

Requires that pregnant women are treated on an equal footing with non-pregnant people and each other

But, the 8th Amendment has given rise to legislation and policies that place unequal or disproportionate burdens:

- a) situations involving medical uncertainty
- b) hardships of travel

a) Situations involving medical uncertainty

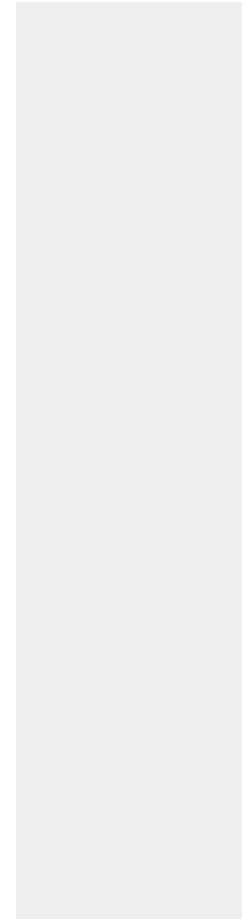
Autonomy – informed consent a pre-requisite in healthcare

National Consent Policy obliges doctors to acknowledge uncertainty about risk:

‘the preferences and values of the individual are of paramount importance’

Where continued pregnancy poses risk:

only doctors can certify that there is a ‘real and substantial risk’ to the pregnant woman’s life which would necessitate a termination



No obligation to disclose any uncertainty

Quantify risks of death? And risks to physical and mental health?

No requirement to involve woman in discussions about risk

Like non-pregnant people, the views of the pregnant woman who must bear the risk and who is most affected by the outcome should be central

b) Hardships of travel

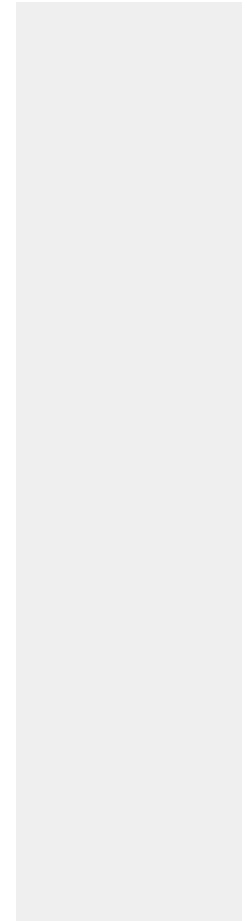
State sanctions on abortion = no access and withholds resources

Unnecessary hardships on women and girls to do what they believe is right and responsible

Unjust X 2: Being unable to travel and forced to continue or risk an illegal and unsafe abortion

=

Discriminates against poor, marginalized, ill ...



Morality ≠ legality

Disagreement about **morality** of abortion

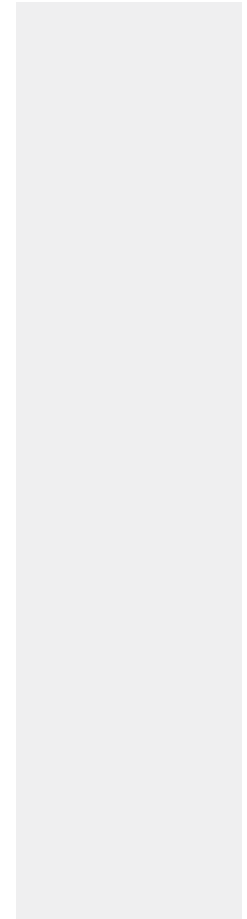
How much should **legislation** enforce moral values?

Liberal rules of social cooperation = widest possible exercise of **individual moral autonomy**

+40 years **no moral consensus** on abortion → political **compromise**



Access to legal abortion in the early stages of pregnancy but limit later



8th Amendment Not a Compromise

Imposition of **one highly contested** account of the moral standing of the foetus

Operationalization poses serious risks

Overrides autonomy rights

Requires unreasonable and unjust self-sacrifice

Repeal and replace with legislation and policies that recognize the reproductive rights of pregnant women and girls