**THE TIMING OF MORAL STATUS**

The Supreme Court in *Dobbs v. Jackson Women’s Health Organization* concluded that there is no federal constitutional right to abortion, thereby leaving decision power with states. Any abortion policy must balance competing interests. First and foremost are the interests of pregnant women and fetuses. One central debate states are having is about *when* fetuses gain protectable moral status. Many states with abortion restrictions draw the line at viability (typically 24 weeks into pregnancy), or at diverse earlier points 6 weeks (when some advocates maintain a heartbeat can be detected), 15, 18, 20, and 22 weeks.[[1]](#footnote-1) Some staunch opponents of abortion argue that it is impossible to distinguish the moral status of an embryo, a fetus, and a newborn. Therefore, since nearly everyone agrees infanticide is wrong, abortion must be prohibited at all points following conception. By contrast, some abortion advocates argue that moral status begins at birth. For example, many Jewish people believe life starts when a baby draws its first breath. As state laws reflect, there are diverse views between these poles.

What do you think? If abortion is allowed at any point after conception, must it be allowed at all points before birth?

*I disagree: One can conceive of the fetus as having different moral value at different stages of the pregnancy.*

*I disagree: Seems clear that it's 1 organism up to some point and then it's 2. Mother's interests should be prioritized when she's the only/main being.*

*My opinion is conflicted: My view is that a fetus is not a person until it is viable. This means that before it is viable, the mother needs to provide no reason to abort: it is fully her choice. After it is viable, in my mind, the fetus becomes a person and can only be aborted if it affects the life of the mother. What I haven't thought much about is whether this standard of "affects life of the mother" includes financial/mental health reasons, and not just physical health reasons.*

*I agree: I think this is a decision between a person and their doctor.*

*I agree: Abortion is about bodily autonomy, which is an inherent right, not a privilege that you must prove you are "worthy" of.*

**BIOLOGICAL FATHERS**

The set of interests abortion policy must balance may also be the interests of biological fathers. In *Planned Parenthood v. Danforth*, Missouri passed legislation requiring the spousal consent as a condition for abortion during the first 12 weeks of pregnancy. The Supreme Court, in accordance with the framework set out in *Roe v. Wade*, stated that the spousal consent provision was unconstitutional because the state had no authority to interfere during the first stage of pregnancy and therefore could not delegate authority to any other person. The rationale provided in *Danforth* no longer stands after *Dobbs*. Opponents of spousal consent requirements argue birthing people bear the physical burden of carrying a pregnancy to term and likely the care burdens after birth; therefore, their autonomy interests should prevail. Proponents of spousal consent policies argue in response that, without spousal consent laws, biological fathers lose autonomy over their own procreation decisions and can be forced to carry financial burdens of care against their will. All these concerns are heightened in situations of abuse.

What do you think? If biological mothers have the right to unilaterally terminate a pregnancy against the will of the father, should a biological father be required to pay child support when the pregnancy is carried to term against his objection?

*Yes; The mother should be able to utilize her autonomy to terminate the pregnancy and the father utilized his autonomy when impregnating the mother. Even if the father has a child from an unwanted pregnancy, he should have to pay child support because he acted to cause the pregnancy. The father should not be able to shirk his obligation to his child in engaging. In the activity of conceiving the child, the father agreed to the repercussion of the act.*

*Yes; Both parents have a duty to see to the raising of their offspring, but the pregnant woman alone bears the responsibility - and therefore the right to terminate - of pregnancy.*

*My opinion is conflicted; If biological fathers want to stay in communication with the mother and child, they must pay; if the biological father can prove fraud or coercion resulted in pregnancy, he should not have to pay; accidents happen, so parties should make decisions together and come to an agreement on future steps to protect one another.*

*My opinion is conflicted; I see the inequity created by unilateral decision-making and believe that could be rectified by allowing for a father to also have a decision on whether to raise the child; however, if this were the case, abortion rights would have to be completely unrestricted so as to allow the mother to fully exercise her right to have a child (analogous to choosing to adopt). Additionally, potential for HUGE public policy issues if abortion is not accessible.*

*No; If the autonomy of biological mothers would be protected on having a choice to bear the responsibility of whether or not to have a child, the same should be applied to biological fathers to have that choice*

**ABORTION AND THE DEATH PENALTY**

Both abortion and the death penalty are often framed as issues regarding the value of human life. The overlap between the two issues, however, has shifted over time. In 1977, approximately 43.9% of Americans beleived that the death penalty was permissible for those convicted of murder, but that a pregnant woman should not be able to obtain a legal abortion if the woman wants it for any reason.[[2]](#footnote-2) Although the number has decreased to 27.6% in 2021, the debate as to whether it is consistent to oppose abortion while supporting the death penalty remains.[[3]](#footnote-3) Opponents of abortion in the overlap argue that one distincition between the two issues is innocence; that the death penalty applies only to those who have been proven guilty beyond a reasonable doubt while abortion does not. Their critics argue that fully appreciating the value of human life (as many abortion proponents purport do do) also means opposing the death penalty.

What do you think? Is it morally consistent to support the death penalty while being against abortion?

*Yes; This seems obviously right to me. A fetus cannot possibly commit a crime, let alone a capital crime.*

*Yes; It would be consistent insofar as one believes that the choices one makes in life changes whether they have a right to life. Fetuses are almost by-definition innocent, while convicted felons are almost by-definition guilty.*

*My opinion is conflicted; It would depend on the individuals justification for supporting the death penalty, but I believe a pro-death penalty advocate would lean on the argument that a child is innocent and the convict is guilty. I personally do not see that as a sound argument as the social conception of what is "guilty" is so flexible.*

*No; You cannot be "pro-life" and hold that a fetus that cannot survive on its own must be protected at all cost, while also holding that living, breathing, autonomous people should be killed.*

*No; The fetus is not a living being yet. I find [abortion] more morally persuading … than killing a living person.*

**SURVEY**

Add the numbers of your responses together. This will help us pair people up for discussion.

**Prompt A**: If abortion is allowed at any point after conception, must it be allowed at all points before birth?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt B**: If biological mothers have the right to unilaterally terminate a pregnancy against the will of the father, should a biological father be required to pay child support when the pregnancy is carried to term against his objection?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt C**: Is it morally consistent to support the death penalty while being against abortion?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Total: \_\_\_\_\_\_\_\_**

1. The New York Times. (2022, May 24). Tracking the states where abortion is now banned. The New York Times. Retrieved October 22, 2022, from <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html> [↑](#footnote-ref-1)
2. Bump, P. (2022, May 12). *Analysis | how often do views on capital punishment and abortion 'align'?* The Washington Post. Retrieved October 22, 2022, from <https://www.washingtonpost.com/politics/2022/05/12/how-often-do-views-capital-punishment-abortion-align/> [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)