



THE MORAL STATUS OF THE FETUS IN PERFORMING AMNIOCENTESIS WITH AN UTILITARIANISM VIEW.

Obstetrics & Gynaecology

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ABSTRACT

Medical ethics is an important area of applied ethics and abortion is one of the controversial ethics is a growing interdisciplinary field dealing with ethical problems in different areas of society. This topic on abortion is a serious and complex issues which raises one to analyses it from ethics point of view. 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. The analysis shows that to consider the fetus to have its moral status or to give importance to the women's body and her right to take decision are falls into the same misleading and which is harmful to society. 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. One should direct their attention to the relationship between mother and the fetus and not to the fetus alone. The main idea regarding the moral status of the fetus should be based on the relationship between the mother and the fetus where one cannot be observed separately without the other.

KEYWORDS

Medical ethics, applied ethics, abortion, fetus, moral status, relationship.

I INTRODUCTION :

Ethics is the disciplined study of morality which discusses about right and wrong, good and bad. Ethics consider that these beliefs on behaviour, character can be improved in our life while following certain ethical rules and regulations. Ethics uses various tools for that which enables one to be patient analysis of relevant ethical concepts to express them clearly. The second tool is to identify the implications of the concepts for one's behaviour and character. Thus, ethics accepts those judgments which are completely based on ethical analysis. Judgments without ethical analysis are to be treated as "Mere opinion". According to Plato and Socrates "Mere Opinion has no place in ethics and no place in the professional ethics of obstetrics and gynecology.

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. James M. Brown gave the following points on Applied ethics –

1. Applied ethics is the application that covers ethical theories.
2. There is one ethical theory that is waiting to be applied to practical problems.
3. The problems are supplied by non-philosophers and the theory is applied by the philosophers.

These three are said to be the "Engineering Model of Applied Ethics." To preserve social harmony and integration, morality or moral codes are very essential in every sphere of our life. Today, 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.

II Utilitarian View:

There is one primary thought process through utilitarianism: Utilitarian accepts the benefits and harms in a balance way that justify an action. According to them there is no absolute value placed on human life regarding the moral questions about when human life

begins. 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."

Act Utility: 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.

Many supporters on moral status of the fetus hold that value of fetal life look for a specific movement of development which is also known as "Bright Line". 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.

III Right to life:

No person shall be deprived of his life and personal liberty except according to procedure established by law under the Article 21 of the Constitution. 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.

Ronald Dworkin has made a detailed study on the issue of abortion. He stated that a fetus has no interest before the third trimester. A fetus cannot feel pain until late in pregnancy because its brain is not sufficiently developed before then; it developed to feel pain from the 26th weeks. Thus, whether abortion is against the interest of a fetus must depend on whether the fetus itself has interests, not on whether interests will develop if no abortion takes place. Something that is not

alive does not have interests. Also just because something can develop into a person does not mean it has interest either. Once a fetus can live on its own it may have interest. This is only after the third trimester.

[10] Michael Tooley, *Abortion and Infanticide*, Defining Right to Life, Oxford Clarendon Press, Canadian Journal of Philosophy, 1986.

A contemporary American philosopher Michael Tooley has given two arguments in connection to 'Right to Life' in his essay "Abortion and Infanticide". He stated that it is morally permissible to destroy a human fetus or infant, because these organisms do not have the properties that grant them a 'serious right to life' (Tooley 57). According to him, "An organism possesses a serious right to life only if it possesses the concept of self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity" (Michael Tooley 82). He again states that an organism which is not conscious cannot have rights. "It seems to be conceptual truth that things that lack consciousness cannot have rights." (Tooley 65). So, he says that to apply this arguments to abortion and infanticide, it is the right of the fetus as infants to assert that individual must refrain from killing them only if the fetus as infant possesses the desire not to be killed.

IV Ethical Issues regarding Amniocentesis:

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.

CONCLUSION:

From the above discussion, it may be concluded that a fetus being a member of the Biological species have Homo- Sapiens, it is wrong to destroy a human being. 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 abort 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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