



Investigation on abortion: legal and ethical argumentations

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Abstract

Abortion is a sensitive and contentious issue with legal and ethical dimensions. It is also a public health concern around the world, raises questions about basic beliefs regarding life and death, the sanctity of life, the beginning of life, and women's rights. Legally, abortion is illegal in some countries such as Jordan, Oman, Qatar, Senegal, and the Philippines, and legal in other countries such as Great Britain, Greece, Poland, Israel, and Turkey. Ethically, opponents considered abortion as equivalent to murder and that such killing of fetuses deprived them of future value, and no matter how much the women may suffer, women can't be allowed to kill their fetuses. Whereas proponents considered abortion as morally justified and that pregnant women have the fundamental right to terminate their pregnancies. The current authors are against abortion to preserve the dignity and respect for the fetus, and that killing or terminating human life is morally wrong. The purpose of this paper was to present arguments on abortion from the legal and ethical views of opponents and proponents. Abortion has been debated for many years, bringing up a lot of controversy and opinions for both with and against its practice. The purpose of this paper was to present arguments of both opponents and proponents about abortion, from both the legal and ethical perspectives. In result, abortion is legal only in special cases such as preserving women's physical and mental health, saving the mother's life, and in cases of rape and incest. "Women have the right to control their bodies" is a popular ethical argument; therefore, they have the right to undergo abortions for any reason they want.

Keywords: abortion, ethical, opponents, proponents, argumentations

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INTRODUCTION

Abortion is a major reproductive health issue influences many women in their reproductive age; approximately one in three or four women of these women will undergo an abortion at some point in their lifetime ([World Health Organization] (WHO) 2019; 2017; Yaacob, Abera, & Meleko, 2018).

Abortion is the premature termination of a pregnancy before 20 weeks of gestation, and before the fetus is viable (Yaacob, et al., 2018). The consequences of abortion include physical complications such as sepsis, hemorrhage, genital trauma, and even death (Frederico, Michielsen, Arnaldo, & Decat, 2018). The physical complications are more severe among adolescents than older women and increase the risk of morbidity and mortality (Frederico, et al., 2018; Fidelis et al., 2019).

Common reported reasons for having an abortion is to postpone childbirth, socio-economic concerns including disruption of education or employment (Farwa, Joanne, & Elizabeth, 2019), inability to afford an additional child, the desire to provide schooling for

existing children, poverty, unemployment, or rape or incest (Behulu, Fenta, & Aynalem, 2019).

The WHO estimates revealed that about 25 million abortions, around 45% of all abortions, occurred every year of all pregnancies, 97% occurred in the developing countries such as Africa, Asia, and Latin America (WHO, 2019; 2017; Saeidian et al., 2019).

An argumentative essay requires the researcher to investigate a topic, collects data and evaluates evidence to learn more about the topic, understands the different point views regarding it, through which the researcher establishes a position and supports it with the evidence collected during the search process concisely (Hillocks, 2010).

Regardless of advances in sciences and technology, abortion still a controversial legal and ethical issue that places healthcare providers at risk of an ethical dilemma (Patil, Dode & Ahirrao, 2014; Saidi et al., 2018).

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Therefore, the purpose of this paper was to present both the legal and ethical views of opponents and proponents regarding this issue and provide recommendations to reduce unwanted pregnancies.

Background

Regardless of culture, society, race, and religion, women worldwide have sought out abortion when faced with an unintended pregnancy. Laws governing abortion, as well as their consequences, have been changed over time (Congressional Research Service, 2018).

Abortion was legal across the United States (U.S.) until the mid of the 1800s when every state criminalized the practice. After that, in 1973, abortion was generally illegal across the country, except those necessary to save the life of the woman. So, women seeking abortion turned to illegal and unsafe options, putting themselves at risk of losing future fertility as well as their lives ([National Institute for Reproductive Health] (NIRH), 2018).

In the past 20th century, various women's rights groups, physicians, and social reformers repealed abortion bans. While abortion remains legal in most of the West, this legality is regularly challenged by anti-abortion groups (Berer, 2017).

Over the past four decades, state legislators have created multiple restrictions on the provision of abortion care. While abortion remains technically legal, it was not always accessible or affordable for women who need it (NIRH, 2018). The arrival of safe and accessible abortion from medical providers ended the conditions that had historically led women to take matters into their own hands (NIRH, 2018).

Legal and Ethical Arguments

Abortion is a contentious legal and ethical issue that involves issues of the beginning of human personhood, the right of the fetus (pro-life arguments), and the right of self-determination of the pregnant woman (pro-choice arguments) (Behulu et al., 2019; Ingravallo, Dietrich, Gilja, & Piscaglia, 2014)).

A long time ago, statistics in Jordan indicated that illegal abortions are taking place, abortions were done to terminate pregnancies in adolescent females (15-19 (2.4%), 20-24 (5.5%) years, respectively) (Almasarweh, 2003). Also, 16.3% and 23.7% of births and pregnancies in the same age groups were mistimed as the result of greater reliance on traditional family planning methods (Jones & Kavanaugh, 2011; WHO, 2019; 2017).

Around the world, about a quarter of the countries allow abortions only to save the life of the mother, and 42% of the countries around the world allow abortions when the mother's life is at risk, to preserve a woman's physical or mental health in cases of rape or incest, because of fetal impairment, or for social or economic reasons (Finer & Fine, 2013).

Legal Arguments

Opponents: Worldwide, abortion may be performed when it is necessary to avert a danger to the life of pregnant women; however, the abortion procedure must be approved by two physicians and the written consent of the pregnant women or their spouses or the persons legally responsible for them (Berer, 2017).

In the Philippines, abortion is illegal since 1930, except if the mother's life is in danger; however, permission must be obtained from a board of medical professionals (Finer & Fine, 2013). In Senegal, the 1810 penal code makes abortion illegal except to save the mother's life (Singh, Remez, Sedgh, Kwok, & Onda, 2018). In Oman, the Penal Code of Law No. 7/1974 prohibits abortion unless there is a situation of necessity, and the abortion is carried out by a physician only to save the life of the pregnant woman, and the woman must consent to the abortion (Singh, et al., 2018). In Qatar, the Penal Code of Qatar of 1971 prohibits abortion; a pregnant woman who performs an abortion on herself or consents to its performance is subject to up to five years imprisonment. A person who intentionally performs an abortion on a pregnant woman is subjected to the same penalty if she consents, or to up to ten years imprisonment if she does not require consent (Finer & Fine, 2013). In Jordan, the penal code No. 16 of 1960 prohibits abortion; any person who performs an abortion is subjected to one to three years imprisonment. Penalties are increased when abortion is performed without the woman's consent or results in her death (Jallad, 2012).

Proponents: In Great Britain, abortion is freely available according to the Abortion Act of 1967, which permits abortion for a variety of reasons ([United Nations] (UN), 2014). In Greece, since 1986, abortion has been freely available in cases involving a minor or in instances of rape or incest. In Poland, a 1993 law legalized abortion throughout pregnancy to preserve the life or physical health of the mother (UN, 2014). In Israel, a 1977 law made abortion legal to save the mother's life or preserve her mental or physical health. Abortion is also allowed in cases of rape, incest, or fetal impairment, as well as in cases involving a wide range of difficult social circumstances (Finer & Fine, 2013). In Turkey, a 1983 law made abortion legal in all circumstances if the mother's life is at risk, if her physical or mental health is in danger, or if her pregnancy involves fetal abnormalities (Finer & Fine, 2013).

Ethical Arguments

Opponents: as pro-life, opponents contend that personhood begins at conception, and therefore abortion is the immoral killing of an innocent human being; every human has an inherent right to life (Berer, 2017; Hoffer, 2011).

Abortion is considered a murder; the killing of an innocent human being is wrong, even that human being

has yet to be born which is deprived of future value (Patil et al., 2014). A fetus feels pain during the abortion procedure, pain perception developed by eight weeks of gestation with the development of the spinal reflex; thus, pain is detected by the fetus in the first trimester (Jinlin, Shangchun, Jialin, Marleen & Wei-Hong, 2019).

Also, women should not be used abortion as a form of contraception; abortion can result in medical and psychological complications later in life (Singh, et al., 2018; Terzo, 2013).

The ethical principles of beneficence and nonmaleficence are providing benefits and balancing risks. Benefits include actions that defend and avoid doing things that are harmful to the fetus (Patil et al., 2014). However, killing and terminating a human being's life is murder and immoral (Berer, 2017; Hoffer, 2011). Healthcare providers should always have the best interest of the fetus by ensuring a balance of good over harm (Patil, et al., 2014).

Proponents: as pro-choice, proponents contend that choosing abortion is a woman's right that should not be limited by governmental or religious authority (Berer, 2017; Hoffer, 2011). A pregnant woman has the right to decide what she can and can't do with her body, the fetus exists in her body, so she has the right to abort it (Patil, et al., 2014).

Personhood begins after a fetus becomes viable, and a person's age is calculated from the birth date, not from conception, and that the word "person" doesn't include the unborn child (Lowery, 2012). Also, the fetus is incapable of feeling pain when abortion is performed, and a fetus can't be held to experience pain, because the cortex that is necessary for pain perception doesn't become functional until the 26th week of gestation (Jinlin, et al., 2019).

Access to legally and professionally performed abortions will reduce maternal injuries and deaths (Ingravallo et al., 2014; Lowery, 2012; Singh et al., 2018; WHO 2019; 2017). Any baby should not come into the world unwanted (Lowery, 2012).

In summary, legally, some countries such as Jordan, Oman, Qatar, Senegal, and the Philippines considered abortion as an illegal practice, while other countries such as Great Britain, Greece, Poland, Israel, and Turkey considered it as a legal practice. Ethically, abortion is equivalent to murder and killing a fetus, and it deprived it the future value. Women should not be allowed to kill their fetuses under any circumstances. On the other hand, abortion is morally justified, and pregnant women are autonomous to control their bodies and, in turn, have the fundamental right to terminate their pregnancies. Moreover, abortion is unacceptable according to the principles of beneficence and nonmaleficence. It is unethical action as a fetus feels pain during the abortion procedure, so it should be not allowed at all; killing or terminating human life is morally wrong.

An Argumentative Statement

Abortion is a controversial legal and ethical issue that involves arguments about the beginning of human personhood, the right of the fetus, and the right of self-determination of the pregnant women. Because human life is sacred, we should accept the moment of conception as the start of human life. Human life is a gift from God; therefore, it should be treated with dignity and respect. Thus, the current authors are against abortion to preserve dignity and respect for the unborn fetus.

Legal Defense

Many countries consider abortion as an illegal practice except in special cases such as preserving women's physical and mental health, saving the mother's life, and in cases of rape and incest, which needs a consent form, trained practitioners and public's attitudes (Finer & Fine, 2013).

Ethical Defense

Abortion is an unethical practice as it interferes with the bioethics principles of beneficence and nonmaleficence, termination of human life is morally wrong, and a woman who became pregnant must endure the process of pregnancy and birth, no matter distressing or painful (Patil, et al., 2014). The fetus should be treated with dignity and respect (Berer, 2017; Hoffer, 2011).

This argumentative essay articulates the following recommendations to reduce unwanted pregnancies in Jordan.

- Provide pre-abortion counseling to show the consequences of abortion on health.
- Establish a trusting relationship with pregnant women.
- Provide regular counseling sessions for married couples.
- Increase the involvement of men; they should have equal roles in preventing unwanted pregnancies.
- Develop family planning approaches that respect women's autonomy.
- Provide training programs in family planning for nurses and physicians.
- Provide clinical protocols and post-abortion care services to reduce the complications of unsafe abortion.

Abortion remains an ongoing legal and ethical issue. It is illegal in many countries except in the case of last resort necessity. Ethically, it involves issues of the beginning of human personhood, the right of the fetus, and the right of self-determination of the pregnant mother. Abortion interferes with the bioethics principles of beneficence and nonmaleficence and interferes with the dignity and respect of the human being. Therefore, the current authors were against abortion.

CONCLUSIONS

Abortion has been debated for many years, bringing up a lot of controversy and opinions for both with and against its practice. The purpose of this paper was to present arguments of both opponents and proponents about abortion, from both the legal and ethical

perspectives. Abortion is legal only in special cases such as preserving women's physical and mental health, saving the mother's life, and in cases of rape and incest. "Women have the right to control their bodies" is a popular ethical argument; therefore, they have the right to undergo abortions for any reason they want.

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