A Defense of Ectogenic Abortion

Abstract: A popular argument for a right to ectogenic abortions appeals to a right to avoid the obligations associated with parenthood. A common objection to this argument questions whether there are any sufficiently great harms associated with parenthood to ground such a right. I propose a novel formulation of this argument that avoids these objections. I then defend it against important objections.

Keywords: abortion, ectogenesis, rights, obligations

Introduction

Ectogenesis, the process of developing a fetus into a baby through an artificial womb, will likely become viable in the future. If it does, it will be the next source of controversy in debates about abortion rights. For this reason, it is important that we carefully assess and develop arguments for and against parents' right to the death of the fetus in cases of ectogenesis. My aim in this paper is to do this by formulating the best version of one such argument, which I call the Avoiding Obligations Argument (AOA henceforth). The idea behind this argument is that a right to an ectogenic abortion is grounded in a right to avoid the obligations of parenthood. The standard formulation of AOA has received significant criticism stemming from its reliance on the possible harms caused by parental obligations. My aim in this paper is to develop and defend a novel formulation of AOA that doesn't appeal to these harms. Consequently, the argument avoids these objections and, I believe, is therefore a more compelling argument.

Before explaining the AOA and providing my formulation of it, I will first clarify what is meant by a right to the death of the fetus. This will be important, as insufficient clarity about this has led people to unfairly criticize AOA and other arguments for this right.

The Right to the Death of the Fetus

The right to the death of the fetus should be understood as a negative *claim* right: parents have such a right just in case others have an obligation not to prevent parents from terminating an ectogenic pregnancy.[1] Importantly, this includes governments: if parents have a right to the death

[1] For the distinction between claim rights and privilege rights, see Hohfeld, W. (1919). *Fundamental Legal Conceptions*, W. Cook (ed.), New Haven: Yale University Press.

of the fetus, governments are obligated not to prevent parents from terminating ectogenic pregnancies by passing laws forbidding ectogenic abortions.

Given that it is a claim right, it is not trivial that, if a fetus has no moral status, then the parent has a right to the death of the fetus. Räsänen, arguing for such a right, assumed this, and therefore, to his own disadvantage, granted to his opponents that the fetus has some moral status.[2] Blackshaw and Rodger leveraged this against him.[3] Agreeing that the right to the death of the fetus is trivial if the fetus lacks moral status, they argued that, on the shared assumption that the fetus has some moral status, Räsänen had not pointed to any interests of the parents that are sufficiently weighty to trump the fetus's interests. Their response only works if we agree with them, as we should not, that this debate is only interesting if the fetus has moral status.

It's not obvious why they think this.[4] They write that if the fetus lacks moral status, "ectogenesis and ending the life of the extracted foetus would be little different to cutting one's hair and discarding it." But it's not clear why this follows. It can't be because we always have a claim right to do that which is morally permissible. Having a permission (privilege-right) is not sufficient for having a claim right. [5] It's morally permissible for me not to wear a seatbelt or to commit suicide, given the popular assumption that we don't have duties to ourselves. But, plausibly, we have no corresponding claim right not to wear a seatbelt or commit suicide: the government and others aren't obligated not to prevent us from doing these things. Perhaps they think that we have a claim right to do something so long as it's permissible and doesn't affect anything with moral status, a condition self-harm clearly doesn't satisfy, but even this is false: the government can permissibly forbid any tampering with currency to minimize the chances that counterfeiting occurs. So, I have no claim right to tamper with my money even when tampering is morally permissible because I'm not engaged in counterfeiting. More generally, it's not clear I have a claim right to do whatever I want with my property so long as it doesn't harm, especially if we are Humeans about property rights.[6]

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[2] Räsänen, J. (2017). Ectogenesis, abortion and a right to the death of the foetus. *Bioethics*, 31(9), 697–702.
[3] Blackshaw BP, Rodger D. Ectogenesis and the case against the right to the death of the foetus. *Bioethics*. 2019; 33: 76–81. https://doi.org/10.1111/bioe.12529
[4] They make it clear in a passage they aren't simply conflating claim rights and privilege-rights.
[5] Permissibility might not even be necessary. Some think we sometimes have a right to do wrong.
[6] You might think, for instance, that the government can forbid people from harmlessly disposing of goods that will be useful and beneficial to others if they provide easy means for people to recycle those goods.

It is both politically and philosophically important to recognize that a right to an ectogenic abortion requires more than establishing that the fetus lacks moral status. Current political and philosophical discussions are dominated by consideration of the mother's bodily autonomy and the fetus's moral status. But in a world where the life of the fetus doesn't interfere with the mother's bodily autonomy, pro-life advocates may very well introduce additional arguments that sidestep the question of the fetus's moral status, arguments that appeal to, for instance, states' permission to respect the preferences of their constituents and, perhaps, promote population growth in pursuit of their economic interests.

These kinds of arguments have been irrelevant in cases of intrauterine abortion because it's fairly trivial to show that mothers have a right to intrauterine abortions if the fetus lacks moral status. Mothers have bodily autonomy rights and rights to protect themselves from risks of harm. So, if the fetus doesn't have any moral status, getting an intrauterine abortion is just a basic exercise of these rights, no different than any other, and therefore isn't the sort of thing the government can interfere with to respect its constituents' preferences or promote its economic interests. But ectogenesis blocks this kind of argument because the fetus is no longer attached to the body. It therefore is more contentious and will take more to establish that the parent has a right to the death of the fetus in cases of ectogenesis even if the fetus lacks rights.

We therefore should not and need not assume that the fetus has moral status in these debates. And we can utilize the claim that the fetus has no moral status without trivializing the dispute. Much of the literature seems influenced by Judith Jarvis Thompson's seminal paper on abortion.[7] Some have noticed that Thompson's classic argument does not extend to the case of ectogenic abortion and wondered whether there is any similar argument that does apply.[8] This is understandable. Thompson posed a fascinating argument for a right to an intrauterine abortion even if the fetus has moral status. But, as is widely recognized, trying to establish this is a very ambitious task. Antecedently, it seems very plausible that if the fetus has moral status, poses no threat to the mother's life, and isn't a product of rape, abortion is impermissible. If Thompson is right, she has made a truly monumental philosophical discovery. Indeed, it's because some people

[7] Thomson, J. J. (1971). A defense of abortion. *Philosophy & Public Affairs*, 1,47–66.
[8] Blackshaw and Rodger prominently make this point. Hawking notes that, in Thomson's violinist case, one only has the right to the violinist's death if the violinist is attached. Hawking, M. (2015). Viable violinist. *Bioethics*, 30, 312–316.

think she has that the paper has become such a classic. But there are interesting questions to be answered that do not depend on making a monumental discovery.

Because it's obvious that there is a right to an intrauterine abortion if the fetus lacks moral status, it made sense for Thompson to skip to the question whether the rights that ground such a right could also ground this right if the fetus has moral status. Because it isn't obvious what rights could ground a right to an ectogenic abortion if the fetus lacks moral status, we cannot skip to this step in the case of ectogenesis. We must consider first whether there is a right to an ectogenic abortion if the fetus has no moral status. My aim in this paper is to help make progress on this question by providing a novel formulation of AOA. Once we've made a case for this right, we can then ask whether this right persists even if the fetus has some moral status. I will consider this briefly before closing.

Defending the AOA

The AOA emerges as an offshoot of an argument for ectogenic abortion that grounds this right in a right to avoid the harms of *feeling* obligated.[9] The AOA focuses, instead, on a right to avoid *being* obligated.[10] It is typically understood as follows.[11] Being forced to go through with an ectogenic pregnancy results in the parent having certain obligations to their child. These obligations cause harm, including psychological distress, to the parents. To avoid these harms, the parents have a right to terminate the pregnancy.

Criticisms of the argument, then, typically take two forms. The first form of criticism denies that parents have the relevant obligations. On one way of developing this objection, because the parents can put up their child for adoption, they can avoid these obligations.[12] Independently, one can question whether biological parents automatically have obligations to their offspring, since mere biological connection doesn't suffice for parental obligations.

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[9] Mathison and Davis discuss this argument. Mathison, E. & Davis, J. (2017). Is there a right to the death of the foetus? *Bioethics*, 31, 313–320. Cannold observes, in a study, that women still feel obligated to their offspring. Cannold, L. (1995). Women, ectogenesis, and ethical theory. *Journal of Applied Philosophy*, 12, 55–64. I. Glenn Cohen identifies the relevant harm as being socially imposed through a social attitude of attributional parenthood. I. G. Cohen. The Right Not to Be a Genetic Parent. *South Calif Law Rev* 2008; 81: 1115–1196.

[10] Catriona Mackenzie advances a form of AOA. Mackenzie, C. (1992). Abortion and embodiment. *Australasian Journal of Philosophy*, 70, 136–155. p. 152.

[11] Räsänen prominently endorses this formulation.

[12] Räsänen raises and addresses this objection.

My aim in this paper is to find the best formulation of the AOA. For this reason, I am not centrally concerned with addressing these kinds of objections. That's because AOAs are indispensably predicated on the assumption that there are such obligations, so the task I have given myself involves accepting this assumption. This, by itself, is still a worthwhile task because, as Räsänen argues, it's contentious whether adoption really does eliminate the relevant obligations and because it is still a popular view that biological parents do indeed have obligations to their offspring.[13] Moreover, there could be theories of parental obligations that don't ground these obligations in biological connections but still entail that biological parents typically have these obligations. For these reasons, we should still seek out the best formulation of this argument. As we will see, however, my argument directly opens up a novel, compelling response to the adoption objection, so my formulation still helps deal with some of these objections.[14]

The second kind of objection is more centrally my concern. This kind criticizes, in some way, the appeal to the harms of becoming a parent. One such objection denies that having a child is harmful: parents rarely regret having a child.[15] Another points out that, even if some kinds of harms, like psychic harm, are caused, these harms aren't sufficient to establish a right to the death of the fetus, because these harms aren't the sorts of harms that ground such a right, or because the interests of the fetus outweigh the interests in avoiding these harms. [16]

My formulation of the AOA avoids these objections. It avoids these objections precisely because it doesn't depend on harms to the parents, and because, as already argued, we can appeal to the fetus's lack of moral status without trivializing this dispute. I will now develop this argument.

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[13] The following endorse this view: Weinberg, R. (2008). The moral complexity of sperm donation. *Bioethics*, 22, 166–178. Nelson, J.L. (1991). Parental obligations and the ethics of surrogacy: Acausal perspective. *Public Affairs Quarterly*, 5, 49–61. Benatar, D. (1999). The unbearable lightness of bringing into being. *Journal of Applied Philosophy*, 16, 173–180. Moschella, M. (2014). Rethinking the moral permissibility of gamete donation. *Theoretical Medicine and Bioethics*, 35, 421–440. Brandt, R. (2016). The transfer and delegation of responsibilities for genetic offspring in gamete provision. *Journal of Applied Philosophy*, 33(4) doi:10.1111/japp.12251.

[14] Räsänen responds by suggesting biological parents don't lose obligations once the child is adopted. Lindsey Porter agrees. Porter, L. (2012). Adoption is not abortion-lite. *Journal of Applied Philosophy*, 29, 63–78. My response avoids this overpowered commitment.

[15] Kaczor C. Ectogenesis and a right to the death of the prenatal human being: A reply to Räsänen. *Bioethics*. 2018; 32: 634–638. https://doi.org/10.1111/bioe.12512. Hendricks P. There is no right to the death of the fetus. *Bioethics*. 2018; 32: 395–397. https://doi.org/10.1111/bioe.12455. Blackshaw and Rodger also question whether having a child is harmful.

[16] Mathison and Davis and Blackshaw and Rodger both raise this objection.

We can formulate AOA in a way that avoids these objections because causing an obligation can wrong independently of causing harm: it is wrong to impose obligations on others. Suppose I want to go partying for the weekend, but I have a child to look after. For this reason, I leave my child at my neighbor's doorstep with the following note: "Going out for the weekend. Please take care of my kid. Or, if you can't, please drop her off at one of the local daycares nearby." In doing so, I don't just wrong my kid. I also wrong you by imposing an obligation on you to care for my kid.

Crucially, I wrong you even if imposing this obligation doesn't harm you. Suppose, as it happens, you will really enjoy my child's company. Imposing this obligation still wrongs you.

How can this be? That is, how can it be wrong to impose harmless obligations on people? It seems quite clear why this can be wrong. We don't just have harm-based rights; we also have autonomy-based rights, rights to pursue our own reasonable goals free from excess interference and restriction from others. Imposing care-based obligations on agents limits their freedom to pursue their own reasonable goals, and thus constitutes a violation of their autonomy.

Once we have this premise, we easily get a novel argument for the right to the death of the fetus. That's because preventing parents from getting ectogenic abortions imposes an obligation to care for the future baby. So we get the following argument:

1. We are obligated not to impose obligations to care for others on others.
2. Preventing parents from getting an ectogenic abortion is a way of imposing an obligation to care for others on others.
3. Therefore, we, including the government, have an obligation not to prevent parents from getting an ectogenic abortion.

C: Therefore, parents have a right to an ectogenic abortion (from 3 and the definition of rights from section 1)

As stated, accomplishing my goal in this paper doesn't depend on addressing the adoption objection, but it should be clear that my formulation avoids this objection. In the case I presented, I impose on you an obligation to either send my child to daycare or care for my child. Despite your having the daycare option, I still wrong you. That's because sending my child to daycare is a way of taking care of my child. So I have imposed an obligation on you to perform some act of caring

for my child. I have still imposed an obligation to care for my child even though I give you the option to offload much of the burden of this caring on another.

Analogously, if parents are forced to carry through an ectogenic pregnancy, an obligation to care for the child is imposed on them. The parent can fulfill this either by giving the child up for adoption or raising the child, but my case shows that it's wrong to impose this obligation even if one way of fulfilling this obligation is relatively unburdensome.

Objections to Premise 1

Objection 1: You haven't established premise 1 because the case used to motivate this premise doesn't establish it. In the case you presented, you act wrongly not because you impose a care obligation on your neighbor but because you morally offload your obligations onto them. When governments prohibit ectogenic abortions, they aren't morally offloading their own obligations, so your case doesn't establish that these prohibitions are impermissible.

Reply: We can construct cases that avoid this worry. Unfortunately, they will be more fanciful. Suppose there is a sperm and unfertilized egg positioned some distance apart in an artificial womb, but the sperm is traveling towards the egg in accordance with the design of this womb. The artificial womb is traveling down a river. You must choose whether to divert it down path A or path B. If you divert it down path A, the artificial womb will be destroyed before the sperm ever fertilizes the egg. If you divert it down path B, the womb will eventually reach a house owned by a couple. But, upon arrival, the womb will dissolve and a fully formed baby will emerge. There are two possibilities to consider: 1. You divert the womb down path A. 2. You divert the womb down path B without the parents' permission.

It seems clear 1 is permissible. If, as is widely accepted, preventative contraception is permissible, then an unfertilized egg and sperm don't have moral status, so 1 doesn't destroy anything with moral status.[17] Given that 1 is a permissible available option, 2 seems impermissible. It would be wrong for you to force the couple to deal with the baby when you can permissibly avoid it. But why is that? It can't be because you've offloaded your own obligations to care for the child on others; you have no such obligations, since you have no connection to the artificial womb

[17] We can construct a case where multiple sperm race to reach the egg if the presence of a single sperm is a salient disanalogy.

and you can't, we can stipulate, raise the child. It's wrong because you are imposing on this couple an obligation to care for the child. Premise 1 still stands.

Objection 2: Premise 1 overgeneralizes in wildly implausible ways. There are many ways people can cause others to acquire care-based obligations. If I'm walking down the street and I trip and fall, you may consequently have an obligation to pick me up, but I don't wrong you just by imposing this obligation on you.

Reply: Before addressing this objection, it's worth making two points that will allay some related concerns. First, even if imposing an obligation wrongs, it doesn't follow that the obligation is invalidated. If you offload your child on me, I'm still obligated to help your child.

Second, even if someone wrongs another by imposing an obligation on them, it doesn't follow that the act was overall impermissible. Sometimes we have conflicting obligations, and one obligation may outweigh another. I may have an obligation not to impose an obligation on you, but this can be outweighed by other obligations. It can sometimes be overall morally permissible to do something to someone even if they have a right against you doing it.

With these points made, we can directly address the objection. To do so, we need to distinguish causing someone to have an obligation from imposing an obligation on them. When I accidentally trip and fall, I merely cause you to be obligated, but I don't impose an obligation on you. There are many cases where we merely cause someone to have an obligation.

What makes the difference? This is not the place for a full-fledged analysis of imposing an obligation, but I can state a necessary condition that explains why lots of cases of causing an obligation are not cases of imposing an obligation. An agent imposes an obligation on another person only if they *responsibly* cause the person to have the obligation. Since, when I trip, I do not responsibly cause you to be obligated to help me, I do not impose an obligation on you.

But suppose I behaved recklessly. Suppose I knew, because of a warning sign, that walking on that floor was likely to result in my falling and needing your assistance. Suppose I chose to walk on it anyway. In that case, it's plausible that I wrong you, albeit mildly. Indeed, it would be natural for me to apologize for making you have to come help me. I shouldn't have walked on the floor, not merely because it was bad for me, but because it made you have to come assist me. I

impose an obligation on you by responsibly causing you to be obligated (and satisfying any further necessary conditions).

So we can draw a principled distinction between imposing an obligation on someone and merely causing them to be obligated. Imposing an obligation requires responsible causation. This requirement alone relieves much of the worry that premise 1 overgenerates wrongdoing.

But this isn't wholly satisfying. There seem to be cases where someone responsibly causes an obligation but does nothing wrong. Suppose a parent's child is seriously injured and needs immediate medical attention. The only available doctor that can act in time is the parent's next-door neighbor. If the parent knocks on the door and asks for help, they responsibly cause the doctor to be obligated, but they don't wrong the doctor.

It's not clear, in this case, that the parent causes the obligation. Rather, the parent merely informs the doctor of their obligation. We can have obligations that we are, through no fault of our own, unaware of, and people can intentionally reveal them to us. If I promised to attend my child's recital, but an evil doctor removes my memory of the promise, then, through no fault of my own, I am unaware of my obligation. If my trusty friend, realizing what's happened, reminds me of my promise, they do not impose an obligation on me; they merely inform me of my obligation.

This plausibly explains what's happening in the doctor case. Doctors have an obligation to assist nearby people in serious need when doing so won't overburden them. This obligation is generated when someone nearby is harmed and other relevant conditions are satisfied. So, the parent doesn't impose the obligation; they merely inform the doctor of it. Indeed, had the doctor instead learned about the obligation while looking through the window, this would have only changed how the obligation was discovered, not how it was generated.

One might worry, however, that nearby cases sharpen the problem. Suppose multiple equally capable doctors witness a child get injured at a park. Suppose that the parent solicits one for help at random. In that case, you might think, the doctor didn't have an obligation to assist until the parent solicited help. After all, if the doctor had an obligation to help prior to solicitation, then, since the other doctors were, at that time, symmetrically situated, they too had an obligation. But this is implausible, since these doctors haven't wronged the parent by failing to help when the parent solicits help from another doctor. So it's more plausible in this case that the parent

responsibly caused the doctor to have an obligation. But, intuitively, the parent hasn't thereby wronged the doctor.

Once again, it's not clear that the doctor didn't have the relevant obligation prior to the parent's solicitation. Suppose the parent, in a panic, didn't solicit and each of the doctors sat around twiddling their thumbs. In that case, each doctor failed to fulfill their duty to help. That makes it plausible that the obligation was already present. The worry for this, as discussed in the previous paragraph, is that it entails that each of the unsolicited doctors wronged the parent by not helping. But we can avoid this implication by being clearer about what duty each of the doctors, including the solicited doctor, has in this case. It seems plausible that the relevant duty each doctor has is not a duty to help but, instead, a duty to *make sure* that one of the present doctors helps the child. When the parent asks the doctor to help, the doctor isn't strictly obligated to help; they must either help or ensure that another doctor does. This duty to make sure that the child is rescued can be satisfied by all of the doctors even if they don't rescue the child, so long as they are ready to ensure that either they or another doctor helps.

One might worry that this response is implausible given that, if the solicited doctor directs the parent to use one of the other doctors, the doctor acts wrongly. But we can explain why this is wrong without undermining my response. If the doctor refuses to help, that usually indicates that they are not ready to help if needed, and so it indicates that they are not, after all, going to make sure that the child is helped. As evidence for this explanation, consider a case where the doctor's directing the parent to one of the other doctors clearly doesn't indicate that they are not ready to help. Suppose two doctor friends regularly take walks through a park. Regularly, kids need to be rescued at this park. The doctors have developed a routine of switching turns rescuing in order to lighten their loads. This time it's doctor A's turn, but the parent solicits doctor B. Doctor B directs the parent to doctor A but indicates that they are there to help if needed. In this case, redirecting isn't wrong because, even though Doctor B redirects, this doesn't indicate that they aren't ready to help. It is therefore plausible that what makes it usually seem wrong to redirect in this way is that it typically indicates the doctor is not going to make sure the child is helped. Instead, they are just trying to shirk any duty to help

Another case worth considering is the case of public address. In public settings, strangers often try to spark up conversation with us. When they do, plausibly we acquire a duty to respond

in some way and not merely ignore them. But, in that case, these conversationalists have responsibly caused us to have a duty, but, intuitively, they haven't wronged us.

We can respond to this case as follows. Public spaces are designated as spaces where it is acceptable for people to strike up conversation and be social. These spaces have well-recognized norms permitting people to engage with strangers in ways that, in other settings, might be considered unacceptable. When we enter a public space, we enter that space knowing that these spaces are governed by norms allowing people to strike up casual conversation. In entering these spaces, then, we tacitly signal our willingness to respect these norms. This is enough to make it the case that the socializer does not impose an obligation. Similarly, if I agree to a work contract that will, at various times, require me to attend spontaneously arranged meetings, then, when my boss arranges such a meeting, he does not impose an obligation on me. That is because I have tacitly agreed to be given these kinds of obligations. Thus, my boss merely *assigns* me a duty.

Consideration of these cases makes it plausible that premise 1 can be defended against overgeneralization worries. I cannot consider every possible case. But, I believe, what I've said is enough to show that premise 1 is very plausible, and thus can serve as the basis of a compelling argument for ectogenic abortion.

Objections to Premise 2

As I've said, I don't intend, in this paper, to address general skepticism about parental obligations to biological offspring, but there are other challenges to premise 2 that don't depend on general skepticism. I'll now address those challenges.

Objection 3: Preventing parents from getting an ectogenic abortion isn't a way of imposing an obligation because parents already have an obligation to care for the fetus. [18] After all, parents must ensure the fetus will have caretakers once born and that the fetus will develop healthily.

Reply: The parents have no such obligation. Before the fetus has moral status, the parents have the same disjunctive obligation we all have: to either not bring into existence something with moral status or to care for the thing that will have moral status. This obligation only entails a care obligation to the fetus if the fetus is going to have moral status, so the parents only gain the

[18] Kaczor, responding to Räsänen, advances a version of this objection.

obligation to care for the fetus if they aren't going to terminate the pregnancy before the fetus has moral status. But then, it turns out, forcing them to have the child against their will is a way of imposing this care obligation on them.

Objection 4: An obligation is not imposed because the parents are responsible for the creation of the fetus. This is an important disanalogy between ectogenic abortion and your river case.

Reply: It certainly isn't true in general that responsibility for the creation of something entails that you can't have obligations to that thing imposed on you. I'm responsible for my daughter's creation, but you still impose an obligation on me to rescue my daughter if you endanger her. My responsibility for creation only entails that the obligation hasn't been imposed if I'm responsible for creating the obligation, if, for instance, I was responsible for endangering my daughter. But assuming the parent doesn't have care obligations to the fetus (because it has no moral status), it doesn't seem like the parents are responsible for having obligations to their child when the pregnancy is forced. Moreover, we can revise the river case so that the couple responsibly created the sperm-unfertilized egg contraption. Maybe they were considering becoming parents and created the device but changed their minds and discarded it in the river, knowing it would be destroyed by traveling down path A before fertilization. In that case, it still seems wrong to, against their will, redirect the artificial womb down path B.

Objection 5: If parents are forced to have a child against their will, they thereby lose any care obligations to that child, so the government cannot impose an obligation by prohibiting ectogenic abortion.

Reply: We are now running up on the kind of worry that I am refraining from addressing in this paper. After all, whether such coercion can discharge a parent's obligation probably depends on the nature of parental obligations, and so it may depend on settling on a theory of parental obligations. But it's still worth noting, in response, that on our commonsense picture of parental obligations, biological parents do not lose parental obligations just in virtue of being forced to carry through a pregnancy. We intuitively think that, even in states where abortion is banned, just because a biological parent had a pregnancy forced on them, it doesn't follow that they are not obligated to either ensure their child is adopted by a good family or raise the child well themselves.

Indeed, that is plausibly, for those of us who do not think fetuses necessarily have moral status, an important part of what makes forced pregnancies wrong.

This also just falls out of the fact that obligations can be imposed on you. People can perform actions, against your will, that result in your having an obligation. My river case is an example: surely when the person directs the floating artificial womb towards you, you still have an obligation to the baby even if the person redirected the artificial womb towards you against your expressed will.

Objection 6: Suppose the government implements the following policy: whenever parents decide to terminate an ectogenic pregnancy, the government steps in and takes custody of the fetus. In that case, no obligation is imposed because the government has assumed future responsibility for the child.

Reply: It seems clear to me that if, when the government came to seize custody of the fetus, the parents declared that they want to raise the child given that they aren't being allowed to terminate it, the government is obligated to respect this wish. To do otherwise would be a massive violation of parental rights. Deciding that you would rather the fetus not become a child does not entail that you do not have a right to control over your child if you are prohibited from terminating the fetus, and it does not entail that you have waived this right. The government can't, therefore, permissibly just seize custody of the fetus against the parents' will. So this policy amounts to simply prohibiting ectogenic abortions and then providing parents with the option of giving the fetus up to the government to take care of it before it is born. The worry raised by this possibility is that, since the government has assumed care for the future child before it is a person to which the parents have obligations, no obligations are imposed on the parent.

But this wouldn't in fact prevent obligations from being imposed: the parents would still have obligations to the child. That's because the fact that the child has not yet been born does not mean that one cannot have obligations to the child. If I get pregnant and will carry the pregnancy through, I have obligations *to my future child* to now do what will best ensure its well-being going forward. When the government prohibits me from having an ectogenic abortion, I know the fetus will be born and I therefore acquire the obligation to my future child to provide adequate care for it, either by raising it or giving it up (now or later) to another who will adequately care for it. In

this case, the government simply provides me with the option of fulfilling my obligations by giving it up before it is born, an option not available during intrauterine pregnancies.

The Case Where the Fetus Has Moral Status

My aim in this paper has been to argue for a right to the death of the fetus in cases where the fetus has no moral status. This in itself is an important task. But there is of course another interesting question: what happens when we assume the fetus has some moral status? Though I lack space to fully address this here, before closing, I can gesture at how I think moral status impacts the discussion in this paper.

If the fetus has moral status that entails care obligations on the parent, then my argument does not entail a right to the death of the fetus. After all, if the care obligations already exist, then restricting access to abortion does not impose such care obligations. But this is of course the position that is most hostile to pro-choice positions: if the parent has obligations to care for the fetus's wellbeing, then it is morally impermissible to kill the fetus, and it becomes much harder to establish that others may not interfere with the parents' killing the fetus.[19]

The question is more interesting if the fetus has value but not rights to care. In that case, restricting access does impose obligations on the parent, and the question becomes whether the value of preserving the fetus is sufficient to permit others to impose such obligations. This question deserves its own paper, but it's plausible that preserving the value of the fetus does not justify imposing obligations on the parents.

That's because the preservation of something of value is often not sufficient to justify imposing an obligation. Suppose my friend, a renowned author, posts an impressive work of fiction on his website. Remembering that his contract with his publisher obligates him to go on a marketing tour if the work is seen by the public, he quickly attempts to delete the post. Recognizing the work is impressive, I block the request for the post to be deleted (I run the website). Deleting the post is also the only way I can remove it, and there are no other copies anywhere else available.

In this case, I preserve something of significant value, but it still seems like I wrong my friend by imposing an obligation on my friend, and it is still wrong even if I know he will ultimately

[19] Though interfering may still be impermissible if the moral status of the fetus is only sufficient to establish that *parents* have obligations to care.

enjoy the marketing tour. Imposing an obligation is also crucial to the wronging: my act would not be as wrong, if at all, if my friend deleted it merely because of his perpetual tendency to irrationally doubt the quality of his own work. So I wrong my friend by imposing an obligation even when doing so preserves something of significant value.

Pro-lifers will of course reply that the value of preserving the fetus is greater than this, sufficient to permit such abortion restrictions.[20] But then risks of trivialization start to threaten. Of course if the fetus has tremendous value, it will be permissible to prevent parents from getting abortions. Indeed, setting the value of a fetus so high might just confer on them the moral status of ordinary humans. It will of course be difficult to establish a right to the fetus's death given this.

Conclusion

Existing defenses of the AOA have grounded a right to ectogenic abortion in the harms caused by imposing parental obligations. I have argued that a better formulation of AOA needn't appeal to these harms because imposing obligations is wrong independently of causing harm. To fully establish a right to the death of the fetus, assuming the fetus has no moral status, we therefore need only establish that preventing parents from getting ectogenic abortions imposes care obligations on them. I don't have the space here to fully establish that, but I have undermined a central reason for thinking no such obligation is imposed: the possibility of giving the child up for adoption. That, in itself, is a politically significant result, even for intrauterine abortion. Justice Amy Coney Barrett has suggested in oral hearings that only the burdens of pregnancy, and not the burdens of motherhood, can justify a right to an abortion precisely because the possibility of adoption relieves women of "the obligations that flow from motherhood." If I am right, and the fetus also does not have full moral status, this is mistaken: adoption only eases how burdensome the imposed obligation to provide care is.[21] That does not make imposing this obligation permissible.

Further work on the nature of parental obligations will need to be done to fully establish that such an obligation is imposed in cases of ectogenic pregnancy. That is as it should be. The ethics of abortion is a complex topic. For this reason, we cannot hope to develop a satisfactory

[20] And that there are other salient disanalogies. I unfortunately lack the space to discuss these here.
[21] Though if, as seems plausible, the emotional toll of fulfilling an obligation contributes to the burdensomeness of fulfilling an obligation, the obligation may still be very burdensome.

ethics of abortion by answering the big questions all at once or by providing several different arguments all at once for the conclusion we support. The only way to develop a satisfactory ethics of abortion is to break the big questions down into smaller parts and work on those smaller parts. It's my hope that this paper has contributed towards this project.