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ARTICLE

Abortion, Infanticide, and Choosing Parenthood

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Abstract
Some responses to analogies between abortion and infanticide appeal to Judith Jarvis Thomson's argument for the permissibility of abortion. I argue that these responses fail because a parallel argument can be constructed for the permissibility of infanticide. However, an argument on the grounds of a right to choose to become a parent can maintain that abortion is permissible but infanticide is not by recognizing the normative significance and nature of parenthood.

Résumé
Certaines réponses aux analogies entre l'avortement et l'infanticide font appel à l'argument de Judith Jarvis Thomson en faveur de la licéité morale de l'avortement pour désamorcer ces analogies. Je soutiens que ces réponses échouent parce qu'un argument parallèle peut être construit en faveur de la licéité de l'infanticide. Cependant, un argument reposant sur le droit de choisir de devenir parent permet de soutenir que l'avortement est autorisé mais que l'infanticide ne l'est pas en reconnaissant le sens et la nature normatifs de la parentalité.

Keywords: abortion; infanticide; parenthood; bodily autonomy; right to life; Thomson

1. Introduction

Are abortion and infanticide morally analogous? Some argue so. For example, Michael Tooley (1972) argues both abortion and infanticide are morally permissible because neither fetuses nor newborns satisfy the conditions required for a serious right to life. Jeff McMahan (2007) argues that there is no intrinsic difference between viable fetuses and premature infants, and so it is difficult to accept that abortion after the point of viability can be permissible while denying that infanticide can be permissible. David B. Hershenov and Rose J. Hershenov (2017) argue that abortion and infanticide are both morally impermissible because fetuses and newborns share similar intrinsic moral features; so, because infanticide is wrong, abortion must be too. Alberto Giubilini and Francesca Minerva argue that if abortion is morally permissible, then what they call "after-birth abortion" (Giubilini & Minerva, 2013, p. 261) — the act of a parent committing the infanticide of their newborn for the typical reasons a pregnant

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person may have an abortion — should also be morally permissible for the same reasons that would justify abortion because fetuses and newborns are morally equivalent.

Those who accept that fetuses and newborns are morally equivalent take there to be relevant similarities between them, such as a lack of rational capacity, a lack of first-person experience, a lack of self-consciousness, a lack of a chain of memory, a lack of autonomy, a lack of a capacity for higher-order thinking, a lack of a capacity for moral responsibility, and a lack of a capacity for self-determination. Because fetuses and newborns are so similar in ways relevant to moral standing, they have equal moral status. From this supposed equivalence in moral status, it is reasoned that there are no morally relevant differences between the situations of a pregnant person having an abortion and a parent committing the infanticide of their newborn.

There is a challenge to explain how one can accept the permissibility of a pregnant person having an abortion while denying the permissibility of a parent committing infanticide, given the apparent lack of morally relevant differences between fetuses and newborns. An analogy between a pregnant person having an abortion and a parent committing the infanticide of their newborn would hold most firmly in cases of late-term abortions, as it is in these cases that fetuses and newborns are most similar. While late-term fetuses resemble newborns more closely than do earlier-term fetuses, the challenge also includes explaining how aborting earlier-term fetuses is morally different to infanticide. This is because earlier-term fetuses also lack the same intrinsic moral features that late-term fetuses and newborns appear to. Thus, the challenge is to explain how a pregnant person having an abortion at any stage is permissible while a parent committing infanticide is not.

One way to address this challenge is with appeal to Judith Jarvis Thomson's argument for the permissibility of abortion. However, I argue that responses to the challenge of the analogy between abortion and infanticide that appeal to Thomson's argument for the permissibility of abortion cannot succeed because Thomson's argument allows for a parallel argument for the permissibility of infanticide, specifically infanticide via deprivation. This leads to a new analogy between abortion and infanticide based on parallel reasoning rather than a supposed equivalence in the moral status of fetuses and newborns.

Nevertheless, I argue that this problem can be addressed once greater attention is paid to the ethical significance of post-birth consequences, especially the prospect of undertaking parenthood, and the right to choose parenthood is recognized as a serious moral consideration in the ethics of abortion. Recognizing the right to choose parenthood fixes the problem because doing so allows for an account of the permissibility of abortion that can also explain the impermissibility of infanticide by appealing to the moral nature of parenthood. This account demonstrates the relevance and significance of post-birth consequences to thinking about the ethics of abortion.

2. Thomson on Abortion

Thomson argues that even if a fetus is a person or has the same right to life as persons, abortion is still morally permissible because a right to life does not entail a right to occupy another's body against their will. To advance her argument, Thomson presents the following thought experiment:

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> You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you — we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation? (Thomson, 1971, pp. 48–49)

For Thomson, it would be permissible to unplug because the combination of the violinist's right to life and need to use your body does not entail a right to use your body against your will or have you surrender your right to bodily autonomy. This is because Thomson takes the right to life to be a negative right. Thomson says of a right to life:

> In some views having a right to life includes having a right to be given at least the bare minimum one needs for continued life. But suppose that what in fact *is* the bare minimum a man needs for continued life is something he has no right at all to be given? (Thomson, 1971, p. 55)

Thomson goes on to say, "the fact that for continued life that violinist needs the continued use of your kidneys does not establish that he has a right to be given the continued use of your kidneys. He certainly has no right against you that *you* should give him continued use of your kidneys" (Thomson, 1971, p. 55). The right to life is not the right to be preserved. If it were, then the violinist would be entitled to continued use of your body. But the violinist has no such right, so he is not entitled to continued use of your body. Unplugging would not violate the violinist's right to life because depriving him of continued use of your body would not deprive him of anything he has a right to in virtue of having a right to life. Imagine an analogous case of a person whose survival depends upon receiving an organ transplant. This person is not entitled to use of another's organs simply in virtue of their right to life and need for those organs.

The same is true in the case of abortion. The combination of a fetus's right to life and need to use the pregnant person's body does not entail a right to use and occupy the pregnant person's body against their will or have them surrender their right to bodily autonomy. Despite leading to the death of the fetus, abortion does not violate a fetus's right to life because a fetus's right to life does not include a right to use or occupy another's body against their will or have them surrender their right to bodily autonomy, and so depriving a fetus of use of a pregnant person's body with an abortion does not deprive it of anything it has a right to in virtue of having a right to life.

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Thomson's argument concerns the contours of a right to life. The argument is not that a pregnant person's right to bodily autonomy outweighs, is stronger than, or circumscribes a fetus's right to life. Instead, it is that a right to life has specific content and does not include a right to just anything. It does not include a right to use another's body against their will or have them surrender their right to bodily autonomy.

3. Bodily Autonomy and the Circumstances of Pregnancy

The right to bodily autonomy is a moral claim concerning the claim people have over their bodies. It is people's right to govern with sovereignty their bodies and includes authority over whether to have their bodies used or occupied. It is best understood as a kind of property right people have over their own bodies. In Thomson's words,

> For what we have to keep in mind is that the mother and the unborn child are not like two tenants in a small house which has, by an unfortunate mistake, been rented to both: the mother *owns* the house. (Thomson, 1971, p. 53)

The analogy with one's body and one's house captures the important sense in which the pregnant person has ownership over their body. Like ownership one may have over one's house, one has ownership over one's own body.

To further illustrate that the right to bodily autonomy is best understood as a property right in the context of Thomson's argument, we may look to Thomson's argument against the claim that a third party may not perform an abortion even if abortion is permissible.

> If Jones has found and fastened on a certain coat, which he needs to keep him from freezing, but which Smith also needs to keep him from freezing, then it is not impartiality that says "I cannot choose between you" when Smith owns the coat. Women have said again and again "This body is *my* body!" and they have reason to feel angry, reason to feel that it has been like shouting into the wind. Smith, after all, is hardly likely to bless us if we say to him, "Of course it's your coat, anybody would grant that it is. But no one may choose between you and Jones who is to have it." (Thomson, 1971, pp. 53–54)

For Thomson, third parties who claim that they may not perform an abortion because they cannot choose between a fetus and a pregnant person mistakenly take themselves to be impartial. We can choose between Jones and Smith in the coat case because the crucial difference between the two is that Smith owns the coat. In other words, the coat is Smith's property. The sort of claim Smith has over his coat, or a homeowner has over their house, is a property claim because a person's coat or house is their property. Thomson immediately compares Smith's claim to his coat to women's claims to their bodies. This strongly suggests that Thomson takes ownership of material property (coats, houses, etc.) to be analogous to ownership of one's body. This strongly suggests that Thomson treats people's bodies as their own property. Because of this, the sorts of claims people have over their bodies should

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be understood as property claims. Because a person's body is their property, the right to bodily autonomy is best understood as a kind of property right.

Importantly, and as Kristen Hine (2021) argues, a pregnant person's right to bodily autonomy includes not only authority over continued occupation but also authority over going through childbirth. It includes authority over going through induced birth or caesarean section because both procedures make use of one's body in significant ways. As Claire Pickard notes, going through pregnancy and childbirth has ethical significance partly due to its great ethically relevant costs, including physical pain, risk of mortality, irrevocable changes to one's body, and economic suffering (Pickard, 2020, pp. 209–210). For example, Donna L. Hoyert (2023) finds that, in the US, the maternal mortality rate in 2021 was 32.9 deaths per 100,000 live births. Elizabeth G. Raymond and David A. Grimes (2012) find that childbirth is 14 times more deadly than induced abortion in the US. Pregnancy, childbirth, and postpartum care in the US costs on average $18,865.00 and can cost as much as $26,280.00 depending upon the type of delivery (Rae et al., 2022). Given the great costs at stake, it is clear that going through pregnancy and childbirth has great ethical significance, and because going through pregnancy and childbirth makes use of one's body in significant ways, the right to bodily autonomy includes authority over deciding whether to go through either.

Furthermore, the right to bodily autonomy does not include a right to the death of a fetus. While the pregnant person has authority over their body, it is not authority over the fetus. Once it no longer occupies a person's body, a fetus is no longer under the purview of what that person has authority over. Consider an example of a trespasser in a person's home. The homeowner has authority over their home. This authority is not over the trespasser themselves, but over one's home and includes the authority to decide who is welcome in it. The homeowner has the authority to remove the trespasser but has no authority over them once they have left. Similarly, the pregnant person does not have authority over the fetus itself, but does have authority over their own body, and this includes authority over whether their body continues to be occupied.

Both Mary Anne Warren (1973) and Bonnie Steinbock (2011) contend that Thomson's violinist thought experiment is only analogous to cases of pregnancies that arise unintentionally, such as accidental pregnancy despite the use of contraceptives or pregnancy due to rape, rather than pregnancy due to consensual sex. This is because you were kidnapped, and the violinist is plugged into you without consent. However, how the violinist came to be plugged into you, whether consensually or not, is irrelevant. What matters is that the violinist is a person with a right to life who needs to use another's body for their survival but is not entitled to do so. Consider an alternative violinist case in which you agree to have the violinist plugged into you but then change your mind. Would unplugging be permissible if you initially gave consent but then changed your mind? While you did initially give consent, consent to have one's body used in this way can be withdrawn. Consider an analogy with sexual consent. Consent is needed to use another's body for sexual pleasure, but consent to have one's body used for sexual pleasure can be permissibly withdrawn at any point. A person is not entitled to continue to use another's body for sexual pleasure without consent, including when consent was initially given but later withdrawn.

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Similarly, consent to remain plugged can be withdrawn, meaning unplugging even if you initially consented would be permissible. The relevant aspect of the violinist thought experiment is not the circumstances of how the violinist became plugged to you, but that the violinist's right to life and need does not entail a right to use and occupy your body or have you surrender your bodily autonomy.

In the case of abortion, supposing Thomson's argument is correct, the circumstances of how a pregnancy arose are also irrelevant because what matters is that the fetus's right to life and need does not entail a right to use and occupy another's body against their will or have them surrender their bodily autonomy, independently of whether the pregnancy was accidental or due to rape. The same is true of pregnancies that arise due to consensual unprotected sex. This is because, as Margaret Olivia Little argues, consenting to unprotected sex while knowing its risks does not entail consenting to gestation. Little states, "It's just false that consent to sex means consent to gestate" (Little, 1999, p. 303). When one consents to sex and is informed of the risk of impregnation, they have only consented to sex knowing the risk of impregnation, and nothing more. The consent one gives to their sexual partners for unprotected sex does not transfer across parties to the fetus and transform into consent to use and occupy one's body. The permissibility of abortion is independent of whether pregnancy arose accidentally, by rape, or by consensual sex.

A tension arises in Thomson's expression of her views when she claims that not all abortions are permissible and gives an example of when abortion would be impermissible. Thomson states, "while I do argue that abortion is not impermissible, I do not argue that it is always permissible" (Thomson, 1971, p. 65). Thomson goes on saying, "a sick and desperately frightened fourteen-year-old schoolgirl, pregnant due to rape, may *of course* choose abortion" (Thomson, 1971, p. 65), and,

> It would be indecent in the woman to request an abortion, and indecent in a doctor to perform it, if she is in her seventh month [of pregnancy], and wants the abortion just to avoid the nuisance of postponing a trip abroad. (Thomson, 1971, pp. 65–66)

Thomson specifies that abortion in the seventh month of pregnancy done for selfish or frivolous reasons, such as wanting to avoid the inconvenience of postponing a vacation, which would count as a late-term abortion, would be impermissible, but would be permissible in the case of a young and frightened victim of rape. But this is in tension with Thomson's argument. It does not matter that the 14-year-old girl is frightened or that her pregnancy is due to rape. These circumstances are not the reasons that make it permissible for her to have an abortion. It is permissible for the raped and frightened 14-year-old to have an abortion independently of her being young, frightened, or being a victim of rape because the fetus's right to life and need does not entail a right to use and occupy her body against her will or have her surrender her right to bodily autonomy independently of the circumstances of her pregnancy.

The same is true for the woman in her seventh month of pregnancy who has an abortion for frivolous reasons. Many defenders of the permissibility of abortion make exceptions for late-term abortions just as Thomson does. But such an exception is

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inconsistent with Thomson's reasoning. Despite Thomson claiming otherwise, her argument includes the moral permissibility of late-term abortion. Consider why one might take late-term abortions to be morally impermissible. Plausibly, it is because the fetus has developed into something that has a right to life. We might think then, that if it is wrong to have a late-term abortion, it would be because it violates the fetus's right to life. But Thomson's argument is exactly that abortion does not violate the fetus's right to life because abortion does not deprive a fetus of anything it has a right to in virtue of having a right to life. The stage of pregnancy is irrelevant because, even if a fetus has developed into a thing with a right to life, such as at the later stages of pregnancy, its right to life and need to use another's body does not entail a right to do so. Thomson's reasoning makes clear the permissibility of late-term abortion because the stage of pregnancy is irrelevant to what matters morally, namely whether a fetus's right to life is violated. There is no morally relevant difference between a sick and frightened 14-year-old pregnant due to rape having an abortion and a woman in her seventh month of pregnancy having an abortion for frivolous reasons because the reason that abortion is permissible applies to both cases. On Thomson's reasoning, and despite her claim to the contrary, abortion in both cases would be permissible because in neither case does abortion deprive a fetus of anything it has a right to in virtue of having a right to life.

Notably, Thomson uses the word "indecent" rather than wrong, immoral, or impermissible to describe the decision to have an abortion in the seventh month of pregnancy to avoid any inconvenience to one's vacation plans (Thomson, 1971, pp. 65–66). This leaves room for interpretation. One interpretation is that indecency is distinct from impermissibility. However, the example of the seven-months pregnant woman follows Thomson's claim that she does not take abortion to always be permissible. Thomson must mean to raise the example of a seven-months pregnant woman as an example where abortion would be impermissible. So, the word "indecent" in this context must mean "impermissible" given Thomson's aim is to explain how she does not take abortion to always be permissible. This is not to say that the notion of indecency plays no role on Thomson's thought. Thomson discusses the "Minimally Decent Samaritan" (Thomson, 1971, p. 62) to capture the idea that there are standards of conduct besides mere moral permissibility. However, if there is a distinction between indecency and impermissibility in this context, then Thomson's claim that some abortions are indecent is irrelevant, for the issue at hand is the permissibility of abortion rather than its decency. So, either the use of word "indecent" simply means "impermissible" or Thomson is making an irrelevant claim. Given the context in which it appears, Thomson's use of the word "indecent" should be interpreted as meaning "impermissible."

4. The Parallel Argument for the Permissibility of Infanticide

The standard response from Thomson's argument to the challenge of the analogy between abortion and infanticide is to appeal to the relevance of a right to bodily autonomy in the ethics of abortion and its irrelevance in the ethics of infanticide. Justin Oakley captures the gist of such responses by stating

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> … the fact that a newborn infant is no longer inside the woman's body shows that a women's [sic] right to bodily autonomy is not relevant to the ethics of infanticide, and this is a further reason why, contrary to Giubilini and Minerva, justifications for abortion are not straightforwardly transferable to infanticide with newborn infants. (Oakley, 2012, p. 60)

Similarly, Michele Loi argues that abortion differs from allegedly analogous cases of infanticide (or "postnatal abortion" in Loi's terms, in reference to Giubilini's and Minerva's "after-birth abortion") because in cases of abortion, including late-term abortions, fetuses are in an exclusive physical relationship with the pregnant person carrying them, whereas newborns are already outside of that person's body. Loi claims this exclusive physical relationship gives the pregnant person authority over the fetus as long it continues to occupy their body (Loi, 2013, p. 68). But this view of the scope and reach of the pregnant person's authority is mistaken. As mentioned, it is not exactly that the pregnant person has authority over the fetus. Instead, the pregnant person has authority over their own body and the fetus is occupying a space that is within the domain of the pregnant person's authority.

Rather than disputing the supposed equivalence in intrinsic moral features between fetuses and newborns, responses that appeal to Thomson's argument focus on what sorts of ethical considerations are relevant to thinking about the acts of abortion and infanticide. The right to bodily autonomy is relevant in thinking about the ethics of abortion but is not similarly relevant in thinking about the ethics of infanticide.

However, such responses fail. Close examination reveals that Thomson's reasoning can be used to construct a parallel argument for the permissibility of infanticide via deprivation. This parallel argument will constitute a new analogy between abortion and infanticide. Unlike earlier analogies, this new analogy does not depend upon a supposed equivalence of the intrinsic moral features of fetuses and newborns, but instead on parallel reasoning about the contours of a right to life to show that both abortion and infanticide are permissible.

While the right to bodily autonomy has relevance in the ethics of abortion but not in the ethics of infanticide, it does not follow from this difference that there is a disanalogy between the two. To have a right to bodily autonomy is to have certain moral claims over one's body. Thomson's core argument is one concerning the contours of a fetus's right to life as it relates to the specific claim pregnant people have regarding use and occupation of their bodies. But people's bodies are not the only things they have moral claims to or over. People also have moral claims to things such as their time, money, effort, energy, or other material resources.

By recognizing that there are other things people have moral claims over besides their bodies that matter, one can construct a parallel argument for the permissibility of infanticide via deprivation. Consider what it takes for parents to raise a newborn. Raising a baby comes with immense social, personal, emotional, and economic costs. Parents spend life-changing amounts of time, money, and both physical and emotional energy to raise their babies. Such costs are often greater for women, who may have to make personal or career sacrifices to bear and raise children, and in many cultures often face significant social pressures to conform to gender roles and become mothers.

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All these costs are spent for the purpose of raising children as per conventional notions of parental responsibility. But what entitles a newborn to their parents' or any other person's time, money, effort, energy, property, or other material resources? Because the right to life is a negative right, it is not the right to be preserved. Insofar as another's time, money, effort, energy, property, or other material resources are required for preservation, a right to life understood as a negative right does not entitle one to these things. So, a right to life does not entail a right to others' property, including their time, money, effort, energy, property, or other material resources. If a newborn's right to life does not entail the right to others' property, and the use of another's property is needed for sustaining its life, then a newborn's right to life does not entail a right to that which is required for sustaining its life. From this, it can be argued that it is permissible for a parent to commit the infanticide of their newborn via deprivation of the resources needed for its survival because a newborn's right to life does not entail a right to those resources. Because the parent has claims over the necessary resources required for the newborn's survival, they could choose to keep rather than provide those resources, even if doing so would lead to the death of their newborn, and just like with abortion, would not be depriving it of anything it has a right to in virtue of having a right to life.

While there may be a morally relevant distinction between cases of actively killing and passively letting die, it still seems that if a parent of a newborn withheld the resources necessary for its survival leading to its death, they have killed that newborn. If the deprivation was non-accidental, then I see no moral difference between intentionally depriving a newborn of the resources necessary for its survival and actively killing it. For this reason, a parent non-accidentally depriving a newborn of the resources necessary for survival leading to its death can be considered an instance of infanticide.

This comparison between a pregnant person depriving a fetus of continued use and occupation of their body and a parent depriving a newborn of the resources needed for survival seems to depend upon a right to autonomy being comparable to a right to property. As discussed in Section 3, the right to bodily autonomy is a property right as well because people have ownership over their bodies and their bodies are their own property. Ownership in the case of one's body is relevantly similar to ownership in the case of one's property because people's bodies are their property.

Abortion and infanticide remain analogous in the following way: the right to life has specific content that does not include a right to others' property. If the content of a right to life does not include a right to another's property, then a fetus's right to life does not entail a right to the pregnant person's body or have them surrender a right to bodily autonomy, and a newborn's right to life does not entail a right to its parent's resources or have them surrender their property rights, because both a pregnant person's body and a parent's resources are their respective property. Depriving a fetus use of a pregnant person's body when doing so would lead to its death is not a violation of its right to life because it does not deprive the fetus of anything it has a right to in virtue of having a right to life. Analogously, depriving a newborn use of its parent's resources when doing so would lead to its death is not a violation of its right to life because it does not deprive the newborn of anything it has a right to in virtue of having a right to life. Abortion deprives a fetus of use of another's body but does not

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violate its right to life, so abortion is morally permissible. Analogously, infanticide via deprivation deprives a newborn of the things it needs to survive but does not violate the newborn's right to life, so infanticide via deprivation is morally permissible. If this is the case, those who accept Thomson's argument cannot maintain that abortion is permissible and infanticide is not.

5. The Right to Choose Parenthood

This problem is a result of treating the ethics of abortion as only a question of a right to bodily autonomy. To address this problem, Thomson's argument will need to be revised. Thinking about the ethics of abortion needs to extend beyond the narrow focus on bodily matters, such as pregnancy, childbirth, and the right to bodily autonomy. Given that abortion is the termination of the costly and risky bodily condition of pregnancy, it is no wonder that thinking about the ethics of abortion focuses on the period of pregnancy. However, approaching the ethics of abortion with such a narrow focus means inadequately attending to relevant ethical considerations beyond the term of pregnancy.

The question of whether to have an abortion does not only concern autonomy over and effects on one's body, but also the effects on one's life. Susan Sherwin argues that, from a feminist perspective, the profound effects of pregnancies on women's lives and that pregnancy takes place in women's bodies is central to the moral evaluation of abortion (Sherwin, 1991, pp. 330–331). Sherwin explicitly makes this claim only about women's lives, and emphasizes the gendered nature of pregnancy by stating, "Gender-neutral accounts of pregnancy are not available; pregnancy is explicitly a condition associated with the female body" (Sherwin, 1991, p. 331). But presumably feminist analysis should regard the profound effects of pregnancy on the lives of anyone that pregnancy takes place in, not just women, as important to moral evaluation of abortion. Women's experience of pregnancy matters morally because they *experience pregnancy*, not because they are women. While most people who can experience pregnancy are women, not all women can experience it and not all people who can experience it are women. For example, some transgender men or trans-masculine people experience pregnancy. There is no reason to think that the experience of pregnancy for transgender men or trans-masculine people does not have profound effects on their lives, or that the effects are not important to moral evaluation of abortion in cases where the pregnant person is not a woman. So, the perspective that pregnancy has profound morally relevant effects on a pregnant person's life applies to anyone who can be pregnant, not only women.

The problem with Sherwin's perspective is that it conflates gender with sex. By claiming that no gender-neutral account of pregnancy is available because pregnancy is a condition exclusive to female bodies and speaking only about the effects of pregnancy on women's lives, Sherwin conflates the gender category of "women" with the biological sex category "female." But the distinction between gender and sex has long-standing importance in feminist thought, especially in critique of biological determinism. If, in the context of pregnancy and abortion, women are understood just as female bodies, then to be a woman just means to be female, and so womanhood is biologically determined. It is hard to see how Sherwin's perspective can count as a feminist one if it implies biological determinism.

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A defensible analysis of pregnancy and abortion will not imply biological determinism. Contra Sherwin, there must be a gender-neutral account of pregnancy available. If no gender-neutral account is available, then no account of pregnancy that accounts for both women's pregnancies and non-women's pregnancies (such as transgender men's or trans-masculine people's pregnancies) is available. But, if no such account is available, then any account of pregnancy will fail, as there will be some instance of pregnancy for which it does not account. For example, a non-gender-neutral account of pregnancy which only accounts for women's pregnancies fails to account for non-women's pregnancies. So, either a gender-neutral account of pregnancy is available, or no successful account of pregnancy is available. There must be some successful account of pregnancy available, and the set of people who can experience pregnancy includes both some women and some non-women, so there must be a successful explanation that accounts for the experiences of both women and non-women. So, there must be a gender-neutral account of pregnancy available.

Because a gender-neutral account of pregnancy is available, and pregnancies have effects on the lives of anyone who is pregnant, regardless of gender, I reject Sherwin's perspective due to its exclusion of non-women's experience of pregnancy. Instead, my perspective is inclusive of all those who can experience pregnancy and I regard pregnancy as having profound effects on the lives of anyone pregnancy takes place in, not just women, and regard these effects as important to the moral evaluation of abortion, including cases of abortion where the pregnant person is not a woman.

One of the most important effects of pregnancy on a person's life is the creation of the prospect of undertaking parenthood. This prospect can have enormously consequential effects on a person's life and so is something ethically considerable to the question of abortion. This is not to suggest that the right to bodily autonomy is not an important consideration to abortion, or that bodily autonomy does not matter. Instead, it is to say that there are further considerations in addition to the right to bodily autonomy relevant to thinking about the ethics of abortion that are ignored if one narrowly focuses on the term of pregnancy. To have a broader and more complete picture of what matters when thinking about the ethics of abortion, the set of considerations taken to be relevant must include the prospect of undertaking parenthood.

The prospect of undertaking parenthood has life-changing implications. As such, there are certain kinds of moral rights that people have that are pertinent to this prospect. A pertinent kind of rights are what Andrew Sneddon calls "self-rights" (Sneddon, 2013, p. 193). Self-rights are those rights that concern the sorts of claims that constitute our general authority over ourselves. This general authority concerns the claims that people have over their self-formation. The project of self-formation includes what sorts of social roles, relationships, and responsibilities people take on as they endeavour to author the story that is their own lives. For Sneddon, the right to bodily autonomy is both a self-right and a property right because we have both kinds of claims over our own bodies (Sneddon, 2013, p. 193). The self-right relevant to the prospect of undertaking parenthood is the right to choose parenthood. The right to choose parenthood is people's self-right to choose to take the steps that would result in them becoming parents. It is people's right to make the choices and decisions relevant to the project and process toward the end of becoming a parent. It relates to people's reproductive freedom to decide for themselves whether becoming

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parents or creating new token relationships of the type "parenthood" (such as in the case of people who are already parents) is something they want to do as they engage in the project of self-authorship, which includes the capacity to define and form one's identity, sense of self, and social relations. The right to choose parenthood is a self-right because it concerns a claim about our general autonomy over our self-formation, namely whether to undertake the personally, socially, economically, legally, and morally significant endeavour that is parenthood, and includes decision-making rights concerning the beginning, continuation, or termination of the process toward becoming a parent.

By "parenthood," I do not mean a mere biological relationship. Of course, anyone who procreates has in a biological or genetic sense become a parent because they have produced biological offspring. The sense of parenthood I mean is not biological or genetic, but normative. This sense of parenthood has to do with those particular social roles, norms, and responsibilities concerning the raising and taking care of children. Mere biological parenthood is neither necessary nor sufficient for normative parenthood. This is because there are parents who have no biological or genetic relationship with their children and biological progenitors who are not parents to their offspring in a normative sense. Adoptive parents are an example of the former and sperm donors are an example of the latter. Though, this is not to say that biological connections have no significance for parenthood. While it is not necessary or sufficient for parenthood, the biological process of procreation is the most common way people become parents. Who is and is not differentiated as a parent is socially dependent because it depends upon social norms that tie biological reproductive processes to social roles, relationships, and responsibilities. It is the social significance that is given to the biological process, rather than the biological process itself, that makes it relevant for who is a parent. We can imagine a society where the role of parent is assigned to, say, those deemed to have the greatest childrearing skills. In such a society, parents are distinct from biological progenitors. The social norms that concern who is a parent in such a world do not take biological connections to be a factor. Thus, biological connections only have significance for parenthood contingent upon such connections having certain social significance. Parenthood is thus ultimately to be understood in social rather than biological terms as constructed by social norms about who has rights and responsibilities for childrearing.

Also consider the other way people typically become parents: adoption. Adoptive parents are parents, even if they have no biological connections to their children. This is because there are socio-legal norms that govern the social practice of adoption, which means that people who adopt are parents. This further shows why parenthood is ultimately to be understood in social rather than in mere biological terms, because biological connections are only meaningful for parenthood if there are social norms that treat it as something meaningful for who is a parent.

Deciding whether to have an abortion is in large part a question of deciding whether to undertake parenthood. This is because not having an abortion will likely mean that one will become a parent. The prospect of becoming a parent underscores the moral significance of not aborting a pregnancy. As Elizabeth Harman states, "Creating a person always involves occurrences of great moral weight. Not only does the pregnant woman's own life change, but her moral responsibility to others

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changes as well" (Harman, 1999, p. 323). The most pertinent changes come as a result of becoming a parent; failure to abort a pregnancy has moral significance partly because it likely brings about the significant moral relationship that is parenthood.

There are many reasons that someone might want to avoid undertaking parenthood. Perhaps one is not in a financial position to raise a child. Perhaps one feels insufficiently mature to raise a child or does not want to take on those responsibilities. Perhaps one simply does not ever want to raise children. In any case, by choosing to abort, one is deciding to avoid taking on a particular social role, a set of responsibilities, and a new social relationship.

Respecting people's right to choose parenthood means respecting their decisions regarding taking on the role of parent. Because the right to choose parenthood concerns the choice of whether to take or continue to take steps toward becoming a parent, it is important to understand what kind of choice is being made and when it can be made. Obviously, it is not a choice in the sense that one simply declares they choose parenthood and thus becomes a parent. Instead, the relevant choice is in actuality a series of choices and decisions made as part of the project and process of becoming a parent.

Consider the two aforementioned ways people most commonly become parents: biological progenation and adoption. As mentioned, both ways are to be understood in social terms because social norms dictate whether either has any meaning for people becoming parents. Both are processes that require a series of choices and decisions throughout at the end of which results in becoming a parent.

In the case of a male and female agreeing to have a child through biological progenation and having unprotected sex with that goal in mind, the choices and decisions are different for males and females simply due to facts about human reproduction. Both parties have decision-making power when it comes to agreeing to engage in sexual intercourse for the purpose of reproduction and becoming parents. It is within both the male's and female's rights to agree to try to become parents this way. However, once the female is pregnant, the relevance of the male's right to choose parenthood is exhausted because there are no further choices or decisions within the male's rights to make concerning the biological reproductive process. As mentioned, exercising the right to choose parenthood is about the choices and decisions people make in the project and process of becoming parents. When the method of becoming a parent is though unprotected sex, there is an asymmetry in the set of choices and decisions between males and females. While both can consent to unprotected sex with the goal of having a child, only the female can consent to gestation and childbirth because the male is not capable of becoming pregnant and giving birth. So, the choices and decisions a male can make that are instances of exercising his right to choose parenthood in a situation where parenthood would emerge through biological progenation are whether to agree to unprotected sex, whereas the female has this choice but also the choices to continue pregnancy and go through childbirth. So, while both males and females have rights to choose parenthood, when it comes to becoming a parent through the biological progenation, the asymmetrical nature of the biological human reproductive process means that there is asymmetry with what choices and decisions bear are ones relevant to the exercising of one's right to choose parenthood.

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At this point, we may ask whether the male's autonomy over the decision to undertake parenthood would extend into the term of pregnancy. This would present a problem where it would seem that the male has autonomy over the female's pregnancy. Imagine a case in which, after a female has already become pregnant, the male partner no longer wishes to become a parent. It would seem that if the male has a right to choose parenthood, it might be within his rights to make choices regarding the female continuing her pregnancy, which seems like it undermines the female's autonomy. In such cases where it appears that two people's rights to choose parenthood seems to clash, any conflict is readily resolved by considering each party's other relevant rights. In arguing for the relevance and significance of the right to choose parenthood to the ethics of abortion, I do not argue that the right to choose parenthood supplants other relevant considerations, such as the right to bodily autonomy. The right to choose parenthood is relevant and significant as is the right to bodily autonomy, and what I argue does not imply otherwise. So, when the male's and pregnant female's rights to choose parenthood are at odds, it is the pregnant female's body that is used and occupied, meaning that the pregnant female's right to bodily autonomy is relevant. Because in cases where a male's right to choose parenthood is at odds with a pregnant female's right to choose parenthood, the male's autonomy does not extend over the female's pregnancy because it is her body that is being used and occupied, not his. Thus, the pregnant female person has a claim to her body, and her right to bodily autonomy functions as a tiebreaker, so to speak, in such cases where rights conflict.

A potential consequence of what I say is that it is less clear how unwilling prospective fathers can be held responsible for child support. For example, if a male and female have consented to unprotected sex, but not for the purpose of having a child, and the female becomes pregnant and chooses to go through with it, how could the male be held responsible for child support given that he did not consent to becoming a parent? A female consenting only to unprotected sex does not entail consenting to gestation or consenting to parenthood, so neither should a male consenting only to unprotected sex entail consenting to parenthood. Similar arguments have been made by Steven D. Hales (1996), Sally Sheldon (2003), and Elizabeth Brake (2005), all of whom argue that unwilling fathers should not be obligated to provide child support. Further, Ezio Di Nucci (2014) argues that prospective mothers can sometimes wrong prospective fathers by bearing children. On the contrary, Peter Alward (2012) argues it is not unfair to an unwilling father that their pregnant female partner does not abort a pregnancy, and unwilling fathers still have parental support obligations because an obligation to aid falls upon any person who intentionally and knowing creates those circumstances of need. While this issue is interesting, I leave it entirely open whether unwilling males have consented to fatherhood or unwilling fathers are responsible for child support, for it is a minor point in the context of my thesis and I direct interested readers to these other discussions of the issue.

In the case of a couple seeking to adopt, both parties have equal say in the matter. Supposing they meet the criteria for becoming prospective adoptive parents, they begin a process of finding a child or children to adopt, such as through an adoption agency. Prior to anything being finalized, the seeking parties may change their minds and decide that they no longer wish to adopt because they no long wish to become

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parents. In the case where only one party wishes to adopt and the other no longer so wishes, it is within the no longer interested party's right to choose parenthood to withdraw from the process, for the project of a couple adopting a child requires willingness of both of the individuals. In the case of a single prospective adoptive parent, the decision the withdraw lies entirely with that person.

By looking at two common ways people become parents, it is evident that becoming a parent is a process that involves a series of choices and decisions. Throughout this process, there are points where people must decide whether or not they will continue. If they continue to the process's completion, they become parents, and if at some point they change their minds and end the process somehow, then they do not. The right to choose parenthood is the right to make the choices and decisions relevant to this process, including beginning, continuing, and termination.

Taking the right to choose parenthood seriously allows for an argument for the permissibility of abortion that is independent of a right to bodily autonomy. Following Thomson's reasoning about the contours of a right to life, a fetus's right to life does not entail a right to have anyone enter parenthood against their will or surrender the right to choose parenthood and become a parent to the child that fetus would become. Pregnant persons have a self-right claim to decide for themselves whether to begin or continue to take steps toward something as life changing as becoming a parent. Independently of the pregnant person's right to bodily autonomy, abortion is permissible because a fetus's right to life does not entail a right to encroach on anyone's choice of whether to undertake parenthood or have them surrender their self-rights, and so choosing to avoid parenthood by having an abortion does not violate a fetus's right to life because it does not deprive a fetus of anything it has a right to in virtue of having a right to life.

6. The Moral Nature of Parenthood

At this point, we may ask how this is meant to address the analogy between abortion and infanticide. If a right to life does not entail a right to encroach on anyone's choice of whether to undertake parenthood and the right to choose parenthood includes the right have an abortion to avoid undertaking parenthood, would a parent's right to choose parenthood not also include the right to commit the infanticide of their newborn if they decided they no longer wanted to parent it? If it is permissible to kill a fetus because one does not want to undertake parenthood, then why is it impermissible for a parent to commit the infanticide of their newborn if they want to stop being its parent? The answer lies in moral nature of parenthood.

Birth creates a new moral context, not only because a person's body is no longer occupied, but also because new relationships emerge. Lindsey Porter characterizes this new moral context as one in which the newborn is in various relationships with several people, including its family members. For Porter, these relationships mean that choices concerning what to do with or to the newborn would not belong solely to the person who birthed it. The other people with whom the newborn has a relationship change the moral context such that choices concerning what to do with or to the newborn will also depend on their input. Regarding the choice to commit the infanticide of the newborn, the moral context surrounding such a choice will always be different

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from the moral context surrounding the choice to have an abortion. For this reason, fetuses and newborns will never be in the same moral context and one cannot generalize from the moral status of abortion to that of infanticide (Porter, 2013, p. 352).

While Porter takes there to be a difference in the moral contexts in which fetuses and newborns exist, more must be said about what specifically makes these contexts different if it is to be shown that the situation of abortion is disanalogous with the situation of a parent committing the infanticide of their newborn such that the former is permissible and the latter not. Porter specifies the importance of relationships as one differentiating factor and gives the example of relationships between family members but does not further specify how particular relationships affect moral context or how they might do so beyond including more parties in certain decision-making processes.

Specifically, it is the moral nature of parental relationships that most significantly differentiates pre-birth and post-birth moral contexts. Parenthood is a relationship between a parent and a born child and one that is entangled with moral responsibilities (Singh, 2020, p. 189). No one can be a parent if they do not have any born child, so if someone is a parent, they must have a born child. Some argue that the relationship between parents and born children is an extension of a relationship that emerges at conception such that pregnant people count as parents to their fetuses, which count as their children (Blackshaw & Rodger, 2021). But this is mistaken. Pregnant people and the fetuses they carry participate in a progenitor-offspring relationship as distinct from the parent-child relationship (Singh, 2020, 2021). This is because birth is when children come into the world, and parental responsibilities are toward born children.

To see why, consider the following argument against the view that pregnant people are parents to any fetus they carry and those fetuses are their children: parents have responsibilities to take care of their children's well-being such that harming them by seriously impairing them is wrong. If pregnant people are parents to any fetuses they carry and those fetuses are their children, then they have parental responsibilities toward those fetuses. If they have parental responsibilities toward any fetuses they carry, then it would be wrong for pregnant persons to harm any fetuses they carry by seriously impairing them. Consider the responsibility to refrain from consuming alcohol during pregnancy. We might think that it is wrong to consume alcohol during pregnancy because doing so seriously impairs the fetus by giving it fetal alcohol syndrome. But such harm to the fetus is not what makes giving a fetus fetal alcohol syndrome wrong. Instead, it is wrong because it will cause detrimental harm to the future born child. But, if there is no harm to a future born child, then giving a fetus fetal alcohol syndrome is not wrong because it is the harm to a future born child that constitutes its wrongness. Imagine a scenario where a fetus is, for some reason, unviable and will die before it reaches term. This means that there is no future born child. Suppose the pregnant person consumes enough alcohol during the pregnancy to give that fetus fetal alcohol syndrome. In this case, the pregnant person has not done something wrong because they do not do anything that causes harm to a future born child, as there will never be any future born child to suffer harms. So, it would not be wrong for a pregnant person to consume enough alcohol during a pregnancy in which they carry an unviable fetus that will die before it reaches term to give that

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fetus fetal alcohol syndrome because, while doing so seriously impairs the fetus, it does not harm a future born child.

If a pregnant person is a parent to any fetus they carry, then, in cases of pregnancy where the fetus is unviable and will die before it reaches term, the pregnant person is the parent of that unviable fetus they carry. If pregnant people are parents to the unviable fetuses they carry, then they have parental responsibilities to take care of the fetus's well-being such that they are doing something wrong if they seriously impair them. Giving an unviable fetus fetal alcohol syndrome seriously impairs a fetus. If a pregnant person has parental responsibilities to any unviable fetus they carry, then it is wrong for them to harm any unviable fetus they carry by giving it fetal alcohol syndrome. But, as explained, giving a fetus fetal alcohol syndrome is wrong because it causes harm to a future born child, not because it harms the fetus. Because in the case of an unviable fetus there is no future born child to suffer harms, the criterion for wrongness cannot be met and so it is not wrong for a pregnant person to give an unviable fetus they carry fetal alcohol syndrome. If it is not wrong, then pregnant people do not have parental responsibilities to any unviable fetuses they carry. If pregnant people do not have parental responsibilities to any unviable fetuses they carry, then they are not parents to any unviable fetus they carry. If the relationship between parents and born children is an extension of a relationship that emerges at conception, then the relationship pregnant people have with any unviable fetuses they carry is parenthood. But, pregnant people are not parents to any unviable fetuses they carry. Therefore, the relationship pregnant people have with their fetuses is not parenthood, meaning it is not the case that the relationship between parents and born children is an extension of a relationship that emerges at conception.

Still, some pregnant people think of themselves as parents and the fetuses they carry as their children and refer to fetuses as "unborn children." From their perspective, they became parents once they conceive and take fetuses to be continuous in identity with born children, and so take their relationship with any fetuses they carry to be parenthood. While people may have tremendous emotional attachment to their relationship with the fetuses they carry, it does not follow that this relationship is parenthood. This is simply because no one can be a parent if they do not have children, and no one can be the parent to a child that does not exist. In a case of a pregnant person who does not have any born children, they are only a potential or prospective parent rather than an actual one. This is because fetuses are only potential children, and not actual ones, because they still need to go through the gestation process and be born.

For example, a planted seed is not a seedling, though it may be in the process of becoming a seedling as it goes through the process of germination. Tomato seeds are not "unplanted tomatoes"; they are seeds with the potential to grow into tomatoes. Just as the seeds must complete a process of growth and development for tomatoes to be fruit, fetuses must also complete a process of growth and development for children to be born. Fetuses thus have the potential to become children but are not children, and so are not "unborn children."

If, however, we were to think that fetuses are unborn children continuous in identity with born children, then we should think that tomato seeds are tomatoes. But tomato seeds are not tomatoes, so fetuses are not unborn children continuous in identity with born children.

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Further, one is not the owner of a tomato plant and is not in an owner-plant relationship with a tomato plant simply because they have planted the seeds. At the time of planting the seed, and while it is still growing, one is only the potential owner of a tomato plant. Similarly, a pregnant person is not a parent in virtue of being pregnant, for their child has yet to be born.

If we think that pregnant people are parents to any fetuses they carry, then we should think that someone who only owns tomato seeds owns tomatoes in virtue of only owning seeds. But owning tomato seeds does not imply owing tomatoes, so pregnant people are not parents to any fetuses they carry.

Thus, birth is the morally significant transition point because parenthood is a relationship parents have with their born children, not a relationship pregnant people have with the unborn fetuses they carry. It is born children, not fetuses, at which moral concern is ultimately directed toward when it comes to taking care of a pregnancy. Any responsibilities there may be regarding the taking care of a pregnancy are ultimately for the sake of the future born child's well-being, not the fetus's. Because there is yet a born child, and the relationship between the pregnant person and the fetus they carry is not a relationship between a parent and a child, any responsibilities a pregnant person may have regarding taking care of their pregnancy will not be parental responsibilities. The time of the child's birth is the earliest anyone can be a parent and thus the earliest they can have parental responsibilities toward them. As Andrew McGee states:

> Birth marks the moment our offspring come into the world. The special moment of childbirth and the joy of holding your son or daughter for the very first time are monumental events in human life. It is at this point that so much of our responsibility towards them — our very life with them — truly begins. (McGee, 2013, p. 348)

While some cases of parenthood may begin much after the child is born, such as in cases of adoption, the time of birth is the earliest point from which parenthood and parental responsibilities can begin, so it is not an extension of a relationship that emerges at some prior point, such as conception.

Similarly for cases of planned adoption, prospective adoptive parents are not parents prior to the birth of the child they will adopt. Prior to the child's birth, they are only prospective parents rather than actual ones. Even when all of the relevant legal work is done beforehand, the child still needs to be born for the actual relationship between it and its adoptive parents to become a reality.

If any responsibilities a pregnant person may have to take care of their pregnancy are not parental responsibilities — because the relationship between the pregnant person and any fetus they carry is not parenthood — then what sort of responsibilities are they? These responsibilities will be hypothetical imperatives dependent upon some end requiring that the pregnancy be taken care of. If a person's aim in going through a pregnancy is to become a parent, then they would have responsibilities to take care of their pregnancy, as doing so best serves their end. Surrogates are another example. A surrogate is responsible for taking care of their pregnancy because doing so is required to achieve the goal of allowing the party they are a

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surrogate for to become parents. But if there is no end that requires the pregnancy be taken care of, then a pregnant person would not have any responsibilities to take care of their pregnancy, including any responsibility not to terminate it.

Because being a parent entails having specific moral responsibilities concerning the raising of one's children, parenthood is something that places responsibilities upon those who undertake it. Undertaking parenthood is analogous to promise-making just in the sense that both create obligations where previously there were none. Genuine promises create obligations for those who make them. There is no obligation to make any given promise. But once a promise is made, there is an obligation to keep it. Undertaking parenthood is similar. There is no obligation to become a parent, but like a promise-maker, one is obligated to meet certain responsibilities bestowed upon them once they undertake parenthood. The person who chooses abortion does not undertake parenthood and so does not obligate themselves, much like the person who does not obligate themselves to keep a promise by not making a promise in the first place. Once someone is a parent, they are obligated to meet the responsibilities of parenthood, including handling the well-being of their child, and raising them in a loving, caring, and nurturing way, meaning depriving them of the resources necessary for their survival would be impermissible. While a parent maintains a right to their resources, they also have a responsibility to ensure the well-being of their newborn, and so the permissibility of infanticide via deprivation is ruled out.

Reasoning similarly to Thomson, it would be permissible for a pregnant person to have an abortion because a fetus's right to life does not entail a right to have anyone undertake parenthood and become parents to the child that fetus will become or surrender their self-rights, including their right to choose parenthood, but it would be impermissible for a parent to commit the infanticide of their newborn because, once they have undertaken parenthood, they are obligated by parental responsibilities, including the responsibility to care for the well-being of the newborn, which precludes infanticide. Thus, an argument from the right to choose parenthood is able to maintain that abortion is permissible and infanticide is not. This demonstrates the ethical relevance and significance of the life-changing decision to undertake parenthood and the right to choose parenthood to the ethics of abortion. By recognizing the prospect of undertaking parenthood and the right to choose parenthood as considerations relevant to the ethics of abortion, the range of considerations taken to be relevant to the ethics of abortion expands beyond the narrow focus on bodily matters and the right to bodily autonomy, giving a broader and more complete picture of what matters to thinking about the ethics of abortion.

7. The Birth Strategy Objection

Because this account of the disanalogy between abortion and infanticide depends upon the moral significance of parenthood, and parenthood is a relationship between parents and born children for which the time of birth is the earliest parenthood can begin, this account takes birth to be morally significant. As such, it belongs to a family of views that take birth to make a morally significant difference for the moral statuses of both, fetuses and newborns, and abortion and infanticide. Examples of arguments

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from this perspective can be found in Bermúdez (1996), Levy (2013), Loi (2013), Manninen (2013), McGee (2013), Oakley (2012), Rini (2013), Singh (2020), and Warren (1989).

Christopher A. Bobier and Adam Omelianchuk (2021) call this group of views the "Birth Strategy" and argue that the Birth Strategy is saddled with a dilemma. If birth creates a morally meaningful change that explains why infanticide is impermissible despite newborns resembling late-term fetuses, then proponents of the Birth Strategy must either accept, that non-therapeutic late-term abortions are impermissible, or not. Judging that late-term non-therapeutic abortions are impermissible undermines the Birth Strategy because birth is supposed to differentiate the moral status of infanticide and the moral status of abortion. This could be avoided if non-therapeutic late-term abortions were permissible. But Bobier and Omelianchuk take the judgement that non-therapeutic late-term abortions are permissible to be unacceptable.

Bobier and Omelianchuk defend the claim that non-therapeutic late-term abortions are impermissible with an appeal to the principle "that it is morally impermissible to deprive a non-threatening human being of a foundational human good-like life, a good on which all other human goods are based, without sufficient reason" (Bobier & Omelianchuk, 2021, p. 4). Based on this principle, they claim the judgement that non-therapeutic late-term abortions are impermissible is stronger than any principles that could be used as premises in arguments for the opposite conclusion, and that if proponents of the Birth Strategy are to defend themselves, they need to better explain why non-therapeutic late-term abortions are permissible.

Walter Veit contends that Bobier and Omelianchuk's dilemma "is entirely grounded in intuitions about the inherent sanctity of life at the final stages of pregnancy" (Veit, 2022, p. 194), and because it relies too heavily on intuition without further reasons, it is inadequately justified. Such appeals to intuition and common-sense morality ought not to be uncritically accepted because, as Levy puts it, "Common sense is often confused, at odds with itself and sometimes driven by psychological processes that are not truth tracking" (Levy, 2013, p. 326). This is not to say that intuitions are always irrelevant. But, without further reasons, mere intuitions may not supply a stable foundation to support the proposed dilemma.

In response to Veit, Bobier and Omelianchuk maintain that it is not objectionable for them to base their dilemma on intuition because they ground what they take to be their commonly shared intuition on their normative principle (Bobier & Omelianchuk, 2022, p. 490). They maintain that those with differing intuitions will still have to explain why their normative principle should be denied.

This response is inadequate because Bobier and Omelianchuk present a double standard regarding what can be accepted or rejected on the basis of intuitions. Why would a differing intuition be insufficient for denying their principle? One could simply reject their principle on the basis of a differing intuition. This would mirror their defence of their principle. If such a defence would require further explanation, as Bobier and Omelianchuk claim it would, then it must be that mere intuition is insufficient reason to deny their principle. But why then would mere intuition be sufficient reason to accept their principle? If those with differing intuitions would still need to explain why their normative principle should be denied,

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then Bobier and Omelianchuk will also need to explain why it should be accepted. But, as Veit explains, they do not do this, and so their dilemma is defused because there is no further reason beyond intuition to accept the normative principle on which their dilemma is based.

Nevertheless, there is further explanation for why their normative principle should be rejected, meaning that the Birth Strategy is not troubled by Bobier and Omelianchuk's dilemma anyway. This is for two reasons. First, it is not clear that non-therapeutic late-term abortions violate their principle; it is not clear that fetuses are non-threatening human beings with foundational human good-like lives. This is because fetuses in pregnancies for which abortions are sought are not non-threatening. Instances of pregnancies for which abortions are sought are instances of unwanted pregnancies. Unwanted pregnancy constitutes a threat to the pregnant person because that person will suffer great costs against their will if it is not terminated. As discussed, these costs include, but are not limited to, physical pain, risk of mortality, irrevocable changes to one's body, economic costs from pregnancy and childbirth, and the burdens of parenthood. People with unwanted pregnancies find themselves in coercive circumstances and it is the presence of the fetus that creates these coercive circumstances. Thus, fetuses in pregnancies for which abortions are sought are not non-threatening. Therefore, abortion, including non-therapeutic late-term abortions, if it entails deprivation of a foundational human good-like life, entails depriving a threatening rather than non-threatening human being of a foundational human good-like life, and so does not violate Bobier and Omelianchuk's principle.

Second, even if fetuses are non-threatening, Thomson's argument already explains the permissibility of late-term abortions. As the earlier examination of Thomson's core argument and reasoning shows, late-term abortions, including non-therapeutic ones, are morally permissible for the same reasons that all other abortions are permissible. Regardless of whether a fetus is a non-threatening human being with a foundational human good-like life, has a right to life, is in the later stages of development, or the circumstances and conditions of the pregnancy, a fetus has no entitlement to use and occupy another's body or force anyone into undertaking parenthood because people retain not only a right to bodily autonomy but rights concerning claims that constitute their general autonomy over their selves, especially the right to choose parenthood. Thus, all abortions, whether therapeutic or not, regardless of whether a fetus is a non-threatening human being with a right to life, the stage of pregnancy, or the circumstances and condition of the pregnancy, are permissible because neither depriving any fetus of use of another's body nor avoiding becoming a parent to the child a fetus would become deprives it of anything it has a right to in virtue of having a right to life.

Because fetuses in unwanted pregnancies are not non-threatening and permissibility of non-therapeutic late-term abortions is already explained, the alleged dilemma for the Birth Strategy is readily resolved. As I argue, the Birth Strategy successfully shows that revising Thomson's argument to take seriously the right to choose parenthood addresses problematic analogies between the situation of a pregnant person having an abortion and a parent committing the infanticide of their newborn such that the abortion is permissible and the infanticide is not.

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8. The Adoption Objection

The argument from the right to choose parenthood that I present faces an objection concerning adoption. One may contend that the burdens of parenthood could just as easily be avoided by going through with pregnancy and childbirth but then placing the newborn up for adoption rather than having an abortion. By placing the newborn up for adoption, one gives up being a parent and therefore would not have to endure the burdens of parenthood. Because the burdens of parenthood can be avoided without having an abortion, and the purpose of exercising the right to choose parenthood to have an abortion is to avoid these burdens, an appeal to the right to choose parenthood seems not to justify having an abortion because placing the newborn up for adoption accomplishes the same result.

Cases of planned adoption in which a pregnant person has arranged for some other party to adopt the child to whom they will eventually give birth are especially relevant here. In such cases, the pregnant person does not become a parent at birth because there is an understanding that it is the adoptive parents who take on parenthood once the child is born. It may thus be argued that the availability of planned adoption, or adoption in general, as a method for a pregnant person to avoid parenthood is a problem for my argument.

However, its success as an objection depends upon the availability of adoption implying the impermissibility of choosing abortion over adoption. But there is no such implication. The availability of adoption as a way for a pregnant person to avoid parenthood does not make abortion impermissible. While it is true that the burdens of parenthood could be avoided by giving one's newborn up for adoption, it is not morally obligatory to choose adoption over abortion. This is because the choice to have an abortion — even when adoption is an available option — does not deprive a fetus of anything it has a right to in virtue of having a right to life and so does not violate its right to life. Because the right to life is a negative right, it does not include the right to be preserved, meaning it does not include the right to have someone continue with an unwanted pregnancy so that the future child can be put up for adoption. The choice to abort in order to avoid the burdens of parenthood — even when one could accomplish the same by going through with the pregnancy and birth and then putting the newborn up for adoption — is thus permissible as it does not violate a fetus's right to life.

Hine (Forthcoming) provides a similar argument concerning alternatives to abortion but considers the case of partial ectogestation rather than adoption. Ectogestation is a process by which a "gestateling" (Romanis, 2018, p. 751) develops in an artificial womb. For Hine, the right to abortion is a particular instance of general rights concerning removal procedures and is the right to choose the procedure by which a fetus is removed and the timing of its removal. Transferring a fetus to an artificial womb would avoid the death of the fetus, but choosing abortion over transfer would not be unjust, for the fetus lacks the requisite rights to make the death of the fetus unjust. As already discussed, the right to life is not sufficient in this case because it is not the right to be preserved. So, a pregnant person is not obligated to transfer the fetus to an artificial womb nor is the fetus entitled to being transferred. Thus, the availability of alternative methods of avoiding the burdens of parenthood, such as adoption or transfer to an artificial womb, does not make choosing abortion impermissible.

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Instead of implying that abortion is impermissible, the availability of an option to have one's newborn adopted, such as through planned adoption, is simply another way a pregnant person may choose to avoid parenthood. The existence of this option does not mean that abortion is not also a permissible option. The right to choose parenthood includes the right to choose whether to avoid parenthood by planning for one's newborn be adopted once born or by having an abortion, as both are methods for that same end.

But not only is abortion a permissible option, it may be the better one. This is because there are other burdens associated with the adoption route. The purpose of avoiding parenthood is to avoid significant burdens, but if one faces significant burdens anyway, then the purpose is defeated. For instance, Gretchen Sisson et al. assess both the frequency with which women seeking abortions consider adoption and decision satisfaction among adoption participants. They find that most women do not seriously consider adoption as an option when it comes to their reproductive choices: 91% of women who sought abortions but ended up giving birth chose to undertake parenthood rather than give their newborns up for adoption (Sisson et al., 2017, p. 141). The fact that the vast majority of women who seek abortions but cannot secure them choose parenthood over adoption shows that forcing someone into parenthood from a pregnancy for which abortion is sought by denying them access to abortion will most likely result in them undertaking parenthood. This is precisely what they sought to avoid. Adoption is therefore not a workable solution to avoiding the burdens of parenthood because, when it comes time to commit to the decision, is it highly unlikely that birth mothers will choose adoption, even if their pregnancies were unwanted and they sought abortions and did not previously want to become parents.

Importantly, Sisson et al. find that adoption is often the last option pregnant women seeking to avoid parenthood consider. It is almost always considered only when access to abortion is restricted. This suggests that the choice to place one's newborn up for adoption is seldom a free and autonomous choice, as it is often made only when other options are restricted.

One may press that just because adoption is seldom chosen does not mean that abortion is a permissible option. It could be contended that those who sought abortions but could not get them and gave birth and chose adoption instead made the right decision, unlike those who had abortions. But this neglects to consider explanations as to why adoption is seldom chosen. In Sisson et al.'s study, those who were denied abortions and undertook parenthood after giving birth reported that they chose parenthood over adoption because adoption became unimaginable to them after feeling a bond with their newborns upon giving birth (Sisson et al., 2017, p. 140). The emergence of this post-birth bond suggests that childbirth is a transformative experience and underscores a significant harm associated with adoption. It is traumatic for someone to give up their child with whom they have a bond that is so strong that they find severing it unimaginable, even if they did not want to have a child in the first place. In such cases, choosing adoption poses serious harms and many who choose adoption express grief and unhappiness about their decision (Christian et al., 1997; Fravel et al., 2000; Grotevant & McRoy, 1997; Henney et al., 2007; Sisson, 2015). This harm would explain why undertaking parenthood is almost

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always chosen over adoption, even when avoiding parenthood was originally sought. This means that adoption is not a good option for those who wish to avoid significant burdens because either they will choose to undertake parenthood and suffer from the burdens of parenthood they sought to avoid, or they will have to suffer the harms of grief and unhappiness of severing a bond that emerges from the transformative experience of birth, in which case they suffer anyway. Abortion does not have these problems. Unlike adoption, having an abortion does not require going through the same sort of transformative experience that puts one in a position to suffer these harms. Because of this, aborting a pregnancy is not only permissible even when adoption is an available option, but may be a better way of avoiding significant burdens in some cases because it avoids both the burdens of becoming and being a parent, and the harms of having to severe a bond whose breaking feels unimaginable and leads to grief and unhappiness.

9. Conclusion

Having examined the details of Thomson's argument to show that it runs into a new problem of an analogy between abortion and infanticide based on parallel arguments from reasoning about the contours of a right to life, I conclude that Thomson's argument can be revised to successfully address this new analogy by recognizing the right to choose parenthood. Because undertaking parenthood is not obligatory, it is permissible to choose not to undertake it, such as by having an abortion. Following Thomson's reasoning about the contours of a right to life, a fetus's right to life does not entail a right to have anyone enter parenthood or surrender the right to choose parenthood and become a parent to the child that fetus would become. Abortion is permissible because choosing to avoid parenthood by having an abortion does not violate a fetus's right to life because it does not deprive a fetus of anything it has a right to in virtue of having a right to life. Recognizing the ethical relevance of choosing parenthood to the ethics of abortion allows for reference to the moral nature of parenthood to explain the impermissibility of infanticide. Parenthood is a relational status entangled with special moral responsibilities. Parental responsibilities include ensuring the well-being of one's newborn, meaning a parent committing the infanticide of their newborn is impermissible. No one is obligated to undertake parenthood, but once one does undertake parenthood and becomes a parent, they are obligated by parental responsibilities. Thus, by recognizing the right to choose parenthood as an important consideration relevant to the ethics of abortion, and acknowledging the moral nature of parenthood, Thomson's argument can be revised to successfully address the challenge of the analogy between abortion and infanticide and maintain that abortion is morally permissible while infanticide is not.

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