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ABORTION AND CHALLENGES OF APPLIED ETHICS

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Review of Mihaela Frunză, *Tematizări în eticile aplicate. Perspective feministe (Thematisations in Applied Ethics. Feminist Perspectives)*, (Cluj-Napoca: Limes Publishing House, 2009), 168p.

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Currently in Romania there are issues that are insufficiently addressed by the real experts. One of them is that of applied issues. There are some perspectives of interpretation of the insufficiently explored applied ethics of today in Romania and one of them is the feminist one.

With her new book *Tematizări în etică aplicată (Thematizations in Applied Ethics. Feminist Perspectives)*, Mihaela Frunză provides clarifications that cover both gaps. She manages to offer, in only 168 pages, a thorough and professional analysis of applied ethics from a feminist perspective, similar to the books signed by Mihaela Miroiu and Anca Gheauș, Daniela Cutaș and Gabriela Blebea Nicolae.

Mihaela Frunză's research falls within the paradigm of Paul Ricoeur, "*L'universel et l'historique*". It focuses on the classic clash between *universalism* and *relativism*. Yet, with refinement and elegance, the author of *Thematizations in Applied Ethics* succeeds in avoiding the Manichean-type trap: *universalism* vs. *relativism*. Mihaela Frunză states the fact that "the post-modern ethical relativism does not scatter all values, and the ways of interpretation of the universal can be very different"<sup>1</sup>.

An expert in the history of philosophy, Mihaela Frunză connects „applied ethics” to various practical expressions of the classical philosophical thought, “from Plato’s writings about the way in which justice is used; Augustin and Toma d’Aquino’s writings about the right war; Hume’s writings about suicide or John Stuart Mill’s writings about women’s liberation”<sup>2</sup>.

Another merit of the book is that it familiarizes the Romanian reader with the latest Western bibliography. I would have liked to find this bibliography in alphabetical order at the end of the book, together with a thematic index and also an index of the authors. Among the names mentioned, I have also found the polemic between Robert Baker & Laurence Mc. Culloch and Albert Jonsen & Tom Beauchamp regarding “the approximation/implementation” of contemporary ethics into classical philosophy. Special consideration is given to the philosopher/sociologist Gilles Lipovetsky, who advanced the theory regarding the hyper consumption and postmodernity in culture, concerned especially with the repudiation of universal ethics, which is of Kantian inspiration.

Mihaela Frunză's preferences go to Goran Lantz, with his *applied holist ethics*. Such an interpretation does not ignore the different social, political, anthropological contexts in which ethics manifests itself. This fact is well supported in chapter III of the book (“The Issue of the Universality of Ethical Standards and Values”). Furthermore, a pertinent classification of ethics, namely the feminine, maternal, feminist and lesbian ethics follows.

The second part of the book is more practical, focusing on two great typologies: *the ethics of care* and *the ethics of abortion*. The founding of the ethics of care is solid, with reference to important philosophers, such as Immanuel Kant, Michel Foucault, Martin Heidegger etc. A special place is held by Carol Gilligan’s theory, presented in a clear manner, with pros and

cons. The thesis that the author from Cluj states is that Gilligan's vision on the ethics of care "relates conceptually and philosophically to the segment – that is in a continuous development – of applied ethics"<sup>3</sup>. The question of Mihaela Frunză is whether and to what extent "this model of the ethics of care is or not compatible to the ethics of justice of liberal nature"<sup>4</sup>. The author's answer is positive and based on the "feminist criticism" signed by Margaret Morre, Chris Crittenden, Grace Clement, Daryl Koehn, Joan Tronto etc.

The second typology – *the ethics of abortion* – leads to a special situation, one "in which the norm and the person cannot be satisfied at the same time"<sup>5</sup>. That is why Mihaela Frunză prefers to situate the ethics of abortion in the wider domain of feminist ethics. Here abortion, together with the experience of gravidity and pregnancy, "has a new meaning from the point of view of the phenomenological feminist writings"<sup>6</sup>. In essence, it regards pregnancy interruption "at mother's request". Obviously, there are other causes for abortion, as the one of domestic violence. These are not the subject of research in this book.

As the feminist perspectives on abortion are under consideration, the accent is on the following issue: *is the unborn child a human being from the moment of conception?* The religious positions against abortion sustain in unanimity that the answer is yes<sup>7</sup>. In return, the feminist perspectives assume the medical distinction between the *zygote* (the fertilized ovule in the first hours after conception), the *embryo* (pregnancy from the first to the eighth week) and the *foetus* (the human entity developed inside the uterus after the eighth week). Only now, in the eighth week, can abortion be equated to infanticide.

The subject is extremely delicate. In this direction, there are some feminist, radical interpretations of abortion. They assimilate abortion to some typical feminine experiences: birth, menstruation etc. At this point, men are not entitled to an opinion. A man interfering with the mysteries of feminine intimacy, trying to judge and evaluate them, is as if one would accept "moral commandments for people imposed by extraterrestrial beings"<sup>8</sup>. I believe that this feminist interpretation is the expression of a Manichean thinking, with no nuances. It leaves aside men and the importance of family. That is why, like Mihaela Frunză, I opt for more nuanced exegeses regarding abortion. One of these has been convincingly illustrated by Dan Oprescu. According to him, abortion has effects on the couple, on the large family, and on community and society. It is, in other words, a real social phenomenon.

This social phenomenon is thoroughly analyzed by Mihaela Frunză who provides many perspectives of analysis and interpretation. In essence, these fall into three great categories: a) *conservative* (against abortion); b) *liberal* (for abortion) and c) *moderate* (that accept abortion in certain situations).

The conservative perspectives regarding abortion are analyzed with precise reference to some authors and their arguments. The novelty of Mihaela Frunză's contribution regarding this aspect consists in the fact that she brings the debate up to date, mentioning contemporary authors of specialized occidental literature. The author of *Thematizations in Applied Ethics* does not avoid the radical stand against abortion, the one of the former Pope John Paul II, from the encyclical *Veritatis Splendor* (and, like Dan Oprescu, I have serious doubts about calling it fundamentalist).

I will exemplify the novelty brought by Mihaela Frunză by means of some critical analyses of the theories of some European conservatives. One of them is John Noonan. He radicalizes the religious anti-abortion attitude in the expression: "if you are conceived by humans, you are human"<sup>9</sup>. As Mihaela Frunză subtly notices, John Noonan eliminates the concrete data of manifest humanity from the set of arguments: "the capacity of exerting vital functions (*viability*), the experience, feelings, and social visibility"<sup>10</sup>. Essential is to possess the human genetic code in order to be called a human person. Nevertheless, radical conservatism accepts abortion only in two limit situations: uterine cancer and ectopic pregnancy.

Another conservative representative is Don Marquis. His criterion connected to the anti-abortion attitude is the *child's property* regarding his future. Any future child has the right to live, a right that one cannot deny by means of contra arguments.

David Oderberg reminds us of a special series of arguments against abortion, called the "slippery slope" arguments. Mihaela Frunză points out that these arguments lack clarity, precision and verifiability. You cannot decide, for example, the moment when someone becomes a human being: it could be at nine months (in juridical acceptance), earlier (in religious acceptance) or later. This is a delicate but a very important subject, including the for/against-abortion counseling. In Romania there has not been enough public and consistent debate on this topic. Interdisciplinary debates are absolutely necessary and the book of Mihaela Frunză is the example of a specialized analysis of this delicate subject. As far as I am concerned, I am suspicious about the Christian argument for the soul of the undying child, as a slippery slope type of argument. In its truth/untruth, the argument of the undying soul cannot be verified empirically. Therefore, it transcends the "slippery slope". I believe that David Oderberg's theory stands by itself by means of other types of argument. They invoke *the humanities' ubiquity* (inside and outside the mother's belly) and *the universality of the human condition* even in the absence of the function of some vital organs<sup>11</sup>.

Another category of considerations on abortion is *the middle position*. It is also called the median or the moderate position. According to this, abortion might be accepted only in some situations. As arguments, human rights are brought into discussion, especially the right to privacy and freedom. The limits of this theory are well highlighted by the author of

the book, as Mihaela Frunză sustains that the right to privacy is not an absolute one. Therefore, “the woman cannot interrupt pregnancy at any time, anywhere and for any reasons”<sup>12</sup>.

There are different stages of pregnancy evolution and different ways of involvement of the state in abortion practices. A first stage is at the age of three months. By then, abortion is decided by the doctor at mother's request. After six months, the state bans abortion in order to protect the life of the foetus. Pregnancies resulting from rape or incest are exceptions to the rule.

Starting from these elements that are specific to the median position regarding abortion, subtle and efficient anti-abortion counseling methods can be provided. They could include the religious meditation regarding the human persons' liveliness right from the moment of conceiving, the post-mortem condition of the aborted foetus and the condition of the aborting mothers, the existence of social alternatives (adoption centers), the responsibilities of the entire family etc.

Finally, the *liberal positions* are taken into consideration. An interesting remark of Mihaela Frunză regards the fact that they do not totally identify with the feminist ones and among the reasons, *Christian feminism* is mentioned. Liberalism emphasizes, first of all, the universality of abortion practices. From Sparta and Ancient Rome to these days, they define the way man often pertained to body, life, sexuality and history.

The liberal perspective on abortion is seriously argued by Mihaela Frunză with frequent and consistent references to the writings of Mary Anne Warren<sup>13</sup>. In essence, these refer to possible “perverted effects” (Raymond Boudon) of abortion and to the moral right of a woman over her body.

The main thesis of the liberal theory regarding abortion is that referring to the condition of the foetus. In a completely desacralized perspective, the advocates of this point of view sustain that the foetus is a potential person. Only the mother is an actual person. The conditions of one's becoming an actual person refer to the existence of consciousness and of the reasoning capacity, to the self-motivated activity and the capacity to communicate, to acquire self consciousness and representation of the other. To all these Carol Gould adds the capacity of choosing and the possession of a name (spiritually through baptism and socially through the birth certificate).

A radical perspective of accepting abortion is also under consideration. Mihaela Frunză frequently mentions that the liberal perspective on abortion does not identify with the feminist one. Even within feminism, there are several positions as regards this issue. These refer to “Christian feminism”, “non critical/reactive feminism”, “radical feminism” etc. All these are different and specific in their content. But what they have in common is the uniqueness, gravity and seriousness of the problem.

Another special hypostasis of feminism, well researched by Mihaela Frunză is that of *eco feminism*. It sustains that “we have to offer sentient legal protection to the non human beings”<sup>14</sup>. The whole life, not only human life, has the same value. These are ideas that refer to the sacredness of life, as it appears both in pre-Christian religions and in oriental religions.

Mihaela Frunză takes the Orient as an example when she discusses about abortion and sexual selection practices at the end of the book. The precise reference is to archaic and modern India. Within the caste system, the practice of abortion of the feminine foetus functions. The arguments are especially metaphysic and social. The former are related to the human condition determined by the karma and the latter bring forth the girls’ impossibility to make rituals, doubled by the system of the dowry.<sup>15</sup>

Excellent is the observation regarding the fact that, in the Occidental spirit of human rights, the formal prohibition of sexual selection practices from the Orient was not very successful. This could not lead to solving the issues specific for Indian women. Mihaela Frunză pleads for a profound change of mentality in the last part of her book<sup>16</sup>.

In conclusion, the novelty of the theme, its social up-to-dateness, the balance and consistence of arguments, the value of the bibliographical references, the clear, concise style, without semantic ambiguities make Mihaela Frunză’s book one of the most important Romanian contributions to this research field.

### Notes:

<sup>1</sup> Mihaela Frunză, *Thematizations in Applied Ethics. Feminist Perspectives* (Cluj-Napoca: Limes Publishing House, 2009), 8

<sup>2</sup> Frunză, 14

<sup>3</sup> Frunză, 114

<sup>4</sup> Frunză, 114

<sup>5</sup> Frunză, 116

<sup>6</sup> Frunză, 117

<sup>7</sup> For details regarding the con and pro abortion polemic, see Nicu Gavriluță, *Social and Cultural Anthropology* (Iasi: Polirom Publishing House, 2009), 222-232.

<sup>8</sup> Mihaela Frunză, 119

<sup>9</sup> Frunză, 122-123

<sup>10</sup> Frunză, 123

<sup>11</sup> See Mihaela Frunză, 125

<sup>12</sup> Frunză, 129

<sup>13</sup> See p. 136 and the following

<sup>14</sup> Frunză, 150

<sup>15</sup> For details see Kim Knott, *Hinduism. A Very Short Introduction* (Bucharest: Alfa Publishing House, 2006)

<sup>16</sup> See especially p. 157-168.