

RECONSIDERATION OF ARGUMENTATION CONCEPTIONS: USING THE EXAMPLE OF ABORTION

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The introduction to a great many bioethical problems has a broad application and significant dynamics. A great unification can hardly be expected and unanimous agreement even less so, as a diversity of opinions on bioethical issues is given by the values of pluralist society and the possibility to build argumentation techniques on various ethical conceptions (e.g. deontological, teleological, pragmatic or discourse ethics). There are two threats constantly lurking: dogmatism, by keeping rigorous principles, and relativism. In spite of the fact that there are no straightforward solutions or answers to satisfy everyone, a third route needs to be searched for, a route of minimum consensus.

The aim of bioethics and biomedicine is not only to know what is good and what is bad, but, rather, to know what we should act in accordance with. Ethical reflection and actions are distinguished in a new way, as the directing in terms of ethical reflection does not automatically lead to good actions and ethical conceptions with their general theses are often of little help in the process of identifying particular situations and contexts. Apart from that, new (bio)technologies have placed new types of problems ahead of us, which might not be possible to solve by classic ethical theories. I do not intend to undermine or dismiss the importance and significance of ethical conception by the above emphasis on the goal and possible limitations. On the contrary, it is necessary to reconsider their categorical apparatus and argumentation basis and power anew. Our critical reflection can become more intense if we are not dogmatic.

The intention of this contribution is to demonstrate, using the example of abortion, that by contemplating the mutual relation-

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ship between the right for life and the obligation to respect this right, the first precondition for a consensus of the existing defined viewpoints is formed. Re-definition of autonomy, or, rather, a shift from static to dynamic autonomy, is another, equally important, step.

The discussion on abortions, which, in 2001, blew through Slovakia like a hurricane, was initiated by the political activities of KDH (KDH - Kresťansko-demokratické hnutie; Christian-Democratic Movement), the core of which was formed by the following proposed change to the wording of Article 15, Paragraph 1 of the Slovak Constitution in force at the time: *"Everyone has the right for life. Human life is also worthy of protection before birth"*. A legal acceptance of this bill in the sense that human life needs protection from the moment of conception would have necessarily lead to a change in other valid legal rights, and it would, especially, mean the annulment of the right for legal and safe abortion. A wave of resistance was raised by various subjects against an introduction of such a strongly restrictive measure.

With regard to the culture of discourse, an intense polarisation of opinions and viewpoints of the representatives of both opinion groups must be considered the most unfortunate aspect in the face of such a whirlwind, as it disables any pluralist approach or a deeper and more detailed argumentation, without being bulldozed by extreme emotions and a priori prejudice. In the discussions, an excessively reductionist approach, dogmatic simplifications and "political capitalisation" could be witnessed, especially on the part of the initiators of change.

In the following contemplation, I will focus on the moral-philosophical context, bearing the importance of the legal-political aspect in mind. I will reconstruct the major arguments presented by pro-life defenders as well as pro-choice supporters. This will be done in a simplified, typological form, which still incorporates a great number of differences and various combinations of arguments. I am not going to pay any extra attention to them; the intention is rather to demonstrate that such attitudes that are based on extremely polarised arguments cannot lead to consensus or tolerance. It is necessary to look for a different, argumentatively con-

vincing, and alternative concept, which could be of help on the way out from a blind alley for those interested.

The opponents of legal abortion use the claim that abortions are morally inadmissible as an argument. This approach is based on the principle that no human life may be thwarted and that foetuses are human beings, as (human) life starts at conception. In this group there are people who might consider abortion immoral due to the fact that abortions are against human nature and endanger the very essence and self-evidence of natural laws. Many times, those who base their arguments on a religious belief that abortion breaks godly order sound more convincing.

The supporters of legal abortion acknowledge its moral admission and claim that a foetus is not a man, an independent individual or a person yet; therefore, it does not have the right for life, in contrast to a born man. The most frequent reason for approving and permitting abortion are various consequences, which the woman, family, or the baby itself, could suffer from, should the pregnancy proceed. A majority of the supporters of this opinion emphasise the woman's right to decide whether she keeps the foetus or not. It is more or less assumed that the woman alone is able to judge the situation in the best way, she is competent, and, thus, it should primarily be her who has autonomy and responsibility in the process of making this morally difficult decision.

The arguments of both parties cannot be unified into one coherent whole; everyone has to choose what they consider most important. And still, is there nothing that would join the supporters of the above contradictory opinions?

Both lines of argument, pro-life as well as pro-choice, agree that the right for human life should be respected and everyone who has the right for life must not/should not be killed. They, however, disagree with regard to whether the foetus should be considered a (complete) human being. The first group claim it should, as life (of a human being) starts at conception, which is why it has the right to life. This status is most frequently legitimatised biologically, referring to the start of the individual's genetic code at the moment when the egg cell is fertilised by the sperm. The pro-choice supporters claim that it is only after birth that the foetus becomes a (complete) human being, or some of them even support a dualistic

