

Research into Abortion from the Feminist Perspective

Jiaqian Sun^{1,*}, Jinru Zou²

¹Portledge School, New York, NY, USA

²The Chinese University of Hong Kong, Shenzhen, China

*Corresponding author: jsun.2024@portledge.org

Abstract: From the feminism perspective, abortion right is an important right for women. In China, women have the right to decide on abortion independently, but the protection of the interests of the fetus is lacking. It is necessary to further study and improve the relevant provisions on female abortion and the protection of fetal interests, which not only protect women's abortion rights, but also protect the dignity of the fetus as a life. In this context, this study analyzes the use and restriction of the right to abortion, and considers and balances abortion behavior from the perspective of abortion itself.

Keywords: the feminism perspective, abortion right, legal guarantee

1. Concept and Characteristics of Abortion Right from the Feminism Perspective

1.1 Concept of Abortion Right from the Feminism Perspective

Feminism, also known as gender egalitarianism, is a kind of sexism that emphasizes equality between men and women in order to end traditional sexism, sexual discrimination and sexual oppression. Beauvoir is a famous feminist. She believes that on the path of women's equal rights, the right to self-determination in childbirth and the right to take the initiative in work are crucial rights. The vigorous development of feminism in the 1960s promoted the establishment of the right to abortion. The right to abortion belongs to the category of reproductive autonomy. The right to procreate refers to that women have the decisive right to conceive children, and can determine when to give birth. At the same time, they can also access to reproductive related information services. The act of not having children in the reproductive right belongs to the right to abortion, which can also be said to be a negative reproductive right in a sense [1]. From the perspective of the concept of rights, the right to abortion can not only protect women's health, but also reduce the probability of contraceptive failure as a reproductive tool.

1.2 Characteristics of the Abortion Right

1.2.1 Privacy

The exercise of abortion right is private. Generally, the abortion right is accompanied by the right to privacy. The right to privacy that people enjoy refers to whether they have the right to make public in special and specific decisions. As the subject of rights, women's privacy in abortion is an aspect related to their own interests. Both during and after the exercise of the right to abortion, women have strong privacy, which is an important feature of the right to abortion [2].

1.2.2 Arbitrariness

The exercise of the right to abortion is arbitrary. The arbitrariness of the right to abortion is manifested in the arbitrariness of women in the exercise of the right to abortion, but this arbitrariness should be reflected in giving women greater rights within the scope of the law. In essence, abortion right is the content of reproductive right and a basic human right. As the subject of rights, women play a leading role in abortion. In most cases, women have the final right to decide on abortion [3].

2. Abortion Right should be Reasonably Limited

To be specific, abortion did not appear as a legal concept at the beginning. In terms of medicine, abortion mainly refers to the process of artificial termination of pregnancy. In terms of the definition of

the right to abortion, Taiwan, China and other regions of China completely put the right to abortion within the scope of reproductive autonomy, overlapping with reproductive autonomy, so that women have the right to decide whether to give birth or not, as well as the right to decide the patient, place and time of abortion when aborting. This is theoretically the same as the abortion right defined by China. However, the concept of autonomy of reproductive rights includes the main content of reproductive rights. In the theoretical logic of rights, reproductive rights, compared with abortion rights or reproductive autonomy, should belong to the upper power. Compared with reproductive autonomy, the content of abortion rights is more specific. In the 1970s, the right to abortion, as a right, was protected by national laws, but it has been controversial since ancient times. There are two main kinds of views in the dispute.

2.1 Liberalism

Liberals believe that the law should be amended to protect the right to abortion. They believe that the issue of the right to abortion is mainly about who has more human rights in the process of women's reproduction, whether the human rights of the undeveloped embryos are higher or the human rights of the subject of reproduction are higher. Women should be protected by legal weapons in the implementation of their right to equality and self-determination. Women should control their bodies voluntarily. However, liberalism also notes that the existing right to abortion is not completely free, and only "abortion can be carried out when a woman becomes pregnant due to an involuntary sexual relationship, or when the pregnancy of a fetus threatens the life and health of a woman, or when an unexpected pregnancy has been carried out with contraceptive measures". Singh proposed a new principle of equality on the issue of abortion, dividing "human" into members of the human species and design, who refers to a rational and self-conscious life. Singer argued that abortion is not wrong when the fetus has not yet felt the outside world. People can consider the interests of the fetus, but the consideration of its interests should be at the same level as that of the sentient animals. The fetus does not belong to the owner, so abortion is far less serious than killing [4].

2.2 Conservatism

Conservatives believe that the law should strictly prohibit women from having abortions. Conservatism takes religious ethics as the main perspective, takes the religious scripture "Strange Scripture" as the theoretical basis, and believes that people are created by God himself. Even if an unformed person is harmed by abortion, "it is the abuse of a demigod individual, or at least the abuse of a demigod initial person." Conservatism believes that although the fetus has no self-consciousness, the newly conceived person is also a life. Just because this life cannot speak, it cannot be considered as dispensable. Life without voice should also have respect and the right to life.

The more extreme view of conservatism is that abortion already belongs to the category of murder. They believe that the life of an individual is determined by itself and does not belong to the mother in the process of childbirth. The mother has no right to decide whether to end her life on behalf of a young life. Some countries that combine religious and political leadership have therefore made abortion a crime [5].

3. Consideration and Balance of Regulating Abortion

3.1 Unilateralism and Relatedness: Examining the Relationship between Fetus and Pregnant Women

Bioethics uses metaphysical theory to explain whether the fetus has moral rights. In Augustine's view, entities are mainly divided into two categories: one belongs to the first order ontology, which is related to itself and is an independent relationship; the other belongs to the second order ontology, which is a relative ontology and a mutual relationship. He believed that the fetus, as a life in pregnancy, can only belong to a "relational entity", which is second to the "independent entity" as a mother. That is, the fetus has no independent entity, and its growth and development cannot leave the pregnant woman. The fetus and the pregnant woman have an important "relationship" and belong to a "relational entity". From the perspective of the meaning of life, the fetus can be regarded as a "person" who can have rights, but this right is lower than the mother's right, which is highly restrictive. From an objective point of view, the fetus does not have consciousness. In this respect, it represents that the fetus is not an independent individual, and its protection of rights is lower than that of pregnant women as an

independent individual. However, the fetus, as a secondary entity, also has certain rights, that is, women cannot conduct abortion at will. Only in special circumstances, such as when the pregnancy of the fetus threatens the life and health of pregnant women, pregnant women have the right to choose abortion.

3.2 Human Dignity: the Core of Objective Value Order

China's Constitution clearly states that "the state respects and protects human rights". In terms of human life and dignity, Kant believed that only morality and the human nature compatible with morality are the most dignified things. The life of the fetus surpasses all in value and has irreplaceable characteristics in human dignity. The pregnant life is also the object protected by the state and should enjoy human dignity. Kant proposed that the legal system needs to be revised. In terms of the meaning of life, relevant laws should be set for the unborn to promote its accelerated development. However, the unborn person's life should not depend on the mother's decision, so abortion should be restricted. Thinking from the standpoint of the state, the pregnant life should also have a certain right to life. Although abortion is free, the act of abortion should be regulated by the state system, and the state's obligation of protection should be gradually improved in the aspect of abortion.

3.3 Value Change: The Decline of Abortion Freedom and the Rise of the State's Active Protection Obligation

From the perspective of basic rights, individuals rely on the community and fulfill their obligations. At the same time, the development of the community can promote the development of individuals, which fully demonstrates that there is a unique relationship between individuals and the community. The state mainly protects the gestating life through the amendment of the Constitution, uses the Constitution as the legislative basis of law to safeguard social justice, and regards the fetus as an independent individual in the social community, using the relationship between the community and the individual for protection.

As a series of objective value rights, the state should actively determine the realization of basic rights. The right to life, as an objective right, also has the right to life. The state has the obligation to protect it, and can be protected by the constitutional regulations on "the state respects and protects human rights". The higher the level of basic rights in the legal system, the more seriously the country should perform its obligation to protect them. The life represented by the right to life occupies the highest position in the basic legal system, and is the premise of human basic rights. Therefore, the State should restrict abortion and reduce the occurrence of random abortion.

4. Conclusion

The abortion right is a special reproductive right, which is regarded as the basic human right of women in terms of feminism. The determination of the right to abortion is related to the subject of human rights and international human rights setting. The government's constant exploration and reference in the abortion system will also fully realize the right to abortion. However, at present, there is a conflict between the right to life of the fetus and the right to abortion of women in China. Women's right to abortion has not been restricted in law, resulting in the lack of protection of the right to life of the fetus. The main reason for the conflict is that the legal system is not perfect in terms of fertility and abortion. From the perspective of feminism, we should formulate appropriate laws to regulate the right to abortion, balance the contradiction between the right to life of the fetus and the right to abortion, and make the personality right develop smoothly. In terms of reconciling the contradiction between the right to life of the fetus and the right to abortion of women, it also requires the joint efforts of various groups to improve relevant policies and measures through research and discussion, set the right to abortion as a female right, and at the same time set reasonable restrictive measures to safeguard the right to life of the fetus.

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