

When Does Love Make a Baby?

by Elizabeth Harman

1. Today's topic:

Love can make a baby without any love-making

Does this have a morally significant upshot?

How does abortion in the context of gestational surrogacy differ from abortion in non-surrogacy contexts?

How should one make a decision whether to abort when one is carrying someone else's fetus?

What makes a fetus or baby *mine* or *ours* or *theirs*?

Why does a gestational surrogate need a right to abortion?

Why do we need gestational surrogates to have a right to abortion?

2. What makes the baby *theirs*

Carmen and Steve make a baby – with a gestational surrogate, Daphne

Daphne is carrying their baby

Perhaps a fact about the future makes this fact in the present true

Daphne is carrying their fetus

What makes this true?

The Love Conjecture:

When two people are in love, and their love creates a baby (or fetus), this makes the baby (or fetus) *theirs* in a way that matters morally.

3. Abortion that breaks a promise

Daphne's visceral discomfort

Should Carmen and Steve be able to stop Daphne from aborting? No.

Is Daphne morally required to continue the pregnancy?

“It’s never morally wrong to break a promise to be intimate with someone.”

Sex – Ick

Sex – Tired

“It’s never morally wrong to break a promise to go through a medically significant procedure or experience.”

Kidney – concert tickets

“It’s never morally wrong to break a promise to do something you turn out to be viscerally averse to doing.”

Kidney – Ick

It’s never morally wrong to break a promise to go through an experience that involves *intimacy* with someone else, *if you are viscerally averse to it.*

4. When abortion is requested

A genetic diagnosis leads Carmen and Steve to ask Daphne to abort

“The decision should be Carmen’s and Steve’s because anything else is unfair.”

“The decision should be Daphne’s alone because it’s her body.”

Daphne should heavily weigh Carmen and Steve’s preference that she abort because it’s *their* fetus.

5. When not aborting is requested

A genetic diagnosis leads Daphne to consider aborting, though Carmen and Steve ask her not to

“A person should be guided by their own conscience”

Mafia

Homophobia

The moral truth about Daphne’s situation matters.

It matters whether abortion is morally permissible.

The Ever Conscious View: A living being has moral status just in case it is ever conscious. (Lecture 2)

a genetic condition that would lead the baby to have a short live of suffering

a genetic condition such that, in general, it’s morally permissible to abort because of this condition, but it’s also morally permissible to continue the pregnancy

In this case, the preferences of Carmen and Steve should weigh heavily in Daphne’s decision, because she is carrying their fetus.

6. What can love do?

Can love expand the moral community?

Can love endow moral status?

No. (Lecture 2)

Can two people’s love make a baby?

Yes. Love can bring into existence a being with moral status.

Can two people’s love make a baby *theirs*?

Yes.

7. Comparing abortion in gestational surrogacy contexts and non-surrogacy contexts:

Why do we need abortion? (Lecture 1)

So that girls and women, and anyone who can get pregnant, are not forced to be pregnant

So that girls and women are not forced into motherhood

So that many boys and men are not forced into fatherhood

There is an *asymmetry* when it comes to the decision whether to abort a pregnancy. (Lecture 1)

A pregnant girl or women should weigh heavily the preference of the fetus's father that she abort.

A pregnant girl or women need not take into account the preference of the fetus's father that she continue the pregnancy.

There is no corresponding asymmetry for gestational surrogate pregnancies:

A gestational surrogate should weigh heavily the preferences of the intended parents that she abort.

Gestational surrogacy *is* making a baby for someone else. A gestational surrogate who promised to do that for a couple should take their desire that she continue the pregnancy seriously.

Why do gestational surrogates need abortion?

So that they are not forced to continue to be pregnant

But not: So that they are not forced into motherhood.

Why do we need gestational surrogates to have access to abortion?

Also so that intended parents have the option of stopping a procreative process they have started.

8. Conclusion: Love and Abortion

Anticipated love for a fetus one wants to kill, a fetus one does not love now

Love explains why we need abortion

Because of love, outlawing abortion forces us into motherhood

Love doesn't give us the whole explanation of why we need abortion

But there's a possible future in which it would

Love for a fetus from the beginning of pregnancy

Does love show that something morally bad happens in an abortion? – No

Does loving a fetus give it moral status? – No

Does love show that some early fetuses have moral status? – Yes

Love that makes a baby

The Love Conjecture:

When two people's love makes a baby, that makes the baby theirs.

Surrogacy and abortion

Gestational surrogates have the same bodily integrity rights as any pregnant person.

How should gestational surrogates decide?

Gestational surrogates, like other pregnant people, are carrying a fetus that is *someone else's*

Their preferences should weigh heavily for her

And this is symmetrical:

Both their preference that she abort
and their preference that she continue the pregnancy
should weigh heavily

What makes the fetus *theirs*?

Love.