Discussion Questions

1. Without bringing in the concept of "personhood," discuss why it is wrong to kill newborns and adult humans. Apply your criteria to the killing of fetuses.

2. Break down Marquis's argument into its premises and conclusion. Analyze the argument. Are the premises acceptable? Are the premises complete? Does the conclusion follow from the premises? If not, come up with a counterargument that addresses Marquis's concerns.

3. Apply Marquis's argument to the use of RU 486. Discuss whether his argument against abortion would or would not preclude the use of the early abortion pill.

4. In his essay, Marquis does not address the future of the pregnant woman who wants an abortion. Even if we accept Marquis's claim that abortion is a prima facie wrong because it destroys the future of the fetus, are there circumstances where continuing the pregnancy might damage the value of the woman's future to such an extent that it overrides the value of her fetus's future? How about situations in which the fetus has a severe genetic anomaly associated with a life of suffering and/or death shortly after birth? Role-play a situation where you are discussing these possible exceptions with Marquis.

5. Discuss how both Thomson and Warren might respond to Marquis's argument.

STEVEN D. HALES

Abortion and Fathers' Rights

Steven Hales is a professor of philosophy at Bloomsburg University in Pennsylvania. In the selection from "Abortion and Fathers' Rights," Hales argues that there is a prima facie inconsistency between three widely accepted principles: (1) Women had a moral right to abortion on demand, a right that cannot be vetoed by the father, (2) Men and women have equal moral rights and duties and should have equal legal rights and duties; and (3) Parents have a moral duty to provide support for their children after they are born. He concludes that if a mother can escape the burdens of future duties to her progeny through abortion, then men should also be able to escape future duties to their progeny through the mechanism of refusal.

Critical Reading Questions

1. What are the three widely accepted principles, according to Hales, regarding abortion and parental rights?

2. What is the basis for a woman's right to an abortion?

3. Why does Hales maintain that these three principles are prima facie inconsistent?
4. How does Hales resolve the apparent conflict between the principle of equality, the father's moral duty to his future children, and the woman's right to avoid future child-rearing duties through abortion?
5. What is the fourth "commonly accepted principle" and why does Hales reject it in some cases?
6. What is a right of refusal? How and under what conditions would a father carry it out?
7. How does Hales use Judith Jarvis Thomson's violinist analogy to support his conclusion regarding a father's right of refusal?
8. How does Hales respond to the argument that the father's obligation is to the mother, not the future child?
9. How does Hales respond to the argument that by bearing the burden of pregnancy, a woman receives the "benefit of guaranteed paternal support"?
10. How does Hales respond to the appeal to social welfare arguments that state that it is in the interests of society that a father be compelled to support his children?

THE PROBLEM

In this chapter I argue that three widely accepted principles regarding abortion and parental rights are prima facie jointly inconsistent. These principles are probably accepted by most who consider themselves feminists, so the conundrum posed is particularly acute for them. There is one obvious way of resolving the inconsistency. However, as will be made clear, this solution is prevented by a fourth principle—that fathers have an absolute obligation to provide material support for their children. I argue that this principle is false, that fathers have no such absolute obligation, and thereby provide a way of making the first three principles consistent.

These three principles are apparently inconsistent.

1. Women have the moral right to get abortions on demand, at their discretion. They can make unilateral decisions whether or not to abort, and are not morally obligated to consult with the father, or any other person, before reaching a decision to abort. Moreover, neither the father nor any other person can veto or override a mother's decision about the disposition of the unborn fetus. She has first and last say about what happens in, and to, her body.

The principle formulated here is an extreme one. More moderate versions might replace it. . . . Such modifications will not substantially affect what will be said about fathers' rights, given suitable changes, mutatis mutandis, in the description of those rights.

2. Men and women have equal moral rights and duties, and should have equal legal rights and duties. . . .

3. Parents have a moral duty to provide support for their children once they are born. Any legal duties of support (e.g., child welfare laws or court-enforced child support) should supervene on this moral duty.

Given both (2) and (3), we can conclude that the mother and father have equal moral obligations toward their child once it is born. Although it is an interesting question as to why (3) is true (even granting that it is), the issue before us here is the distribution of rights and duties before the child is born, particularly during the pregnancy of the mother. Principle (1) tells us that the mother has the right to an abortion during her pregnancy. Since (2) tells us that men and women have equal moral rights, it seems that we can therefore conclude that men also have a right to an abortion. On the face of it, it seems either absurd or trivial: absurd because...
clearly cannot get pregnant, and so it is silly to talk about them having a right to an abortion; and trivial because it may be true that this conditional right is trivially true of men: If one is pregnant, then one may get an abortion. So for a man to insist on his right to an abortion appears pointless. However, it is pointless only if we understand the right to an abortion in a certain way, viz, the right to an abortion is the right to end one's own pregnancy.

Why would anyone care about having a right to an abortion? There are a variety of reasons some women no longer want to be pregnant: They cannot afford another child, they are not psychologically prepared to be a parent, a child would hinder the lifestyle they wish to pursue, they do not want to endure the hardship of pregnancy, and so on. All of these reasons have to do with burdens or hardships that the mother faces in the future. For whatever reason, the mother is not (currently) willing to suffer these hardships, and so has an abortion in order to avoid them. Fortunately, the duties and burdens that the mother wants to escape are ones that she can in fact morally escape. She has no obligation to endure the hardship of pregnancy (according to 1), nor any absolute, inevitable duty to shoulder the burden of an infant. True, these are burdens and duties that she faces if she continues with the pregnancy, but they are ones that she can avoid by having an abortion. Thus, it seems that the motivation for wanting a right to an abortion is because a mechanism is wanted to avoid future duties and burdens. Abortion constitutes just such a mechanism.

If it were immoral to avoid these future duties of childrearing (i.e., if they were absolute and morally inexcusable), then clearly there could be no right to an abortion. Her right to an abortion is a liberty right; that is, having the right tells us that it is morally permissible for her to have an abortion.

Now consider the case of the father. He, too, is facing future duties; in fact (aside from pregnancy itself), the same ones as the mother, as (2) and (3) specify. However, the father, having participated in conception, cannot escape the future duties he will have toward the child. The father can decide that he cannot afford another child, that he is not psychologically prepared to be a parent, that a child would hinder the lifestyle he wishes to pursue, and so on, to no avail. He is completely subject to the decisions of the mother. If she decides to have the child, she thereby ensures that the father has certain duties; duties that it is impossible for him to avoid. Even more, the mother is solely in charge: If she wants to have an abortion and the father does not want her to, she may anyway. If she does not want to have an abortion and the father does want her to, it is permissible for her to refuse to have one. If there is any conflict between the mother and the father here, the mother's wishes win out...

It might be argued that, although true, this is an unavoidable (and hence acceptable) consequence of biology. The mother has some kind of absolute right over the disposition of her body, and in a battle of rights, these rights over one's body trump all other rights in the fray. So the fact that the fetus is in her body ensures that she has final say over it. Not only is this "right over one's body" supposed to guarantee that the mother can abort over the father's objections, but also that she can carry the child to term even if the father insists on an abortion...

The difficulty is that it seems that we might agree to all of this and still argue that the father is ill treated. Even if biology prevents men and women from having absolutely identical means to exercise their rights, it remains that what we should do is try to achieve equal opportunity to exercise rights as much as possible. Perhaps we will never attain complete equality (biology may prevent us), but we should try our best.

Another objection is that since the father does eo ipso have a right to avoid future duties (he just has no opportunity or mechanism to exercise this right), (2) is satisfied, and (1)–(3) are consistent. However, I think it is plausible that genuine equality insists that not only do persons have various liberty rights, but also that they should have equality of opportunity to exercise these rights. So long as some, but not all, persons are equipped with the means to exercise their rights, we cannot say that people have really been provided with equal rights. So, even if fathers do have a right to avoid future duties, without any way of acting on this right, the equality principle (2) has not been satisfied...
that fathers have a right to avoid future duties, but there needs to be some mechanism by which they can, by personal fiat, exercise that right. Mothers have the right and a mechanism—the mechanism of abortion. The mechanism employed by fathers, of course, need not be abortion. The important thing to note is that even if we grant that the father cannot avail himself of abortion as a way out, it is a giant step from here to conclude that he cannot avail himself of any way out. Perhaps it will do to say that, sometime during the span of time that a mother may permissibly abort, a father may simply declare that he refuses to assume any future obligations. If we are prepared to speak loosely of mothers having the right to an abortion, we might also loosely talk of fathers having the right of refusal. By admitting that fathers have this right, we more closely approximate the ideal of moral parity. The right of refusal is to be designed as a parallel (as demanded by [2]) of the mother’s right to an abortion (as specified in [1]). Let us put it this way: A man has the moral right to decide not to become a father (in the social, nonbiological sense) during the time that the woman he has impregnated may permissibly abort. He can make a unilateral decision whether to refuse fatherhood, and is not morally obliged to consult with the mother or any other person before reaching a decision. Moreover, neither the mother nor any other person can veto or override a man’s decision about becoming a father. He has first and last say about what he does with his life in this regard.

Suppose that the mother is pregnant and the father tells her during the time that she may permissibly abort, “I think this was a big mistake, we should not have done this, I regret that you are pregnant, and wish you would have an abortion.” The mother, according to principle (1), may fairly respond, “Sorry, I want the child, and will carry it to term even though you want me to abort.” If the father has the right of refusal, he can justly respond, “OK, if that is your decision, have the child, but it will be solely your responsibility. I want out of the deal, and I do not want to have anything to do with the child or any responsibilities toward it.” More than this will be needed, of course. The mother’s declared intention to have an abortion does not constitute having one, nor is her declaration as expensive, difficult, and unappealing as the actual abortion. An adequate legal implementation of a father’s right of refusal will involve written contracts and sufficient penalties to the father to make the exercise of his right of refusal as costly to him (in the broadest sense) as the mother’s exercise of her right to an abortion is to her. Fathers should not find exercising a right of refusal to be more appealing than mothers generally find getting an abortion, but they should not find it less appealing either.

The right of refusal solved the problem of inconsistency among our three moral principles. However, this solution is blocked by a fourth commonly accepted principle:

4. Fathers are under an absolute moral obligation to provide for the welfare of their children, despite the intentions or desires of the father before the birth of the child. Something close to this is reflected in the law, and serves to underwrite paternity suits and at least some of the complaints about “deadbeat dads.” . . .

Those willing to defend something like (4) often have in mind a case of a longish relationship in which the woman gets pregnant and the father, unwilling to be burdened with a child, ends the relationship, or leaves town. Surely the father should not be allowed to just saddle the mother with the child and get off scot-free. He willingly and voluntarily engaged in sex and knowingly took the risks in full awareness of the possibility of pregnancy. For him just to leave the mother and have no future duties toward the child is to dump 100 percent of the burden on the mother when she only assumed 50 percent of the risk. This, advocates of (4) claim, is manifestly unfair— it means that (ignoring disease and such) sex has no consequences for men, and massive consequences for women. This is why we need a principle like (4) that ensures that there are consequences for men too, and one of the reasons that we must protect a woman’s right to an abortion, à la principle (1).

It is important to note that in the discussion of (4) that will follow, I will not be discussing the obligations of fathers to continue to support children that they have already been voluntarily supporting. . . . Principle (4) has solely to do with
the connection between paternal obligations and prenatal paternal desires.

Admitting that fathers have the right of refusal provided a way of making principles (1), (2), and (3) consistent. The introduction of (4) rejects this solution, and once again generates inconsistency. The mother has the right to do something that the father does not have the right to do; get out of any future commitment to the (yet unborn) child by personal fiat. The mother can get out of it by terminating the life of the fetus, and the father cannot get out of it in any way, not even by refusal. Again principle (2) is violated.

There seem to be only four options. The first is that we can abandon principle (1). There are two ways of giving up (1). The first is to say that the conservative is right after all, and abortions really are impermissible. The second is to maintain that abortions continue to be permissible, but there must be some sort of mechanism for paternal consent. Mothers will have to consult with fathers before they are allowed to have abortions, and (perhaps) fathers will be allowed to insist that mothers have abortions if the father so decides. Women will no longer have complete control over their bodies, and will be subject (at least in part) to the decisions of men.

We can abandon principle (2). Men and women do not have equal rights and duties, or striving for a balance of powers with respect to the exercising of rights is not a valuable goal. Somehow the biological asymmetry of childbirth gives rise to an insuperable moral asymmetry. I suspect that most who accept all three principles will opt for rejection of (2), the equality principle. However, even though one might (with some plausibility) argue that biology prevents fathers from having a right to procure an abortion or insist that the mother have one, it is much harder to argue that biology forbids fathers from having a right of refusal. At the very least, such a right has no obvious connection to biology.

We can reject principle (3). Parents do not have an obligation to provide support for their children. Among other problems with this approach, it will entail the rejection of principle (4), whereas rejecting principle (4) will not require us to jettison (3). Thus, other things being equal, if getting rid of the comparably weaker (4) alone will restore consistency, we are better off doing that than getting rid of both (3) and (4).

The last alternative is that we can abandon principle (4) and grant that fathers have a right of refusal. If a father-to-be declares his refusal to accept fatherhood (with attendant legal details) and skips town, abandoning his pregnant girlfriend, he is perhaps callous and unfeeling, but he has not done anything morally wrong. He is no more unfeeling than if the mother intentionally aborted over his strong objections. Just as she can abort the fetus at her discretion, so too can he exercise the right of refusal at his. She can get out of the deal when she wants, and so can he. To reject (4) and accept a father's right of refusal is a radical change in most people's ordinary beliefs. If taken to heart in a broader social context, I believe it would ultimately result in considerable legal change with respect to paternity suits and court-ordered child support. This is the position for which I will argue.

THE SOLUTION

Since all four of the principles seem plausible, and rejecting any one is distasteful, an argument in favor of rejecting any particular one over the others is needed. I will first marshal the arguments in favor of rejecting (4), and then consider other solutions to the dilemma. I will argue that rejecting (4), counterintuitive as it is, is the most cogent solution available. This is why I claimed above that no line-drawing project is needed to adjudicate the cases seemingly relevant to evaluating (4). Principle (4) is false in every case. There are three arguments that I will develop to support the rejection of (4). Two arguments are suggested by positions taken by Judith Thomson in her well-known "A Defense of Abortion," and the last is an analogy that imports our moral intuitions from a logically parallel case.

Thomson's arguments are meant to support (1), and they do. But they also pave the way for abandoning (4). Thomson writes, "[Unless they implicitly or explicitly accept special responsibility] nobody is morally required to make large sacrifices, of health, of all other interests and concerns, of all
other duties and commitments, for nine years, or
even for nine months, in order to keep another
person alive."

It is this dilemma that provides much of the
support for principle (1). Without accepting some
kind of special responsibility for the gestating fetus,
the mother is under no obligation to keep it alive,
even if it is a person. It is a direct consequence of
(1) that the act of conception alone is insufficient
to require of the mother that she make major per-
sonal sacrifices—most immediately the sacrifice
of pregnancy and childbirth. Yet the father has
done no more than participate in conception, and
as a result he is required to make major personal
sacrifices once the child is born. If conceiving alone
does not count as accepting any special responsi-

Another Thomsonian argument also supports
this position. Her famous violinist case shows that
someone who is the victim of a selfish, unilateral act
(such as being kidnapped by the Society of Music
Lovers, or being raped) is not obligated to make ma-
jor personal sacrifices. By "unilateral" here, I mean
that the victim had no say in what would happen,
or, put another way, was kept out of the decision-

Continuing with the pregnancy was her personal
decision, and executed with regard only for her
motives and desires. The father was kept out of the
loop entirely. That the mother can do all of this is en-
sured by (1). So it seems on Thomsonian grounds
that the father should then be exempt from having
to make major personal sacrifices (such as 18 years
of child support). But (4) tells us that he is not
exempt...

COMPETITORS AND THEIR PROBLEMS

There are, of course, other ways out. One is to find
a way to resolve the inconsistency among the four
principles without giving any up. Another is to give
up either (1) or (2) while retaining (4). A third
approach is to agree that fathers have a right of
refusal, and find some way of ensuring that fathers
pay child support anyway, in spite of this right. The
arguments for rejecting (1) are legion, well-known,
and will not be rehearsed here. I suspect that (2) will
be a likely target of those wishing to keep (4), but
I have no idea how an argument against retaining
(2) (at least as an ideal) might proceed, and so I can-
not evaluate such an argument here. But I have been
able to identify two arguments that purport to re-
solve the inconsistency among the four principles,
and one that tries to accommodate my results while
keeping the feminist preanalytic data, and will con-
sider these in turn.

The first argument that attempts to resolve the
inconsistency is this: It is not that the father espe-
cially has a commitment to the future child, but
rather he has an obligation toward the mother. This
commitment consists in something like a responsi-
bility to help support their progeny. So there are
not any future duties toward a child that he could
escape by having a right of refusal. His duties are
toward the mother.

However, this does not seem right, because the
mother has no analogous commitment toward the
father. She has no responsibility to help the father
support their progeny, since such a responsibility
would entail a duty to the fetus that it be carried to
term. One cannot support something by killing it.
Yet the mother clearly has no such duty toward the
fetus, as (1) tells us. . . . The mother can avoid fu-
ture duties through abortion, and the father can
not. And principle (4) rules out the analogous
paternal right of refusal. The problem remains.

A second argument that purported to resolve the
inconsistency is this: The mother undergoes the
burden of pregnancy, and receives the benefit of
guaranteed paternal support. The father, by con-
trast, has the benefit of not having to suffer the
burden of pregnancy and childbirth, and instead
shoulders the burden of necessarily having to help
support the child once it is born. Each party has
their respective burdens and benefits, and these
benefits and burdens are distributed more or less
evenly. Thus, the equality principle (2) is satisfied,
and (1), (3), and (4) are retained.
I think that there are several difficulties with this approach. The first is that although pregnancy is undoubtedly a burden of some sort, it is relatively short compared to the legal burden under which the father labors. The mother is pregnant for nine months, and in most cases is not suffering for much of that time. The father, by contrast, is obliged to pay considerable sums of income over a period of 18 years. The father’s burden lasts 27 times as long. The distribution of burdens hardly seems equitable. It will not help to say that the mother has the same 18-year burden of support, since she volunteered to support the child by having it. The father, we are supposing, would have preferred the mother to have an abortion. Since the mother volunteered to support the child and the father did not, it does not seem right to say that she has the same burden as the father. We can appeal to the maxim of \textit{volenti non fit injuria} here.

Another problem is this: If anyone should have more duties toward the child, it ought to be the mother, not the father. After all, she is the one who allowed (or is allowing) the fetus to gestate and mature in her body. Thus, it seems that she is establishing some kind of agreement with the fetus that when it is born she will provide for its well-being. The father, on the other hand, has not allowed the fetus to gestate and continue, and, let us suppose, strongly opposes its existence. Moreover, he explicitly rejects the idea that he has duties or future obligations toward the fetus or the child it will become. It is strange, then, to insist that the duties the father acquires after the child is born are just as strong as the mother’s. If anything, it would seem that the mother should have more and stronger duties than the father.

But these are really just side concerns. The central problem with the argument is that it, too, only sidesteps the real issue. We can grant the burden/benefit argument and still generate inconsistency. The mother can escape her burden of pregnancy by personal decision—having an abortion as guaranteed by (1). The father cannot escape his burden of support, either by abortion or by refusal (as insisted on by [4]). So the mother still has something he lacks—a morally permissible escape from future duties.

The final objection I will consider grants that (4) is false—fathers have a right to avoid future duties, and ought to be legally granted the mechanism of refusal in order to have a means of exercising this right. Nevertheless, the objection goes, society can override the individual rights of fathers if it is in the best interest of society as a whole. Just as society can declare the right of eminent domain, and occasionally override the individual rights of property owners by building a highway through their front lawns, so too can society decide that the general public welfare is benefited by placing strong duties on fathers, and the individual rights of fathers are justifiably outweighed by these policy concerns. Moreover, we are generally prepared to grant that it is morally permissible for social concerns to outweigh the concerns of individuals. Thus, recognizing the falsity of (4) need not give rise to major social change. The intuitions behind (4) can be preserved even if (4) is jettisoned.

There are two main paths this objection can take: The interest of the state in benefiting children, and the interest of the state in benefiting mothers. . . .

Consider, then, the first path of this objection. The state decides that it is in the interest of society at large that children be assured of a certain level of financial security or material comfort. To promote this interest, the state does not distribute the burden evenly across all citizens, but instead levies a special tax on a subset. More specifically, the biological parents of these children are obliged to pay for their upbringing (of course, special provisions will have to built into the law to excuse biological parents when the child is adopted). In the case where the mother voluntarily submits to this (by not exercising her right to an abortion), and the father does not (by actively exercising his right to refusal), the father’s rights are overridden, and he is still legally bound to pay child support.

One difficulty specific to this strategy is that we are on thin ice if we are prepared to engage in a wholesale suppression of individual rights for the pecuniary benefit of children. There are many children who would be better off living with adoptive parents than with their natural parents. Children born into poverty will, \textit{ceteris paribus}, have worse life prospects that those children born to well-off
parents. It would benefit these children, ceteris paribus, to take them from their natural parents and place them with wealthy adoptive parents. But surely this is wrong, and it is wrong because it unjustly usurps the rights of natural parents to keep their children. There are cases (e.g., child abuse) in which we might allow society to take children from their parents, but poverty is not one of them. Yet this case and the case of the father seem parallel: Society overrides the right of a biological parent(s) for the financial benefit of children. If we refuse to allow society to take children away from poor parents, so too should we refuse to allow society to override a father’s right of refusal.

Let us consider the second path the social welfare objection might take. The state decides that as a contingent matter of fact, women have unequal standing in our society. They make statistically significantly less amount of money than men doing equal jobs, and they are not proportionately represented in positions of power in the government and in business. One practical result of this is that single mothers raising children have a much more difficult time, and a greater burden, than single fathers raising children. Thus, in order to alleviate this burden, the state decides to override systematically the father’s right to refusal. This amounts roughly to an affirmative action program for women: Equal treatment in one domain is temporarily suspended with the intention of addressing inequalities in another domain. Once other social inequities between men and women have been adequately resolved, fathers will be allowed to resume their exercise of a right of refusal.

Again, one should note that this path accepts the main conclusion of this chapter—that fathers have a right of refusal. What the argument rejects is the inference from this right to immediate social and legal change. There are several difficulties with the second path of the social welfare argument, and it is hard to tell a priori which of these is the most serious. One is that much more argument is needed to show that overriding the father’s right of refusal is the best way to address the issue of unequal burdens in single parenting. Since it is presumably in the state’s interest, or the interest of society in general, to sponsor such an affirmative action program, it may be that society in general ought to pay for it. Another problem is that even if overriding the father’s right of refusal is shown to be the best solution, considerable argument is then needed to demonstrate that it is also fair or just to suppress this right. For example, suppose that the national economy (and hence society as a whole) is best served if slavery were still allowed. This in no way means that we are therefore justified in reinstating slavery. Moreover, the reason that we are not thereby justified in reinstating slavery is because slavery impermissibly violates individual rights.

In addition, there are two wholly general problems with the strategy of appealing to the general social welfare in order to maintain the status quo. One is this: Suppose that on the ground of eminent domain, the state decided to build a highway across the front lawns of all and only Jewish citizens, all the while maintaining that Jews have a right to own property unmolested. Clearly this “right” would then amount to nothing but a ruse. So too, by telling fathers that they have a right to get out of future obligations through refusal but then invariably forcing these obligations on them anyway, it is clear that their “right” is an empty one. Granting such a right is mere trickery with words. One might object here that fathers do indeed have the right of refusal, it is just that their right is overridden—and there is nothing unusual or odd about overriding a right. This is true. But if a right is uniformly and consistently overridden, to the point that no one can exercise it except at some vague point in the distant future, one becomes suspicious as to whether there is a real right here. If a woman’s right to an abortion is consistently overridden by society throughout her life, with a promise of allowing her to exercise it in the nebulous future, there is legitimate question of whether she really has this right.

The second problem is a danger looming for the partisans of principle (1). If a father’s right of refusal can easily be trumped by society, then it might well be that a mother’s right to an abortion can also easily be trumped. Society might decide, for example, that mothers do indeed have a right to elective abortion, but that social unrest over the abortion issue would be best alleviated by universally suppressing this right.
So appeal to the general social welfare is a dangerous move at best, and a mere trick at worst. I conclude that it does not provide a plausible alternative to the conclusion for which I have argued—that the intentions and desires of the father before the birth of his child are in fact relevant to his duty to provide for the welfare of his children. If the mother can escape future duties to her progeny via the mechanism of abortion, the father also can escape future duties to his progeny via the mechanism of refusal.

Discussion Questions

1. Break Hales's argument down into its premises and conclusion. Are the premises sound? Are there any important premises he omitted and, if so, what are they? Does the conclusion follow from these premises?

2. Hales uses Judith Jarvis Thomson's argument in "A Defense of Abortion" to support his position that fathers have a right of refusal. Would Thomson agree with Hales's reasoning? Discuss how both Thomson and Marquis might respond to Hales's argument.

3. According to a 2001 Gallup Poll, most women are morally opposed to abortion on demand. In fact, almost half of unwanted pregnancies are not terminated by abortion. Do fathers still have a moral right of refusal in cases where a woman, because of moral objections to the laws permitting abortion, does not excuse her legal right to avoid future obligations to her progeny through an abortion? Support your answer.

4. In a response to Hales's article, James Humber argues that it is not unjust to require reluctant fathers to contribute financially to child support for women who choose to keep their children after birth since both parents contributed to the conception of the child and the mother is already unequally burdened or harmed by parenthood even if the father does contribute child support. Hales responds that the woman freely chose to continue the pregnancy and raise the child so there is no harm and, consequently, she deserves no redress. Discuss the merits of both arguments.

5. Hales argues that women have a right to abortion as a mechanism of avoiding future duties of childrearing. However, birth parents can avoid the duties of childrearing through adoption. Does the mechanism of adoption to avoid future duties weaken Hales's argument that women had a right to abortion? Does the option of adoption, as a mechanism of refusal to take on future burden, further weaken the argument that fathers who did not want the child, have a duty to contribute to the support of their offspring?

6. Discuss how a care ethicist, a utilitarian, or a Confucian would most likely respond to Hales's argument.

CASE STUDIES

1. THE UNWANTED DAUGHTERS

Chandra and Ramdas Malik were poor farmers who lived in a small village outside of Bombay. They had one son and one daughter. Although they would have welcomed the birth of another son, they did not want another daughter, because giving the required dowry to her future husband's family would have been financially crippling for the Maliks. Sons also provided the best social security for elderly parents, because daughters were absorbed into their husbands' families. The Maliks decided that they would have