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Response to Hewitt on Abortion

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Abstract:
The defense argument in favor of abortion sees the fetus as an invader, a trespasser, someone against whom violence is justified, since this very young person (the fetus) has initiated violence against his mother. Hewitt [30] rejects this argument. The present paper maintains the justification of this defense argument. My perspective is based on the private property rights of the mother. She owns her person. It is as if her body is her house, and a trespasser has invaded it. Surely, she has the right to evict such a person. This analogy is relatively easy to see in the case of rape. The unwanted fetus, now occupying a part of her body is in effect a intruder. If she really owns her body, which I contend she certainly does, she has a right to expel this person from her property. I also argue that voluntary sexual intercourse does not constitution an "invitation" for the pre-born baby to occupy her premises for nine months.
Keywords: Abortion, property rights, trespass, eviction.

I. Introduction

Hewitt [30][1] lays out the defense argument in favor of abortion as follows:

> 1. Any unwanted pregnancy is a serious, nonconsensual use of one person's body by another.
> 2. Any serious, nonconsensual use of one person's body by another justifies lethal self-defense.
> 3. So, any unwanted pregnancy justifies lethal self-defense.

This is his target. He criticizes it by use of a very important analogy to abortion.

He stipulates that the fetus is a young human being with all the rights of any other person. He likens abortion to the case where A, the bad guy, seizes B and through hypnosis places him in a

position where B can now violate the rights of A through rape, and A claims she can use deadly violence against B to stop this incursion.

My claim is that this analogy fails. There is all the world of difference between creating an entirely new life in a process which places this person in risk of danger, on the one hand and kidnapping an innocent already existing person and placing him in the same risk of danger, on the other hand.

We consider the specifics of the argument in section II and conclude in section II.

II. The Argument

States Hewitt:

> The self-defense argument is an argument for a woman's right to abortion on the grounds that it is an exercise of her right to defend her bodily autonomy. Even if we assume that the fetus is an innocent person, it is still the case that he occupies his mother's body in a particularly intimate way and, in an unwanted pregnancy, without her ongoing consent. These facts require us to concede that abortion is an exercise of a woman's right to defend herself from those who would use her body without her consent, regardless of the moral status of the fetus or any of the other facets of the relationship between a woman and her unwanted fetus. If sound, this argument would show that abortion is morally permissible in any case of unwanted pregnancy prior to the viability of the fetus. The self-defense argument is a robust, uncompromising defense of abortion rights,[2] and … I … argue it fails to establish its conclusion…

Our author thus applies "the norms governing intimate bodily contact between normal adults to the mother-fetus relationship." That is, the unwanted fetus is seen as akin to the hypnotized rapist; the mother has the right to remove both, even if this expulsion will result in the death of each of them.

This is all very clear. After all, if we are to assume that the fetus is a full rights-bearing individual, there should be no legal difference between him and anyone else, apart from irrelevancies such as age, or size, or locale. Further, both the rapist hypnotized into engaging in this act and the fetus lack mens rea; each is as innocent as the other.

This philosopher makes it clear that "Abortion, then, is morally permissible, self-defensive killing, or can be justified as such for any unwanted pregnancy prior to the viability of the fetus." He further emphasizes this point, and very properly so: "(Keep in mind that lethal self-defense will only be justified if there are no nonlethal means available, which, in this context, means that the conclusion will only justify abortion that kills the fetus up to the point of viability, after which the use relation can be ended nonlethally.)

Here, he takes an extreme position, I think, just barely, justifiably so: "A rapist is liable to killing, even if the woman begins a sexual encounter with a man and then changes her mind; if he does not stop, she may use lethal force to stop him, given that no lesser means could."

This is a challenging stance, given that the woman calls a halt to what previously was voluntary sexual intercourse at the very point of ejaculation. It is surely the rare man who would want to comply, but I agree with Hewitt that he should do so; that if he continues, against the wishes of the woman, he really is a rapist. Her body is her body, and if he does not comply with her clearly expressed demands, he is trespassing upon her property, herself, her own person.

The next issue that arises concerns specific performance contracts. Hewitt writes as follows:

> Before moving on to assess the self-defense argument, I want to linger a bit on the analogy between sexual assault and unwanted pregnancy. The norms that govern sexual relations between normal adult human beings are not ambiguous. And they imply that no person has

> a right to use another person's body sexually. For another person to permissibly use your body in such a way requires your ongoing consent. And if a permissible use of your body by another requires your ongoing consent, that person does not, indeed cannot, have a right to so use your body.

Here, Hewitt and I diverge. Consider the following scenario. I am a tight rope walker. The rope is 100 feet above the ground; if I fall, I die. I hire you to hold a net under me, so as to catch me if I tumble toward the ground. I pay you in in advance to do so. Half-way through my act you announce you are quitting. You are willing to repay me the money I already paid you. If Hewitt is correct, I am in trouble. But in my view, a deal is a deal. I paid you to hold that net, and I want that net held; I do not at all want to be repaid the money I advanced to you. In my view, the law should compel you to engage in the specific performance for which you were hired: holding that net. If so, Hewitt is wrong when he opines: "For another person to permissibly use your body in such a way requires your ongoing consent." I no longer have your "ongoing consent" but, still, I should be able, legally speaking, to compel you to continue holding that net.

Consider another scenario. X's child will soon die of a dread disease. It will cost $10 million for a cure, but X has no such funds. So she makes a deal with Y. She will sell herself to him for that amount of money and become his slave. He gives her the funds; she turns them over to her child's doctor. His life is saved. She then repairs to Y's plantation. Among the services he requires of her is sexual. That was made clear beforehand. Is it now rape when Y requires these services of X? Hewitt would say so, presumably. But, if he is in the right, that child of hers perishes, since we assume that the only way to save his life is with the aid of Y, and this will not be forthcoming under the legal aegis Hewitt supports.[3] Again, there is no "ongoing consent" but, still, under the libertarian legal code, there is no rape, either.

Now to return to Hewitt's case. A man hires a prostitute to have sex with him. Halfway through her performance she decides to quit. He is now inside her body, and she demands that he exit. If specific performance contracts are legitimate, and he refuses to depart, but instead compels her to continue her service, Hewitt would characterize this as rape. I would not. In my view, she is a contract breaker, and the solution might be a return of the funds already paid, but it might not be. If the man persisted, it would look like an unwarranted act on his part, e.g., rape. But it would not be anything of the sort at least under these assumptions. I take it that there is no relevant difference between the three cases: holding the net, voluntary slavery, and prostitution.

If so, then Hewitt errs when he opines:

> We can see this in the fact that a woman cannot be responsible for a sexual assault in any sense that would give her assailant a right to carry out the assault. There can be no such right. If partisans of the self-defense argument are right about the nature of the relationship between mother and fetus, then the fetus cannot have a right to use his mother's body, no matter what her role in bringing about the pregnancy, or what other relation she might have to the fetus. Much of the appeal of the self-defense argument is that it would dispense with the need to worry about considerations an abortion critic might adduce for the claim that the fetus has acquired a right to use his mother's body. If the rape analogy is apt, there can be no such right. A great deal, then, rides on the analogy, and while there seem to be a number of differences between sexual assault and unwanted pregnancy, partisans of the self-defense argument believe that the differences do not, when properly considered, make a difference.[4]

If anything, the very opposite is the case. In Hewitt's view, rape is per se evil, while trespass is not necessarily so. Given the legitimacy of specific performance contracts, there are indeed cases where the

rapist can be in the right. That is, even though he compels sexual performance, he should not be considered a rapist.[5] There are no cases where the fetus' trespass is justified, given there is no host mother contract

How about a drugged or hypnotized rapist, who, to be sure, does this evil deed, but totally lacks mens rea. Is it more of a rights violation to be raped or to be bearing an unwanted fetus? This is an unanswerable question. Subjectivism rears its head in this context.

This author and are I once again on the same path when he writes:

> everything that follows here should be understood as conditional on the permissibility of killing at least some innocent persons in cases where they pose a threat to life and limb. The philosophers who argue against the permissibility of killing innocent threats do so in the face of intuitively compelling cases where it seems like innocent threats may permissibly be killed. Thomson's expanding baby case is used in just this way, to sway the reader to think that it would be permissible to kill an innocent person whose continued existence is a threat to one's life.

Consider a scenario in support of this insight of Hewitt's. A hides himself behind B and starts shooting at C. All three have guns. A is the criminal, B and C are innocent. B cannot turn around and shoot A. The only way that C can save himself is to shoot A, but in order to do so his bullet must pass through B. B can defend himself against C, but not against A. So who may shoot whom, B or C? The answer that both may fire at each other and may the better shot win is hardly a philosophical response. One possibility is that C would be in the right in spraying bullets at B (his intended target is of course A), since B was the first homesteader of the misery.[6] If so, we have yet another case where "it would be permissible to kill an innocent person (B) whose continued existence is a threat to one's (C's) life."[7]

Hewitt now launches himself into a fascinating scenario:

> I want to adapt the case that Long has given us in the above quote. So, suppose that we have a person, A, who has control of a device—the hypnotizer—by means of which he can control the minds and bodies of other people, thereby robbing them of their agency and making them do what he wishes. A then uses his device to make some innocent person, B, sexually assault another innocent person, C. To avoid any prurient details, call the act that A makes B do to C φ and stipulate that φ takes place over some period of time, that it involves a part of B's body being in C's body, and that this contact is both serious and sexual. So, for short, we have
>
> Hypnotized Rapist 1 (HR1): A makes B φ C.
>
> Long claims that C would be within his rights to kill B, given that that was the only way for C to avoid the φ-ing. Notice that, in this case, if there is a rapist here, it is A. B is not raping anyone; he is not doing anything. A is using him as an instrument to torment C. But, by stipulation, C cannot stop the event from happening without killing B, and regrettable as that might be, Long thinks it justified, given the nature of what C will have to endure if B is not killed. And if this is so, then we have a case where one is justified in killing an innocent person to avoid a violation of one's bodily autonomy, which is precisely what the self-defense argument maintains the mother may do to her unwanted fetus.
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> But even if this is so, the immediate rejoinder will be that while it is permissible for a woman to kill an innocent man who has been hypnotized to 'rape' her, as in Long's case, it would not follow that she is entitled to kill a man if she did the hypnotizing. That is, HR1 is

> unlike the typical unwanted pregnancy in that, in the latter, the woman bears responsibility for the use relation that obtains between her and her fetus. And this suggests a different case.

Yes, Hewitt is absolutely correct: if the woman hypnotized the man into raping her, it would be very unjust for her to kill him for so doing. That would be murder, and she the one guilty of this crime. However, it does not logically follow, as Hewitt appears to believe, that once the woman hypnotizes the man into raping her, that she may not change her mind about the rape; that she may not stop the rape without assaulting him; that she may not merely expel him from her body without harming him in the least. For example, she may de-hypnotize him; and he, being a decent sort of person, would cease and desist from the rape. Or, while she still has that hypnotizing machine at her disposal, she may now hypnotize him into stopping the rape of his "own" accord.

Let us now break off from the hypnotist analogy and return to the issue under discussion. Yes, the woman engaged in an activity sexual intercourse that resulted in the creation of her fetus. She may not now kill him, assuming away Thomson's expanding baby case and all such others. However, she may do what is analogous to getting the hypnotized rapist to stop: she may instead *evict* the fetus from her body. Now, it cannot be denied that if she does so, on the basis of present medical technology, in the first two trimesters, the baby will perish. Here is where the analogy breaks down:[8] the adult male hypnotized rapist will not die when he no longer ravishes the woman; the fetus will indeed perish, if he is less than 6 months old, if he is no longer able to trespass[9] upon his mother's body. Thus, Hewitt cannot fairly be set to have overcome the eviction or ejection scenario.

Further, just because she invited in the "rapist" does not mean she is obligated to allow him to continue his "rape" for 9 months. Indeed, she is not obligated to allow this to continue for as long as 9 seconds.[10]

Hewitt continues in this vein:

> Keep φ the same, and now imagine we have only two people involved: A and B. B is an innocent person, and A again uses the hypnotizer to control B such that B is now φ-ing A. Call this Hypnotized Rapist 2 (HR2): A makes B φ A. A, with the aid of the hypnotizer, causes B to φ A in such a way that during that period of time, the only way for the φ-ing to stop is for A, or someone else, to kill B. And during that time, A decides that he does not want the φ-ing to continue.
>
> So we have a case where B is "using" A's body in a serious way and A wants it to stop, but A is not entitled to kill B to stop it. Thus, premise 2 of the self-defense argument is false. It is not the case that A is justified in using lethal force against B, even though the use relation obtains between them: B is in A's body in a serious way, and A wants him out.

This is problematic. What our author is saying, shorn of the philosophical complications, is that since A, the woman, in effect invited the fetus, B, into her body, she may not now turn around and cancel this invitation. But why not? Just because you invite someone into your home (or your body), does not obligate you to tolerate the "visit" for nine months. Invitations can be rescinded, after all. Nor is it even clear that the woman "invited" her child to locate inside her body. Yes, we may stipulate, she engaged involuntary sexual intercourse, intending to become pregnant.[11] But for an "invitation" to occur, there must be at least two parties: the invitee and the inviter.[12] However, at the time of the sexual intercourse, the invitee did not yet exist. It takes some time for the sperm to reach the egg, and I assume, arguendo, that the earliest stage of a human being is a fertilized egg.

Hewitt cites Long [40] as follows:

> A woman never has an obligation—or at any rate, never has an enforceable obligation—to let herself be raped. That's moral bedrock if anything is. The notion of an enforceable obligation to let one's body be used by a rapist is a moral obscenity; and the same holds for the notion of an enforceable obligation to let one's body be used as an incubator by a fetus, even if the mother is responsible for the fetus' presence there in the first place.

Not so. There is a large literature in the debate over voluntary slavery.[13] It can hardly be "moral bedrock" that the woman can have no enforceable obligation to engage in sex against her will given that the philosophical community is sharply divided on this issue. And, if the supporters of voluntary slavery are deemed correct, then not only the moral, but also the legal "bedrock" gets turned around to the very opposite point. That is, it then becomes moral and legal bedrock that this obligation is incumbent upon her.

Hewitt continues:

> We should agree that there can be no obligation of any kind to let oneself be raped. But in HR2, A is the rapist. To think that when A changes his mind he has thereby withdrawn his consent to what B is doing to him is absurd. A cannot withdraw his consent to what he is doing, or has done, to himself. B is not involved in the right way for there to be a consent issue in HR2. And so, premise 2.

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> Why is A not entitled to use self-defensive force against B? The most obvious reason is that A is responsible for bringing all this about; he has orchestrated this use of his body by B, and he is not licensed to put people into situations where they are a threat to him and then kill them in self-defense. To think otherwise would be to give a license to kill to anyone with the power to put other people in situations where they pose a serious threat.

Hewitt brilliantly demonstrates that his premise 2 ("Any serious, nonconsensual use of one person's body by another justifies lethal self-defense") is incorrect. However, he errs when he thinks that this negates the main claim now under discussion, namely, the self-defense argument not for abortion, but, for eviction, is valid. It still is, despite his important contribution to this dialogue. How so? This is because the pregnant woman may still properly, under just law, evict the fetus during the first six months of her pregnancy, and nothing said by Hewitt puts paid to this claim. Why so? This is because there is a disanalogy between the pregnant woman who evicts her fetus before the second trimester is concluded, and the hypnotist who arranges to be raped and then changes her mind. She need not kill this "rapist." She may not kill him. All she need do is evict him from her body. But that is all the pregnant woman need do. The "rapist" will not die, the fetus will, and that is one important element of the disanalogy. The point is, the evictionist need not rely upon premise two. He can be satisfied with a modification thereof. All that Hewitt has demonstrated is the fallacy of the denial of this claim: "*Some* serious, nonconsensual use of one person's body by another justifies lethal self-defense."

But Hewitt is not without a possible response to this criticism; he asserts: He "(A) cannot withdraw his consent to what B is doing to him because B is not doing anything to him. While there is sexual activity

going on and B is involved in it, B is not involved in the right way for this to constitute a violation of A's bodily autonomy by B."

Yes, B is not *doing* anything to A, the hypnotist. B cannot be engaged in human action [43] since he lacks agency, volition. However, after A no longer welcomes B into her body, B is still a trespasser. B is still occupying A's body, against her will. B of course, lacks any vestige of mens rea, in exactly the same manner as the fetus is innocent of any purposeful activity. However, proper law would allow both to be evicted from A's premises; the only divergence is that the less than six-month-old fetus will die, while B can be brought out of the state of hypnotic unconsciousness in which A has placed him, and, presumably, survive this experience.[14]

Hewitt himself sees problems in this analogy. He announces that he could

> … attempt to make an analogy argument from HR2 to the moral impermissibility of the typical abortion, but this looks like it will be tough going; in fact, the differences between the cases look so stark that it seems bizarre to seriously entertain the comparison. First, in HR2, A harms B by putting B in that intimate bodily relationship with himself, but it is far from clear that a woman harms a fetus by conceiving him. And the harm that A visits upon B is surely relevant to our judgments about what it is permissible for A to do to B in HR2.
>
> Second, one might reasonably doubt that there really is a symmetry in the use relation between the cases. After all, the woman is not using the fetus for anything; it is the fetus that is in the woman's body, and if anyone is using anyone else in the pregnancy relationship, it is the fetus using his mother.[15] This, at least on the face of it, seems different from what is going on in HR2. Third, B in HR2 is a normal human being who will be aware of the harm done to him and will, if he lives, suffer the consequences long after the event itself, whereas a fetus will not be aware of anything. One could argue that this is a morally relevant difference between the cases as well. So, it looks like an analogy between HR2 and the typical pregnancy will not hold together.
>
> But there is still a worry here, and it is generated by the use relation involved in the self-defense argument. If the use relation between mother and fetus is morally akin to intimate, sexual activity, then it is going to matter who puts whom in that relation. In HR2, as I noted above, with B being placed in the situation without his consent, it is B that is suffering a violation of his bodily autonomy. He is the victim. So, any person who puts another person in that use relation without that other person's consent will be violating that person's bodily autonomy. B could, for example, invoke self-defense as a justification for killing A to stop the φ-ing, if only he could and killing A was the only way to stop it. And a third party would be justified in doing so on B's behalf. Given this, why is it not the case that a mother violates the fetus's bodily autonomy by putting him in an intimate relationship with her; why is she not guilty of a violation of a kind that A is guilty of? And if she is, why do the same considerations not weigh against the mother's killing her fetus by abortion? After all, she put him in that intimate relationship without his consent and now plans to kill him to end it.

All this shows is that Hewitt is blessed with a creative and inventive mind: according to this logic of his, not only may the mother not kill the fetus[16] but he the fetus, if he were able, and since he is not, a third party may do this for him, is justified in killing her, in self-defense.[17] After all the fetus is in much the same position as B, the victim of the rape-mesmerism. The obvious retort is that there is all the world of difference between the two; well, at least a sufficient philosophical distance between the two cases; there is a disanalogy. But let us try to help Hewitt out a bit. How can we tighten up matters?

Reduce the philosophical distance, repair the analogy? Suppose that after A hypnotizes B, and orders him to rape her, she decides to end the rape. For some reason however, she cannot un-hypnotize the rapist B; the only way she can make him stop would be to kill him. Would she be justified in so doing? No. She is the "bad guy" of the piece. The rapist is an innocent victim. She "started up" with him, not the reverse; she initiated the uninvited rights border crossing. Yes, he is now "raping" her, but the fault for that act is entirely hers.

But this attempt of mine to save the analogy fails. It breaks upon the rock that B was alive, totally innocent, going about his business when A captured him through her hypnosis machine, and compelled him to rape her. She ruined his life.[18] She made him a victim. She worsened his condition. In sharp contrast, before the act of sexual intercourse, there was no fetus.[19] The mother, with a little help from the father, brought this new person into existence for the first time, thus, presumably, bettering his condition,[20] not worsening it.

Perhaps Hewitt and I are not that far from each other on these matters. He opines: "When A does what he does, he violates B's liberty rights and B's right to bodily autonomy. And this is very different from what the mother does when she becomes pregnant by consensual sex."

This is precisely my objection to his thesis! Yes, we draw very different conclusions from this; we are 180 degrees apart from each other. He, that the defense argument is invalid, me the very opposite.

Now consider this foray of our author's:

> If instead of A kidnapping B, A simply created him in his garage and then brought him into the bodily contact involved in HR2—or, better yet, it was the case that A could only create B by also making it the case that they were in the same sort of bodily contact described in HR2—it would not be permissible, given that B is an innocent person, for A to perform the act that created B, nor would it be permissible, given that the act already performed, for A to kill B in order to end the bodily contact that A brought about. The very act that brings on conception would be a morally impermissible act, given that the use relation that results is akin to serious sexual activity. Since one cannot obtain a fetus's consent before the fact, conceiving a fetus will constitute a violation of his bodily autonomy.

Perhaps I misunderstand this further attempt of Hewitt's to save his rape-birth analogy. But it seems to me it comes perilously close to concluding that pregnancy is a rights violation against the fetus. To the extent this is true, common sense should come to the rescue to reject any such conclusion.

III. Conclusion

It is time to end this fascinating intellectual adventure. What I conclude from it, contrary to Hewitt, is that the argument from defense still remains. The unwanted fetus, no matter how he eventuated, from real rape or from voluntary sexual intercourse, is an invader, a trespasser, a rights violator. Of course, he is also innocent, with no vestige of mens rea to his debit. Nevertheless, he is now occupying territory owned by someone else, and thus may be removed at her discretion. Does this then constitute support for abortion? No. For that is a two-part act: removing or ejecting, plus killing. It only justifies the former, that is, evictionism.

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Notes

1. Unless otherwise indicated, all mention of this author will refer to this one paper of his.
2. Only prior to the viability of the fetus; afterward, solely eviction would be justified. See on this [22].
3. In the view of Boldrin and Levine [24, p. 254]: "Take the case of slavery. Why should people not be allowed to sign private contracts binding them to slavery? In fact economists have consistently argued against slavery – during the 19th century David Ricardo and John Stuart Mill engaged in a heated public debate with literary luminaries such as Charles Dickens, with the economists opposing slavery, and the literary giants arguing in favor." For the case in favor of these types of contracts see [1]; [2]; [3]; [4]; [5]; [6]; [7]; [8]; [9]; [10]; [11]; [12]; [13]; [14]; [15]; [16]; [17]; [18]; [24]; [29]; [31]; [39]; [44]; [45, pp. 58, 283, 331]; [52, pp. 232-233]; [53, pp. 230-244]; [54, pp. 283-284].
4. Our author is also in troubled waters regarding the host mother case. She has agreed to carry the child for nine months. It should be legal to compel her to carry out her part of the bargain even if "ongoing consent" no longer exists.

5. We have to be very careful here not to be misunderstood. In the ordinary case of prostitution, if the latter changes her mind even media res, and the customer persists, he is a criminal rapist and should be jailed. However, if a specific performance contract is signed between the two of them, this does not at all follow logically.
6. For support of this contention see [19]; [20]; [21].
7. Ditto if we turned this around and supported, instead, B's right to kill C.
8. You can only expect so much from an analogy, and the one about the hypnotized rapist served us in good stead for a long while in this analysis.
9. I place no quotes around this word. I think it accurately depicts the relationship of a mother and an unwanted fetus.
10. I perhaps speak too quickly here. If a woman changes her mind in the midst of sexual intercourse and demands that her partner remove himself from her body, and he takes 10 seconds to do so, I don't think that would amount to a crime. Just how long should it take him to do so before he becomes a criminal rapist? It is difficult to give a precise answer to this question [23] but it would be a matter of seconds, not minutes.
11. The case against Hewitt is far stronger if she utilized birth control measures, which failed.
12. We leave the male parent out of this since the relationship we are now discussing includes, only, A and B, the mother and the child.
13. For the pro side, see fn. 3; here is the other side of this debate: [2]; [3]; [25]; [26]; [27]; [28]; [32]; [33]; [34]; [35]; [36]; [37]; [38]; [41]; [42]; [46]; [47]; [48, pp. 455f., 634-636]; [49]; [50]; [51]; [55].
14. If anyone was raped in this scenario, B has a better case for this role than A, given that the latter was the perpetrator. A is guilty of the crime of hypnotizing B against his will. The mother is not guilty of any crime merely for becoming pregnant. This is yet another disanalogy between the two cases.
15. Should we not say, instead, that this is a two-way street: each is "using" the other, in effect
16. For example, by evicting him during the first two trimesters, when he will perish outside the womb
17. This would be a murder suicide, since the fetus, given today's medical technology, cannot survive outside the womb of a live mother, at least not in the first two trimesters.
18. We suppose he gets no pleasure from raping her; he is totally unaware of what he is doing.
19. More strictly speaking, the fetus, the fertilized egg, did not come into being until some time after ejaculation. It takes approximately 30 minutes for the sperm to reach the egg: (https://www.healthline.com/health/pregnancy/how-long-does-it-take-to-get-pregnant-after-sex). But that is only the first step. It may take another 24 hours for the sperm to actually reach the egg and for the latter to become fertilized (https://www.novaivffertility.com/fertility-help/how-long-does-it-take-for-a-sperm-to-fertilize-an-egg). There is no fetus, until the latter period of time has also elapsed.
20. I make a great philosophical leap here and maintain that existence is preferable to non-existence. Sue me for going out on a limb in that manner.