

Ectogenesis and Misogyny

Christopher Stratman

University of Nebraska—Lincoln
Southeast Community College

Winner of the Glenn Joy Award

Ectogenesis is an emerging technology that would *inter alia* conceivably allow physicians to transfer a fetus from a human womb to an artificial womb-like environment where gestation continues until it reaches full-term.¹ In recent years, philosophers have wondered whether this technology might provide a direct solution to the problem of abortion.² On one approach, the possibility of ectogenesis shows that there is no “moral” right to the death of a fetus, since it could be safely removed from the human womb and gestated in an *ex utero* environment.³ But even if this is true, it still might be the case that societies should not implement *new* legal restrictions and prohibitions on one’s ability to safely obtain a lethal termination of their pregnancy.⁴

Why is this a problem? The significance of this issue can be better appreciated by considering what may seem to be an inconsistent triad of independently plausible statements:

(A) NO VIOLATION OF AUTONOMY: Given the possibility of ectogenesis, a fetus can be removed from a human womb without violating the pregnant person’s right to autonomy or killing it.

(B) NO MORAL RIGHT TO FETAL DEATH: Given the possibility of ectogenesis, there is no “moral” right to the death of the fetus.

(C) NO NEW LEGAL RESTRICTIONS: The advent of ectogenesis should not lead to the implementation of new legal restrictions on a pregnant person's ability to obtain a legal and safe lethal abortion.

The goal of this paper is to show that these statements are not jointly inconsistent—that is, I shall develop an argument that purports to show that (C) is true, which does not hinge on the negation of either (A) or (B).

In the first part of the paper, I shall explain why the 3 propositions (A), (B), and (C) are independently plausible, and why the possibility of ectogenesis suggests that they are jointly inconsistent. I then go on to argue that these propositions are not inconsistent, and that the reason why they appear inconsistent is because the problem of abortion has been traditionally treated as a conflict between competing rights—the pregnant person's right to bodily autonomy versus the fetus's right to life.⁵ But, once we abandon this approach to the problem of abortion, and reject (C) on grounds that abortion laws are misogynistic, then we are free to adopt a new approach to the problem of abortion, which construes it in terms of a psychological struggle between conflicting motivations, goals, desires, and expectations that a human agent experiences as a result of an unwanted pregnancy. In the final part of the paper, I shall consider how the legal questions associated with the possibility of ectogenesis reveal just how deeply one's psychological *reasons* rather than “moral” *rights* are rooted in and cannot be divorced from the social context and systems in which they are embedded.

1

Why should we accept (A)? First, the possibility of ectogenesis shows that the term “abortion” is ambiguous: It could mean *the lethal termination of one's pregnancy*, or *the non-lethal termination of one's pregnancy*. Of course, we tend to assume that an abortion just is the killing of a fetus but this assumption is false. The notion of abortion does not conceptually or logically entail the death of the fetus.⁶ This raises an important moral question: Given the possibility of ectogenesis, does a pregnant person's “moral” right to terminate their pregnancy entail that there is also a “moral” right to the death of the fetus?

According to Mathison and Davis, ectogenesis presents the problem of abortion from a novel perspective because the debate will no longer depend on whether a pregnant person's right to bodily autonomy outweighs a fetus' alleged right to life (314).⁷ Here is how Mathison and Davis describe this point:

Some theorist have argued that this technology, especially if made readily available and cost-effective, would essentially conclude the abortion debate, since the two rights commonly thought to be in tension could be jointly exercised: pregnant women will be able to exercise their right of

autonomy by terminating the pregnancy, and the foetus can be carried to term, thus not being denied its right to life. (314)

To get a better grip on this point, suppose that future medical technology has advanced to the point where fetal transfer surgery is safe and low risk with minor inconveniences to the pregnant person. And suppose that the relevant culture and society is willing and sufficiently capable of supporting hundreds of thousands of fetuses as they develop and grow into children and adults, either in the form of adoptive parents, foster-parents, or a governmental foster-care system that is sufficiently superior to our current system.⁸ Given these stipulations, the mere possibility of ectogenesis would clearly be a safe alternative to a lethal abortion.⁹ But would this violate a pregnant person's "moral" right to bodily autonomy? To ask the question a bit differently: If a pregnant person were forced to choose a non-lethal form of terminating their pregnancy, would this limit their medical choices so as to count as a violation of their right to bodily autonomy?

To my mind, how we answer these questions depends on whether an abortion just is the termination of a pregnancy, which typically results in the death of the fetus but is not necessarily tied to the death of the fetus. Or whether the death of the fetus is in some philosophically important sense logically or conceptually connected to the termination of one's pregnancy. If an abortion is conceptually distinct from the death of the fetus, then it is not clear why ectogenesis would violate a pregnant person's right to bodily autonomy. After all, ectogenesis does not prevent the pregnant person from choosing to end the pregnancy. The relevant choice, given the possibility of ectogenesis, is not between terminating the fetus or not; it is between terminating the pregnancy or not. And if this is correct, then to justify the claim that a pregnant person's right to autonomy means that they have a right to the death of the fetus, one would first need to show that the relevant choice is not merely a choice to terminate the pregnancy, but a choice to obtain the death of the fetus. But this presupposes that there is a right to the death of the fetus. So, only once one has established that they have a right to the death of the fetus could they reasonably argue that ectogenesis would limit their choices.¹⁰

Why should we accept (B)? If the fetus is a person, then (B) would immediately follow, for the same reasons that Thomson argued that if the violinist were to survive being unplugged, then you would not have a right to secure his death (66).¹¹ Presumably, most will grant this much or attempt to remain neutral regarding the moral status of the fetus.¹² But even if we grant that the fetus is not a person, it still might be the case that there is no "moral" right to its death.¹³ For instance, Warren argues:

Indeed, if and when a late-term abortion could be safely performed without killing the fetus, she would have no absolute right to insist on its death (e.g., if others wish to adopt it or to pay for its care), for the same reason

that she does not have a right to insist that a viable infant be killed. (118)

And if we assume that fetal viability is a good indication of the moral permissibility of a lethal abortion even ignoring fetal personhood, and that ectogenesis shifts the viability of the fetus to be much earlier during gestation, there would be no “moral” right to obtain the death of the fetus once it can be safely removed from the human womb and gestated in an artificial womb. And if this is correct, then to reject (B) one must show that the following conditional is false:

If a fetus can be safely removed from a human womb without a violation of autonomy and the conditions in the moral community needed to provide care for the fetus exist, then there is no “moral” right to the death of the fetus.

Notice, however, to show that this conditional is false, one must show that there *is* a “moral” right to the death of the fetus, even when the antecedent conditions have all been satisfied. Those who reject (B) do so by appealing to a fundamental “moral” right that is supposed to ground the alleged right to the death of the fetus. For instance, Mathison and Davis consider and reject three arguments for the claim that there is a right to the death of the fetus: (i) The right to avoid parenthood;¹⁴ (ii) The right to genetic privacy;¹⁵ and (iii) The right to property.¹⁶ Each of these purport to show that there is a fundamental “moral” right, which (if it exists) can be deployed in order to establish the negation of (B). While there is some intuitive pull in support of each of these claims, many have found the arguments they are supposed to support problematic.¹⁷

The general worry in each case is twofold: First, it is doubtful that the alleged more fundamental “moral” right actually exists. Second, even if it is granted that the alleged right exists, it is not clear that it can be used to show that there is a right to the death of the fetus. For our current purpose, I will not rehearse these arguments, objections, and responses here. But it is worth mentioning that, while there may not be any general unanimity amongst philosophers regarding whether the arguments in support of the claim that there is a right to the death of the fetus are sound or unsound, (B) is clearly a controversial position to take. So, one cannot reject (A) simply by assuming the negation of (B). One must demonstrate by sound argumentation that (B) is false. And in what follows I do not need to show that (B) is in fact true, but only that there is *prima facie*, defeasible evidence in support of it.

Why should we accept (C)? The basic idea is this: The problem of abortion has traditionally been understood, roughly, as a conflict between a pregnant person’s right to autonomy and the alleged right to life possessed by a fetus. If this approach to the problem of abortion is correct, then our justification for (C) must be grounded in the negation of (A) or (B), or both.

Suppose that securing the death of the fetus was morally permissible before the fetus is viable (currently at approximately 24 weeks) but not afterward, since at the point of viability it could be safely removed from the human womb and gestated in an artificial womb. But in effect, what the possibility of ectogenesis (or more specifically partial ectogenesis via the use of artificial amnion and placenta technology) means is that the point of viability might be construed by some as being far earlier during the gestation of the fetus in the human womb than it is currently. For the sake of argument, let us stipulate that ectogenesis would in fact shift the point of viability from approximately 24 weeks to 14 weeks. If the standard model is correct, then it seems to automatically follow that societies would at the very least be forced to consider whether it would be morally required to implement new legal restrictions and prohibitions on lethal abortions.¹⁸ And it is not difficult to imagine that some would go well beyond a mere question of whether or not societies should implement such technology; many likely would argue that there in fact is an obligation to restrict access to legal, lethal abortions, given the emergence of this reproductive technology. But this approach to (C) is problematic.

Let us grant that ectogenesis will in fact provide *reasons* for fewer lethal abortions. Does this *reason* count as the very same *reason* we would need in order to reject (C)? Even if it is true that partial ectogenesis would give us a reason to think there would be fewer lethal abortions, it is not obviously true that ectogenesis is also a reason to implement new legal restrictions and prohibitions on lethal abortions, since it is not obvious that these will count as the same reason. Indeed, the standard model of the problem of abortion is arguably a product of a social and historical context involving a peculiar juxtaposition of religious/political propaganda and the publications of patriarchal, philosophical and legal departments with their moral and legal scholars—that is, the standard model of the alleged problem of abortion is itself an artifact of a systemic misogynistic social environment.¹⁹ And if this is correct, then the real issue at the core of the abortion debate is intimately entwined to systemic misogyny. Indeed, this fact alone may be sufficient to accept (C).

Consider Manne's ameliorative analysis of misogyny as a structural, social function or mechanism that polices, regulates, and punishes women who fail to conform to the social norms and expectations of patriarchal systems of authority and institutions, which constitute a social context (33-34). On this view, misogyny is not an individual's attitude of hatred held about women—that is, misogyny is not a property of an individual; it is a property of a society.²⁰ If we assume Manne's (2018) view of Misogyny, this will provide us with the resources to show that abortion laws are inherently misogynistic and, therefore, they are morally problematic. So, we can accept (C) without rejecting (A) or (B) because any law that aims at restricting one's ability to safely obtain a lethal abortion are inherently misogynistic and, therefore, immoral. And this will be true even in the absence of

a fundamental “moral” right to the death of the fetus. In the next section, I will consider how this notion of misogyny can be deployed to argue in support of (C).

2

Consider the Pro-Life Movement (PLM). Proponents of PLM either implicitly or explicitly treat women (and women’s bodies) as care givers and baby producers. And according to the very extreme versions of PLM, no deviations from this central trope can ever be allowed. Indeed, an essential feature of this PLM-Dogma is a form of thought police or gaslighting such that one is not even allowed to think for themselves about abortion. The misogyny involved in PLM runs deep, insofar as a woman must be *punished* for resisting or not conforming to the social norms and expectations at the heart of our patriarchal society. Arguably, the misogyny at the core of PLM treats women as though they do not have a mind or genuine intellect—it is a kind of gaslighting and mansplaining, which controls the narrative and version of reality to be recognized.²¹ It is in this way that the misogyny at the core of PLM makes abortion laws, generally, immoral.

To my mind, then, the so-called “problem” of abortion, traditionally understood, is not a conflict between competing *rights* between the pregnant person and a fetus. Rather, it is better understood in psychological terms—as an internal and psychologically determined conflict of *reasons* that an agent experiences. Once we abandon the standard model of the alleged problem of abortion, we need not reject (A) or (B) in support of (C). We can, instead, argue in support of (C) in the following way: (1) Given that abortion laws and prohibitions are written, endorsed, promoted, etc., by those who are either directly or indirectly influenced by PLM (i.e., mostly male law-makers), it follows that abortion laws and prohibitions are inherently misogynistic and immoral—that is, abortion laws are grounded in systemic, misogynistic properties of a patriarchal society. (2) If X is inherently misogynistic and immoral, then X should be resisted and rejected. (3) Abortion laws should be resisted and rejected. (4) This suffices to demonstrate that there is good, defeasible evidence in support of (C), which does not depend on rejecting either (A) or (B).

Prior to concluding, I want to consider a further, deeper element involved in the real problem of abortion. I have been assuming that ectogenesis will provide at least one reason for widespread reduction in the overall number of lethal abortions that occur in a society. But this reason is not the same as a reason for new, sweeping implementations of legal restrictions and prohibitions on lethal forms of abortion—that is, the reason for reduction is *not* necessarily the same reason for new abortion laws. Indeed, if what I have argued is correct, if abortion laws are inherently misogynistic, then they cannot be the same. This suggests that we should reconsider how the legal questions associated with the possibility of ectogenesis reveals just how deeply one’s psychological *reasons* rather than “moral” *rights* are

rooted in and cannot be divorced from the social context and systems in which they are embedded.

To my mind, the problem of abortion is entwined with an additional philosophical problem: The problem of an agent's "meaningfulness".²² According to one view, meaningfulness just is the agent's active intellectual or psychological engagement with competing kinds of normative reasons in some form of a decision-making context.²³ If we were to accept this view, we could construe the problem of abortion as being linked to Manne's (2018) understanding of misogyny, insofar as abortion laws aim to close off from the agent the relevant decision-making contexts. Consider, for example, the way that Symons discusses and characterizes this point about what "Meaningfulness" is:

...meaningfulness is an objective dimension of importance that exists for beings capable of *freely adjudicating between kinds of normative reasons*. This adjudication involves the reality of distinct kinds of value corresponding to distinct kinds of *normative reasons*...One's determination of what kind of value should count as most important in the context of a particular decision; whether one places aesthetic value above moral value, or whether one subordinates prudentially good choices to religious values are examples of how one might constitute one's commitment to an overall conception of meaningfulness. (461)

This approach to what is meant by meaningfulness is not implausible. So, if meaningfulness just is this active intellectual and psychological engagement with competing kinds of normative reasons in a decision-making context, this would help explain why abortion laws are misogynistic and immoral.

In short, the real problem of abortion should be construed in terms of competing psychological *reasons* rather than competing "moral" *rights*. It is an ostensive example of the sorts of competing normative reasons that Symons claims constitutes meaningfulness. Thus, abortion laws prevent one from fully pursuing a life of meaningfulness, which is immoral. This is why, at least in part, we do not need to reject (A) or (B) in order to accept (C).

WORKS CITED

- Blackshaw, Bruce P., and Daniel Rodger. "Ectogenesis and the Case Against the Right to the Death of the Foetus." *Bioethics*, vol 33, no. 1, 2019, pp. 76-81.
- Cannold, Leslie. "Women, Ectogenesis and Ethical Theory." *Journal Of Applied Philosophy*, vol. 12, no. 1, 1995, pp. 55-64.
- Colgrove, Nicolas. "Defining 'Abortion': A Call for Clarity." *Theoretical Medicine and Bioethics* (2):137-175 (2025)
- Di Stefano, Lydia, Catherine Mills, Andrew Watkins, and Dominic Wilkinson. "Ectogestation Ethics: The Implications of Artificially Extending Gestation for

- Viability, Newborn Resuscitation and Abortion.” *Bioethics*, vol. 34, no. 4, 2020, pp. 371-384.
- Gillon, Raanan. “Is There a ‘New Ethics of Abortion’?” *Journal Of Medical Ethics*, vol. 27, Supplement 2, 2001, pp. ii5-ii9.
- Hendricks, Perry. “There is No Right to the Death of the Fetus.” *Bioethics*, vol. 32, no. 6, 2018, pp. 395-397.
- Horn, Claire. “Ectogenesis is for Feminists: Reclaiming Artificial Wombs from Antiabortion Discourse.” *Catalyst: Feminism, Theory, Technoscience*, vol. 6, no. 1, 2020.
- Kaczor, Christopher. “Ectogenesis and a Right to the Death of the Prenatal Human Being: A Reply to Räsänen.” *Bioethics*, vol. 32, no. 9, 2018, pp. 634-638.
- Kauppinen, Antti. “Meaningfulness and Time.” *Philosophy And Phenomenological Research*, vol. 84, no. 2, 2011, pp. 345-377.
- Kingma, Elseijn, and Suki Finn. “Neonatal Incubator or Artificial Womb? Distinguishing Ectogestation and Ectogenesis using the Metaphysics of Pregnancy.” *Bioethics*, vol. 34, no. 4, 2020, pp. 354-363.
- Manne, Kate. *Down Girl: The Logic of Misogyny*. Oxford University Press, 2018.
- . *Entitled: How Male Privilege Hurts Women*. Penguin Books, 2020.
- Mathison, Eric, and Jeremy Davis. “Is There a Right to the Death of the Foetus.” *Bioethics*, vol. 31, no. 4, 2017, pp. 313-320.
- Overall, Christine. “Rethinking Abortion, Ectogenesis, and Fetal Death.” *Journal Of Social Philosophy*, vol. 46, no. 1, 2015, pp. 126-140.
- Räsänen, Joonas. “Ectogenesis, Abortion and a Right to the Death of the Fetus.” *Bioethics*, vol. 31, no. 9, 2017, pp. 697-702.
- Romanis, Elizabeth Chloe. “Artificial Womb Technology and Clinical Translation: Innovative Treatment or Medical Research?” *Bioethics*, vol. 34, no. 4, 2019, pp. 392-402.
- Simonstein, Frida, and Michal Mashiach–Eizenberg. “The Artificial Womb: A Pilot Study Considering People’s Views on the Artificial Womb and Ectogenesis in Israel.” *Cambridge Quarterly of Healthcare Ethics* 18, no. 1 (2009): 87-94.
- Stratman, Christopher M. “Ectogestation and the Problem of Abortion.” *Philosophy & Technology*, vol. 34, no. 4, 2021, pp. 683-700.
- Stratman, Christopher M. “Ectogestation and the Good Samaritan Argument.” *Journal of Law and the Biosciences*, 2023, pp. 1–26.
- Stratman, Christopher M. “Ectogestation, In Vitro Fertilization, and the Abortion Debate.” *Monash Bioethics Review* (forthcoming).
- Symons, John. “Meaningfulness and Kinds of Normative Reasons.” *Philosophia*, vol. 49, no. 1, 2021, pp. 459-471.
- Warren, Mary Anne. “On the Moral and Legal Status of Abortion.” *The Problem of Abortion*, 2nd ed., edited by Joel Feinberg, Wadsworth, 1984.
- Wolf, Susan. “Happiness and Meaning: Two Aspects of the Good Life.” *Social Philosophy And Policy*, vol. 14, no. 1, 1997, pp. 207-225.
- . *Meaning in Life and Why it Matters*. Princeton University Press, 2010.

NOTES

1. There is a distinction between what we can call “full-ectogenesis” and “partial-ectogenesis.” The former refers to the entire fetal gestation occurring independently of a human womb. The latter refers to an ectogestation technology that allows a fetus to be surgically removed from a human womb and transferred to an artificial womb where it will continue to be gestated until it reaches full term. For the purpose of this paper, I shall focus only on the notion of partial-ectogenesis or “ectogestation” as it relates to the problem of abortion. It is also worth mentioning that this technology is importantly different from incubator technology currently used in the NICU, which serves the purpose of rescuing the viable fetus in some sense. Ectogestation is better understood in terms of artificial amnion and placenta technology, which allows for the continued development of the vital organs like the lungs, heart, and liver. While the argument to be defended in what follows does assume that the possibility of ectogestation means that a fetus will be viable earlier during pregnancy, in an attempt to remain as neutral as possible, I will not specify a specific point during gestation where the fetus would “become” viable.

2. The literature is growing, but for a representative selection of those who find ectogenesis to be a plausible solution see for e.g., Mathison and Davis; Kaczor Hendricks; and Blackshaw and Rodger.

3. But see e.g., Cannold and Overall for philosophers who holds that there is a right to the death of the fetus; and see e.g., Räsänen for an example of someone who argues that there is a collective right to the death of the fetus that is possessed by both of the biological parents.

4. The difference between lethal and non-lethal abortions will need to be made clear. But the general idea is just that one should be legally permitted to terminate their pregnancy in a lethal way.

5. For a discussion of this point, see e.g., Gillon. Additionally, I have defended similar arguments in Stratman (2023) and in a forthcoming article in *Monash Bioethics Review*.

6. This is a crucial but overlooked point. For further discussion, see e.g., Mathison and Davis 313-314. However, not everyone agrees. For a discussion of why one might believe that our concept of abortion necessarily requires the death of the fetus, see e.g., Colgrove (2025).

7. Mathison and Davis directly address this claim in footnote 2 (313-314).

8. Considerations of space preclude a needed discussion of all that would be needed for this proposed hypothetical scenario to be actualized, especially in the United States. But it will be sufficient for our current purpose to simply stipulate that this situation is not impossible, even if it is unlikely.

9. Arguably, ectogenesis technology calls into question the metaphysical and moral significance of the human womb and the artificial womb. Given considerations of space, I cannot discuss the multiple issues involved here. But, for further discussion, see e.g., Di Stefano et. al, Romanis, Simonstein and Mashiach-Eizenberg, Kingma and Finn, and Horn.

10. There may still be ways to object here, but given considerations of space, I shall move on to consider why we cannot very easily reject (B).

11. See e.g., Thomson’s discussion of the Famous Violinist case (48-52)

12. See e.g., Mathison and Davis 314.

13. For a discussion of such an argument, see e.g., Stratman (2021).

14. See e.g., Mathison and Davis 314-316.

15. See e.g., Mathison and Davis 316-317.

16. See e.g., Mathison and Davis 317-319.

17. Considerations of space preclude further detailed discussion of these arguments.

18. But consider e.g., Di Stefano et.al; see also Romanis.

19. In what follows, I shall assume Manne's understanding of misogyny from *Down Girl*.

20. Manne (*Down Girl*) develops this ameliorative analysis of the concept misogyny in painstaking detail. I am assume that Manne sufficiently develops this analysis in order to deploy it in support of (C), but one may doubt whether such an analysis can be adequately carried out for my current appropriate purposes. This is a reasonable worry but one that I do not have the space to investigate here. Future work, however, should pay close attention to objections to Manne's understanding of misogyny and my deployment of this concept.

21. For discussion of these points concerning misogyny as it relates to intellectual entitlement, see e.g., Manne's *Entitled*

22. There is a long history and well developed literature on the philosophy of "meaningfulness" or a meaningful life, which I will not comment on here because these views diverge in numerous ways. For example, Wolf ("Happiness and Meaning" and *Meaning in Life*) focuses on the notion of proper fulfillment arising from worthy love; and Kauppinen focuses on how achievement relates to our understanding of meaningfulness.

23. For further discussion of this approach see Symons. This view of meaningfulness takes it a kind of subjective experience whereby an agent actively engages in an intellectual or psychological episode involving competing kinds of normative reasons that constitute a decision-making context of the right sort. I will assume but not argue for Symons understanding of meaningfulness.