

摘要

本文主要以墮胎議題中，母親與胎兒的權利之爭做為主要的研究主題。首先，以西方主要的三大學派，自由主義、保守主義與折衷主義的墮胎論證為探討文本。其次，以各派文獻的論證，分別做出詮釋與批評，藉以釐清他們對母親與胎兒權利的主張。各派的墮胎論證，雖然支持的對象不同，卻面臨同樣的問題，即忽視胎兒與母親的連結關係，將他們視為沒有關係的兩個獨立個體，一直執著在陳述兩者的權利衝突與地位高低。但是，墮胎議題並非只是母親或胎兒某一方的問題，更不是可以用地位、權利、價值的高低做出完美的答案。所以，最後本文期望，可以找出結合道德原則、母胎連結、道德情感與實際情境做出合理考量的結論，共同思考胎兒生命權利與婦女自主權益，並強調情感在墮胎議題中的重要性，以做出合理的抉擇。

關鍵詞：墮胎、生命權、自主權、潛能性、雙重效果原則、利益原則、道德意義、遺傳意義、道德情感

Abstract

This paper deals with the rights between mother and the fetus in the issue of abortion. Generally speaking, there are three major schools, Liberalism, Conservatism, and the Eclecticism. Each schools will be interpreted, analyzed, and criticized according to their literatures and arguments. In this process, the rights of mother and of the fetus will be clarified and demonstrated. Although these three schools disagree with each other, they make the same mistake of ignoring the link between the fetus and the mother, therefore, they treat these intimate two as separate individuals without any relationship. It is no way to find a satisfactory answer in this manner. Besides, rational arguments must be balanced with affections to make a reasonable choice in the issue of abortion.

Keywords: abortion, the right to life, autonomy, potentialities, the principle of double effect, interest principle, moral sense, genetic sense, the moral emotion.