

THE ABORTION DEBATE

Abortion is a subject that embraces so many other issues: life, death, sex, religion, rights and responsibilities, the meaning of life, and so on. It is also a topic that arouses heated debate, heightened passion, anger and occasionally even violence. Part of the explanation for this fire and fury is that pro- and anti-abortionists tend to adopt extreme positions: either life begins at conception or life begins at full term; either it is only an issue of foetal rights or it is only an issue of women's rights; and either it should be totally decriminalised or it should never be legal. The language used in abortion discourse then becomes cruel and inflammatory: the pre-natal life is either a 'foetus' or a 'child', while opponents are either 'half-wits', 'religious fanatics', 'fascists', 'murderers' or 'baby-killers'.

Abortion may be defined as the deliberate termination of a human pregnancy, or the intentional destruction of the foetus in the womb. The extreme anti-abortion view that it is morally wrong at any stage of pregnancy is usually but not necessarily based on religious belief – it is also advocated by some secular humanists. There are also feminists who maintain that abortion is a medical means to manipulate and manage women to increase their availability to men. All opponents of abortion will accept the description that they are passionate people who care about the protection of the 'most vulnerable' and 'those with no voice'.

The argument is basically that there is no moral difference between killing a newborn baby and killing a foetus about to be born. Both are wrong. It is usually summarised in a syllogism, such as: the killing of a human being is wrong; an embryo/foetus from the moment of conception is a human being; therefore the killing of an embryo/foetus is wrong. We could object to the first premise by saying that mere membership of a particular biological species is not a sufficient basis for a right to life. Why should a

human being have more right to life than a pig or a cow? A Christian might reply that a human life is sacred because it is special to God as having been created in his own image –we have something of God’s nature in us – and that he created each of us for a special purpose. As for humanist anti-abortionists, while they do not believe in the sanctity of life in a religious sense, they greatly respect life and argue that only in very special circumstances should it be deliberately ended.

Suppose we say that killing in self-defence is not wrong and, after all, many Christians make this an exception to the principle that the killing of a human being is wrong, say in wartime or in capital punishment. Therefore if there is a serious mental or physical threat to the woman, an abortion would be justified. A Christian might respond by saying that it is the killing of an ‘innocent’ human being that is wrong. This might seem more persuasive. Yet, although a foetus is not an aggressor, we could question whether it is ‘innocent’. Is innocence really an appropriate description of a collection of cells?

That brings us to the second premise. It is here that the temperature of the debate rises to boiling point. Opponents of abortion speak of unborn children being ‘put to death’ and of ‘the murder of an innocent life’. The Northern Ireland pro-life campaign group Both Lives Matter recently put up a billboard claiming that “100,000 people are alive today because of our laws on abortion”. The South Down MLA Jim Wells, not for the first time, compared abortion to the Holocaust. “9.2 million people have had their lives terminated through abortion in Britain since 1967. That is actually more than the number of lives murdered in the gas and concentration camps of Auschwitz and Buchenwald” (BBC NEWS, 6th June 2018). If nearly 10 million have been murdered in the UK since 1967, then many more than 10 million – women, doctors, nurses, politicians – have been murderers. The paramilitaries who killed about 3,000 in roughly

the same period are mere amateurs by comparison, in Wells's view.

Is a foetus a human being? The pro-life case rests on the assumption that human life or personhood begins at conception. It is argued that, from the moment fertilisation occurs, the child's genetic makeup is already complete, and its gender has already been determined, along with its height and hair, eye and skin colour. Development and growth is then continuous from embryo to foetus and finally to new-born child. To choose a point in this process and say that beforehand the foetus is just a foetus and after that it suddenly becomes a person is to make an arbitrary choice that doesn't stand scrutiny.

Yet the idea that human life begins at conception is a relatively recent one. It certainly isn't to be found in the Bible, which clearly implies that it begins when the baby is born. Genesis 2:7 states that the first human became a 'living being' when God blew into its nostrils and it started to breathe. It was then that "man became a living soul". Throughout the Bible the metaphor of a seed is used: just as a seed becomes a plant when it emerges from the ground, so too a man's planted seed becomes another human being when it emerges from the womb. Moreover, the foetus in the womb seems to have been regarded as paternal property rather than a person with equal rights. Exodus 21:22-25 implies that if a pregnant woman is hit and as a result she dies, then the assailant should suffer the death penalty, but if she only has a miscarriage, then it is not a case of murder and the assailant is fined. Yet the point has to be made: although it is one of the most heated topics of our times, neither the Old nor New Testament contains any specific references to abortion.

Traditionally the Church was tolerant on abortion before the third trimester, from the time of the early church until the late 19th century. Thus St Augustine in the fifth century distinguished

between an unformed and formed foetus. Abortion could not be considered murder “if what is brought forth is unformed, but is instead at the stage of being some sort of living, shapeless thing”. This distinction between unformed and formed foetuses was maintained for centuries, although there was disagreement about the time scale. Some argued that the period of formation took about 45 days, while others claimed that it took up to 80 days. They did agree, however, that the life that came into being at the moment of conception was not yet human. Thomas Aquinas also did not call abortion homicide until around the third trimester. He declared that a foetus first has a vegetative soul, then an animal soul, and finally a rational soul when the body was developed. Aquinas’s view was officially accepted by the church at the Council of Vienne in 1312 and has never been officially repudiated.

Nevertheless, a tougher line developed in the late 19th century. As liberals in western society began to campaign for women’s rights, so the Christian churches generally became more reactionary and illiberal, and anti-abortion laws appeared in the latter half of the century. In the UK and Ireland abortion was criminalised in the 1861 Offences Against the Person Act. One of the strictest proponents of abortion as infanticide is the Catholic Church: “Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognised as having the rights of a person” (Catechism of the Catholic Church, article 2270). Conservative Christian groups such as evangelicals are nearly as strict, but (inconsistently) make allowances for saving a mother’s life or for rape or incest.

The anti-abortionist claims that the human embryo/foetus has as much right to life as we have to ours. The pro-abortionist disagrees. We shall return to this question below. Extreme pro-abortionists also argue that opposition to abortion on demand is a

patriarchal relic. Men should not be telling women what they can and can't do with their bodies. Any law which seeks to control a woman's body through her reproductive system is sexist and an affront to human dignity. If a woman decides to terminate her pregnancy because she doesn't wish to endure the risks associated with it, that's her right. Similarly, if she wants to risk her life to continue a dangerous pregnancy, that's also her right. The right to bodily autonomy includes the decision to risk one's health and life just as it includes the decision to mitigate those situations.

There are also practical advantages in an abortion. The risk of dying is 0.6 in 100,000, while the risk of dying from giving birth is around 14 times higher at 8.8 in 100,000. Women who receive abortions are also less likely to suffer mental health problems than women who are denied abortions. A recent American study found that 95 percent of women didn't regret having an abortion. Feelings of relief outweighed any negative emotions, even three years after the procedure. When performed by trained professionals, abortions are one of the safest medical procedures, whereas abortions performed by people without the requisite skills and training are extremely unsafe. The World Health Organisation called safe, legal abortion a 'fundamental right of women, irrespective of where they live' and unsafe abortion a 'silent pandemic'. Finally, there is also the undeniable fact that the ability of women to participate fully and equally in economic and social life is facilitated by their ability to control their reproductive lives. A young woman, starting out on a promising career, may not want to face the burden of raising an unwanted child.

In between the extreme conservative anti-abortion and the extreme liberal pro-abortion stances, there are several moderate positions. Many of them revolve around the question whether and when an embryo/foetus is a human being in the sense of being a person. This is not the same question as asking when life begins. It does not begin at conception because both the sperm and egg are living

entities, therefore life begins even before they combine into the conceptus. A more relevant question is, as Ann Furedi suggests: when does life begin to matter? (The Moral Case for Abortion, Palgrave, 2016, p99). Alternatively, when if at all does the foetus become a person with full and equal moral rights?

Arguably, an early foetus is not yet a person with the moral rights of personhood, any more than an acorn is an oak tree. In her essay On the Moral and Legal Status of Abortion (The Monist, 56, 1, 1973; reprinted in Ethics in Practice, ed. Hugh LaFollette, Blackwell, 1997, pp79-90), Mary Anne Warren suggests that among the characteristics which are central to the concept of personhood are: sentience (the capacity to have conscious experiences, usually including the capacity to feel pain and pleasure); emotionality (the capacity to feel happy, sad, angry, loving etc.); reason (the capacity to solve new and relatively complex problems); the capacity to communicate (by whatever means); self-awareness (having a concept of oneself); and moral agency (the capacity to regulate one's actions through moral principles or ideals). An entity need not have all these attributes to be a person. An early foetus is not likely to have any. It is not even minimally sentient, let capable of the other attributes.

The foetus, however, does acquire sentience as it develops. There is general agreement that it can feel pain by 28 weeks, though research from the Royal College of Obstetricians and Gynaecologists has found that it cannot experience pain before 24 weeks. On that basis, the British law which allows abortion up to 24 weeks could be said to be justified. 24 weeks is also generally taken as the age of viability, though a minority of foetuses born at 23 weeks have survived, and a small number a week or so earlier. Sentience and viability therefore generally coincide or come close together and, although any line drawn may be considered arbitrary, this is surely as good as any. The 1967 Abortion Act should therefore be extended to Northern Ireland.

Compromise would not, of course, please extreme anti and pro-abortionists. On the one hand, it will be maintained that a foetus is a human being from conception and should have the same rights as a human being. At the other extreme, it will be claimed that the woman should have full autonomy over her body. Ann Furedi, for example, writes that “the ethical weight placed on viability is bizarre when you consider that it is a concept that speaks to the development of society and not to the development of the foetus” (The Moral Case for Abortion, Palgrave, 2016, p106). So what? That is true for infant mortality as well. In Germany in the 19th century every second child died before the age of five.

No freedom is absolute. To argue that a woman should have bodily integrity and complete freedom to choose what happens inside her body when she is pregnant ignores the fact that at some stage the foetus is another person with moral rights. There is another complicating truth not stated so far: she is not solely responsible for what is there in the first place. Why should a woman legally deprive a man of his right to become a parent, as is the case in most countries? To suggest that the man should have no say in an abortion is to imply that he has no responsibilities either and, logically, this would apply when the child is born as well. This cannot be right. The total freedom that some feminists seek in this matter is therefore a chimera. The reality is more complex, and consultation and compromise are the only sane and sensible approaches.

Brian McClinton, January 2019