

Keep Abortion Legal

by Lionel Deimel

Religious dogma underpins anti-abortion passions. Too often, we fail to dispute its relevance and to claim precedence for individual liberty in a free society.

Principled opposition to abortion comes largely from Roman Catholics and Evangelical Protestants, who view children, however conceived, as gifts from God not to be disparaged. This view ultimately derives from Pope Paul VI's 1968 encyclical *Humanae Vitae*, which, notably, cites no directly relevant biblical authority for its moral imperatives.

The problem with viewing a pregnancy as God-given is that seeing God's hand in human affairs cannot easily be circumscribed. If God's will creates new life, are not cancers, floods, wars, and earthquakes likewise divine "gifts"? Logically, then, medical intervention, levees, diplomacy, and building codes are unnecessary and perhaps sinful, as they attempt to thwart God's will. If such conclusions are unacceptable, then the notion of a pregnancy's being part of God's plan is in no way dispositive.

The concept of a soul underlies the thinking of many abortion foes. They believe that possession of a soul endows humanness, and the intentional extinction of any human is murder. In the most extreme version of this reasoning, a soul attaches to a fertilized egg, thus creating a sacrosanct entity even before a pregnancy^[1] is established. This view logically leads to opposition not only to abortion but also to contraception. If a fetus^[2] acquires a soul sometime after fertilization, the use of contraceptives rather than the so-called rhythm method may be seen by women as licit. Pharmaceutical and mechanical contraception are widely used by Roman Catholics despite their church's prohibitions.

America is a secular nation with a tradition of separation of church and state. Codifying religious dogma in law is improper in principle, especially so when that dogma is espoused by a minority even of believers. Yet this is what abortion advocates would have us do and what legislators are increasingly willing to do.

The impulse to protect human life is deeply embedded in law. Should abortions be prohibited because the fetus is human? It surely is. But so are fingernails and skin shaved off in a fall onto the sidewalk. Is an early-stage fetus *a human*? The answer must be no. Early on, it is less complex and capable than a goldfish. Even if it has a soul—not a valid legal concern—it lacks the biological mechanisms to appreciate it or to exercise a human will in a meaningful way.

Though a young fetus is not a human, its mother certainly is. According to the U.N. Universal Declaration of Human Rights, she "has the right to life, liberty and security of person." This, along with America's self-declared commitment to individual liberty, suggests that a woman has a right to end a pregnancy within her own body without state interference.

^[1] Medical science considers the implantation of a fertilized egg into the uterus as the beginning of pregnancy.

^[2] I use "fetus" to encompass a fertilized egg and everything into which it can develop, including, ultimately, a baby. This usage is unconventional but is adopted because no existing word has the intended scope. I use "mother" and "woman" to refer to the pregnant person carrying the fetus, irrespective of any other concerns, such as the genetic relationship of mother to fetus.

Does the state have a compelling interest in preventing abortions? Early in gestation, it is difficult to see one. If we need more citizens, increasing immigration is a more direct way to obtain them than is requiring women to carry unintentional and unwanted pregnancies to term.

Some argue that an abortion ban is needed for the “protection” of women, but from what harm? Some women regret their abortions; many are relieved by them. An unplanned pregnancy can derail an education or career, can lead to financial hardship, and can endanger a woman’s life. An abortion, after all, is nearly always less risky than carrying a pregnancy to term. A government that “protects” a woman by removing her freedom to terminate a pregnancy is a paternalistic state that infantilizes women and makes them second-class citizens. We are all diminished thereby.

Women have myriad reasons for choosing abortion, and, through much of a pregnancy, we have no right to second-guess their decisions. At some point, of course, it is difficult not to view a healthy fetus as an actual human not subject to abortion. We can debate where that point is; it is surely before the mother is in labor. The Supreme Court once identified fetal viability as the critical point, but the threat now is that the court might instead choose implantation or even fertilization.