

Science shifts the goalposts on abortion

by Chibli Mallat

A moral dilemma has confronted America for most of the past three decades since the US Supreme Court protected a woman's right to terminate her pregnancy in *Roe vs Wade* in 1973. Like most fundamental conflicts, abortion is the object of an apparently irreconcilable tug-of-war.

On one side stand pro-lifers opposing "the murder of an innocent living soul." On the other side stand the pro-choicers, who depict themselves as the champions of "a woman's right over her body", including her right to properly administered medical help to free her from an unwanted pregnancy.

For the former, abortion is a murderous act committed against a living being. For the latter, forbidding a pregnancy termination by law means that the state is tampering with a basic human right in this case of a woman to exercise her choice not to be a mother.

The debate has not subsided over the years. For some liberals the Supreme Court erred in interfering in a matter best decided by the majority in each state. In a famous comment about "the wages of crying wolf," the court "mistook a definition for a syllogism" when it asserted the centrality of the issue of viability, and defined it as the moment when "the fetus has the capability of meaningful life outside the womb". The broad view of the pro-lifers is that the cut-off limit of no abortion after three months of pregnancy was arbitrary and unsustainable, and that life starts at conception.

The dilemma has deepened with further questions besetting the parameters on both sides. Liberals cannot deny medical advances which day by day narrow the time between conception and viability. Should the abortion limit be brought forward or put back as medicine and technology bring closer to conception the viability date?

It is difficult to play Solomon to cut through an eternal debate, especially when science has altered the time frame of the viability of life. Fifty years ago, the acutely premature baby had little or no chance of survival. Today, a child born after five months in the womb can mature as successfully as the baby born after a full nine-month pregnancy. More cheers for science on that, but the dilemma of the abortion cut-off date becomes more critical.

Some perspective might help. Few in the Grand Old Party would support a ban on the use of openly available contraceptives. Despite this, there are religious circles for whom use of a contraceptive device is sinful.

The struggle between nature and science has also hit the abortion issue from the side. The impact of AIDS in America and elsewhere has encouraged campaigns for the use of condoms to protect both men and women by reducing the risks of sexual contact. The correctness of such campaigns, even the free and wide distribution of condoms as the most efficient preventive device, is generally accepted as being beyond moral or legal questioning by the American public.

Advances made by medical science increasingly destabilize the terrain of the debate. Between the "day after pill" and RU-486 (Mifepristone), which came to the US from France, termination of pregnancy has been made almost as easily available to a woman as the contraceptive devices that no one argues could or should be outlawed.

Whatever the theological debate over contraceptives, it is not within the contemplation of any law or legal project in the United States to forbid their use.

With the day after pill and RU-486 tablets, taken after a positive conception test, devices for termination of pregnancy have become much simpler to administer medically. Widely available technology leaves it up to women to choose to take the day after pill. The self-administration of the US-improved versions of Mifepristone is pushing state involvement in pregnancy termination out of the picture. Those who continue to oppose Mifepristone tablets are losing the argument as the convenience and effectiveness of these drugs give women the choice to have sex without the need to undergo surgery to terminate a pregnancy. While still in need of some medical oversight, the pregnant woman's self-administration of RU-486 allows her effectively to carry out an abortion several weeks into pregnancy.

As a result of the advances of science, the ethical question of a woman's right to stop her body's reproductive process has become blurred, as conception, contraception and abortion are all being forced into the same theological, moral and legal mold.

This doesn't end the debate, but it shifts its premises. Nearly three decades after *Roe vs Wade*, the day after pill and RU-486 make the constitutionally protected right to the termination of pregnancy increasingly moot. The struggle to outlaw abortion is doomed unless pro-lifers are ready to demonstrate as they do outside abortion clinics in front of every pharmacy and medical facility.

While pro-choice is gaining a practical advantage, a morally correct position still needs to be defined, even if abortion is joining suicide as a phenomenon that cannot be outlawed by statute.

How a moral stance gets translated into an effective public measure is the key question, and the role of an American president needs to be defined in the context of the sea change that science has brought to the abortion debate. Life and termination of life are serious matters never to be dismissed lightly. As science advances, morality must be enhanced, not diminished, and humanity should increasingly stand firm on whether the embryo is a real or potential soul and, with the progress of science, as a baby whose development of a few weeks now makes him or her capable and worthy of life.

How should a president deal with the parameters set by *Roe vs Wade* in the light of these scientific advances? The answer will remain difficult morally, but the new premises have shifted the debate. Science enhances life and the right to life, so one should continue to insist that termination of pregnancy is an abnormal, difficult and sad course of action. At the same time, the state has lost the means to prevent the advances of medical science which increasingly place within a woman's reach the opportunity to terminate her pregnancy with little or no help from surgeons.

What is required now is a mature presidential drive to support the day after pill and RU-486 as an alternative to surgical abortions. In practical terms, a successful presidential policy is one which sees the rate of surgical abortions fall in response to public campaigns which make most pregnant women who do not wish to become mothers able to dispense with *Roe vs Wade's* unconvincing cut-off dates.

This brings up one of most important features of US civilization the role of science in the American way of life, and the leadership needed to protect that role and enhance it. The debate provoked by the discovery of RU-486 and related medication is another illustration of science on life's central stage and the difficult choices it provokes.

One of the most important choices of the next president should be the selection of his scientific advisor. Beyond the role of setting policy, he or she will also carry the responsibility of upholding ethics in an increasingly science-driven world.