Abortion has been with us since the earliest of times. Over the thousands of years humans have practiced abortion it was never as controversial an issue as it has become in North America today.

Why is that? Partly, I submit, because of our renewed interest in the concept of human rights and partly because of our ability now to take pictures of the fetus.

Dr. Nathanson's "The Silent Screamer," for example, has played on emotions by depicting supposed images of the fetus having certain intentional states.

We respond to certain visual images as if morality were merely a matter of taking the right snapshots. We respond warmly to seal pups and to some endangered species but our reactions are largely aesthetic and not moral.

For example, a few years ago, hearing that the smallpox virus was about to be wiped out, I tried to establish a "Save the Smallpox Virus" organization, but had little success. I am sure it was because I didn't have any cute snapshots of the little critters that my organization was such a failure.

Lawyers busy

Human rights have become central to our discussions of morality over the past 50 years: we Canadians have even recently enshrined ours in a constitution. One of the results of that endorsement is the increase in work for lawyers. Why is that? Because conflicts of rights are bound to come up, and those conflicts must be adjudicated somehow.

Over the thousands of years since Hippocrates or some Greek wrote the oath for physicians, there have been arguments to take the circle of "right's bearers" larger and larger.

Remember, in Hellenic Greece rights were enjoyed by persons who were male, Greek property owners.

Over time we came to include in the circle other tribes and finally even women!

We discovered that restricting the set of rights bearers to the grounds of sex, race, tribe, religion, etc., was not morally justifiable.

And now we hear that we should enlarge the circle that final dimension, to include in the set of rights bearers, the fetus from the moment of conception. (Others even argue that the circle should contain all animals.)

States by a 1973 Supreme Court decision, and in Canada by a 1988 court decision may be complicated by questions such as the permissibility of aborting a fetus solely because it is of an undesired sex, or because other genetic traits discovered through screening may be unwanted.

Health workers engaged in genetic counselling often must deal with these questions.

Equally pressing are the issues that arise with the birth of severely defective infants. As with life prolongation for the adult, there are sophisticated technologies for keeping alive extremely premature or damaged newborns.

The high financial costs of such technologies, and the often high social costs that may result (many infants who are saved by these radical techniques will be retarded or physically disabled in later life), may persuade both parents and doctors to withhold treatment and let the infants die.

Arguments

And I think that the argument for the right to life has a certain power over all of us when put this way. From the moment of conception we have a human being and all human beings have rights. One of those rights is the right to life; abortion is the taking of that life; and that is a violation of basic human rights.

Therefore, the argument concludes, we should ban all abortions.

What is wrong with this argument?

First of all, not every thing that is a human being is a person. By person I mean an individual with all the moral and legal rights generally characteristic of what commonsense tells us a person is.

Rational beings from some other planet, although not human beings, might well be persons in this moral sense. God and angels, and other spirit beings, are not human beings either but are surely to be considered persons in this moral sense. Not every human being is a person. And not every person is a human being. And we do want to hold on to the dual principles of sanctity of life and protection of the weak.

Complicated

The ethics of abortion, which was legalized in the United

Tough cases

And what of tougher cases? What of the 12-year-old girl who is pregnant as a result of an incestuous act? Are we going to force her to carry to term? Or the rape victim? Again, the conservative position would force the woman to carry the unwanted fetus to term. This is what one writer quite correctly calls compulsory pregnancy.

But what of tough cases against the liberal position? What about aborting the fetus just because the pregnancy interferes with an opportunity to travel to some exciting place? Or what of the claim that many women are using abortion as a kind of birth control device? If that abortion, like all birth control methods, leads to promiscuity? Is that kind of behaviour to be condoned by society?

How are we to deal with the moral aspects of these kinds of cases?

Here we seem to find the final battleground for the consequentialists and the non-consequentialists: what matters is the principle says one (hold on to your principle at all cost), what matters are the consequences says the other (principle be damned).

No wonder there is confusion and the wringing of hands.

Part 3 will be published in Thursday's Daily Free Press.