The 12th week is the focal point

Let me state my position: the choice is not between abortion and no-abortion, but between abortion and contraception, the choice is between abortion and compulsory pregnancy.

I will argue that before the 12th week there is no subject just an object and hence to terminate the pregnancy during that first 12-week period it is the duty to the woman and her physician.

After that 12-week period there is a person and abortion at that point does involve a subject and hence is the concern of society because the taking of a person's life is a moral matter.

Some abortions after 12 weeks are morally permissible and some are not.

But, isn't this 12-week decision offered here merely arbitrary?

Let us remember that "... the cultural task of defining terms, and settling on appropriate and inappropriate times, is far more than a matter of getting our dictionary entries right. It is nothing less than a way of deciding what should be valued, how life should be understood, and what principles should guide individual and social conduct," Dr. Amelush.

We have an analogy that will be useful here. The analogy comes from the other end of our life cycle, namely, death. It would seem that death should be a straightforward concept, easy to understand and to apply in a particular case. But that is far from true. Death also requires a change in definition as the situation and context changes.

Although it was fine in Aristotle's time to say that death was when the person stopped breathing, that did not work out when later we had new information and understanding about the cardiovascular system.

We came to believe that it was possible for a person to not breathe but still be alive. In fact we learned how to assist with breathing so that life could continue even though the person had lost the ability to breathe.

We changed our definition of death to mean "cessation of heartbeat" because we knew that about how the heart functions. After some time that no longer was sufficient either, as new technology made it possible for us to keep the heart beating even though the patient had no brain activity.

Finally, then, we changed the defining characteristics again: This time to our present notion of cessation of brain waves. The pressure to make this kind of change came in part from our interest in obtaining parts for transplant. We wanted to have a dead person before we had dead parts.

I submit that our definition of when life starts, is or should be, consistent with our definition of when life ends.

This consistency would lead us to accepting the 12-week line for life on the grounds of fetal development, for as Dr. Andre Heillegers writes in "Fetal Development"... after 12 weeks the fetus has completed its brain structure... and there will be readable electrical activity coming from the brain.

This time is roughly synonymous with quickening which occurs between the 12th and 16th week in normal cases. Quickening is or has been the criterion for hundreds of years for it was with quickening that the woman knew that she had a live child in her body.

Until the 12th week, then, there is nothing to kill and so there is no reason to be concerned about abortion in these first trimester cases.

Early detection, easy access to abortions, no moral stigma: all of these humane practices flow from this position. No longer do we have to insist on compulsory pregnancy to save a principle in the face of hard and real human choices which come up in the cases of rape and incest.

Immorality of two viewpoints

Any position which insists that a woman who has been raped must now be forced to carry the issue to term is immoral.

Any position which insists that a woman who has been the victim of incest, and has as a result become pregnant, must carry to term is immoral.

Those who would hold on to the principle, no matter what its consequences, have not understood what morality is all about.

No moral person, I submit, would refuse to lie in order to save an innocent person's life, no matter what Immanuel Kant wrote.

And no moral system will allow its principles to permit clearly immoral acts. There comes a point when we must as persons evaluate the principles offered by our moral and theological texts. I hold that abortion in the first 12 weeks is just right.

And what of abortion after 12 weeks? Some tough cases will still arise in the last two trimesters. I believe that we should consider the fetus at the 12 weeks for the reasons I have already provided. It follows from this that the fetus after 12 weeks would be covered by the principle of right to life. Once there is a person there are the rights obtaining there.

Does that mean that no later abortions would be allowed? No, it means that the 12-week plus fetus is a person covered by full legal and moral rights. And there are cases where we are justified in taking another person's life. But we are accountable to provide reasons when such killing is necessary. Self-defense counts as such a reason. Some forms of abortion are also justifiable. In those kinds of cases abortions in the latter two trimesters would be allowed.

One reason the liberal position has been difficult to defend is that it was seen as being unable to come to grips with the infanticide issue.

The problem the liberal encounters is essentially that of specifying a cutoff point that is not arbitrary: at what stage in the development of a human being does it cease to be morally permissible to destroy it? We need to be clear about the distinction.

The conservative's objection is that since there is a continuous line of development from the zygote to the newborn baby, one must conclude that if it is seriously wrong to destroy a newborn baby it is also seriously wrong to destroy a zygote at some intermediate stage in the development of a human being. His point is rather that if one says it is wrong to destroy a newborn baby but not a zygote or some intermediate stage in the development of a human being, one should be prepared to point to a morally relevant difference between a newborn baby and the earlier stages in the development of a human being.

The position presented here argues that we can say, with some good reasons of both logic and empirical evidence, when we have a person. If a fetus is the basic unit, then the decisions about abortion should flow directly from the reform definition that has been established. Principles are useful and often embody the wisdom of the past, but we cannot follow them blindly or without thought.