

Contemporary secular philosophers and abortion and infanticide

This article is one of a series on the topic of abortion which are all available at the website

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Abortion in the modern world

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Contemporary secular philosophers and abortion and infanticide

When is a person? Christian perspectives on the beginning of life

Abortion – ethical dilemmas and compassionate responses

Ronald Dworkin

We shall look first at Professor Ronald Dworkin's book, *Life's Dominion - an argument about euthanasia and abortion*, a highly influential and beautifully written exposition of a modern liberal position. It is important to understand that Dworkin is writing out of the American experience of violence and social unrest over abortion. He is concerned that these deep-rooted divisions in society will continue to fester, leading ultimately to civil breakdown and widespread violence. How can we live together as a society when we differ about such a fundamental issue as to whether the life of a fetus is sacrosanct? According to Dworkin there is only one answer; we must agree to disagree. He argues that although abortion is an extremely divisive issue in Western societies, in fact nearly all members of those societies hold fundamental convictions about the sacred and 'inviolable' nature of human life. It is just that we have very different ideas of in what that 'sacredness' consists.

The 'conservative' position sees the sacredness of human life in its natural creation, in its biological origin and make-up. On the other hand the 'liberal' position perceives the sacredness of any individual human life in terms of the human investment and contribution

which that particular life represents. Dworkin writes strikingly of the process of self-creation which a human life entails. As soon as a pregnancy is planned, creative decisions are being made,

'.....because a deliberate decision of parents to have and bear a child is, of course, a creative one. Any surviving child is shaped in character and capacity by the decisions of parents and by the cultural background of community. As that child matures, in all but pathological cases, his own creative choices progressively determine his thoughts, personality, ambitions, emotions, connection and achievements. He creates his life just as much as an artist creates a painting or a poem.... We can - and do - treat leading a life as itself a kind of creative activity, which we have at least as much reason to honour as artistic creation. The life of a single human organism commands respect and protection, then, no matter in what form or shape, because of the complex creative investment it represents, and because of our wonder at the divine or evolutionary processes that produce new lives from old ones, at the processes of nation and community and language through which a human being will come to absorb and continue hundreds of generations of cultures and forms of life and value, and, finally, when mental life has begun and flourishes, at the process of internal personal creation and judgement by which a person will make and remake himself, a mysterious, inescapable process in which we each participate and which is therefore the most powerful and inevitable source of empathy and communion we have with every other creature who faces the same frightening challenge.'

In Dworkin's view 'conservatives' view the destruction of human life as wrong because of the intrinsic or innate value of life. 'Liberals' view the destruction of human life as wrong because of the frustration of all the human contribution to that life. There is a spectrum of belief between those who put all the emphasis on the intrinsic element of the sanctity of life and those who put all the emphasis on the human contribution to the sanctity of life.

He illustrates this by giving the example of a young single woman who has an unwanted pregnancy and who has to face either an abortion or abandoning her education to care for the

child. The 'conservative' person views the abortion as wrong because it frustrates the intrinsic natural value of the human life of the fetus. The 'liberal' regards continuing the pregnancy as wrong because the life of the fetus has had very little human contribution and therefore its destruction causes little frustration of human life. Moreover, the forced abandonment of the mother's education frustrates her life and is therefore an offence against the 'sacredness' or inviolability of the mother's life. So an abortion should be performed to respect the sanctity of the mother's life! Dworkin writes '..it may be more frustrating of life's miracle when an adult's ambitions, talents, training, and expectations are wasted because of an unforeseen and unwanted pregnancy, than when a fetus dies before any significant investment of that kind has been made'.

It is the difference in conservative and liberal conceptions of the sacredness of human life that leads to very different views about the morality of abortion. Dworkin then goes on to argue that at root, the difference between the 'conservative' and the 'liberal' position is a religious or spiritual difference. Dworkin argues that the atheistic secular liberal's system of beliefs has 'a place in the life of its possessor parallel to that of the religious person's belief in God'. The liberal's beliefs affirm an essentially religious idea, that the importance of human life transcends subjective experience. Both the secular liberal and the Christian believer hold religious or spiritual beliefs about human life. It is just that they differ in those beliefs. Dworkin hopes that this insight will mean that real community is possible across deep religious divisions. 'We might hope for even more - not just for greater tolerance but for a more positive and healing realization: that what we share - our common commitment to the sanctity of life - is itself precious, a unifying ideal we can rescue from the decades of hate.'

If beliefs about abortion are essentially religious beliefs, then the modern state should not *coerce* its citizens to adopt one particular set of beliefs. Arguing from major constitutional debates taking place particularly in the USA, Dworkin concludes that the right of privacy of individuals gives them the right of *procreative autonomy*. Because beliefs about abortion are fundamentally religious issues, the state must allow citizens to exercise freedom of religion.

"If we have a genuine concern for the lives others lead, we will also accept that no life is a good one if lived against the grain of conviction, that it does not help someone else's life to force values upon him he cannot accept...." .

Dworkin puts forward a hypothetical example. Suppose that in some country or state a majority of voters decide that it shows *disrespect* for the sanctity of life to *continue* the pregnancy if there is severe fetal malformation. 'If a majority has the power to impose its own views about the sanctity of life on everyone, then the state could *require* someone to abort, even if that were against her own religious or ethical convictions.' We would rightly think that was intolerable. But Dworkin states that the argument applies with equal force in the opposite direction. A government just as seriously insults the dignity of a pregnant women when it forces her to continue a pregnancy against her deeply held convictions. The democratic majority should not be able to *coerce* people to act against their 'religious' beliefs.

This brings Dworkin to his conclusion. Modern liberal societies have shown how different religious groups can live together, by differentiating between "public" matters and "private" matters. The laws of the state are able to direct and coerce citizens on public issues, but freedom of conscience must be allowed on private matters. Private matters are those which are a matter of individual preference and belief. By removing religion out of the public sphere and putting it in the private sphere we are able to live together in harmony despite our religious differences. We can respect one another's differences without threatening social harmony. Since beliefs about abortion (and for that matter, euthanasia) are essentially religious beliefs, they should be removed from the public sphere and placed in the private sphere. We can respect one another's ethical views as essentially religious differences. If a liberal society is going to survive, the law must allow abortion whenever a mother's individual autonomy demands it.

I have used elsewhere the hypothetical example of the two operating theatres side by side, with one carrying out a procedure to protect the life of a fetus whilst in the other a procedure

is carried out to end the life of an identical fetus. This hypothetical example is a startling illustration of procreative autonomy being worked out in practice. Dworkin would argue that the existence of the two mutually contradictory operating theatres is a triumph for the democratic principle of individual autonomy. The procedure in one operating theatre is likely to be based on the 'conservative' philosophical view that the value of a fetal life is intrinsic. The adjacent operating theatre is working on the alternative 'liberal' philosophical position. In any genuinely democratic society, both operating theatres should be made available. Any individual woman is free to decide which operating theatre she opts for and thus whether she wishes her fetus to be saved or destroyed. You pay your money and you take your choice.

There is clearly some force to Dworkin's arguments. We do have to live together as a pluralistic society, a society in which there are deep divisions in religious and philosophical beliefs. But deep down, many of my professional colleagues and many other lay-people in our society feel uneasy about the situation in the two operating theatres. Can a society survive in which such totally contradictory activities are being officially approved and carried out with state help? Can a society survive in which some state employees are saving lives and other state employees are destroying identical lives? What kind of vision of society is this?

Does it make no difference to me what practical decisions you make about the ultimate value of life and vice versa? Is society just a collection of private individuals all doing their own thing? The very fact that many disabled people like Tom Shakespeare and Christy Nolan want to protest against the abortion of affected fetuses is evidence that this is an inadequate view of society and of the value of human life. It seems to me that the liberal individualistic concept of society as a series of autonomous individuals is a modern mythical construction. It does not fit with reality and it does not fit with our deepest human intuitions.

The Christian perspective on society is very different. Christian thinking views us as locked together in mutual dependence with bonds of loyalty and responsibility to each other. Of course we may differ fundamentally in our beliefs, we may have unique attributes and

personalities, but even so we are not just a collection of autonomous individuals. What I do affects you and what you do affects me. If we treat the abnormal fetus with contempt it does have an undeniable effect on disabled people in our midst. In Christian thought human beings are one family and the rules that should govern our relationships are family rules, rules of duty, loyalty, responsibility and care for all of God's creation.

Peter Singer

Professor Peter Singer's views on abortion can be found in his influential book *Rethinking Life and Death* first published in 1995. To Peter Singer it seems self-evident that the life of a fetus is worth less than the life of a healthy adult, and the life of a handicapped child is not as valuable as that of a healthy child. Neither the fetus nor the newborn baby can be regarded as a 'person', an autonomous, choosing individual. Singer concedes that there are some differences between the fetus and the newborn baby, in that the baby is no longer dependent on the mother's body and that if the baby is unwanted by the mother, it can be cared for by someone else who does want it.. However ultimately both abortion and infanticide are acceptable options. The parent's choice, their free autonomous decision is central. If they want the baby to live that's fine, but if they don't wish their baby to survive, it is morally acceptable to get rid of it, either before birth or after birth, provided we do it cleanly and painlessly. Singer quotes with approval the celebrated case of a baby called John Pearson who was born with Down's syndrome in Derby General Hospital in June 1980. When Molly Pearson, John's mother was given the news, she wept and said to her husband: 'I don't want it, Duck'. The baby was under the care of the respected paediatrician Dr Leonard Arthur, who prescribed 'nursing care only', together with regular doses of a potent analgesic. The death of John on the fourth day of life led to a celebrated murder trial. The charge was subsequently changed to attempter murder and after complex legal argument Dr Arthur was acquitted.

To Singer it is inexplicable and irrational that we are prepared to abort a fetus with Down's syndrome, but we are not prepared to kill a newborn baby with the same condition. He argues that this is merely a curious quirk of a society influenced by Judaeo-Christian religious ideas.

'Killing unwanted infants or allowing them to die has been a normal practice in most societies throughout human history and prehistory' It was not only ancient Greek and Roman societies who practised infanticide. Anthropologists confirm that most forms of human societies have approved of the killing of unwanted babies. Singer writes 'We find it in nomadic tribes like the Kung of the Kalahari desert, whose women will kill a baby born while an older child is still too young to walk.....Japanese midwives who attended births did not assume that the baby was to live; instead they always asked if the baby was 'to be left' or 'to be returned' to wherever it was thought to have come from. Needless to say, in Japan as in all these cultures, a baby born with an obvious disability would almost always be 'returned'.' 'Even in nineteenth century Europe, unwanted infants were given to foundling homes run by women known as 'angel makers' because of the very high death rates that occurred.....It is worth knowing that from a cross-cultural perspective, it is *our* tradition (original emphasis), not that of the Kung or the Japanese, that is unusual in its official morality about infanticide.' . Yet Singer sees an increasing public acceptance of some forms of selective medical infanticide in Western societies. 'Thousands of years of lip-service to the Christian ethic have not succeeded in suppressing entirely the earlier ethical attitude that newborn infants, especially if unwanted, are not yet full members of the moral community.

This material is adapted from *Matters of Life and Death (2nd edition)* by John Wyatt, published by IVP.

For responses to these arguments from the perspective of the Christian faith please see the two articles on the website johnwyatt.com:

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