

of RU-486. They refer to the drug as a "human pesticide" and denounce its use as "chemical warfare on the unborn."

Another dimension of the social-policy debate over abortion in the United States involves the use of a rare, late-term abortion procedure identified medically as either *intact dilation and extraction* (intact D&X) or just *dilation and extraction* (D&X). Opponents of the procedure commonly refer to it as "partial-birth abortion." Intact D&X, which is sometimes used for late second-trimester abortions, as well as for third-trimester abortions, can be understood as a variation on the D&E procedure discussed earlier. In its most notable form, intact D&X involves the partial, feet-first delivery of the fetus, followed by extraction of the brain in order to collapse the skull, so that the head can then pass through the cervix. Whereas standard D&E results in a dismembered fetus, intact D&X results in an "intact" fetus. The history of legislative efforts to ban "partial-birth abortion" is already very complex, as is the history of constitutional challenges to such bans. In *Stenberg v. Carhart* (2000), the United States Supreme Court struck down Nebraska's ban on "partial-birth abortion." At the time this case was decided, similar bans existed in about thirty states. Subsequently, Congress passed the Partial Birth Abortion Ban Act of 2003. As of this writing (spring 2006), the federal ban has been found unconstitutional by district court judges in San Francisco, New York, and Lincoln, Nebraska. Further, the Nebraska district-court ruling has been upheld by the Eighth Circuit Court of Appeals, and the case (*Gonzales v. Carhart*) is expected to be heard by the Supreme Court in fall 2006. In one of this chapter's readings, George J. Annas provides a rich account of the constitutional issues in *Stenberg* as they played out in the Supreme Court decision. The analytic framework embraced by the five-to-four majority in *Stenberg* seems to entail that the Partial Birth Abortion Ban Act of 2003 is unconstitutional, but the changing constituency of the Supreme Court introduces a significant element of uncertainty—on this particular issue and on all abortion-related issues.

Thomas A. Mappes

The Unspeakable Crime of Abortion

Pope John Paul II

Insisting that we must "call things by their proper name," Pope John Paul II identifies abortion as the *murder* of an innocent and defenseless human being. He considers some of the reasons ordinarily given to justify abortion and concludes that such reasons are never sufficient to justify the deliberate killing of an innocent human being. He then identifies several groups of people and claims that these

From *Evangelium Vitae*, encyclical letter of John Paul II, March 25, 1995. Reprinted with permission. © Libreria Editrice Vaticana, 00120 Città del Vaticano.

groups, in various ways, share in the moral guilt associated with the practice of abortion. In the end, John Paul II argues that *from the moment of conception* a human being is a person or, at any rate, must be respected and treated as a person.

Among all the crimes which can be committed against life, procured abortion has characteristics making it particularly serious and deplorable. The Second Vatican Council defines abortion, together with infanticide, as an "unspeakable crime."¹

But today, in many people's consciences, the perception of its gravity has become progressively obscured. The acceptance of abortion in the popular mind, in behaviour and even in law itself, is a telling sign of an extremely dangerous crisis of the moral sense, which is becoming more and more incapable of distinguishing between good and evil, even when the fundamental right to life is at stake. Given such a grave situation, we need now more than ever to have the courage to look the truth in the eye and to *call things by their proper name*, without yielding to convenient compromises or to the temptation of self-deception. In this regard the reproach of the Prophet is extremely straightforward: "Woe to those who call evil good and good evil, who put darkness for light and light for darkness" (*Is* 5:20). Especially in the case of abortion there is a widespread use of ambiguous terminology, such as "interruption of pregnancy," which tends to hide abortion's true nature and to attenuate its seriousness in public opinion. Perhaps this linguistic phenomenon is itself a symptom of an uneasiness of conscience. But no word has the power to change the reality of things: procured abortion is *the deliberate and direct killing, by whatever means it is carried out, of a human being in the initial phase of his or her existence, extending from conception to birth.*

The moral gravity of procured abortion is apparent in all its truth if we recognize that we are dealing with murder and, in particular, when we consider the specific elements involved. The one eliminated is a human being at the very beginning of life. No one more absolutely *innocent* could be imagined. In no way could this human being ever be considered an aggressor, much less an unjust aggressor! He or she is *weak*, defenseless, even to the point of lacking that minimal form of defence consisting in the poignant power of a newborn baby's cries and tears. The unborn child is *totally entrusted* to the protection and care of the woman carrying him or her in the womb. And yet sometimes it is precisely the mother herself who makes the decision and asks for the child to be eliminated, and who then goes about having it done.

It is true that the decision to have an abortion is often tragic and painful for the mother, insofar as the decision to rid herself of the fruit of conception is not made for purely selfish reasons or out of convenience, but out of a desire to protect certain important values such as her own health or a decent standard of living for the other members of the family. Sometimes it is feared that the child to be born would live in such conditions that it would be better if the birth did not take place. Nevertheless, these reasons and others like them, however serious and tragic, *can never justify the deliberate killing of an innocent human being.*

As well as the mother, there are often other people too who decide upon the death of the child in the womb. In the first place, the father of the child may be to

blame, not only when he directly pressures the woman to have an abortion, but also when he indirectly encourages such a decision on her part by leaving her alone to face the problems of pregnancy:² in this way the family is thus mortally wounded and profaned in its nature as a community of love and in its vocation to be the "sanctuary of life." Nor can one overlook the pressures which sometimes come from the wider family circle and from friends. Sometimes the woman is subjected to such strong pressure that she feels psychologically forced to have an abortion: certainly in this case moral responsibility lies particularly with those who have directly or indirectly obliged her to have an abortion. Doctors and nurses are also responsible, when they place at the service of death skills which were acquired for promoting life.

But responsibility likewise falls on the legislators who have promoted and approved abortion laws, and, to the extent that they have a say in the matter, on the administrators of the health-care centres where abortions are performed. A general and no less serious responsibility lies with those who have encouraged the spread of an attitude of sexual permissiveness and a lack of esteem for motherhood, and with those who should have ensured—but did not—effective family and social policies in support of families, especially larger families and those with particular financial and educational needs. Finally, one cannot overlook the network of complicity which reaches out to include international institutions, foundations and associations which systematically campaign for the legalization and spread of abortion in the world. In this sense abortion goes beyond the responsibility of individuals and beyond the harm done to them, and takes on a distinctly social dimension. It is a most serious *wound* inflicted on society and its culture by the very people who ought to be society's promoters and defenders. As I wrote in my *Letter to Families*, "we are facing an immense threat to life: not only to the life of individuals but also to that of civilization itself."³ We are facing what can be called a "*structure of sin*" which opposes human life not yet born.

Some people try to justify abortion by claiming that the result of conception, at least up to a certain number of days, cannot yet be considered a personal human life. But in fact, "from the time that the ovum is fertilized, a life is begun which is neither that of the father nor the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already. This has always been clear, and . . . modern genetic science offers clear confirmation. It has demonstrated that from the first instant there is established the programme of what this living being will be: a person, this individual person with his characteristic aspects already well determined. Right from fertilization the adventure of a human life begins, and each of its capacities requires time—a rather lengthy time—to find its place and to be in a position to act."⁴ Even if the presence of a spiritual soul cannot be ascertained by empirical data, the results themselves of scientific research on the human embryo provide "a valuable indication for discerning by the use of reason a personal presence at the moment of the first appearance of a human life: how could a human individual not be a human person?"⁵

Furthermore, what is at stake is so important that, from the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human

embryo. Precisely for this reason, over and above all scientific debates and those philosophical affirmations to which the Magisterium has not expressly committed itself, the Church has always taught and continues to teach that the result of human procreation, from the first moment of its existence, must be guaranteed that unconditional respect which is morally due to the human being in his or her totality and unity as body and spirit: *"The human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life."*⁶ . . .

NOTES

- 1 Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 51: "Abortus necnon infanticidium nefanda sunt crimina."
- 2 Cf. John Paul II, Apostolic Letter *Mulieris Dignitatem* (15 August 1988), 14: AAS 80 (1988), 1686.
- 3 No. 21: AAS 86 (1994), 920.
- 4 Congregation for the Doctrine of the Faith, *Declaration on Procured Abortion* (18 November 1974), Nos. 12–13: AAS 66 (1974), 738.
- 5 Congregation for the Doctrine of the Faith, Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation *Donum Vitae* (22 February 1987), I, No. 1: AAS 80 (1988), 78–79.
- 6 *Ibid.*, *loc. cit.*, 79.

QUESTIONS

- 1 John Paul II emphasizes that we must "call things by their proper name." Is abortion murder?
- 2 Is the fetus a *person* from the moment of conception? If not, at what point does a developing human being become a person?

On the Moral and Legal Status of Abortion

Mary Anne Warren

Warren, defending the liberal view on abortion, promptly distinguishes two senses of the term *human*: (1) One is human *in the genetic sense* when one is a member of the biological species *Homo sapiens*. (2) One is human *in the moral sense* when one is a full-fledged member of the moral community. Warren attacks