

---

## The Consequences of a Human

---



---

## Treating the Fetus as Being

---

by Kevin Kelly

A forty-day-old human embryo, life size.

FOR A WHILE NOW I have been wondering what the specific consequences of treating the fetus as a human being would be. Last summer I mailed a query similar to this page to regular contributors to *Whole Earth Review* soliciting conceits. I asked them to pass my request on to friends who might have something interesting to say. I said:

I am looking for unexpected effects that would surface if large numbers of our society started treating the fetus as a human being. Certainly a tide of legal, social, moral, and medical questions would immediately arise.

Besides the obvious issue of abortion there would be a host of genetic and biological dilemmas — surrogate mothering, eugenics, test-tube babies, and all the tangled rest we haven't confronted yet. If we treated the fetus as a human being, how would that change things? What would happen? Can we imagine it?

If you don't think the fetus is a human being, how bad would it be? If you do think the fetus is a human being, how good would it be?

I am not impartial to this. Anne Herbert, the gifted writer and former editor of this magazine who inspired this project (although she has nothing to do with it or my ideas) suggests that if we want peace we must imagine a world without killing in all its particulars as a first step.

I would like us to imagine a world without killing the unborn, where the fetus was treated as a human being. What would the consequences be? I'd like the zealous pro-lifers to imagine that, the consequences of no abortions; and all the women and men in the many details of their lives, what not killing the unborn would mean to them, how it would hurt, the trouble and pain it would cause. I would like the pro-abortion choosers to imagine a world where the fetus was treated as a human being, where the misery of an unwanted child was not dealt with by killing the child. Suppose there's this place where fetuses are treated as humans, so when one is conceived unintentionally, or by force, or by research, it's taken care of, it's dealt with, things are changed at a great price to grant it its existence. It takes courage to even imagine that. Can you see it?

It's sometimes hard to see. Watching women who are unfairly overburdened with the responsibility of kids makes it hard to imagine. I think it's wretched that so many men deny responsibility for the fetus they coinstantiate. Abandoning this responsibility brings wretchedness to the women who are wrongly asked to deal with the fetus's compounding demands alone, and it too often brings fatal wretchedness to the unborn fetus. If you regarded the fetus as a human being how would it change your approach to sex?

I think considering the fetus a human being would keep our definitions of "human" wide. We would be less likely to narrow our acceptance of who is human, to cast away those not formed like us. As it is, we find it particularly tempting to eliminate those who don't meet our specifications (white, extra-bright, no defects) while they are yet voiceless and unseen, whereas once they are born we are obliged to accept and adapt to their otherness. Imagine a world where the misshapened were not permitted to live, where everyone was "normal." That's the opposite of a place where the fetus is treated as a human being.

I imagine not only less violence against the unborn, but more regard for it. One of the consequences of treating the fetus as a human being is that we would treat it as something with its own inherent value, not just something that had potential. It would have worth and meaning merely because it is human, not because of what it has done, not because of what it will do, but because it is.

Usually we fall into thinking of a pregnant woman and her fetus as being adversaries battling over exclusive rights, the right of a woman to control her body versus the right of the fetus to live long enough to control hers. I am trying to imagine what it would be like if we choose to help both the fetus and the mother, if we gave them both all the support they needed to live and live well, if we decided they both were valuable and important. What would that mean to us as a society? If we choose to use all our resources, anything it took to make that happen, what do you think it would be like?

I think it would be a royal pain. It would cost a lot. The consequences of treating the fetus as a human being means life for the soon-to-be born and a lot of trouble for the rest of us. It's not convenient. It means sacrifice and going out of our way. It means treating not only the fetus as a human being but also women and the handicapped babies that would be born, treating them as human beings too. It probably also means treating our enemies as human beings, but all that suddenly sounds so difficult that I understand again why we shy away from it, especially when we are in the embrace of one we love.

There are many immediately difficult consequences no matter how we treat the fetus. What do you think the consequences of treating it as a human would be?

That's my rap.

I'm sure there would be all kinds of effects, unpleasant and wonderful, that I haven't considered, but you might have. I'm looking for concrete examples of consequences. Details we shouldn't overlook while we imagine. Send them to me at *Whole Earth*.

What are the consequences of treating the fetus as a human being?

This inquiry was suggested to me by Sallie Tisdale, who provided the following puzzles that sparked that question in her mind.

## The puzzle

If "extra" embryos are created with test tube fertilization, can they be thrown away? Who disposes of them, the donors or the physician? A lab technician holds two vials, one filled with eggs and one filled with sperm. He dumps first one, then the other, down the drain. Again he holds two vials, one of eggs, one of sperm. He pours both into a third vial and waits a few moments, then dumps that vial down the drain. Is there a qualitative difference in the actions? Is the second action abortion? Again he mixes the two vials, planning to implant a viable fertilized egg, only to learn that the woman has been discovered to have a medical problem making pregnancy impossible. Can he get rid of the fertilized eggs now? Does he have a duty to find a surrogate?

(See *Journal of Medical Ethics*, 1982:57 and 1984:2)

§

The sperm and egg are mixed and ready for implant when the parents are killed in an accident. Who has custody of the embryos? Can the embryos inherit the parents' assets? (It was clearly the intention of the parents to carry the embryo to term and raise it). If there is a will naming children "known or unknown" as heirs, does the physician have a legal obligation to attempt to bring the embryo to term? Can the embryo be adopted and have its rights to now-dead parents terminated? Who is responsible for cost of care and education? If destroyed, who carries out the destruction?

§

Historically, a child born dead was allowed to inherit, but this was only related to children conceived in utero. Children killed while in utero have been denied damages and rights, but recent decisions have reversed this tradition. Unborn infants have 'sued' for both criminal and malpractice injuries.

In Dec. 1978, the New York State Court of Appeals held that a doctor may be responsible for an abnormal child's life-long special care payments if the mother was not properly advised of the possibility of a defective child (and given the option to abort). This is very close to a "wrongful life" decision, because it is saying that the doctor, if he had allowed or offered to assist the woman in killing a possibly defective child before birth, would have been more correct than in allowing it to be born. (See *Associated Congenital Malformation*, Ed. M. El Shafie and Charles H. Klippel, 1981.)

§

A 40-year-old woman, after many years attempting to conceive, became pregnant with twins. It was discovered through amniocentesis that one twin had Down Syndrome and the other was normal. She considered aborting both babies in order to avoid the birth of the Down child, but instead elected an experimental technique by which the Down child was killed (at five months' gestation) by the removal of half its blood. The dead fetus shriveled up as the live fetus grew, and was expelled after the normal birth of the live child.

The technique was dangerous to the normal child and can be seen as controversial for that reason alone. Also, the wrong fetus could have been killed. Since the law gives the mother control over the fetus until approximately six months' gestation, any damage to the normal fetus would have been noncriminal (although it's possible the physician could be sued for malpractice if the normal child or the mother were injured — usually, informed consent for experimental procedures covers all possibilities).

§

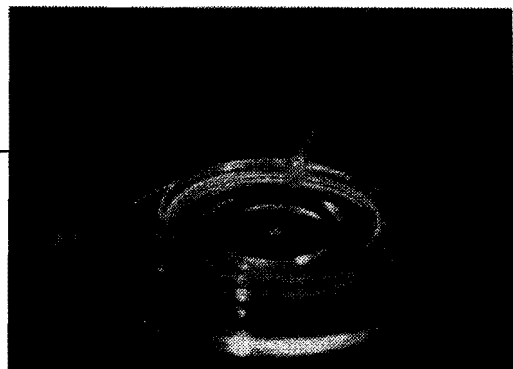
If a child is aborted by saline or prostaglandin injection and is born alive, what is the duty of the physician and nurses in attendance? Of the mother? Doctors have been sued successfully both for not attempting to revive the live fetus, and for refusing to stop revival attempts. If the fetus lives, who is responsible for its care and the financial obligation incurred? What if, in the process of abortion or resuscitation, the fetus suffers brain damage and is permanently disabled? Can the mother apply for custody, or does an attempt to abort a child constitute child abuse to the child?

§

The famous 1973 abortion decision by the Supreme Court, *Roe v. Wade*, allows states to legalize abortion up to the point of viability. In most states this has been interpreted as being between 24 and 26 weeks' gestation. Fetuses born prematurely as young as 23 weeks have survived with intensive care (although they suffer a very high rate of neurological and other physical as well as cognitive deficits, including deafness and blindness). How is viability defined, and who defines it? Should the Supreme Court periodically review viability as a time frame, based on new techniques, or demand that states revise their laws based on a "best-case scenario" for fetal survival?

§

In a number of cases, a woman has been



In vitro fertilization: egg meets sperm in a petri dish.

advised that her baby's survival depended on a Cesarean section birth, and the woman has refused to undergo the surgery. In most of these situations, time permitting, a judge has ordered the surgery to be performed against the woman's will for the sake of the child. Cesareans, especially emergency ones, carry a degree of risk to the mother, both to her health and to her reproductive future, and also are riskier for the child. In the past decade a good deal of research indicates that Cesarean sections are greatly over-used and abused by physicians, and in many cases a vaginal birth would have been not only possible but preferable. However, the urgent necessity in these cases prohibits lengthy consideration, and only the team of physicians available have the information necessary to determine its import. *Roe v. Wade* would seem to indicate that at term a woman no longer controls the life of the infant. However, there is no other procedure in which a person could be forced to undergo surgery for the sake of another person.

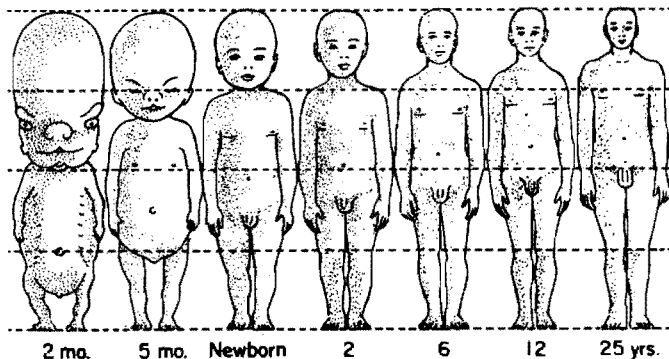
§

Fetal surgery is still experimental, but in



Donor sperm is frozen, then stored in numbered vials. To date, three fertilized eggs — embryos — have been frozen, thawed and implanted successfully.

Changes in proportion of the human body from 36 weeks to adult. (From *Growth*, by W. J. Robbins, 1928.)



certain specific conditions such as renal hydronephrosis has proven to be life-saving to the child. A number of other conditions are under investigation. Amniocentesis can detect 5 to 10 percent of all congenital malformations, although results of the test come less than a month (in most cases) before the limit for abortion. Fifteen percent of all amniocentesis tests, however, are either harmful or inaccurate, and in some cases are fatal to the fetus. Fetal surgery itself raises a number of problems:

- A normal child could be mistakenly diagnosed (by amniocentesis) and either aborted or operated on. Who is responsible, if the parents are warned of the percentage of risk?
- Could known or suspected carriers of genetic disorders be forced to have prenatal screening, and forced to undergo abortion or surgery? We already provide for this as a society by condemning incestuous relationships, even marriage between first cousins.
- How low do the risks of surgery have to be before a mother could be forced to undergo an experimental procedure? What if she carries twins? What if the risks are low but the likelihood of benefits is also low? Abortion law would indicate that a woman could refuse any procedure on behalf of her child up to the third trimester.
- What if the surgery will save life but the child will still be handicapped? What if the parents alternative to surgery is abortion? Who decides the "best interests" of a child, and can death be in the best interests of a person faced with a permanent disability?

(See *The Unborn Patient: Prenatal Diagnosis and Treatment*, by Michael R. Harrison, Mitchell S. Golbus, and Roy A. Filly, 1984.)



Preemies as young as 23 weeks old (about one pound in weight) are nursed in a plastic womb, and can survive to become healthy adults.

## The consequences of treating the fetus as a human being

What would follow the simple wording that life begins at conception and is from that moment entitled to constitutional rights? Here are a few possibilities:

- Both mother and fetus would have equal right to continued life, therefore if pregnancy endangered the mother she would not automatically be allowed to protect herself (perhaps the fetus could be charged with attempted murder . . .). The same goes for twins and other multiple births; each has a right to consideration.
- Such procedures as amniocentesis and fetal surgery would be controlled, allowed only in times of saving life, and then the risk factor to mother and/or other siblings poses extremely difficult questions.
- If the mother requires treatment for a condition that threatens the life of the fetus, like appendicitis, would her receiving that treatment depend on whether or not the child could be removed and hooked up to something like E.C.M.O.? — after all, maternal death means fetal death.
- IUDs would be illegal, because one of the theories of their effectiveness (and no one really knows) is that they cause abortion. The Pill, too, could come under fire, because it simulates pregnancy.
- Abortion, of course, would be murder — premeditated. Many "aggravated murder" statutes would call for the death penalty in such a case.
- Fetal surgery, internal and external monitoring, hospital birth, Cesarean section, etc., could be required, according to prevailing medical opinion.
- All women of child-bearing capability could be prevented from working in environments potentially harmful to a fetus — and almost any environment carries that risk. They could also be prevented from using substances that harm fetuses, such as tobacco, alcohol, prescription drugs, etc. Any such behavior would constitute either child abuse or attempted murder or assault and as such would have to be reported. (A nonreporting witness would become a conspirator or an accessory.) For that matter, discussing abortion could be construed as conspiracy.
- Further problems of law arise, such as property rights, inheritance and the admin-

istration of wills, discrimination against sex, race, or handicap. The fetus would be a tax dependent, and a dead fetus would have an estate to be administered.

Can you think of more?

—Sallie Tisdale  
Portland, OR

I fear we would behave more stupidly en masse than we already do now. We would be denying an obvious biological difference between potentially and actually viable life forms; we would once again be asserting that the highest and best use of a woman's life is childbearing; we would be negating the progress that has resulted from questioning that assertion; we would be removing yet another crucial responsibility from the realm of the personal and awarding it to society (and society has yet to prove itself to be a very great cherisher of the sanctity of persons); we would be making our culture even more disastrously homogeneous and homocentric than it already is.

At the most mundane and actual level, if we treated the fetus as a person, things would not be so very much different than they are now. Hypocrisy would be even more rampant; women's lives would be even more difficult; and there would be a lot more litigation and law enforcement to do, which would employ the burgeoning numbers of lawyers and hopeful legislators of morality.

—Stephanie Mills  
Maple City, MI

The consequences would be that, for the first time in this country since the invasion of the white man, there would be no group of human beings who are lawfully the victims of those with power. The consequences would be a country where no one's life is considered disposable, and all human beings would share equal protection under the law. The consequences would be true equality and not an atmosphere in which rights are designated to a favored majority, or minority, by those who are unfortunately in the position to make such determinations. Whether we could live with such startling consequences remains to be seen, since they are not consequences we have im-

posed upon ourselves as a nation since its inception.

A truly terrifying thought to pursue is rather: "What are the consequences of NOT treating the fetus as a human being, and what is such a perverse mentality the consequence of?"

—Juli Maltagliati  
Wheaton, MD

Every human being now alive as well as every human being that walked the face of the earth is or was at one time a fetus. And that should lead to a more relevant if more somber thought: What are the consequences of *not* treating the fetus as a human being?

History provides answers enough to such a question if we expand the question to its proper form. What is the consequence of some people treating other people as if they were not human beings? Up until the middle of the last century, the judiciary of this country specified that blacks were property, not people. If the issue had been debated then, and it was, proponents of slavery would have predicted the economic collapse of the South as the direct consequence of treating the Negro as if he were human. The South did suffer an economic collapse as a result of not treating blacks like humans, but the collapse was a consequence of the Civil War. Had they voluntarily emancipated the slaves, the war might have been avoided.

The same point could be made about the Third Reich. Ruin for Germany was the ultimate consequence of *not* treating the Jew as a human being. Should we expect a different fate? All Jews and all blacks were once fetuses. Abortion simply substitutes ageism for racism. Stage of development becomes the criterion whereby people are selected for extermination. Houses divided don't stand. The ultimate consequence of not treating human beings like human beings is ruin. It happened with blacks and Jews in the past; it's happening with the unborn, half of whom presumably are female, now.

But what about the women? Presumably one half of all those exterminated *in utero* are female. This seems a peculiar basis for sisterly solidarity, to say the least. Abortion is only plausible if one ignores large amounts of reality, and part of that reality is the state grown-up females find themselves in as a result of abortion on demand. Andrea Dworkin in her book *Right Wing Women* gives as accurate a description of the state of affairs as anyone:

It was the brake that pregnancy put on fucking that made abortion a high priority political issue for men in the 1960s — not only for young men, but also for the older leftist



What should we do with pictures of aborted babies, like this fetus found at a municipal incinerator in Wichita, Kansas?

men who were skimming sex off the top of the counterculture and even for more traditional men who dipped into the pool of hippie girls now and then. The decriminalization of abortion — for that was the political goal — was seen as the final filip: It would make women absolutely "free." The sexual revolution, in order to work, required that abortion be available to women on demand. If it were not, fucking would not be available to men on demand. Getting laid was at stake.

I once asked Laura X, the anti-rape-in-marriage crusader, what she thought of Dworkin's statement. She answered that she thought it was brilliant.

"I would also say that that's true about the pill," she added. "I remember writing a pamphlet in 1970 called *The Pill Is a Male Plot*."

"Do you think abortion is a male plot?" I asked.

There was a pause.

"It serves men in the ways that she describes, yes."

"Why are feminists for it then?"

I never got an answer that made any sense to me. The question came back to me when I saw a film of a suction abortion. Seen from the outside, the fetus is virtually invisible. That leaves one acutely aware of the violation that is being perpetrated on the woman by the abortionist. Her feet are suspended over his head in stirrups. He begins by ramming a number of graduated steel rods into her cervix to expand it to the point where it will accept the suction curette, whereupon he begins sawing away at the woman's vagina, causing the clear plastic tube leading from the curette to the suction machine to fill up with blood — the woman's and her daughter's (at least half of the time) commingled.

Feminists are under a spell. How else

could they consider a violation of this sort liberation? If they and our society were to treat the fetus like a human being, the evil spell would be broken. Reality could flow back into their lives like sound into an unclogged ear. No more guilt-ridden protests full of Orwellian euphemisms about "products of conception" and "reproductive freedom." No more refusing to look into the microscope the way Galileo's contemporaries refused to look into the telescope. Reality may not seem like much at times, but at least it's, well, real. It's better than pretending — pretending, for example, that we were not once what we are now allowing to be killed, and pretending that we can deny humanity to one segment of the world's population without denying it to ourselves in the bargain. The final consequence of treating the fetus as a human being would be a sigh of relief. It would be okay to be human again.

—E. Michael Jones  
South Bend, IN

I imagine a place where a woman (and possibly her current mate) can go to report an unwanted pregnancy and receive help. This would be much like the unemployment office, where people get help finding jobs and receive intermediary paychecks. In addition to financial help there would be counseling to help the parent(s) decide if they could keep this child. And if they truly can't, then do they want a contact adoption or a non-contact adoption. If they opt to keep the child, will they want further state help in the form of food, shelter, jobs, money, and education (for themselves and the child). Will an unwanted child receive extra points on a civil service exam to make up for being unwanted? Will there be scholarships for them much like the ones currently available for the orphaned children of military personnel? Will parents who truly want a child declare this child to be unwanted simply to get some of these extra helps?

—Lois Wickstrom  
Tampa, FL

It will doubtless mean that as in the old days, the rich can have abortions because they can pay the exorbitant cost and can make the necessary connection with a greedy but competent doctor. The poor fetus will either survive or be ripped out with a coathanger. The unborn, like the rest of us, will discover their fate is largely determined by their race, economic status, and genealogy.

If we are to treat the fetus as a human being, we will treat it variously: sometimes with utmost attention, sparing no expense, and sometimes with murderous brutality. Much will depend on which womb the fetus finds itself in. Commie

fetuses will not fare well in this hemisphere. Fetuses afflicted with rare diseases may on the other hand be pampered endlessly, or at least until the experiments are over. The possible complications are mind-boggling. What if pregnant women become terrorists, hijack a jet, and are critically wounded in a shootout? Will the medical team rush to protect the terrorist fetus? If the mother is brain-dead, will a prosecutor nevertheless insist on her "right to life" — a right perhaps even more easily defended since her bad ideas have vanished with the lost cortex? What would the police do if hundreds of pregnant women assembled in front of the Washington Monument and threatened to have abortions right there unless Reagan undertook serious efforts at arms control? What would they do if an angry abortion-clinic bomber seized a hospital and threatened to disconnect the artificial hearts unless the Supreme Court reconsidered its stand on abortion?

purpose in the scheme of things. Some of them touched more directly, to be sure: pregnant women who don't want a child or people whose loved ones have become medical experiments or legal test cases. I have noticed that those directly affected, more often than not, wish the rest of us would leave them alone.

To sum up, I guess I cannot generate great concern for the fetus and its rights, as a special case. My view is that humans need to treat each other much better and more evenly. The fetus is a human being and so is the terrorist.

—Will Baker  
Guinda, CA

If fetal life is not to be terminated — if pregnancy is "irreversible" and a woman, once impregnated, must pretty much "bear with it" — then a man's obligation to support grows proportionately larger, too. It would certainly be sad and disappointing, as well as unjust, if the obligations for nurturing new life were to weigh solely upon the bodies and minds of women. Men have a capacity for benevolence and devoted love which can be activated when, through their sexuality, a pregnancy occurs. Men's emotional — as well as material — support for their families can make the difference between procreation as a biological slavery imposed on the female, and procreation as an ongoing, life-giving partnership which brings out a generous response from both the man and the woman.

Attitudes relating to family planning would change if abortion were eliminated as an option. The IUD and the Pill, morning-after and month-after methods would be ruled out because of their destructive effects on already-transmitted life. (There is a good case to be made against the IUD and the Pill on the grounds of women's health as well. Perhaps they should be banned as a consequence of "treating the woman as a human being.") The other, nonabortifacient forms of birth control — except for sterilization — all have a comparatively higher "failure rate" — this means that both women and men would be expected not to engage in reproductive-type intercourse unless they were willing to accept the distinct possibility that they might become parents by doing so.

Random sexual hunger and the vagaries of passion being what they are, we'd be expecting a fairly high level of sexual wisdom and self-control from people. This in turn requires a critique of our culture's very high levels of public sexual stimulation, much of which comes down to commercial pandering, i.e. trying to get at your wallet via your crotch.

The use of developing human beings as subjects for medical experimentation

would halt if we treated the fetus (and embryo and zygote) as a human being. This would slow down, and perhaps stop entirely, the development of extra-uterine methods of human gestation, which some reproductive technicians have proposed. That research goal might be permanently foreclosed if manipulations upon human offspring at very early ages were seen as being unethical; human procreation would thus stay within women's bodies rather than being transferred to laboratory equipment.

If we treated fetuses as human beings, it would be inconsistent to cease giving them the same consideration after they were born. It might therefore lead to treating girls and boys, in general, as if they were human, too; and then, perhaps, men and women.

That could, without exaggeration, be termed unprecedented; and its consequences have yet to be seen. I can only say I think it would be quite wonderful.

—Juli Loesch  
Erie, PA

When human beings begin to treat human beings as human beings, they will understand what human beings beginning to be human beings are.

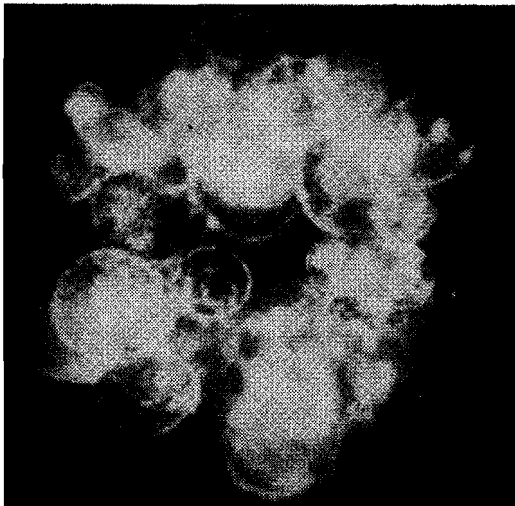
—Heathcote Williams  
Cornwall, UK

When my wife saw your topic, "The consequences of treating the fetus as a human being," she said, "What else would it be? A pig, or a sheep?" And that is the way I would approach your problem. A human fetus is a human being because a human being is what it is.

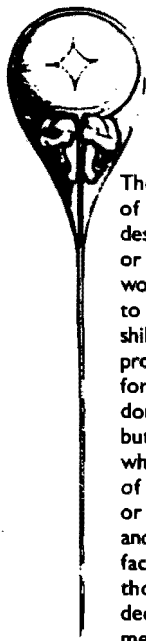
The first mistake may have been in calling it a "fetus." In the tongue of our real experience we don't say "fetus." We say "child" or "baby." When we talk, like clinicians, about "aborting a fetus;" we are implicitly acknowledging that it is wrong to kill a child. "Let us destroy this fetus," we are saying, "before we have imagined its human face and suffered its human claims."

And this is what we mean when we speak of our warheads destroying an "enemy city": "Let us kill them abstractedly and far away, before we have seen them clearly enough even to hate them." Suppose our government should begin to say to us, "Let us be ready to kill all the Russian men, women, and children." It would be different. The greatest difference would be made by the thought of the children. Humanity has always understood that it is a horrible thing to make an enemy of a child.

What if we did treat our "fetuses" and our "foreign enemies" as human beings? It would be fearful indeed, no one can doubt it. For then we would have to take



(Top) A microscopic view of human sperm. (Above) An incipient human six days old. (Below) A 1694 diagram of a baby inside a sperm cell.



The fetus has particular clout because of its innocence and defenselessness: its destiny can be determined; whether killed or nurtured, it represents a brave new world. All the above subjects have come to serve, I think, as rallying points or shibboleths, ways of concentrating and propagating various psychic and cultural forces. The process is complex and I don't pretend to understand it very well, but I suspect that most of the people who get greatly exercised over the issues of abortion, human rights, transplanted or artificial organs, the sanctity of life and international terrorism are not, in fact, directly and personally affected by those issues; but they are stirred very deeply all the same, are made to consider meaning and morality and their place and

up living in reality. And reality always instructs us, when we become bold enough to venture into it, that we do not know enough to kill a human being. We are not eligible to accept that responsibility. Reality informs us that we live in mystery. A child may be a great burden or a great privilege. An enemy may become a friend, a friend an enemy. The value of a human life can only be determined by experience. That is our problem, and we have plenty of reasons to regret it. But the problem is only made worse by the assumption that there are simple technological remedies.

What is most disturbing about the acceptance of abortion as a normal solution is its association with "sexual liberation." One of our prominent characteristics as a nation now is the wish to free sexual love of its consequences — which is to say that we have become a nation of fantasists. In reality, sexual love has consequences. It has consequences even if it does not result in babies. But until recently, babies were understood to be among its expectable consequences. Sexual love, that is, was understood to be connected to fertility. And this connection gave sex the power of an endlessly ramifying wonder and joy: It renewed our kind and therefore our hope. (It involved us also, of course, in the history of the failure of hope; not all babies, by any means, have been a joy to their parents or a credit to humankind, though these failures do not license the destruction of babies.) But with us, sex no longer has a place either in human nature or in human culture. We have made it a specialty, degraded and industrialized, an energy mined and merchandised for quick consumption, exhausted in use.

Surely it is too much to expect that the "freedom" and "naturalness" of technological sex should prepare us to become proper nurturers of children. In general, it seems likely that we will care for our children neither more nor less than we care for one another as adults. And the true caring of adults for one another always involves respect, devotion, fidelity, restraint — all the cultural means of preserving the natural life.

I don't mean to underrate the danger of the "population explosion" or to rule out "birth control" as a consideration. I do think that the belief that "there are too many people" is potent with violence toward some people — "fetuses" or any other unpowerful group or class or race. And I think that the now almost universal insinuation that sexual love may properly go free of sexual discipline is as gross a danger to humanity as any other that we face.

—Wendell Berry  
Port Royal, KY



Fetal brain development.

W. Haseell-Coveen

Abortion is an issue I've never made up my mind about. As a feminist, I can sympathize with the pro-abortion view. As a former fetus, I can understand the anti-abortion view. Having thus come down so squarely on the fence, I'll answer your question.

The legal complications of declaring the fetus to be a person would be immense, thus bestowing great happiness upon lawyers and great misery upon the rest of us. Abortion would become illegal, but many women would seek illegal abortions, as they have in the past. A father of the unborn child, or a man who only claimed to be the father, could ask for a court order prohibiting an illegal abortion of "his child." Could such an order be enforced? I doubt it. How could any court distinguish an abortion from a miscarriage? Wouldn't the father be free to get injunctions against amniocentesis and other "invasive" diagnostic techniques? If the fetus is a person, wouldn't the mother be entitled to AFDC payments immediately upon becoming pregnant? I can envision class action lawsuits "on behalf of" the unborn against polluters, manufacturers of junk food, and advocates of abortion.

—Mark O'Brien  
Berkeley, California

Ah — to imagine a world without killing, a world with peace. What a grand dream it is. Imagine a world in which the unborn child is as cherished as the one held in your arms asleep, a world in which the same arms are open to the unprepared and unhappy and unable, the worn and tired and abused. A world in which each of us, gladly, moves over to make room, give a little, reach out. No killing. Who can argue with such liberation?

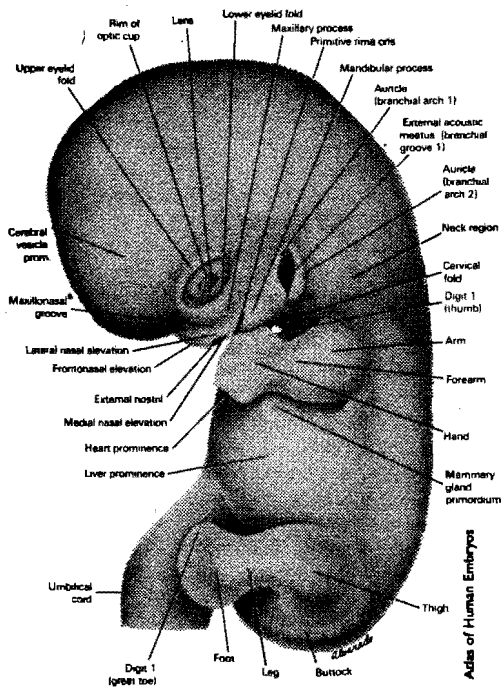
This post-liberal fallacy in all its politically correct prose — I can argue with it. This is what Buddhist scholars have long called the "heresy of love and light," of being "stuck in heaven." There is great hazard in clinging to ideals: hazard that in doing so, we might turn away from what is, and hazard that we might find it expedient to try forcing reality to fit the ideal. It is undeniably important to be able to imagine a different world — but it is a terrible mistake to think that imagining it will make it real. That way leads to despair, and that way leads, too, to tyranny, fascism, and Orwellian twists of experience.

I find it notable that many of the left-

leaning pacifists who are beginning to speak out about abortion are childless. Childless, too, the writers, editors, and artists of the alternative media, and the political activists who cross the country to speak. Just who, I wonder, will be scooting over to make room? Well, corporations should, of course, and the defense budget, and suburban consumers and the rich everywhere. And if they don't? Who moves over, buys another bag of groceries, opens the hide-a-bed for a million more poor mouths and their million poor mommies? You, him, her, over there, cough up, fork it over — my own home is cozy enough. I can't.

Abortion has been carried to an extreme. My research often takes me to the netherland of medical texts — I see the pictures, blink twice at the research abortion has, in passing, made possible. I have no blinders about that. Do we really think a world without abortion will be a world of moderation? Zealousness is so human a response to believing one is right, after all. If the fetus, overnight, is declared a human, granted the rights of a human, then we trade one kind of barbarism and murder for another. Women of child-bearing age (that's you and me, sister) would be prohibited from working in jobs or environments that might harm a fetus — could be prohibited, in fact, from working anywhere that wasn't proven to be safe. We could not drink alcohol or smoke. We would be required — at all times — to follow careful diets, keep our weight down, avoid venereal diseases and prescription medications and certain teratogenic illicit pleasures. For a woman to do any of these things would be tantamount to reckless endangerment at best, to negligent homicide or first-degree murder at worst. Oh, and birth control — most methods work by interfering with a fertilized egg (a human now) and so must be abandoned. Back to rhythm — remember rhythm? (Better make that three million babies.) The fetus could sue for property rights, inheritance, product liability, violation of civil rights, and put each of us in jail. If you doubt these possible futures, you do not read the newspaper.

I have another little problem with this vision. What if I do open my arms, my home, my wallet to some little lost 15-year-old girl, pregnant and afraid, and offer to care for her and her child? What if I do, and she still doesn't want to carry that baby? She just might say no to my offer. What then — do I force her



Portrait of a seven-week-old human fetus, about 18mm (¾"). It has a brain, a stomach with digestive juices, and arm muscles that work.

to accept my gift, my vision? What of peace then?

I ask my liberal abortion-doubting friends why they haven't adopted an unwanted child, or sheltered a pregnant girl, and they say: I'm single. I can't afford it. I have work/art/political action to do that takes all my time. I don't know how. I'm scared. This litany sounds familiar; these are the reasons women seek abortions, seek them sadly, guiltily.

The trouble with imagining a world without killing is that we live in a world full of it. We can be here, or we can lay around the clouds, humming all day. Peace — compassion — begins with a kind word to the bank teller, courtesy in traffic, turning away from the meat counter, recycling empty bottles, and stopping to see if the man curled up in a cold doorway needs your help. If I try each day to do each of these things, then maybe sometime that 15-year-old will ask for my help. If I force it on her, for whatever reason, I'd be killing her.

—Sallie Tisdale  
Portland, Oregon

It's a misconception, really, that the Supreme Court decision on abortion ruled that fetuses of human parentage are not human beings. What they said was that they didn't have to decide when life begins; the issue was whether or not unborn children were legally "persons in the whole sense."

When abortion was illegal, the fetus was often spoken of in the law as "an unborn child." Many legal rights had been granted — the right to sue, through a guardian, for prenatal damages, even wrongful death, the right to inherit property, to be considered a Social Security survivor, among others. But the Court decided that all of these rights were contingent upon live birth; therefore, unborn children were not considered persons with the full legal rights of persons.

Why this should have led to the conclusion that they could be legally killed is beyond me. Dogs and cats aren't persons, either, but if someone chopped them up or killed them, needlessly, in brutal ways, he'd find himself in a heap of trouble. Furthermore, if full legal rights are necessary to ensure personhood, then why are children under eighteen to whom some legal rights are denied considered to be persons under the law? Why is it murder to kill illegal aliens who have no legal rights at all in this country? And why isn't it murder to destroy a corporation which happens to be a legal person?

The Court — and everybody else, it seems — got hopelessly confused about "personhood" and "human beings." As a result, there's all sort of concern over what would result from declaring unborn children to be human beings/legal persons. "Legal chaos!" That's the rallying cry of those who prefer the current status, as if legal neatness is preferable to protecting human lives. Sorry, kid, we can't keep anyone from cutting you up because it wouldn't be legally tidy. Is the bloody procedure neat? Well, no, but look at the turmoil it would cause if we gave you the right to live. Why, little one, they say we'd have to count you in the census, deny your mother the right to vote because there can't be two persons in the voting booth, require a passport for you if your mom is traveling overseas, get you a conception certificate, count your age from conception instead of birth — all sort of horrible things, you see. (There are perfectly practical answers to all of these arguments, but the claims themselves are too frivolous to waste the time and space.)

More serious are the claims that if the unborn child is a person, abortion would have to be denied even if the mother is in danger of dying without one; that pregnant women who smoke, drink or use drugs could be charged with harming another human being; that women who have abortions could be charged with murder and even sentenced to death. None of these outcomes ever happened when abortion was illegal and an unborn child was not regarded as anything but human. Doctors, indeed, always knew they were treating two persons when they dealt with pregnant women.

Abortion to save the mother's life was legal in every state except Louisiana long before the Supreme Court decision was made. And the sacrifice of one life for another isn't illegal in other circumstances if both can't be saved. Take the matter of Siamese twins who by all legal standards are both human beings and persons. When in the course of surgery to separate them, it has been discovered that a vital body part is shared and must be given to one or the other, no one has been accused of murder when the deprived twin dies.

Will pregnant women who smoke, drink, or use drugs be accused of some crime? Child abuse? Child endangerment? Possibly. But nursing babies are human beings and legal persons, isn't that so? And it's known that drugs and alcohol can pass through to them from breast milk, but nursing mothers haven't been charged with committing criminal acts.

As for murder, the killing of a human being is always regarded as some sort of homicide. But it isn't always murder; it's rarely capital murder. In the case of the aborting mother, in all likelihood, she could claim innocence by reason of emotional distress. Even in the killing of a child already born, I can't recall a single case of a mother being executed, although in a few instances, fathers have been.

Other popular procedures besides abortion would be affected by recognizing the human and legal status of unborn children, but there are reasonable treatments of most of them. Surrogate motherhood, if it involved embryo transplants, probably would be denied because of the danger of killing the child. But the woman could still have a baby for someone else through artificial insemination (or the old-fashioned way!) Test-tube creation of babies could still be allowed so long as "extras" were not developed and discarded. Killing fetuses for eugenic reasons could not be allowed, but it shouldn't be, in any case. How far would medical science have progressed if killing the patient were allowable as the "cure"? Lives ought not to be disposed of for being imperfect. That's a Nazi concept — killing the "unwanted." Fetal experimentation would be forbidden (as it is, anyway, under current laws) unless it were intended to help the child on whom the experiment is performed.

All in all, the legal chaos deplored by those who want unborn babies to be left in their present status as nonpersons wouldn't be so terrible. It's the killing that's terrible. No rational, reasonable person would ever do to other living creatures what's being done to human fetuses.

—Frances Frech  
Kansas City, Missouri ■