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234 "Right to Life"
May 18, 1972

In his letter to Cardinal Cooke of New York, released on May 6, 1972 President Nixon squarely associates himself with "the defenders of the right to life of the unborn." I am sure that Mr. Nixon could not have made such a politically hazardous commitment without a strong conviction that this is a positive "vote for life." As such, a mother's rights to secure an abortion might have to take second place -- albeit the community might consider ways of compensating an unwilling mother, just as other confiscations of private property for social purposes are constitutionally reimbursable. However, few people are aware of the full reach of biological implications of asserting the fetus' rights to life. The simplest way that I can explore these is to assume the posture of advocate for the fertilized egg. I will, however, mention only in passing the impact on mere numbers of population that would follow from giving each egg a birthright. Likewise, the morality of contraception, of frustrating the elan vital of every sperm and egg, prior to fertilization, although unsettled in Cardinal Cooke's hierarchy, presumably falls outside Mr. Nixon's intentions in speaking about the rights of the unborn.

To speak of "murdering the unborn" is an inflammatory accusation that should be repudiated by the most thoughtful advocates of eggs. This kind of moral logic would compel putting the lives of mothers at serious risk in many precarious pregnancies. Alternatively, many an obstetrician struggling to save the live of a mother would have to be cast in the role of a legal executioner, for performing his obvious duties in difficult circumstances. The case against abortion does not require giving the egg an absolute privilege, merely a compelling one though subordinate to that of a person in being.

As an egg-advocate I would nevertheless have to invoke a grave moral indictment against those who ignore the innumerable losses of fetal life that occur spontaneously in the first third of the period of pregnancy. For every hundred recognizable pregnancies, at least 20 will result in a miscarriage or early stillbirth. Many more fertilized eggs, but of unknown number, must be lost "down the drain" by failing to implant successfully in the uterus so as to give recognizable symptoms of pregnancy. Understandably, there may be more moral fervor against positive acts of discard, but why have the defenders of the right to life of the unborn been totally involuntary silent about manslaughter of almost a million "lives" a year? A proportion of these wasted fetuses could doubtless be rescued by existing techniques of medical management, of prenatal care, or even just improved maternal nutrition. For the most part we would have to think of mounting a major research program to meet the moral imperative of respecting fetal rights. We might then succeed, for example, in devising ways to recover lost embryos and reimplant them into the uteri of valiant women who volunteer for the salvage of these unborn lives, an onerous chore, but morally less burdensome than letting them die.

In fact, it may be necessary to place an immediate moratorium on research on the health of embryos, for fear that we might learn how to let them live. For this could lead to new moral responsibilities at a cost we could not endure. A large proportion of early stillbirths are genetically defective or have monstrous imbalances of chromosomes. When such precarious embryos do survive to be born, they pose far greater hardships on parents and siblings, and on a community that must share the cost of their upbringing, than were they to be quietly lost at

an earlier stage. The successful defense of the right to life of every fetus would result in a hundred-fold increase in our existing burden of serious congenital malformations and a 10 fold-overall. And we would be hard put to draw the line between "acceptable" and "unacceptable" fetuses in a moral framework that confers rights upon the fetus that countervail over those of the mother. To neglect to do humanitarian research is also morally accountable, but a further multiplication of a sin so easily evaded by studied ignorance will find easier absolution. Indeed, since medical knowledge brings us so many difficult moral problems, why not burn all the books, and the doctors with them, and leave all questions of human life to our faith in God.

The fact is, we have long since cast off these oversimplified faiths. And I cannot maintain the posture of egg-advocate without ending up with impossible contradictions, or offending the sensitivities of the sincere devout. I believe that many opponents of abortion could retain their position without imposing it upon others, and without invoking an absolute principle of rights of the fetus that, carried to its logical conclusion, would seriously harass the lives of the whole community of responsible human beings.