

# Abortion – A Christian Feminist Perspective

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A major difficulty in any discussion of abortion is the immediate impulse that most people experience to label one another as either pro- or anti-abortion. The abortion debate has been stultified by this facile stereotyping and authentic dialogue rendered virtually impossible.

On the one hand, the anti-abortion camp is characterised as populated by conservative catholics blindly following male-originated absolutist directives. While on the other side, the ground is depicted as thick with radical feminists driven by self interest while despising children, marriage and men.

These caricatures, to which many subscribe wholeheartedly, prevent individuals of differing opinions listening to one another and discovering the respect for life that undoubtedly lies behind the glib formulae of the extremists. The issue is further confounded by the appropriation of the title 'prolife' by those who want stricter abortion legislation. In a recent American survey it was found that those who were 'anti-abortion' did not have other attitudes consistent with a 'prolife' position. Instead, those favouring strict abortion laws were less likely to be 'prolife' on a wide range of social issues such as the death penalty and militarism than were those people who supported a more liberal abortion law.

If we do choose an absolute pacifist stance in relation to abortion then we should extend our logic, according to Mary Condren, to "questions of world hunger, and deaths by starvation, to capital punishment, to theories of just war, to the nuclear threat. Only then can we claim to have absolute respect for life in its fetal form".

In this paper I will look first at the attitude of the official Church and moral theologians over time in relation to abortion. Secondly, I will examine some of the perspectives on abortion that have arisen from a Christian feminist perspective and discuss the merits and inadequacies of the various positions.

Rather than tackling in a detailed fashion the individual moral arguments, I will concentrate on giving a rather global review of the variety of opinions. Also the thorny question of the relationship between our moral and legislative policies is too complex to do justice to here and so I have chosen to ignore it for the present. The continual emphasis on the sanctity of human life that perme-

ates the Christian tradition is a truly revolutionary and transforming concept. The desire to give the weak and helpless as strong a claim to a full existence as anyone else is wholly commendable and needs more than ever to be heard as a compelling imperative. Most writers on the Christian tradition and abortion have contrasted the Church's position with that of the Graeco-Roman world where abortion was a relatively commonplace matter.

However, the Old Testament has nothing to say on abortion until the Greek translation of the Hebrew of Exodus 21: 22 made a change in the wording. The Hebrew said that if a man accidentally causes an abortion "life is given for life" only if the mother dies. In the Greek this became transformed into life also being demanded in recompense in cases where the fetus was "formed". The notion of the 'formed' fetus is generally attributed to Aristotle. According to Aristotle, the fetus became human 40 days after conception if the fetus was male and 80 days after if it was female.

In turning to the New Testament, we again find no mention of abortion and the first reference to abortion in the Christian era is variously given as Tertullian or the Didache: "you shall not slay the child by abortions". Around this time the points that were being debated were both when the fetus became formed and also when it became ensouled. Cyril of Alexandria (d 444) held that the fetus did not belong to the human species until after 40 days while others, e.g. St Maximus (580-662), believed that the soul was infused at conception. Even Jerome, who is widely quoted for his anti-abortion views, said that only abortion of the formed fetus should be regarded as homicide. Augustine held that formation was complete at 46 days but he was not definite about the time of ensoulment.

It must be kept in mind that at this time, and for several following centuries, embryology was extremely primitive and it was believed that the semen alone provided the material that developed into the fetus. Woman was simply a receptacle for man's all-potent fluid, or as some would have it "an ensouled uterus".

The first few Christian centuries saw the debate on abortion as being concerned with the distinction between formed and unformed and how this related to the time of ensoulment or 'animation'. Generally only the abortion of the formed fetus was regarded as homicide, but there were some who considered even sterilisation as homicide since it was denying life to the potential people contained in the semen.

Thus between 600 and 1100, penances were graded on the distinction between formed and unformed. The penalty for abortion being on the whole less than that for homicide. Ivo, bishop of Chartres, accepted that abortion could not be considered homicide until the fetus was ensouled and Gratian incorporated this view

into his *Decretum* which became the text that instructed all students of canon law until the revision in 1917. Abortion of the unformed fetus was considered to be a very serious matter but a lesser sacramental penance was imposed for that than for abortion of the formed fetus.

Both Innocent III and Gregory IX admitted this distinction and until the 16th century there was widespread acceptance of the theory of delayed animation which was believed to happen at the time of formation. The actual time of formation was not always agreed upon.

Aquinas was clear that there was actual homicide when the ensouled fetus was aborted but he did not hold that ensoulment happened at conception. Although it was sinful to destroy the embryo in the early stages of pregnancy, it was not held by Aquinas to be equivalent to taking a human life. The Jesuit Thomas Sanchez tried to tackle some more difficult instances of when abortion might be seen as less serious or even justified.

On the whole he took a very stiff line on abortion and contraception, claiming an absolute prohibition on any act designed to prevent insemination in intercourse. This was based on his fear that pleasure might become the 'sovereign good'. However, his exceptions to his general ban are of interest. Where the woman would otherwise die and where the fetus was not ensouled he thought that its killing was "more probably" lawful. In such a case Sanchez said "the fetus invades, and, as it were, attacks". A further example that Sanchez allowed was that situation where a woman finds herself betrothed to a man other than the man who has impregnated her. If she could not without scandal break the engagement and therefore was likely to bear another man's child to her husband, it was held that it would be permissible to abort the fetus. Thus he allowed for values other than life itself to be weighed against the continued existence of the fetus.

During this same period, the popes were found to be in disagreement about the seriousness of abortion. In 1588, Sixtus V issued a bull making the penalties for homicide and abortion identical regardless of the age of the fetus. Then only three years later, Gregory XIV repealed the penalties except those applying to the ensouled fetus.

However, the theory of delayed ensoulment came under fire during the 17th century, and the idea of immediate or early animation gained some ground. It was very unpopular at first because it was contrary to what most theologians believed, the penalties of the Church and the interpretation of the Exodus passage. Nevertheless, during the following centuries this theory became increasingly accepted and an absolute prohibition on abortion developed in the Church. In 1827 the ovum was discovered and by 1875 the

process of fertilisation was known. Thus in 1869 Pius IX abandoned the concept of the ensouled fetus, and former distinctions made according to the degree of development of the fetus were ignored.

In consequence, Pius XI in 1930 in the encyclical *Casti Connubi* said that there were to be no exceptions to the prohibition on abortion. However it gradually came to be accepted that there were two exceptions which could be justified: a cancerous uterus and an ectopic pregnancy. Interestingly the Catholic Church has in some respects refused to be tied down on the question of abortion in more recent statements. The Second Vatican Council, while condemning abortion, did not produce any teaching statements about the time of animation. In 1974, the Declaration on Procured Abortion refused to give any particular theory its backing on the question of infusion of the human soul and merely stated that there was no unanimous tradition. In fact the only position that the Church has condemned is that theory which identified animation with the time of birth.

Although the Catholic Church as a teaching body since 1869 has ceased to recognise the distinction between formed and unformed, many writers still appeal to an updated version of this distinction and use it to distinguish between the morality of certain abortion acts.

Among others, Rahner and Teilhard have suggested that animation, or 'hominisation' as it is now called, should be related to the development of the cerebral cortex. Häring also would subscribe to a developmental perspective in that he says that before the 25th and possibly up to the 40th day after conception, the fetus cannot yet be considered to be a human person, although he would not allow that this distinction could be employed to deprive the fetus of life. Other writers would make the distinction earlier, for example, Curran claims that we cannot consider human life to be present until the possibility of the twinning and recombination of the fertilised ovum has been concluded.

Thus there has been throughout the greatest part of the Church's life a strong tradition which has taken a developmental perspective on the question of abortion and has asserted that the fetus is not to be considered an individual human being before a certain stage or degree of maturity. Abortion has always been considered to be sinful but the seriousness of the sin has been subject to various opinions.

As is obvious from this very condensed review, there is no easy answer to the question of when a human person can be said to be present in the womb. We cannot assume that future scientific discoveries will solve this problem for us, for the characteristics that we take to be essential to the definition of humanness will be influenced by much more than simply physical development. As

Daniel Callahan says "Any definition of 'human' must take account of the interaction of biological, psychological and cultural factors . . . any answer to the question of when 'human' is around which rests on one human characteristic alone is to be suspect".

The stereotypical feminist position on abortion is one in which the fetus is denied the status of a human person or is accorded that status but not the rights that would generally accompany it. Whereas the Church has latterly taken an absolutist stance on the morality of abortion and stressed the rights of the fetus, the women's movement has, on the whole, concentrated on the rights of the woman to the exclusion of any rights that the fetus may be thought to have. One Catholic theologian who has attempted to combine feminist and Catholic beliefs in relation to abortion is Jane Furlong-Cahill. She would not allow the fetus the same rights as the woman at any time during pregnancy, "she is a full human bearer of another who is not yet fully human in the months of pregnancy . . . the pregnant woman may legitimately defend these rights in charity and justice to herself. Such rights are the right to life; to health whether physical or mental; to liberty whether spiritual or physical; to physical integrity; to those goods deemed essential to life". Furlong-Cahill justifies this position by pointing out that there has always been a case made in traditional moral reasoning for the taking of the life of another human being; either on the principle of double effect, in order to preserve some human rights or values of equal or higher worth than life itself.

However her position, by denying that the fetus can ever be considered as a full human being while in the womb, is far from satisfactory. While it may be the case that a certain amount of development is necessary before we would wish to accord the fetus full rights as a person, it is very difficult to see how she can justify ignoring the rights of the fetus in the later months of pregnancy. The value of her approach is that it is a reminder of the very special and unique relationship that exists between the woman and the fetus which cannot be ignored as it is usually done by traditional thinkers.

Nevertheless, Furlong-Cahill's treatment of what values we should treat as of equal status with life itself is not sufficiently nuanced. While agreeing with her that we should, and moralists always have, take into account values other than simply physical life, a much more complicated balancing act is required than is suggested by her analysis. It is also fair to say that we probably have a more highly developed sense of the individual than did many past writers and so to simply import their criterion for taking life into the debate is not the most satisfactory solution.

A morality that seeks to be both Christian and feminist must be more than an appropriation of the old arguments for new ends.

Instead it would presuppose a different methodology for reasoning about abortion from a moral perspective. This sort of approach is expressed most clearly in the writings of the theologian Mary Daly. Daly and Furlong-Cahill have in common the analysis that the central issue in the question of abortion is not the destruction of life, since moralists have made room for the destruction of life in many other contexts. The primary difficulty, according to Daly, is the insistence by women that they will make decisions for themselves about the processes of 'nature' and not simply be bound by biology but take a wide range of values into account when making abortion choices.

According to Daly, a feminist ethic will refuse to give attention merely to the isolated physical act involved in abortion and will insist upon seeing it within its social context. Such ethics will "attempt to help women to orchestrate the various elements that come into play in the situation, including the needs of the woman as person, the rights of women as an oppressed class . . . the positive obligations of the woman as the mother of other children or as a professional, the negative aspects of her situation in a society which rewards the production of unwanted children with shame and poverty. It will take into consideration the fact that since the completely safe and adequate means of contraception does not yet exist, women are at the mercy of our reproductive systems".

This should not be understood as holding out abortion as a happy and easy remedy for women's ills. On the contrary, feminist writers all agree that abortion is an anti-woman tactic and should be eliminated and not sought after. But while we live in the society that we do, it must be tolerated as a necessary evil in some cases.

Often these points are taken to be an attack on motherhood or maternity itself. This is to miss the crucial argument. The major claim behind the Christian feminist position is that women have the right to be intentional in relation to their lives. As in other areas of life, medical science uses knowledge of biology for the good of the whole community, then women too should be allowed to use the same technology to overcome the arbitrary dictates of their biology. This is hopefully only as a last resort to involve the taking of a potential or full human life.

How we are to make those kind of decisions is obviously problematic and does not lend itself to easy solutions. However the feminist, in contrast to the traditional approaches, would insist that on the whole, we give the benefit of the doubt to the woman and allow her the freedom to choose after taking the interests of all concerned into account.

This line of thinking about abortion would suggest therefore that it is misleading and unfruitful to judge acts simply in terms of

the individual woman and fetus. Instead we must weigh up the impact, both positive and negative, upon the present and future community. Otherwise we find an overemphasis on private morality which detracts from our awareness of responsibility for community sinfulness such as prejudice and discrimination. By treating the question of abortion as one solely pertaining to the actions of a particular woman, the moralists have failed to criticise the structures and attitudes that (a) cause some pregnancies to be labelled 'unwanted' and (b) fail to provide adequate support for the woman who wishes to continue with her pregnancy and keep the child.

This is not to say that we cannot have a weighing up process in the individual case for making moral distinctions. But it is to insist that the social pressures on women should be understood and incorporated into our moral equations. If, for example, our society was such that child rearing was regarded as a community responsibility and society was unstinting in its support, both emotionally and materially, of pregnant women and children then we might want to have relatively strict moral criteria for abortions. However our present society does not have those particular priorities. Mothers and children are both treated as second class citizens.

The assumption in the moral thinking on the whole that the woman has a duty to bear the child is not paralleled by the assumption that it is the duty of the father to provide material and emotional support for the woman and child. Natural justice would insist that he too must be prepared to make equal sacrifices and to share equally in the responsibility for rearing the child once born. Yet, because child bearing and rearing are seen as "the woman's job", he is not in the picture generally as painted by most moralists. This is a glaring omission and again highlights the impossibility of carrying out the debate in a social vacuum. Sexual relationships however do not take place in a vacuum and we expect persons in a sexual relationship to accept the responsibility and duty that they have towards family and community. This should be equally true for both men and women.

In attempting to operate from abstract principles, moralists tend to become over-involved with the category of exceptions. There is a belief present in their writings that if one exception is allowed then the flood gates will open. In the case of abortion it is hinted that if abortion be allowed in some circumstances then euthanasia, infanticide and worse will follow. However this seems to be a slight on the ability of individuals to distinguish between different situations and assumes that they too are operating from principles. There is no evidence however, that those women who do in fact choose to have abortions, then endorse euthanasia or the killing of the handicapped. While we do not find many people who would agree that it could be morally correct to kill off dis-

abled or elderly people, there are a very large number of people who hold that it can be morally acceptable to choose abortion under certain conditions.

Of course, moral writers try to overcome the objections about remoteness and oversimplification by appealing to 'pastoral strategies'. While in their pastoral work, these individuals may be willing to consider the woman in her context, her family, her mental health and so on, they are unwilling to allow these factors to sully the purity of their moral reasoning.

This is not to object to the attempt to find some absolute values by which we can guide our decision making, but rather it is an appeal to avoid elevating guidelines into inviolate principles and at the same time assume that these can be expressed without qualification.

The self sacrificial morality that is invoked by traditional writers is now being seen by feminist theologians as a further example of the way in which the systematic denial of women's rights is legitimised. Daly claims that this encouragement of women to go through with their unwanted pregnancies as an example of the highest virtue is an instance of the traditional 'feminine' morality which has "hypocritically idealised some of the qualities imposed upon the oppressed". And again "Those who have actually been scapegoats and have said 'No' to being victims any longer are in a position to say 'No' to this modernised Christian morality . . . in which 'love' is always privatised and lacking any specific social context and in which the structures of oppression are left uncriticised".

The crucial point is therefore that moralists would do best to stop treating abortion as if it were a purely individual problem requiring individual solutions. In a community motivated by an authentic Christian spirit, the real task would be seen as the creation of a society wherein the problem would no longer arise. Such a community would be aware of its own responsibilities with regard to all children both future and present and would not make the individual woman bear the entire burden of guilt and hardship that our current unloving society imposes.

At the present time, however, the abortion decision for most women is the choosing of the lesser of two evils. A truly radical Christian and feminist perspective would be one in which we sought to eradicate both rather than depriving either woman or fetus of justice and charity.