

Abortion Poses Complex Moral Issues

During my lifetime at least three Supreme Court decisions have had especially destructive consequences. One was *Citizens United*, another was *Bush v. Gore*. In both of these cases the Court was dead wrong and should have ruled very differently.

The third case is much more complicated, though perhaps no less consequential. That was the 1973 abortion decision in *Roe v. Wade*, a ruling that helped set the stage for the publicly divisive debate of the so-called “culture wars” of the last half-century.

I was in Divinity School, studying social and medical ethics, when *Roe v. Wade* was issued. Six years later I wrote my first published scholarly article, a call for moral discourse on abortion. Ever since, my position has been both pro-life and pro-choice. How can one be otherwise? The real question is how one negotiates among the values associated with human freedom and the values of the human lives involved in any abortion decision.

Many pro-choice advocates have long resisted acknowledgment that a human fetus is a human life. It is not mere tissue, part of a woman’s body. Abortion should never be a purely private decision, if only because there are always at least three human lives involved. The life that should ordinarily count most, I believe, is that of the prospective mother, but never in disregard of the prospective child or the prospective father (except that in cases of rape or incest the prospective father has no moral standing).

Many pro-life advocates have long failed to acknowledge that the fetus is not a person (though more nearly so than corporations!). Human beings become persons over time, due not merely to physical development but to socialization and enculturation. As a society we have decided, rightly I think, to accord personhood to newborn children. Prior to birth, however, a human fetus lacks moral claim to all the legal protections of personhood. Once born, on the other hand, a human infant has both legal status as a person and a moral claim on society to be provided all the resources necessary to flourish as a person.

As a fetus develops in the womb it acquires increasing capacity for personhood. This is crucial. From an ethical perspective, a six-month-old fetus possesses much greater moral status than a three-week-old fetus. However, because even a three-week-old fetus ordinarily has the potential to become a six-month fetus, and a six-month fetus to become a newborn, even the life of a three-week-old fetus should never be taken lightly.

The tragedy of Roe v. Wade is its failure to regard fetal human life with sufficient moral seriousness. This contributed to the rise of the Religious Right as a potent and debilitating presence, to which many on the cultural left have responded with moral obtuseness. Because he promised to appoint pro-life justices to the Supreme Court, Trump apparently won the support of many evangelical Christians.

The sexual politics of the last half-century were probably unavoidable, but they need not have become so virulent. Can we all acknowledge that abortion entails the taking of fetal human life?

Can we also acknowledge that compelling moral reasons exist for allowing abortion as well as for restricting it?

Many progressives now recognize abortion is a morally serious business. Many pro-life advocates recognize that preserving human fetal life does not trump all other moral considerations. Abortion is always tragic. Yet there are circumstances in which the alternative may be even more tragic. Abortion rates are at historic lows, but emotions still run high. Let's be honest about the facts. Any and all abortion legislation should be responsive to its moral complexities.

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