

THE EDITORIAL IN LAST WEEK'S TABLET REFLECTING ON THE 50TH ANNIVERSARY OF THE ABORTION ACT

FIFTY YEARS ON **ABORTION** **AND** **THE LAW**

All abortion is wrong. All human life is precious. On those simple principles there should be no uncertainty. But should all abortion be against the criminal law? Western societies have grappled with that question for at least half a century. It is part of a wider issue: the right relationship between the moral and the civil law. This is a particularly acute question for the Catholic Church, and it would be over-optimistic to say it has reached a settled conclusion. But by constantly challenging the acceptance of abortion the Church does a great service to the common good, for public debate needs some voice that argues from fundamental moral principles even if the majority cannot, on reflection, accept all of them immediately. The debate also helps the Church to refine its own thinking, as new challenges appear.

The Church's position is not without its own nuances. It did not oppose the decriminalisation of homosexual acts, for example, even at a time when the Catholic attitude to homosexuality was a good deal more condemnatory than it is now. Adultery is the textbook case of an immoral act that is not, at least in Western societies, treated as criminal. Despite the Church asserting its teaching unambiguously – as in the compassionate and clear article by Bishop John Wilson in this week's *Tablet* – many Catholics, including Catholic legislators, feel strongly that while abortion is wrong, that view should not be imposed on those who do not share it. It cannot be denied this is the cause of tension within the Church.

It was 50 years ago next week that the Abortion Act gave Great Britain what was then one of the most liberal abortion regimes in Europe – the situation in Northern Ireland is different. It became a benchmark for reform elsewhere. In 1973 the United States Supreme Court declared in its judgement in the *Roe versus Wade* case that women had a constitutional right to an abortion until two thirds of the way through the full gestation period. After that it remained a crime. A later judgement redefined the time limit as the point where a fetus was theoretically able to survive outside the womb. Viability has been used as a cut-off point in many jurisdictions, including Great Britain, though viability is a flawed and confusing test to use. Is a 21-week-old fetus any less worthy of respect than a 25-week-old fetus? Obviously not. At present in British law the time limit is set at 24 weeks. The case for it to be lowered is a powerful one, and worth fighting for.

There is also pressure for the abortion law to become more liberal still, for instance by amending the requirement that two doctors have to certify that certain criteria are met in each case. Some want to broaden or abolish these conditions, some want merely to limit the requirement to one doctor. On the other side there is a demand that all women considering an abortion should have compulsory counselling, which would include making them aware of exactly what abortion involves.

On one margin are those who want no limit on abortion whatsoever, and on the other, those who want all abortion to be criminal whatever the circumstances. The Catholic Church's position is at

this end of the spectrum. Many Catholics, including passionate pro-life campaigners, have come to the judgement that this makes it difficult for their voices to be heard in the debate. The suggestion that any other position than this one is "to be in favour of abortion" is plainly wrong.

The present law is based on the utilitarian moral principle that in certain cases there is a "lesser of two evils", and that evil may be done that good may come of it. In a Catholic moral framework neither of those positions is tenable. It does not necessarily follow that that must also apply to the law. What then is the duty of Catholic legislators when faced with the prospect of changes to the abortion law, in Britain or elsewhere? What guidance can the teaching of the Church give them? The Catholic Church's official opposition to contraception, though less is heard about it nowadays, is still problematic when the Church pitches its opposition to abortion. It can point out insistently, however, that the resort to abortion is sometimes seen by women in desperate circumstances as their only escape route in an unjust system where their freedom and autonomy are severely restricted. The abortion rate is a measure of how far society has to go to correct these injustices. The right to life principle is a seamless robe, covering inequality and discrimination (including discrimination against handicapped children in the womb). Whatever increases poverty also leads to an increase in abortion.

As Pope Francis points out in *Evangelii Gaudium*, "It is not 'progressive' to try to resolve problems by eliminating a human life. On the other hand it is also true that we have done little to adequately accompany women in very difficult situations, where abortion appears as a quick solution to their profound anguish, especially when the life developing within them is the result of a rape or a situation of extreme poverty. Who can remain unmoved before such painful situations?"

To approve of anything likely to increase the number of abortions must be ruled out. Any realistic measure that would reduce their number should be supported.

Attempts to bully or shame women who choose to undergo abortions are not acceptable. Those women deserve respect, sympathy, and as much help to cope with their situation as can be made available.

It also seems clear, however, that for the foreseeable future no society that currently allows abortion is likely to prohibit it altogether. It is sensible to accept that there will be circumstances where it will be legal, and so it is responsible to address the questions that then arise. In the name of the common good, for instance, it may set legal conditions, including those designed to protect women having abortions from exposure to serious infection. Those conditions may have a symbolic as well as a practical value – by conveying the seriousness with which society views the action proposed.

The evidence suggests, however, that women know this already. They do not take it lightly. Abortion is always tragic, always a failure. Every response to it will be flawed in one way or another. But that is the human condition.