

When in Doubt...

DORIS GORDON

LIBERTARIANS FOR LIFE

Copyright 2003, January

Did you catch Phil Donahue's program about abortion? (CSNBC, January 8, 2003) A young woman in the audience asked Planned Parenthood's president, Gloria Feldt, "Is it true that the fetus becomes a human being at the moment of conception?" After a commercial break, Donahue recast the question: "Gloria, you were asked, as president of Planned Parenthood, does life begin at conception, or when does it begin? And how do the Planned Parenthood people respond to the question?"

Feldt replied, "Right. The question, I think, really, is more properly, when does personhood begin because the sperm is alive and the egg is alive."

How's that? Sperm and egg are only gametes, reproductive cells. They are not organisms, new members of the species *Homo sapiens*. In contrast, a human fetus is an organism, a new life, a new human being.

Would that Donahue could have called on the late Alan Guttmacher, M.D., who was once president of Planned Parenthood. PP's research arm, the Alan Guttmacher Institute, was named after him. In his 1933 book *Life in the Making*, Guttmacher wrote: "We of today know that man is born of sexual union; that he starts life as an embryo within the body of the female; and that the embryo is formed from the fusion of two single cells, the *ovum* and the *sperm*. This all seems so simple and evident to us that it is difficult to picture a time when it was not part of the common knowledge." But one of the guests on the Donahue program, William Donohue, seized a moment to say that in 1963, Planned Parenthood said that abortion "kills the life of a baby after it has begun."

Continuing her response to Donahue, Feldt added, "And the question of when does a fetus become a person deserving of full, say, citizenship is really more a moral and religious question."

No. Citizenship is a constitutional question. It is defined in the Fourteenth Amendment which says, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." But notice, the Fourteenth Amendment also makes it clear that the right to

life depends on personhood, not citizenship: "... nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

So personhood and not citizenship is the pivotal point, and on that, Feldt continued, "In my religion, the fetus becomes a person when it is born, but other religions have different points of view."

To argue for delayed personhood, as Feldt did here, is to use a double standard: that some human offspring are persons and others not.

Feldt continued, "And that's the point. People need to be able to make their own moral and spiritual judgments, based on their own religions and their own sets of values."

Reading between the lines, she is claiming that it should be up to those who want to kill to say whether their intended targets are human beings/persons — and then to kill them. That is like telling hunters, "If it's not clear whether what's hidden by the brush is man or beast, shoot anyway, if that's your decision." Lovely. Under such a principle, nobody is safe.

Speaking of killing, Feldt's Planned Parenthood runs the largest chain of abortion clinics in the country.

Playing on genuine concern

Many people are genuinely unsure about what marks the onset of personhood. Exploiting such confusion, Planned Parenthood has run a full-page newspaper ad that said: "On this question there is a tremendous spectrum of religious, philosophical, scientific and medical opinion. It's been argued for centuries" (*The Washington Post*, October 6, 1988).

Reading between the lines again, either this is Planned Parenthood's best answer, or they prefer to ignore the substantial arguments others are making for immediate personhood at fertilization.

The Supreme Court used an argument similar to Planned Parenthood's in the January 22, 1973 *Roe v. Wade* decision. There, Justice Harry A. Blackmun announced, "We need not resolve the difficult question of when life

begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer."

There is strong consensus among those expert in the discipline of human embryology that fertilization is the scientific marker for the onset of the human being, but the Court does not seem willing to hear their case. In *Roe*, the Court drew an arbitrary line at birth.

What should lawmakers and judges do?

At the beginning of the Donahue program, the announcer asked, "And what role should government play in deciding when life begins?"

Its role should be, first of all, to address the science. It should hold hearings that focus attention on what human embryologists have to say on the merits of fertilization as the scientific marker event. Ever since Dolly the sheep was born, Congress and the National Institutes of Health have been holding hearings on human cloning. But, as C. Ward Kischer, a retired human embryologist, has emphasized, not one human embryologist has ever testified, let alone served on a panel of any of those hearings.

Regarding the theological question of the person, there is only one real expert on that — God. Because, as many religious abortion choicers have noted, there is no consensus among the various faiths on when personhood begins, no theologian is clearly in an unassailable position, from a legal perspective, to speak for God.

Is there another field of study on personhood that we can turn to? Yes, philosophy — a field of study that even atheists, such as myself, can handle using ordinary human reason. In governmental hearings about the onset of personhood, the participants should be people, religious or otherwise, whose cases are based on ordinary reason. A good beginning for the hearings would be for all participants to give their own definitions of the term "person," so

that everyone will know what they are talking about. It would also be good if participants prepared articles explaining and defending their positions, and if all participants studied all the articles. Armed with such knowledge, each participant would be better positioned to consider and reply to the other side.

Both sides have the intellectual burden of proof. If one side's arguments overcomes the arguments of the other side, the public will notice.

By the way, I am not torn by doubt on personhood. I have full confidence in the Libertarians for Life position: that personhood begins when the human being begins — at fertilization. To see how we argue for it, please go to our website, www.L4L.org.

The benefit of the doubt

Even with the best of intentions, resolving the questions of personhood and, therefore, whether abortion is homicide (the killing of one human being, person, by another) will not be easy. It is likely to take much time. What should lawmakers and judges do in the meantime?

When they are undecided on pivotal questions affecting two contending parties, and when they cannot avoid making a decision, tossing a coin will not do. The only reasonable course is a time-honored one: Weigh the possible injuries that would be imposed by a wrongful decision either way — and then choose to avoid the worst possibility.

When a human being's life is on the block, a proper legal system gives the benefit of the doubt to life. This is why even advocates of capital punishment call for stringent proof. If individuals accused of felonies get the benefit of such doubt, why not the beings in the womb?

What possible wrongful injuries should be considered? For the pregnant woman, it is a partial and temporary loss of liberty; for her fetus, it is the total and permanent loss of life and therefore liberty as well.

The answer is obvious. The law should give the benefit of the doubt to life.

LFL's literature and speakers are available to explain and defend why we oppose abortion. Our reasoning is expressly philosophical and scientific — rather than either religious or pragmatic, or merely political or emotional. For further information, see our Web site at:

<http://www.L4L.org/>

For a printed list of our literature, please send a stamped, self-addressed envelope to:

LIBERTARIANS FOR LIFE
13424 Hathaway Drive, Wheaton, MD 20906