

IF CONTRACEPTION IS ETHICALLY PERMISSIBLE,  
THEN SO IS EARLY-TERM ABORTION

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*In the essay I argue that the routine use of contraception is morally tantamount to early-term abortion because it produces the same result: namely, it prevents the creation of a human life that would have otherwise probably taken place. Because it can be shown that contraception is ethically acceptable, it follows that early-term abortion is as well.*

The view that human life begins at the moment of conception has been a popular one in the public debate over the morality of abortion. Conception is assumed to represent the creation of human life because fertilization initiates a natural process that, if allowed to run its full course, will normally result in the birth of an infant. Drawing the starting line for human life at conception is attractive in part because it handily legitimizes contraception and condemns abortion. The latter, it is argued, *takes* life, whereas the former merely *prevents* the creation of life. Based on this difference, many people assume that contraception is ethically unobjectionable, but hold abortion to be immoral. Indeed, if conception really constitutes the creation of a person, most abortions are murders.

In what follows, I shall argue that this line of reasoning is flawed, due to the fact that human reproduction constitutes a process that cannot be reduced to a discrete physical event. Furthermore, it posits a major moral difference between contraception and early-term abortion, when actually they are ethically about on par with one another. Finally, I will argue that the belief that conception inaugurates human life still enjoys considerable currency due to

the cultural persistence of pre-Darwinian metaphysical assumptions which have long outlived their intellectual warrant.

The problem with the claim that human life begins at the moment of conception is brought out by the old conundrum about the chicken and the egg – i.e. which came first? As concerns the adult hen and her egg in their contemporary forms, the answer, of course, is neither. Birds evolved from reptiles, and it was the latter that first developed the ability to lay eggs on land, a capacity which the former have retained. The reptilian egg represented an adaption of the amphibian egg, and the process by which the former evolved from the latter was incremental. Hence, chickens and eggs both developed gradually as different phases of the same process, and one form cannot be said to have preceded the other in the sense implied in the question.

Similar considerations hold for the cycle of human reproduction, which obviously includes not only conception, but also the act of sexual intercourse that is its precondition, and the moment of birth that eventually concludes pregnancy. Modern biology teaches us that organic life is a continuous, complex process. Even birth cannot be considered as the terminus of reproduction, since the human infant requires considerable long-term care if it is to stand any chance of surviving in order to one day make its own contribution to the gene pool. Any point we demarcate on the reproductive cycle as constituting the beginning of human life is arbitrary, in the sense that each part of the cycle is necessary to those that follow it. While fertilization must take place, so must ejaculation of sperm into the vagina, and descent of eggs in the Fallopian tubes. Strictly speaking, the reproductive cycle is best schematized not by a circle, but rather by an unbroken spiral, since the three dimensional figure conveys the fact that each reproductive cycle and generation is unique. Hence, for any individual member of the species, we can imagine a continuous spiral of reproductive cycles extending into the past.

It may be objected that conception nevertheless remains a distinctive point on the spiral, since it constitutes the appearance of a new *individual* entity. After all, fertilization represents the first time that all the genetic material required for the creation of a human being is united. While this is true, it by no means necessarily follows that full human status should be accorded at the moment of conception, unless we assume that having a complete genetic code is a sufficient condition for being treated as a person. Most of the physical and mental traits we think of as characteristically human are absent during the first few weeks of life. Indeed, the attainment of distinctively human abilities such as self-awareness, speech, and abstract reasoning is months or even years away.

One could, of course, argue that the fertilized human egg should enjoy the status of personhood based upon its *potential* to develop higher faculties. If, however, we grant personhood based on such potential, how are we to view viable sperm and eggs? They, too, obviously have some potential for personhood, at least when considered in pairs. Needless to say, the probability that any specific spermatozoid and egg pair will actually develop into a human being is quite slim compared to the probability had by an already fertilized egg. However, such pair-by-pair consideration is quite artificial, because Mother Nature does not gamble upon the probability of a specific spermatozoid inseminating an egg, but rather bets upon the sum of the probabilities produced by tens of millions of sperm. For the average fertile couple, odds are that if it routinely engages in intercourse without undertaking any contraceptive measures, a pregnancy is likely within the space of a few months or years. Conversely, if the same couple were to competently employ some standard form of contraception over the same period of time, it is likely to *prevent* a pregnancy from occurring.

Thus, the outcomes of contraception and early-term abortion are basically the same: sexual intercourse takes place, but sexual reproduction is stymied. Of course, there

exist other instances in which similar results are achieved through the use of different means, and sometimes immoral means are employed to secure ends that are generally held to be desirable. For example, there's obviously an important moral difference between a good student and a plagiarist, even though both of them may make the dean's list. As regards the case under consideration, the key issue is whether or not the different means employed by contraception and early-term abortion lead to any significant ethical differences.

From a statistical standpoint, the main disparity between contraception and early-term abortion is that the latter intervenes in a phase of the reproductive cycle in which the probability that the process underway will eventuate in a human being is higher than it is in the former. However, as long as we consider contraception not as an isolated act, but rather as part of an on-going and consistent pattern of behavior, this probability gap is slight. After all, a fertile couple who competently employs contraception over a period of several years will, in all likelihood, effectively impede the creation of *multiple* lives. It's not unusual to hear opponents of legalized abortion argue that virtually no one would want to be an aborted embryo or fetus, which is certainly true, but who, for that matter, would like to be a mass of failed sperm and a discharged egg? Although this image is perhaps counterintuitive to our notion of personhood, which involves a single being, it is nevertheless out of such that we arise.

We have already alluded to the idea that being human in the fullest sense of the term includes possession of the higher mental faculties. There are, of course, individuals who lack some or all of these capacities, such as newborns, the mentally impaired, or those in a coma, yet who are still commonly viewed as persons. By pointing out the importance of cognition for the human condition, we by no means wish to suggest that it should become a 'pass-fail' criterion for determining personhood. There are a variety of good reasons for providing special protections for individuals who are mentally incompetent in the legal sense, and

there also exist good reasons for excluding the human embryo from their ranks. At least in the first few weeks of life, the latter is almost wholly lacking in recognizably human physical traits, and it has little, if any, awareness. It is not yet a member of a community, and its death will not leave the hole in the social fabric we usually associate with a person's demise. Thus, to abort the embryo is not to take the life of a conscious human being, but rather to deny it the possibility of developing into such an entity.

As a rule of thumb, the more recognizably human the embryo becomes, the more reticent we should be as a society in permitting its destruction, due to the psychological message such abortions convey about the value of human life. Social impulses and attitudes deserve to be taken into account, for it is upon their foundation that genuinely ethical behavior is elaborated. Due to advances in medical technology, the fact that some late-term abortions kill fetuses at the same stage of development as those which can now be born prematurely and survive sends a dangerously mixed signal to society. In addition, the sentience of the fetus generally follows step with the overall pregnancy. Taken together, these two considerations speak in favor of limiting abortion to at least the first trimester (if not earlier), besides in exceptional cases, as when abortion is required in order to save the life of the mother.

The conclusion we have drawn concerning the acceptability of early-term abortion is premised upon the permissibility of contraception. Can the latter, however, be ethically justified? In order to construct a rationale via a *reductio ad absurdum*, let's assume that contraception is immoral. In order to be logically consistent, we must include *all* forms of contraception, including such 'natural' approaches as abstinence and the rhythm method, since despite the inconveniences associated with them, as opposed to the so-called 'artificial' techniques, they can be quite effective in preventing unwanted pregnancies. Assuming that most people would take the immorality of contraception to heart, the result would be to render reproduction arbitrary. No

thought could be given to planning pregnancy, because such planning inherently introduces the avoidance of some occasions on behalf of others, and this narrowing of options would constitute contraception. The one conceivable exception to this rule would be planning undertaken for the express purpose of siring at least as many infants as one could reasonably expect to be created randomly. For the less reproductively organized, who would simply be content to avoid contraception, the overall effect would be to detach reproduction from any sort of intelligent control.

Given the considerable difficulties that would conceivably result from relinquishing the power to guide reproduction, the question naturally arises as to why contraception should be seen as morally unacceptable. Those who oppose contraception typically do so on the grounds that it constitutes illegitimate human interference in a divinely sanctioned natural process. They usually share the conviction that human life is sacred or inviolable, and that we must resist the temptation to 'play God'. The latter attitude involves a sense of reverence for the awesomeness and mystery of the universe, coupled with a desire to respect the workings of divine will, or destiny, or Mother Nature. Practically speaking, it issues in the sentiment that the natural order sets humanity certain moral limits.

As one would expect, this 'natural law' or 'intelligent design' conception of the cosmos belies the open-ended and arbitrary character of evolution, even in those instances in which its proponents affirm belief in the theory of evolution. What results is a 'perfected' version of the universe, in which the clear-cut categories and sharp dichotomies suggested by language are unwittingly read back into nature. Through a sort of naïve linguistic essentialism, abstract oppositions between the inorganic and the organic, and between humanity and nature are seen as being directly derived from things themselves. Accident is replaced by purpose, and the highly complex continuum that is the physical universe is tidied up into stable categories and harmonies. Insofar as the fact of biological evolution is

acknowledged, its false starts, dead ends, and awkward transitional states are de-emphasized, as is the decisive role played by chance in natural history. Against this backdrop of assumptions, it only stands to reason that there would be a clearly defined starting point for human life.

Given our contemporary scientific understanding of human prehistory, what would it mean to actually let 'nature take its course' as regards human reproduction? Due to our species' long gestation period, there was probably a time when our remote ancestors didn't associate sex with pregnancy. The simple knowledge that sexual intercourse can lead to procreation would have represented a modification of the so-called natural cycle of reproduction, since this recognition would have opened up new possibilities for conduct, such as abstinence. Hence, if by 'natural' we're referring to the cycle of human reproduction as it existed during the hundreds of thousands of years of our evolutionary history, the goal would be virtually impossible to achieve, since we cannot conveniently forget what we know and return to a state of original ignorance. Moreover, many of our laws and customs have a contraceptive aspect (e.g. monogamous marriage and laws defining statutory rape), so that contraception in one form or another is a virtually inevitable feature of modern life.

As a thought experiment we could imagine an alternate universe with a more helpful version of Mother Nature, a universe in which the moment of conception would almost instantaneously produce a full-term infant. Here there would be fewer questions about when human life begins. For better or worse, however, we don't live in such a world, and we must deal with the continuum of human reproduction and growth that is our lot.

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