

MEILAENDER ON ABORTION**William E. May, Ph.D., Senior Fellow****December 29, 2009**

This is the subject of Chapter 3 of Meilaender's *Bioethics: A Primer for Christians* (2nd ed. 2005). I devote one essay to this matter because in my judgment the chapter, while excellent in many respects, includes a defense of abortion in some very limited circumstances—when necessary to save the mother's life and when the pregnancy results from forcible or incestuous sexual relations. Not only do I disagree with Meilaender here I also think that his defense of abortion in these circumstances is not compatible with *his own basic convictions as expressed in other parts of the same chapter*.

I intend to complete a study of Meilaender's important work in two further essays: one will consider his views on prenatal screening (ch. 5), gifts of the body: human experimentation (ch. 10), and on embryos as the smallest research subjects (ch. 11); the other will focus on his views on suicide and euthanasia (ch. 6), refusing treatment (ch. 7), who decides? (ch. 8), and gifts of the body: organ donation (ch. 9). I do not intend to consider chapters 4 (genetic advance) and 12 (health and sickness).

CHAPTER 3: ABORTION (PP. 25-37)**Summary**

From earliest times, Meilaender reminds readers, Christians, unlike their pagan neighbors, unwaveringly and strongly condemned abortion, judging it “inhuman” and “murderous” (pp. 25-26). Considering rather briefly the question when an individual human life comes into existence, he says that certain Biblical texts (e.g., Ps 139:13-16, Luke 1:41-44) “press Christians in the direction of identifying conception or fertilization as the point at which a new individual human being comes into existence, and one can appeal to our knowledge of human development to support such an identification” (pp. 27-29).

He next considers the issue of “personhood” (what Meilaender calls the “personhood argument”) and the view, common today, that distinguishes between being a living human being and being a “person.” Those holding this view claim that to be a person and a bearer of rights one must be able to exercise certain capacities and characteristics (e.g., reasoning, communicating, etc.). Against this view Meilaender offers, it seems to me, two arguments. The first is the “slippery slope” argument (a rational, not specifically Christian argument): if it is morally permissible to kill embryonic human persons and fetuses because they are not “persons,” then there will be many newborns and senile individuals who are not persons either and hence could be justly killed for the reasons alleged to justify abortion. A second argument is specifically Christian. “Knowing that God has created us not simply as free spirits, but as embodied creatures; knowing that in the child conceived in, carried by, and born to Mary God has taken the whole course of



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our bodily development into his own life; and even knowing that before we have the capacity for speech the Spirit intercedes for us, we can hardly find ourselves drawn toward the “**personhood**” argument. It is true...that certain capacities and characteristics distinguish human beings from other species. But the personhood argument mistakenly assumes that these distinguishing characteristics constitute qualifications for membership in the human community. But to be a member of our community, with a claim to care equal to yours or mine, an individual *need not possess these capacities*. To ‘qualify’ for membership he need only be begotten of human parents” (pp. 31-32; emphasis added).

He takes up the woman’s “right to privacy” argument to justify abortion. This was central to *Roe v. Wade*’s claim that abortion is a private matter between a woman and her doctor until the fetus attained “viability.” The argument, “based upon an individualism so thoroughgoing as to suppose that we have obligations to others only if we consent to them,” is “a poor model for understanding a parent-child bond.” Before concluding his appraisal of this argument, however, he notes that it calls our attention to the truth that two persons are involved in abortion, the child and its mother. The mother, and she alone, bears the child until birth, when others are then able to help care for it. But is it fair, he asks, to require her to continue bearing it despite the serious burdens this may impose on her? He contends, in passages that in my judgment contradict his principles and approve of behavior that is not Christian, that there are “very limited” circumstances in which we “ought not deny the mother an abortion if she seeks it.” He thinks that if “continued pregnancy constitutes a threat to the mother’s life such as either she or her child must die, *we cannot require her to build the human race by destroying herself* (emphasis added). Nor must we wait to see what happens, as if God did not use us to bring care and healing even in a world radically distorted by our sin...We should...render a similar judgment in those cases...of pregnancy resulting from forcible or incestuous intercourse....In this instance, even though the fetus is...technically innocent,*its continued existence within the woman may constitute for her an embodiment of the original attack upon her person*” (pp. 33-34; emphasis added again).

After giving these reasons for accepting abortion in limited circumstances, Meilaender rejects the “privacy” argument: “If we once grant that at every stage of its development the fetus is one of us, with a dignity equal to ours, we will not suppose that a pregnant woman’s desire to be set free from that fetus can—apart from genuinely exceptional circumstances—give us good reason for abortion” (p. 35). This passage, were the words set off by dashes deleted, would in my judgment be far more compatible with Meilaender’s *Christian* vision as set forth in chapter 1.

The chapter concludes with reflections on “welcoming children.” Christian opposition to abortion is ultimately rooted not in a refutation of arguments but in the effort to seek “to see the whole of life in the light of God’s creative and redemptive activity. The life of the child in the womb is God’s creation.” We are to “want” our children, to welcome them into our midst (pp. 35-37).

CRITICAL COMMENT



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One comment I think important but by no means focusing on my principal problem—his defense of abortion in some very limited situations—concerns Meilaender’s claim that to be a member of our community an individual need not possess the “capacities” for exercising such properties as communicating, reasoning, choosing, etc.” The problem here is that Meilaender, paradoxically in company with those holding the “personhood” view, fails to recognize, with Aristotle, St. Thomas, and many sound philosophers, the distinction between a *radical capacity* and *active potency* on the one hand, and a *developed capacity* and merely *passive potency* on the other. All members of the human species have the *radical capacity* and *active potency* to engage to engage in the kinds of activities associated with persons because they are the kind of beings they are and can develop those properties *from within*. They are not “potential” persons but persons “*with potential*.” The exercise of those capacities may, because of injury or disease, be *inhibited* in their lives but they nonetheless still retain the *radical capacity* and *active potency* to exercise them. This matter is magnificently developed by many authors today, among them Robert George and Christopher Tollefsen in their 2007 work, *Embryo: A Defense of Human Life*.

My major comment/criticism has to do with Meilaender’s acceptance of a woman’s desire to have an abortion in the very limited circumstances described above. Before more critical comments I want first to point out, with respect to the first issue (when continuation of the pregnancy threatens the life of mother), that the “abortion” could be justified in accord with the “principle” or “rule” of double effect, with the death of the unborn child a *foreseen but not intended effect* of the act whose intended effect and immediate end is the saving of life of the mother. Meilaender’s mentor, Paul Ramsey, by the way, accepted the truth the “rule” or “principle” of double effect embodies; moreover Meilaender himself makes effective use of it in his discussion of legitimate reasons for refusing treatment in chapter 7, pp. 66-67.

But let us suppose that a woman is told by her doctor that she must have an abortion to save her own life and she were to ask him, “Do you mean that I must kill my child to save my life, or could it be that his death is foreseen but not willed by me?” and the doctor were to respond, “I mean that you must *kill* the child if you want to save your life.” It seems to me that the mother could *and would* say that she would rather die than *kill* her own child. In fact, later in this chapter Meilaender himself writes as follows when speaking of the temptation after birth to rid oneself of an “unwanted child,” a temptation that could test father as well as mother: “One need not be a Christian to agree with Socrates that it is better to suffer evil than to do it, but certainly *Christians should understand such a claim. If we seek to save ourselves by doing away with the child who is unwanted, we hand ourselves over to the destructive powers of the world in an attempt to avoid them, and we act as if those powers are ultimately worthy of our worship, as if they could save*” (pp. 36-37). Contrast this truthful way of speaking with Meilaender’s unfortunate misdescription of the situation of the mother whose killing of her child he approves, when he said: “*we cannot require her to build the human race by destroying herself.*” We are definitely *not* asking her to “destroy herself” in order to build the human race. We are simply asking her “do not freely choose to kill an unwanted



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child because it is better to suffer evil than to do it, as even morally upright pagans like Socrates recognized.”

Meilaender’s acceptance of abortion as justified if the child is conceived as a result of forced intercourse or incestuous relationships is even worse. The child, who is a *person made in God’s image and equal in dignity to his parents, whoever they may be, as a person and child of God*, is reduced to a thing. Meilaender does not precisely say this, but he *does* say that for the woman in question “its [note the impersonal way of referring to the child] continued existence is an embodiment of the original attack upon her person.” Is Meilaender arguing as follows: Since the mother *does not perceive* the child in her womb as another victim of forcible or incestuous intercourse but rather as an “it” embodying the one who did violence to her and to him,” the child ceases to be for her what he in truth *really is: a person to be loved?* It seems to me that this is the case. Moreover, is it not true that children conceived in this way many times grow up to defend and protect their mothers, whom they love with a special love precisely because they refused to confuse them with their attackers and let them live? In addition, Meilaender’s defense of abortion of a child conceived because of forcible or incestuous sex is utterly incompatible, so it seems to me, with what he says later: “The life of the child in the womb is God’s creation, and the child is part of the world Christ came to redeem. The worth and dignity of the child’s life *are not therefore dependent on our evaluation*—on whether at any given moment we ‘want’ that child....Our continuing task...is to struggle to bring our judgments and feelings into accord with God’s action” (35-36). My hope is that in the next edition of this fine book Meilaender will revise this material in light of what he has to say in the chapter’s final pages.

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