



Chapter II

Literature concerning the pro-life and pro-choice philosophical debate

Although abortion has been practiced almost all over the world long before the beginning of its historical records, it still remains one of the most hotly debated issues worldwide. It is irrefutable that there exist various debates between the pro-life and pro-choice of abortion.

Goldbatt in the article titled "Liberty, Logic & Abortion" (2002) points out the fact that the debate over abortion now continues debatable under the so-called *Popular Arguments*, consists of absolutist slogans. Concretely, on the 'pro-choice' side of the abortion debate, two popular arguments dominate: (1) a woman has the right to control her own body and (2) without access to legal abortions, women will be forced to obtain unsafe, illegal abortions. On the contrary, the 'pro-life' camp rests its case on a single popular argument: abortion is murder. The hidden premise here is that the unborn life, from its conception, constitutes a legal person.

Nowadays, abortion debate has widely spread as a social issue, somehow leading to social struggles or conflicts. The debates around abortion have been situated in broader economic, social and ideological concerns. Being well aware of the importance of this issue, there are a number of scholars and politicians raising their voices in an effort to find out the more suitable policies and laws in which the problem of why and how abortion should properly be seen through academic evidence has been emphasized.

2.1 The issue of the sanctity of life

Regarding this issue, there exists the philosophical argumentation, containing two major kinds of arguments. One family of arguments relates to the moral status of the embryo – the question of whether the embryo has a right to life, is the sort of being it would be seriously wrong to kill, or, in other words, is a 'person' in the moral sense. Another family of arguments relates to bodily rights – the question of whether the woman's bodily rights justify abortion even if the embryo has a right to life.

2.1.1 Pro-life

Nathanson (1979) argues that at the moment of implantation, the unborn "establishes its presence to the rest of us by transmitting its own signals – by producing hormones – approximately one week after fertilization and as soon as it burrows into the alien uterine wall." For Nathanson, implantation is significant because prior to this time the unborn "has the genetic structure but is incomplete, lacking the essential element that produces life: an interface with the human community and communication of the fact that it is there."

One of the organizations that have strong voice in pro-life issue is the LIFE organization in the United Kingdom established in August 1970. This organization attracted lots of support and public meetings were held throughout the country. The number of LIFE Groups rapidly expanded throughout England, Scotland, Wales and Northern Ireland. They offer information and support for women contemplating abortion, suffering after pregnancy loss or struggling to cope after abortion. They have a nationwide network of care centers that support women facing unintended pregnancy. In 1983 they launched the 'Two Million Too Many' campaign, and two years later they helped organize a two million signatures petition in support of a Bill to curb destructive research on human embryos. In 1988 LIFE supported attempt to reduce the legal upper time limit for abortion from 28 weeks to 18 weeks. LIFE opposed the Government's Human Fertilisation and Embryology Bill, which legalized destructive research on human embryos and introduced significant adverse changes to the abortion laws. According to LIFE organization, human life begins at conception, i.e. fertilization. When an egg is fertilised by a sperm a whole series of biological and

chemical changes begin, and a new and unique human individual has come into being; a self-directed, self-perpetuating, integrated, whole human organism, quite unlike the egg and sperm from which it was formed. This applies whether that embryo has been created in vitro – by some laboratory-based technique of assisted reproduction – or inside the womb, through normal sexual intercourse. Because they are individual human beings, there are certain ways of treating human embryos that are unethical, just as there are right and wrong ways to behave towards adult human beings. These include intentionally destroying embryos; using embryos for research and then discarding them. (Life organization, n. d.).

Kreeft (1997) seems to be a more anti-abortionist when regarding abortion as murder, for killing an innocent person is murder. He adds that abortion comes from Hell and it can lead us to Hell if not repented. This idea bases on the argument that embryonic stem cells had the potential, theoretically at least, to become any one of the two-hundred or so cells that make up the human body. (Life organization, 2008) Thus, Lee (2004) shares the same idea that it is wrong to kill an unborn human being because she is identical to an entity at some time later in her development. His argument from substantial identity can be expressed in five steps 1. You and I are intrinsically valuable (in the sense that makes us subjects of rights). 2. We are intrinsically valuable because of what we are (what we are essentially). 3. What we are, is each a human, physical organism. 4. Human physical organisms come to be at conception. (A biological proposition: a new and distinct human organism is generated by the fusion of a spermatozoon and an oocyte.) 5. Therefore, what is intrinsically valuable (as a subject of rights) comes to be at conception. What makes it wrong to kill you or me *now* would also have been present in the killing of you or me when we existed as adolescents, as toddlers, as infants, but also when we existed as fetuses or embryos.

Traditionally, abortion has been considered to be absolutely forbidden or to be treated with strong disdain, and limited to certain circumstances in Catholicism. According to *Catechism of the Catholic Church*, human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life. Since the first century the

Church has affirmed the moral evil of every abortion. This teaching remains unchanged and, therefore, direct abortion is definitely contrary to the moral law:

You shall not kill the embryo by abortion and shall not cause the newborn to perish. God, the Lord of life, has entrusted to men the noble mission of safeguarding life, and men must carry it out in a manner worthy of themselves. Life must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes.

In 1975, the American Catholic hierarchy committed itself to organized public and political opposition to abortion. The Conference of Catholic Bishops issued a "Pastoral Plan for Pro-life activities", a thirteen-page pamphlet calling for "an educational/public information effort ... that emphasizes the moral prohibition of abortion". The Pastoral Plan urges priests to speak out against abortion in the pulpit and calls on church-sponsored organizations to encourage opposition wherever possible. It should be noted that across America, abortion is under great attack since the Supreme Court legalized it in 1973. To its opponents, abortion is murder, and they have been engaged in a crusade to wipe it out. Justifying their actions on moral grounds and backed by the authority and money of the Roman Catholic Church, the opponents called for a constitutional convention to draft a constitutional amendment that would ban abortion. Dr Mildred F. Jefferson, president of the National Right to Life Committee – the biggest pro-life organization in the USA with 11 million members – said: "We are going to push our crusade until we have won. We will not rest". They showed their determination through the fact that they had lobbyists in every state capital. (Newsweek, 1978:22-25)

Among countries that follow Catholicism, The Republic of Ireland has one of the most draconian abortion laws. At present abortion may only be performed where continuation of pregnancy poses a real risk to a pregnant woman's life. In Ireland, the practice of abortion, regulated by a law, which dated back to 1861, was strictly forbidden. Anyone who administers drugs or uses instruments to procure abortion "shall be guilty of felony, and being convicted thereof shall be liable . . . , to be kept in penal servitude for life" Anyone who procures drugs to cause abortion "shall be guilty of misdemeanor, and being convicted thereof shall be liable . . . , to be kept in penal servitude . . . ". With due regard to the equal right to life of the mother, there is

only one exception on this regulation, when to carry on with the pregnancy implies a risk for the mother's life. Ireland is the only country in Europe with such strict regulations. (Hirsch, 1995: 512). According to Mitchinson (2002), there was the amendment in the law at the end of 1992 in which the law on abortion could not prevent someone from traveling abroad, or prevent them from reading about abortion; however, it did not make it legal to travel abroad to have an abortion. The Irish government claims that its legislation will give legal protection to "medical procedures" (i.e. abortions) carried out to "prevent a real and substantial risk of loss of the woman's life". In reality, abortions, which are necessary to save women's lives, are carried out in Irish hospitals under the constitutional provision guaranteeing women an "equal right to life". The freedom to travel and to receive information is hardly something to brag about and, in any case, these basic democratic rights were already won in the 1992 abortion referendum. Thus, it can be inferred that Irish society's attitude toward abortion issue has been changing and the influence of Catholic Church is declining.

Regarding the abortion issue in Islamic countries, it should be noted that most Muslim countries have restrictive abortion laws that permit abortions only when the life of the mother is threatened. According to the Organization of Islamic Conference (2008), among socially conservative Muslim countries, only seven countries permit abortion in the first 4 months of gestation for fetal deformities, four countries in sub Saharan Africa (Benin, Burkina Faso, Chad and Guinea) and three in the Middle East (Kuwait, Qatar and, now, Iran). On the contrary, there are strict laws and policies related to abortion issues in the rest of Islamic countries. In Pakistan, Oman, Senegal, for example, the performance of abortions is prohibited unless to save the life of pregnant woman and must be carried out by a physician. Any person who performed an illegal abortion was subject to imprisonment for at least three years (in Oman), and five year (in Pakistan, Senegal). In Saudi Arabia, abortion is illegal and may be performed for saving a mother's life, and if the pregnancy is less than four months (Abortion policies, 2002).

In Buddhist countries, there are also strict laws on abortion because the principles of Buddhism are against taking life.

The first Buddhist principle is: “Anything that exists, exists only in relationship with everything else that exists” (Florida, 1991). In other words, nothing has independent self-being. Therefore, all ethical problems are interrelated and must be considered globally and rationally as problems in co-conditioned causality. The Buddha’s great insight into the interrelatedness of all phenomena has two ideals: *prajna*, or wisdom, which leads to selfless action for the sake of others, and *karuna*, or witless compassion, which is defined as the bungling attempt to do good without the wisdom to effect it and considered to be extremely dangerous. (Florida, 1991)

Another principle is: “Moral behaviour in Buddhist systems is not an absolute in itself; it is a means towards a religious end, the transcendence of those selfish cravings which bind all beings to an unending round of suffering.” (Florida, 1991) All moral acts, in Florida’s argument, can be either *kusula karma*, skilful deeds which are beneficial to self and others, or *akusala karma*, unskilful deeds which harm self and others.

Everything in the phenomenal world is relative. On the level of relative truth, one’s deeds, or *karma*, obey fixed laws of causality which determine one’s destiny. Basically, the moral consequences of an act are determined by the will, or *cetana*, of the actor. If the will behind an act is driven by greed, hatred, or delusion (the three fundamental aspects of selfish craving), then the act is *akusala*, or unskilful. Unskilful acts always have negative consequences for the actor and generally for the recipient of the act.

How does the theory of co-conditioned causality, or *pratityasamutpada*, apply to abortion then?

The theory of the interrelatedness of all phenomena was interpreted embryologically from the earliest days. As applied to the foetal development of an individual, *ignorance*, *karma foundations* and *consciousness* are seen as key factors. Vasubandhu (cited in Florida, 1991), an outstandingly brilliant fourth or fifth century exegete, clarifies this as follows:

Avidya, or ignorance, is in the previous life the condition of passion. All the passions in effect accompany ignorance, entering into activity through ignorance.

Samskaras, or karma foundations, are in the previous life the condition of the act. The series of the previous existence, in so far as it accomplishes a good act or a bad one and so on, is what is understood by karma foundations.

Vijnana, or consciousness, is the *skandhas*, or the physical and mental components of a being, at conception. The Five Skandhas (form, consciousness, feeling, perception and formation) are within the womb, at the moment of reincarnation or birth-of-existence.

All this leads to the Buddhist belief that the human being begins at the instant of conception when sperm, egg, and consciousness come together. Taniguchi (cited in Florida, 1991) firmly states, "There is no qualitative difference between an unborn foetus and a born individual"

Therefore, the precept against taking life applies to abortion. Abortion, in Buddhist belief, is a serious unskilful act because it involves violence against a presumably virtuous foetal human being. Buddhaghosa (cited in Florida, 1991), a fifth century Theray, comments on this precept as follows:

"I undertake to observe the rule to abstain from taking life [...] Taking life means to murder anything that lives. It refers to the striking and killing of living beings [...] Taking life is then the will to kill anything that one perceives as having life, to act so as to terminate the life-force in it, in so far as the will finds expression in bodily expression or in speech. With regard to animals it is worse to kill large ones than small because a more extensive effort is involved. Even where the effort is the same, the difference in substance must be considered. In the case of humans the killing is the more blameworthy the more virtuous they are. Apart from that, the extent of the offence is proportionate to the intensity of the wish to kill"

In general, in Theravada Buddhist countries, “the moral stigma which attaches to abortion increases with the size of the foetus” (Ling, 1969: 58). This is an aspect of the general Buddhist notion that the seriousness of the act of taking life increases with the size, complexity and even sanctity of the being whose life is taken. It is relatively less serious to destroy a mosquito than a dog; less serious to destroy a dog than an elephant; it is more serious to take the life of a man than of an elephant, and most serious of all to take the life of a monk. It would thus be less serious to terminate the life of a month-old foetus than of a child about to be born. (Ling, 1969)

As far as *motivation* or *will* – the most important factor in Buddhist ethical evaluation – is concerned, abortion involves several grievous errors. Greed, hatred, and delusion – the three root drives of unskilful men and women – apply well to abortion decisions. Greed would lie behind people’s considerations of only their own interests or pleasures in the situation and solidify the notion that “I” owned the foetus and could do with it what “I” would. Hatred would motivate people to eliminate the perceived cause of discomfort, the foetus. Delusion would cast a shadow over people’s understanding, lead to denial that the foetus is a living being, and result in a condition of apathy where people, avoiding responsibility for themselves, would follow advice to terminate the pregnancy. In Florida’s (1991: 4) opinion, underlying these three “poisons” of greed, hatred and delusion are even more fundamental errors.

“The three poisons arise through lack of insight into the interconnectedness of all beings, a misguided sense of difference between I and other. When prajna, or wisdom, is so lacking, then so too karuna, or compassion, will also fall short, and upaya, or skilful means, will not be conspicuous.”

2.1.2 Pro-choice

From another standpoint, there are arguments based on criteria for personhood. Mary Anne Warren (1973) in her famous article “On the Moral and Legal Status of Abortion” argues for the permissibility of abortion, holds that moral opposition to abortion is based on the following argument: It is wrong to kill innocent human beings and the embryo is an innocent human being. Hence it is wrong to kill the embryo. Warren, however, thinks that ‘human being’ is used in different senses in

(1) and (2). In (1), 'human being' is used in a moral sense to mean a 'person', a 'full-fledged member of the moral community'. In (2), 'human being' means 'biological human'. That the embryo is a biologically human organism or animal is uncontroversial, Warren holds. But it does not follow that the embryo is a person. She thinks there is a cluster of properties that characterize persons as follows: consciousness, reasoning, self-motivated activity, the capacity to communicate, the presence of self-concepts, and self-awareness. A person does not have to have each of these, but if something has all five then it definitely is a person whether it is biologically human or not, while if it has none or perhaps only one then it is not a person, again whether it is biologically human or not. The fetus has at most one, consciousness (and this only after it becomes susceptible to pain – the timing of which is disputed), and hence is not a person.

In addition, it should be noted that the term “abortion” is defined as the termination of a pregnancy after implantation of the developing fertilized ovum in the lining of the uterus but before it has attained viability, that is, before it has become capable of surviving, even with appropriate life support (for example, an incubator), the neonatal period and eventually maintaining an independent life outside the mother’s uterus. (Tietze, as cited in The Population Council, 1981). This viewpoint was supported by Saeng (1975): “Regarding abortion, if it is done in the early part of the pregnancy, while the being in the womb is still only a ‘form’, then it is not held to be the killing of a human being but only the destruction of the ‘form’.

Hence, it can be inferred that the act of abortion should be judged tolerantly than the term “immoral act” or “killer” as it used to be. The thing should be taken into consideration here is that while the problem of whether or not embryo is a human is continuing judged, his mother is the real person who has to suffer from mental burden caused by abortion affairs. Thus, should a pragmatic view be the priority here? In addition, it is raised by the question whether or not abortion an issue of privacy? Is this an egregious assault on women’s sense of self and bodily integrity?

2.2 The issue of controlling sexuality in society and the issue of a mother’s choice

2.2.1 Anti-choice

Those who fight against contraception and abortion said that (1) Contraception affects attitudes toward child. Judie Brown (as cited in Nashville, 2006), president of the American Life League, an organization that has battled abortion, said that there is a direct connection between the practice of contraception and the practice of abortion: "The mind-set that invites a couple to use contraception is an anti-child mind-set". So when a baby is conceived accidentally, the couple already has this negative attitude toward the child. Therefore, seeking an abortion is a natural outcome. Contraception is an abortifacient because somehow it is about taking the life of the human. Hence, all forms of contraception should be opposed. (2) Contraception promotes deviant lifestyle. Modern contraceptive inventions have given many an exaggerated sense of safety and prompted more people than ever before to move sexual expression outside the marriage boundary. Contraception, by this logic, encourages sexual promiscuity, sexual deviance (like homosexuality) and a preoccupation with sex that is unhealthy even within marriage.

Traditionally, women are considered those who should be decent and not sexually active. They should not have extensive knowledge about sex as well. Those who do not control their sexuality have been severely condemned because of the view that sex pollutes women and family, a sacred institution that must be preserved at any cost. Edison (as cited in Somgsamphan, 2004: 164) said the variety of sexual behavior and desire that came out of the closet led many to feel that social morality was declining, and that family as a basic unit binding society together was falling apart.

There was an international anti-abortion movement developed in the late 1970s and 1980s, led by Catholic organizations and certain protestant groups and "New Right" conservative groups in the United States such as International Rights to Life Federation and the Catholic-based Human Life International. (Wittaker, 2004: 150). Yet, it should be noted that these anti-abortionists hardly had any better welfare or welfare states for women who are not ready to have a child, or another child, especially when they are poor. Thus, the issue is that how can they say women MUST have their child?

2.2.2 Pro- choice

History has shown that women who are determined to exercise control over the number of children they bear will carry out abortion, no matter how strict the abortion law is. Worldwide, perhaps 50 million abortions are performed each year, merely half of them illegal. Experience shows that leaving women no choice but to carry unwanted pregnancies to term results in higher rates of infanticide, greater numbers of abandoned and neglected children, and, particularly in the Third World, a decline in nutrition and health. Looking beyond the rhetoric to the reality of abortion – its incidence, its social and health costs when illegal, its place in the fertility transition, the way it fits in with the broader struggle for human equity and equality – makes crystal clear the urgency of moving the abortion debate from the realm of crime to common sense. (Jacobson, 1990)

Oz Katerji, one of the pro-choice supporters, says that a woman has a right to determine whether she has the means to raise a child and provide the best life possible for it. In too many countries today abortion is banned just in cases of rape and incest and a woman in that case has to show the evidence for their miserable cases to be protected by law. A system like that lacks even the remotest humanity or respect for life. This is not a matter for discussion; these are our basic human rights. (The voice of the pro-choice majority, n.d.)

The National Abortion Federation (NAF) is the professional association of abortion providers in the United States and Canada. The mission of the NAF is to ensure safe, legal, and accessible abortion care to promote health and justice for women. NAF is the professional association of abortion providers in North America. This organization is among pro-choice organizations because it is NAF's belief that women should be trusted to make private medical decisions in consultation with their health care providers. NAF currently offers quality training and services to abortion providers as well as serves physicians, advanced practice clinicians, nurses, counselors, administrators, and other medical professionals at more than 400 facilities in 47 states and 8 Canadian provinces. They also have international members in Europe, South America, and Australia. NAF has initiated two public service campaigns. The 1999 campaign addressed the need to normalize abortion, the women

who seek care, and the health care professionals who risk their lives to provide care to women. The most recent campaign, in 2001, focused on the availability of mifepristone (RU-486), the safe and effective option for very early abortion.

According to NAF (2008), throughout the history of legal abortion, anti-abortion extremists have used propaganda, misinformation, and outright lies to dissuade women from choosing abortion. They argue that illegal abortion is unsafe abortion. Between the 1880s and 1973, abortion was illegal in all or most U.S. states, and many women died or had serious medical problems as a result. Women often made desperate and dangerous attempts to induce their own abortions or resorted to untrained practitioners who performed abortions with primitive instruments or in unsanitary conditions. Women streamed into emergency rooms with serious complications - perforations of the uterus, retained placentas, severe bleeding, cervical wounds, rampant infections, poisoning, shock, and gangrene. In addition, women have abortions for a variety of reasons, but in general they choose abortion because a pregnancy at that time is in some way wrong for them. Such situations can cause a great deal of distress, and although abortion may be the best available option, the circumstances that led to the problem pregnancy may continue to be upsetting. Thus, women should have the right to make fully informed decisions about their reproductive health care free from these anti-choice myths. Firstly, they argue again the myth about the relationship between abortion and breast cancer myth, saying that no causal relationship between abortion and breast cancer has been scientifically established. Nevertheless, the anti-choice community continues to claim an association between abortion and an increased risk of breast cancer. In this case, anti-choice groups attempt to dissuade women from choosing abortion by exploiting their fear of breast cancer. Secondly, they argue against the myth related to "post-abortion syndrome", which is defined as traits similar to "post-traumatic stress disorder", by quoting medical opinions, like that of the American Psychological Association, agree there is no such thing as "post-abortion syndrome." They conclude with a summary of the scientific research on psychological effects of abortion inconclusive, stated that "research with diverse samples, different measures of response and different times of assessment have come to similar conclusions. The time of greatest distress is likely to be before the abortion. Severe negative reactions after abortions are rare and can best be understood in the framework of coping with normal life stress."

In fact, there has been a tremendous spectrum of religious, philosophical, scientific, and medical opinions upon the issue whether a woman is able to make this decision, based on her own conscience, or imposing a law defining a fetus as a "person," granting it rights equal to or superior to a woman's - a thinking, feeling, conscious human being - is fair. Muraskin shares the same viewpoint when she says:

“Those who are against abortion said that when a woman chooses to have sex, she must be willing to accept all consequences. Those who are against abortion will defend the right of the fetus to develop, to be given life, and to grow, regardless of the wishes of the mother.” Muraskin (2000: 369)

She adds that the very existence of fetal-protection policies leads to anxiety in women of childbearing age, affects the development of self-esteem and personal control in girls who grow up knowing that their ability to control their own bodies and make decisions about their own health is limited, and causes depression, helplessness, and powerlessness in women charged with fetal abuse.

In the words of abortion rights activist and medical doctor Warrant Hern (1990), it is a struggle over “who runs our society...self-determination ... individual choice, personal freedom and responsibility.” This is particularly and painfully true for women. The struggle for abortion rights cannot be separated from the broader struggles of women to gain equality in all facets of life, from family and domestic issues to parity in the workplace. Handwerker (as cited in Jacobson, 1990: 52) stated: “The issue is not whether abortion is ‘right’ or ‘wrong’. What is ‘right’ or ‘wrong’ varies with resource access ... and power relations ... Abortion may improve or optimize resource access ... Thus, the issue is choice. The conflict ... is intense because the issue is whether one group can deny to another the fundamental right to seek a better life”

Investigating this issue from another angle, there arise the critical questions: Should the penalty for lack of knowledge or even for a moment's carelessness be enforced on pregnancy and childrearing? Or is it dangerous illegal abortion? Should we consign a teenager to a life sentence of joblessness, hopelessness, and dependency? If women are forced to carry unwanted pregnancies to term, the result is unwanted children. Everyone knows they are among society's most tragic cases, often uncared-for, unloved, and abandoned. When they grow up, these children are often

seriously disadvantaged, and sometimes inclined toward brutal behavior to others. This is not good for children, for families, and for the country. Hence, abortion should be performed within appropriate time limits set by medical and scientific criteria. Thajeen (as cited in Yorsaengrat, 1994: 2) said: ***“not only women who were raped and had health problems should be allowed to have abortions, but also women who had no ability to look after their children”***.

It is undeniable that social movements are social phenomenon and it somehow creates a springboard for social change in the future. Nowadays, there are more and more socialists, feminists and trade unionists campaign for abortion rights. Generally, the reasons given include (1) Women should have the right to control and decide on their own body. Due to the fact that if changes in a woman’s body will have a long lasting affect on her normal life, the woman should be the one to decide on those changes to carry the pregnancy on or to abort it if she can not bear her body to nurture cells, (2) Couple should have the right to decide on the size of their family. The couple should intend having a baby. If the family is not able to take the unplanned pregnancy, they should have the right to terminate it. (3) The abortion law leaves many children born to women who are not ready to become mothers. A number of these children are abandoned and will be potential future social problems. For the whole society sake, abortion should be considered a way to solve potential social problems of this nature. Thus, they call for the amendment in abortion law to make it more practical. The typical successful campaign for abortion rights was in America, there was a successful campaign leading to amendment of the law to legalize abortion right in 1973. (Newsweek, 1978:22) There were a number of organizations that raised their voice to protect the Abortion rights including Religious Colition for Abortion Rights (led by the director Pat Gavett), The American Civil Liberties Union, the National Abortion Rights Action League, or Central Arizona Coalition for the Rights to Choose (led by Mary Tucker)

Women have also raised their voice for the abortion right. There are international feminist movement like Women’s Global Network for Reproductive Rights, Women’s Health Coalition, Boston Women’s Health Book Collective, South-based DAWN group (Development Alternatives for Women in a New Era) or International Reproductive Rights Research Action Group that campaign for abortion

rights for women through their support and organization of international meetings and disseminate information. (Wittaker, 2004: 149). Most pro-choice women regard abortion as a fundamental issue of the women's movement. Due to the fact that abortion affects so many different women – married or single, working or non-working, urban citizens or rural citizens – it has proved to be a unifying issue. In addition, abortion is a very personal issue. “It's the most basic right a woman has” said Mary Clark, a coordinator for the California Abortion Rights Action League “If a woman can't control her body, she has no control over the rest of her life” (Newsweek, 1978:24)

2.3 Anti- and pro- choice in Thailand

2.3.1 Buddhist thought and the Thai abortion debate

In a Theravada Buddhist kingdom like Thailand, where Buddhism is the state religion, the Thais try to build their legal system on Buddhist principles. As they recognise the foetus as a human being from the moment of conception and take the precept against killing as primary (Ratanakul, as cited in Floria, 1991: 41), they make abortion illegal.

Certainly, Buddhist thought is highly influential in Thailand. Most Thai regard abortion as *bap*, a Buddhist sin or demerit with serious karmic consequences both for the mother and foetus. (Whittaker, 2004). Karmic consequences come from the Buddhists' belief that they have to perfect themselves by following the path that the Buddha blazed for them. It involves replacing unwholesome roots of action, namely the selfish drives of greed, hatred, and delusion, with wholesome motives: loving-kindness, compassion, joy for others, and equanimity. At any rate, whatever one does, one's acts will ripen, with those skilful acts that are beneficial to self and others bearing good fruit while those unskillful acts that harm self and others yielding bad fruit. (Florida, 1991)

The Buddhist community in Thailand is divided on the abortion issue. One of the powerful leaders who fight against abortion is Major General Chamlong Srimunang. He became a practicing member in extreme sect Santi Asok in 1978, and

according to one observer, he “did not stumble upon Santi Asok inadvertently” but chose it because of its ideological framework based on individual morality and a Buddhist community and its mandatory austere lifestyle. He also led the Pro-Democracy Group during Thailand’s 1992 political crisis in which he sharply boosted the campaign for General Suchida’s resignation with the reason related to the devaluation in morality. (Rosi, 1995; 1047-50) He is now one of the five leaders of Peoples Alliance for Democracy (P.A.D). Some leaders like Major General Chamlong Srimunang, are firmly opposed to any liberalisation of the abortion law, basing their position on the absolute sanctity of life in the Buddhist tradition. In 1981, the movement to reform the abortion legislation almost achieved success. In September 1981, the House of Representatives passed the abortion Bill. However, right after that, the anti-abortion lobby launched an intensive campaign against the passing of the Bill. This campaign was spearheaded by Major General Chamlong Srimuang (Whittaker, 1999: 4). He formed the “Value of Life Promotion” club, whose adherents were religious groups, and some social workers and gynecologists. They coined the term “free abortion” to define induced abortion as immoral and irresponsible on the grounds that it kills a life and encourages teenagers and people in general to engage in more sex (Archavanitkul & Tharawan, 2005: 7). Chamlong’s campaign was so successful that in December 1981, the amended Bill was rejected by the Senate by a vote of 147 to 1 after almost three hours of heated debate. (Bangkok Post and Nation Review, 1981).

Others, including some monastic leaders, take a much more global view, pointing out that in Buddhist morality the intent of the action has much to do with the karmic result of the act. (Florida, 1991). However, in the case of abortions performed for the health of the mother or other reasons, “the thing that is really important for human beings to be responsible for their own actions and for them to accept reality/truth”. Thepwethi (as cited in Wittaker, 2004) suggests that in choosing the “least damaging path”, one still must accept the karmic consequences of the life-destroying act and hence such decisions must be made after careful consideration. Hence, in the case of abortion, he suggests there are different levels of sin depending upon the circumstances and intentions with which the act is performed, “someone who acts thoughtlessly sins greatly, but when they act in this way purely for their own comfort and convenience the sin is increased.”

Phothirak, in his book titled “Religion and the problem of abortion” (as cited in Wittaker, 2004) argues that abortion is “sinful” in Buddhism. He considers the law on abortion as encouraging immoral behaviour and does not want to see exceptions extended to more circumstances. Other commentators offer less absolute ethical positions as what Ajan Passano, the abbot of Wat Pa Nanachat, said, then quoted by Florida (1999:21), that there is no need to make statements on abortion as the monastic rules. Buddhist morality is a personal undertaking and that the standards must be upheld by monks and those for lay persons are very different, (Wittaker, 2004). Therefore this would imply that there is no need for a law about abortion. A view also supported by Siralee Sirilai, an ethicist of Mahidol University that the main Buddhist criterion for moral decision-making is whether or not the act has wholesome motivation. A skilful deed should work against greed, hatred, and delusion, and thus will be for the good of self and others. However, there are also secondary criteria such as “wholesome – unwholesome, usefulness –unusefulness, trouble – untrouble, admirability – blameworthiness”. She thinks that for the world renouncers, only the first criterion can be taken into account, but that for the Buddhist layperson the secondary can also come into play. Therefore, in some circumstances, abortion could perhaps be morally permissible. (Florida, 1991) Thepwethi (as cited in Whittaker, 2004) says, to be humans in this world, it may be necessary that we make a choice. There are many situations in our lives that we have to choose something for whatever reason. The best choice is the choice that is with the best intentions and, besides that, it should be wise. Intention is what decides the strength of the sin.

Yet, those who fight against abortion may say that abortion is wrong because it is a fundamental attack on human life and human dignity. If it is claimed that Thailand has anti-abortion laws because it is a country of Buddhism, there will be the question that “Why do Thailand have the Death Penalty” and “Why do Thai people eat meat?” If the Thai follow the Buddhist’s teaching that killing is sin number one and they should avoid practicing it, how come they account for these contradictory practices. Dr Whithun Eungpraphan, (as cited in Whittaker, 2004) argues that debates about Buddhist ethics and abortion are hypocritical for Thais who *“claim that they can never kill an animal because of Buddhist principles, but in the paper every day there are so many issues of people killing each other, without a worry about sin”*.

Buddhist understandings of abortion in Thailand thus agree that the act of abortion is wrong, but some commentators suggest that the choices a person makes and the karmic consequences of those choices should depend upon their circumstances. Such views of Buddhist ethics draw upon the teachings of Buddhaghosa, a fifth-century Theravada commentator who argued that there are different levels of sin depending upon the circumstances and intentions with which the act is performed. The degree of sin involved in an act is partly determined by the will or motivation of the actor. If the will behind the act is driven by greed, hatred or delusion, then the act is regarded as unskillful and “bap”. Human behaviour, therefore, cannot be judged on an absolute scale of good and evil, but rather is understood in terms of relative scale of skilfulness and unskilfulness. (Florida, 1999) In short, there are a number of Buddhists in Thailand that have tolerant view on abortion issue. Thus, it can be inferred that the Thai state claims that abortion is illegal because most Thai people are Buddhist does not seem to be logical.

Furthermore, it somehow reveals the fact that the abortion debate in Thailand is not simply about the killing, but it has something to do with issues related to women and sexual morality. Let’s take the consideration to the primary reasons that Thai women seek abortions as stated by Bangkok post (1981): *“the lack of social support for unwed pregnancies.”* In the community where moral and social codes hold the woman solely responsible for her pregnancy, pointing the finger accusingly and calling her “loose”, it is only the woman’s morality that is questioned in this matter, although it was not her action alone that caused her predicament. Is it the issue of sexual morality that effects women’s decision?

2.3.2 The abortion debate in civil society

2.3.2.1 In terms of writing

In fact, the abortion issue has generated a number of works from Thai public intellectuals and social commentators. Most were published during the peaks of the abortion debate in Thailand during the 1980s and 1990s. Most frame abortion as a social problem, then related to women’s rights, and some advocates of abortion in

Thailand are also looking toward religion (Cook & Leoprapai, 1974) to make an interpretation of abortion issues.

The Friends of Women Foundation and Gender Press published an edited collection by Mayuri Damrongcheua (as cited in Whittaker, 2004) entitled “Bon thangyaek” (At the crossroads) in which it represents an emerging perspective of abortion as a women’s rights issue. In June 1978, a report “Free abortion: the gap between morals and social problems” appeared in the Thai weekly *Siam Rath Sapda Wijan* (Whittaker, 2004). It represents another new element in the discourse surrounding abortion. The article included a drawing of a woman’s face with a lock through her mouth, and another picture of a poor rural woman with her children. It describes abortion as an issue of discrimination against women and was influenced by feminist critiques blaming social attitudes for abortion, in particular the lack of sex education and the acceptance of male promiscuity.

In the booklet entitled “Ruamkan srang sangkhom thai doi kaekhai kotmai tham thaeng” (Cooperate to create Thai society by amending the abortion law), Dr Bunthiam Khemapirat (as cited in Whittaker, 2004) argues that women should “be in a situation to be able to control what happens to their bodies as much as possible ... each woman has the right to ask herself what motherhood means to her and how she would have responsibility for a life that is a part of her. If she feels she is not able to love that life as part of her own body for nine months, or after that, she wouldn’t be able to bond with another life for the longest time, she has to have enough responsibility to not let that life continue.”

In the article entitled “Abortion, an unresolved problem”, which was published in January 1976 by Udomsilp Srisaengnam of Mahidol University in the *Journal of Association of Psychiatrists in Thailand*, he comments on the frenetic competitive atmosphere of contemporary society that he describes as materialistic, filled with sensuous desire and lacking justice. He also notes the ambiguities and loopholes in the current legislation, the difficulties for women to have to report and prove rape, and the social problems caused for women with unwanted pregnancies. He states that in contrast to what is generally understood at this time, most women did not have abortions as a result of promiscuity but rather as a result of economic factors. He then

goes on to argue in favour of an interpretation that under three months, a foetus should not be considered a life, and suggests a number of issues requiring debate. (Whittaker, 2004)

In 1987, Somthom Sathingpra (as cited in Whittaker, 2004) wrote about abortion in a book entitled “Riw roi apalak” (Scars of Wickedness) which also included chapters on prostitution and rape. In the chapter entitled “Abortion: compromise between victim and murderer”, Somthom states the difficulties and pain involved in the decision to abort, including that of the male partner:

“When you close your eyes and think of the cruelty that they must go through in order to relieve themselves of their suffering, it is a horrible image for anyone with a human heart. Anyone who still says that abortion is against morals and the law, is a very cold blooded person.”

Somthom concludes that after looking realistically at society’s problems in reality, there is no need for a conclusion to say how necessary free abortion is for the lives and social welfare of women. Tietze & Lewit (1972) share the same idea that from the point of view of society, abortion deals directly with a number of problems that relate to the welfare of children and families. It eliminates unwanted pregnancies, thereby reducing their effects in terms of unwanted children. When induced abortion is readily available, most pregnancies that occur are planned and wanted, and the children born of such circumstances, more apt to be loved and cared for. Maternal mortality, and indirectly, infant mortality are reduced.

2.3.2.2 Attempts to change the law

The year 1973 marked the beginning of public acknowledgement of abortion and the first public debates concerning legal reform. There were three national seminars on population between 1963 and 1968 that created a new focus on reproduction and family planning issue in Thailand. The result was the agreement to include family planning in the 3rd National Development Plan (1972-76). At that time, Dr. Suporn Koetsawang, former Head of the Siriraj Hospital Family Planning Unit was the leading figures in the public debate over abortion in Thailand. With the support from other medical professionals and some NGOs, Dr. Suporn has been

instrumental in ensuring the continued debate over law reform through his strategic releases of research results, political lobbying and media comments. (Whittaker, 2002: 47)

Gynecologists played the important role in the campaign for abortion right in Thailand. They led the initial attempt to expand the legal circumstances for terminating an unplanned pregnancy. From 1974-78 the Thai press conclusively agreed with the law amendment to allow more flexible cases for women to have an abortion. There was the momentum for liberalizing the law that resulted in new policy in the 1979 draft of the Fifth National Plan for Social and Economic Development (1982-86). It was described in the fifth plan as (1.3) "Amend Criminal Law Article 305. There are no absolutely effective contraceptive methods available. Abortion is legal if the pregnancy is a result of family planning failure" (Archavanitkul & Thrawan, 2005: 6)

The Commission on Public Health and Environment also proposed a draft bill to amend Criminal Law Article 305 to the conditions that: (1) Necessary to abort for the physical and mental health of the woman, or (2) If the baby will be born defected physically or mentally, or (3) If the family planning service which the women or her husband received from a doctor or a doctor's order has failed, or (4) Their pregnancy is a result of a criminal act (rape) (Archavanitkul & Thrawan, 2005: 7). The House passage of the bill elicited sudden new opposition. Major General Chamlong Srimuang led the opposition with reasons that legalizing abortion is killing a life and that encouraging free sex in society is destroying Thai culture.

After the failure, there have been many attempts to suggest the law amendment. Expanding the possibility to abort if the baby would be born defected or have fatal disease was general focus of later movements. This is based on a result of situations during 1988-1995 where the Ministry of Public Health found that there was an increasing annual number of over 10,000 cases of babies born to HIV positive mothers and there was only one-fourth of the mothers agreed to sterilization after giving birth. After the Ministry of Public Health, the draft was sent to the Ministry of Justice and the Council of the State. They concluded the content of the amendment as "*necessary to do so if there is scientific evidence indicating that the baby will be born*

with possible defect to the point of disability or may be a carrier of harmful disease". Later in October 1998 the cabinet considered this draft. It was overruled by the majority and never considered again (Warakamin and Boonthai, as cited in Archavanitkul & Thrawan, 2005: 9)

Another recent attempt resulted in a sub-committee to study the possibilities in amending the Criminal Law Article 305. The sub-committee agreed to make change to Article 305 from necessary to do so for the "health of the woman to physical and mental health of the women" and to amend the content about the baby as earlier attempt. While the draft amendment is awaiting public opinion through a public hearing, Dr. Surapong Suebwonglee, the Deputy Minister of the Ministry of Public Health in that time, suggested that there needed to be a law to punish men who get women pregnant unplanned and the women have to seek abortion. The Minister Sudarat Keyurapan also suggested more penalties to punish abortion operators. However, these attempts were never made into a draft law to pass on to the cabinet and the parliament. (Archavanitkul & Thrawan, 2005: 9-10)

In the late 1990s, the supporters of reform adopted a different strategy in which an active advocacy network has been focused. Members of this network hold various views and the types of reform required on the issue, but are generally supportive of improving the legal situation for women. The network included the Foundation for Women, formed alliances with the Reproductive Health Advocacy Group, Friends of Women Foundation, Association for the Promotion of the Status of Women, and Hotline Centre Foundation, as well as a few international agencies. The reform movement is supported by prominent public health advocates, including academics and journalists. There was also the policy revision from the Thai Ministry of Public Health, the Family Planning and Population Division and the AIDS Division within. Recognizing the fact that abortion used as a popular politics is frustrated by the lack of support, reform supporters have undertaken a three-pronged approach. This includes the improving complicated lobbying of key players within government ministries responsible for the issue, organizing public seminars and authoritative research projects on the incidence and consequences of illegal abortion, and a media campaign by sympathetic journalists to educate the public about the health consequences of illegal abortion and to remind them that reform of the law does not

mean "free abortion". In addition, the consequences of unplanned pregnancy was emphasized and women's reproductive health rights was highlighted (Whittaker, 2002; 49-50)

The member of women trade raised their voice in the abortion issue as well. There is a May Day march in 2004 when the majority of workers, mainly textile workers, gathered to demand women's right to choose abortion (Ungpakorn, 2007:102). Furthermore, there is a movement by women's health advocates that call for women with unplanned pregnancy the right to choose how they will handle their pregnancies, including access to contraceptive methods, shelter, adoption, counseling, abortion service, post-abortion care. The political stance of this movement is not to amend Article 305's statement of the current abortion law, but to overrule Articles 301-305 entirely and replace them with a new bill that contains a package of choices beneficial to women with unplanned pregnancy. This movement began in 1994, paused for sometime, and resumed again in 2000. Currently it is creating a complete database on unplanned pregnancy and abortion, conducting public and policy education on the issues, and networking with all stakeholders in the Thai society. (Archavanitkul & Thrawan, 2005: 10)

For anti-abortionists, they claim that they fight against abortion because it may encourage sexual promiscuity, especially in Thai women. It is their belief that abortion came to represent a multidimensional attack on the "traditional" family and gender system. Abortion was made to appear as a license to sexual promiscuity." (Gordon, 2002: 304)

Traditionally, Thai women is hoped to keep their image of a "good girl" who is sexually innocent, has little knowledge about sex, and hardly express themselves sexually. Those who do not control their sexuality have been severely condemned because of the belief that sex pollutes women. Traditional value was cited as being opposed to sex before marriage. It is believed that women should wait until they got married to have sex. The action against this norm was judged as a symptom of the decline of Thai culture. Importantly, it should be noted that promiscuity in various degrees among men is expected and tolerated in Thai society, while it is the women who have suffered and taken all the blame. (Songsamphan, 2004: 170-184). Thus,

abortion remains associated in the popular imagination as a sinful act of prostitutes and promiscuous students, not an issue that affects the lives of all Thai women and there still exist unsympathetic portrayal in the press of women who abort as heartless, bad women or morally corrupt, fun-loving adolescent students. (Whittaker, 2002: 49-50)

Nowadays, economic and social changes affecting the structure of society create a great demand in both the professional and labor sectors of the work force. There are more and more women who are given opportunities for education and encouraged to work outside the home, as well as there are more and more professions open to women, such as medicine, university teaching, social work, and government administration in every ministry. There has also been work for female laborers in factories, construction and various industries. (Women's Studies Center, 2002: 22). Mills (1999: 1) considers women to be "powerful discursive forces at work" in contemporary Thailand. As women in larger numbers study and work side by side with men, the custom of separation by gender gradually lost ground. The notion of platonic friendship become more acceptable and sexual equality become widespread. Women are regarded as being capable of taking care of their own welfare, which includes their body, their emotions, and their reputation.

In brief, the central arguments in the abortion debate are deontological, or rights-based. The view that all or almost all abortions should be illegal generally rests on the claims: (1) that the existence and moral right to life of human beings (human organisms) begins at or near conception-fertilization; (2) that induced abortion is the deliberate and unjust killing of the embryo in violation of its right to life; and (3) that the law should prohibit unjust violations of the right to life. The view that abortion should in most or all circumstances be legal generally rests on the claims: (1) that women have a right to control what happens in and to their own bodies; (2) that abortion is a just exercise of this right; (3) that the law should not criminalize just exercises of the right to control one's own body; and (4) that mother should be the one who make decision about abortion.

There are a number of social reasons accounting for the vast majority of abortions. Some social effects of abortion are a reduction of the illegitimate rate, a

decrease in the number of children available for adoption, and a decline in the number of illegal abortions. Furthermore, when abortion is carried out in combination with new diagnostic techniques, it brings about a decline in the number of deformed and defective children, and a decline in hereditary diseases.

Induced abortion, whether legal or illegal, reflects a women's desire to limit her fertility. The use of contraception will dramatically reduce the number of abortion caused by unwanted pregnancy. At the most basic level, the abortion issue is not simply about abortion. It is about the value of women in society. Should women make their own decisions about family, career, and how to live their lives?

It is undeniable that in today's materialistic world, the economics of feeding a child outweigh many families. A child should be born only when wanted and should be loved, taken care, clothed and fed with the best upbringing of his parents' ability. Thus, the pregnant woman should be the one who has the final decision to abort or to raise the child based on her economical, physical and psychological background. In case the woman decides to continue her pregnancy, society should be her great support to release the burden of childcare. Especially, once the concept of single mother no longer considers immorality, the number of abortions among unmarried women will somehow reduce in the days to come.

I would like to raise a voice for the right of women alongside Sarah, a representative of Young Women's Voices Association, when she says:

"I often hear people say, 'in a perfect world there would be no abortions.' But in my perfect world, the world I am hoping to help create, I do not toss out abortion so hastily. We need a safe world for women, one in which we control our bodies, our sexuality, our reproduction. And if abortion is part of a woman's quest, I would have the experience be painless, nurturing, free, safe, and without stigma. In my perfect world, each moment of our lives will be one that encourages us to love our bodies and celebrate our power." (Feminist Women's Health Center, n.d.)