

# Some limitations to abortion

The opinions expressed in this article are the writer's own and not necessarily those of Gateway. An article expressing a different point of view on abortion will follow.

by Katy Le Rougetel

Public pressure recently forced the Parti Quebecois to drop all charges against Dr. Henry Morgentaler. Having already received three jury acquittals on two charges of performing illegal abortions, the Montreal doctor faced not only a retrial, but eleven outstanding charges on the same account as well. The Quebec government's action was a heartening victory for the abortion movement and the women's movement as a whole.

However, the abortion fight is far from over. The operation remains illegal except under certain rigidly prescribed circumstances. Section 251 of the Criminal Code states that abortion may be performed *only* under these conditions:

Abortion must be performed by a qualified medical practitioner in an accredited hospital;

The practitioner must first receive a certificate in writing from the Therapeutic Abortion Committee of that hospital, stating that the continuation of the patient's pregnancy "would or would be likely to endanger her life or health;"

The Therapeutic Abortion Committee must consist of not less than three members, each of whom must be a qualified medical practitioner;

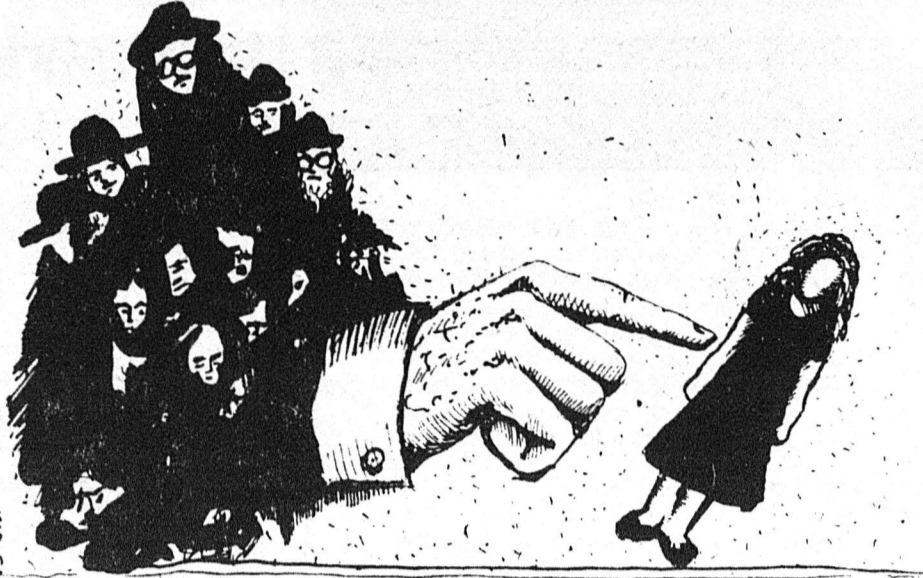
The practitioner performing the operation cannot sit on the Committee. These stipulations make abortions always difficult, frequently impossible, to obtain.

Finding a Therapeutic Abor-

tion Committee — the only body that can grant a legal abortion — can be a problem. Few rural hospitals have the staff to set up such a committee. So women living outside urban centres find abortions harder to obtain than those living in large cities like Vancouver or Toronto.

Moreover, no hospital is required to set up a Therapeutic Abortion Committee and women have no right of appeal against the absence of a committee in their hospital. Neither does a woman have the right to appeal the committee's ruling. This means that doctors who by law do not examine the woman, possess absolute power over her.

By far the simplest method of obtaining an abortion is to fly to the US where the operation is more readily available. However, only wealthy women can afford to solve their dilemma in this way.



KIP FARRIS

The law, moreover, errs in its medical understanding of abortion. It is a safe, simple and brief operation. It can be performed efficiently in a properly equipped doctor's office. In normal circumstances, there is no reason for women to take up valuable hospital beds, in order to receive abortions.

Abortion should be removed from the Criminal Code. It is a basic human right to control one's own body. Yet the law as it stands at the moment prevents women from doing that. It decides whether a woman will go through pregnancy, childbirth and motherhood, decreeing how she will spend her time for years to come. In consultation with her doctor and husband/lover, every woman should be allowed to choose freely either to carry her pregnancy to full term or to have

an abortion.

The operation is, essentially, a last resort. Reliable contraception is patently a more desirable way of avoiding unwanted pregnancies. Information on contraceptives must be more efficiently disseminated. New and safer methods of contraception must be researched. These will largely eliminate the need for abortion. Yet even the most trustworthy contraceptive has a

failure rate, be it ever so low. Even the most conscientious couple can be unlucky. In order to gain full control over their reproductive functions, women must be allowed easy access to abortion.

Opponents of abortion commonly call the operation "murder," denouncing those who seek its legalization as "anti life." This argument is founded upon

the assumption that the foetus in a woman's womb is a human being. But what is a human being?

Up till 1869, the Catholic church provided its followers with a useful guide to the question. It was held that the foetus entered a male foetus 40 days after conception and a female foetus 80 days after conception. At this point it became a human being. Most people today, however, would hardly attempt such a categorical definition.

The solution to the problem lies outside the bounds of medicine. No doctor will give a medical definition of the term "human." That is a task for philosophers.

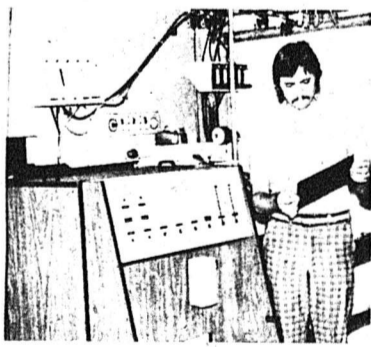
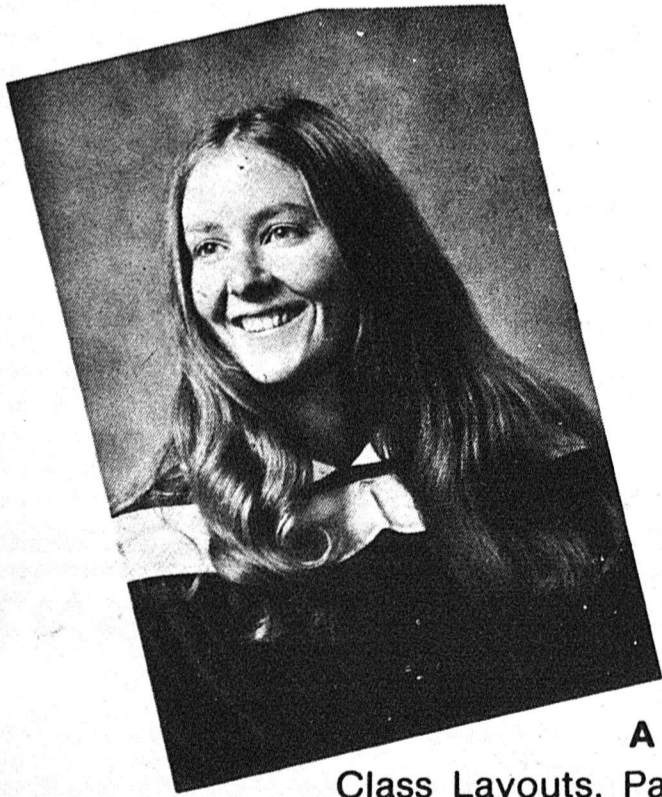
Incidentally, an interesting sidelight on the assumption that a foetus is a person is the suggestion that birth certificates be replaced by "conception certificates," funerals be held for miscarriages and that passports be issued to all pregnant women.

The case against the foetus being a human is strong. At the first months — the optimum time for performing an abortion — it is a few inches long, jelly-like texture and totally unable to survive outside the woman's body. Surely humanity means more than that.

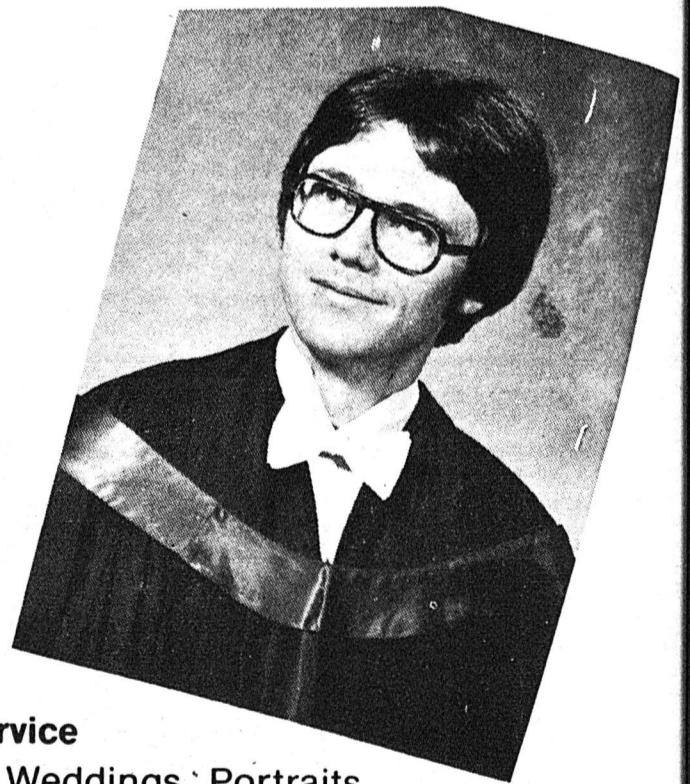
However, precisely because there is no cut and dried answer to the question, every woman should have the right to decide for herself what her position on abortion is. No anonymous medical committee, no legal ruling should be allowed to deny that freedom. Any attempt to do so is a severe restriction of a democratic right to control one's own bodies and is flagrant sexism.

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