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ABORTION AND SANCTITY OF HUMAN LIFE

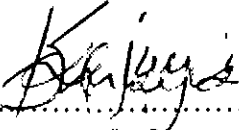
Moderator
REV. FR. PETER MAINA MUGO

A Long Essay Submitted in Partial Fulfillment of the Requirement
for Bachelor of Arts in Theology

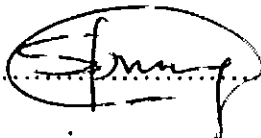
NAIROBI 2009

STUDENT'S DECLARATION

I, undersigned, declare that this long essay is my original work achieved through my personal reading, scientific method and critical reflection. It is submitted in partial fulfillment of the requirements for the Bachelor of Arts in Theology. It has never been submitted to any other college or university for academic credit. All sources have been cited in full and acknowledged.

Signed: 
Name of Student: REUBEN NJAGI
Date: 22/10/2009

This long essay has been submitted for examination with my approval as the college supervisor.

Signed: 
Name of the Supervisor: F. Mugo
Date: 22/10/2009

DEDICATION

I dedicate this work to My Mother and all Mothers all over the world, who have passion for life of their unborn babies, despite of the difficulties, sufferings and distress they undergo, during their pregnancy period.

I also would like to dedicate this work to all Holy Innocents, those babies who have fallen victims of Abortion; I hope that through this work the world will listen to your cry.

EPIGRAPH

- ❖ "I do not hesitate to proclaim before you and before the world that all human life from the moment of conception and through all subsequent stages is sacred, because human life is created in the image and likeness of God. Nothing surpasses the greatness or dignity of a human person. Human life is not just an idea or an abstraction; human life is the concrete reality of a being that lives, that acts, that grows and develops; human life is the concrete reality of a being that is capable of love, and of service to humanity".

From Pope John Paul II's Homily at the Capital Mall in Washington, D.C., on October 7, 1979. Quoted in 'Human Life is the Gift of God.'

- ❖ "The unborn human being's right to live is one of the inalienable human rights. God, the Lord of Life, has given man the exalted task of preserving life, and this must be carried out in a way which is worthy of mankind. From the conception, therefore, life must be protected with the greatest care. Abortion is the taking of a child's life and is a repulsive crime."

Pope John Paul II, September 9, 1985, Knight's Hall, Vaduz, Liechtenstein.

- ❖ "Every abortion kills two; the child and the conscience of the mother. The latter will never forget she, herself, has killed her own child. If you don't want that child, I want it, give it to me"!

Mother Teresa of Calcutta, who condemned abortion during her Nobel Prize acceptance lecture. On September 17, 1988, in Ottawa, Canada,

ACKNOWLEDGEMENTS

Let me express my heartfelt gratitude and thanks, first to my parents, John and Esther, for their many years of support and sacrifice on my behalf. Their love has been a foundation that has given me the resource to explore this work. Similarly, I want to thank my brothers and sisters, Gerald, Peter, Alex, George, Margaret and Judy as well as everybody in my family. I feel truly blessed to have had an opportunity to share this journey with such good friends.

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GENERAL INTRODUCTION

Abortion remains one of the most famous debated social and moral issues. Both pro-life and pro-choice groups present powerful arguments for and against abortion. The pro-life group emphasizes the value of protecting human life since conception at any cost, on the basis of the fact that human life is a sacred gift from God to humanity and should be treated with respect and reverence. The pro-choice group emphasizes the argument that women should have a right to control their body to the point of absolutizing her right over the natural phenomenon of development of a new being. Because of this for at least 25 years now, the issue of abortion has grown increasingly difficult in our contemporary society.

The efforts by some organizations, pro-life groups and many other anti-abortion organizations to protest against abortion and abortionists are almost not making any difference. This is due to the fact that, both sides are extremely dogmatic and defensive presenting arguments from one perspective only and fail to see the whole issue in its biological, psychological, moral and social complexity. It is because of the realizing such a complexity that we have decided to make an effort of laying clearly the facts in relation to abortion. This issue is very difficult but we shall try to evaluate morally and ethically the whole issue, through facts about human life to an extent that if those truths can be respected we can have a common good.

We intend to approach this issue with respect of sincere, moral, ethical and religious integrity that can lead to protection of life of the unborn. An approach that will not lead to more violence, deaths and hatred by the two groups pro-choice and Pro-life but by laying the facts and truths clearly and letting the two groups evaluate themselves

and if they are objective in their thinking and sincere to themselves, then they will definitely agree on some basic foundational principles of life that will initiate understanding and brain storm the journey of working together to defend life of the unborn.

We intend to write this essay about abortion and the sanctity of human life to re-create more awareness, to re-conscientise more people that, they need to be more attentive to the cry of that innocent child that is just about to be aborted. This essay is like a reaction to the 'Kenya's Reproductive Health and Right bill June 2008', with a motive of lying fact for Kenyan people and our legislators that abortion is killing and that it undermine the sanctity of life. The essay also aims at justifying through facts that abortion is a crime against human life. This essay is a call to all of us to protect that unborn child, to come to its aid and to rescue its life.

BACKGROUND AND MOTIVATION OF THE QUESTION

One writer called Jeffrey Reiman wrote that since slavery time there has never been a moral issue ever that has divided Americans like the issues of abortion.¹ This is the reality worldwide, this moral issues arouses different feelings and reactions from different people of different parts of the world. In our country Kenya the 10th Parliament is already divided about the 'Draft reproductive health and rights bill, 2008', which has a provision to legalize abortion in Kenya. This remains a challenge and a great challenge in our time and that is why I feel motivated to research and write this essay on the way sanctity of life is undermined by abortion.

The 'Draft reproductive Health and rights bill June 2008' that is being discussed in Kenyan parliament at the time of writing this essay, motivates me so much to lay facts

¹Cf. J., REIMAN, *Abortion and the ways we value human life*, 1.

clearly that abortion is killing and is morally evil. This is as a result of deep reflection on how many lives of the unborn will be put at risk and infact lives will be eliminated after the bill is passed in to a law.

In addition, being a pro-lifer for 10years now I feel that as I finish my Theological studies in Tangaza College, I may research, write and emphasize the sanctity of life, to all who are not pro-lifers and especially those who advocate for abortion. Ask them to respect the great gift of life from God to humanity and also to call them to listen to the cry of the unborn.

STATEMENT OF THE PROBLEM

Abortion is wrong, ethically and morally. This is because it disrespects the sanctity of human life. However, people try to get some ways to justify, advocate and even go ahead and practice it at a high rate hence, draft reproductive bill 2008, FIDA, pro-choice and many other institutions and hospitals that support abortion. This is against the Divine Law inscribed in our consciences by God that killing is bad and that calls us all to respect human life. The scripture too calls us to respect each other and sanctity of life (Gen. 4:10-12). But the reality on the ground is a great challenge to the Divine Law, to our consciences, to humanity, to the bible and even to the teaching of the Church.

JUSTIFICATION OF THE RESEARCH

The human values are undermined even in Africa, a part of the world where human values were earlier, very much respected. This is because nowadays people have been brain washed by the individualist and selfish attitude hence forgetting the human values that are never supposed to be compromised. We intend through this research to re-address to people's consciences once more and wish through re-echoing of sanctity of human life, to awaken human values in them. Highlighting and stressing the sanctity of

life over all individualistic attitudes and selfish motives that have led to abortion on demand.

THESIS STATEMENT/ HYPOTHESIS

Even as people try to advocate, practice and support Direct abortion, it remains ethically and morally wrong. The fact that there is abortion on demand does not make it ethically and morally right. This is because it destroys, undermines, and disrespects the sanctity of life and humanity in general.

Life begins at conception; hence it should be respected once it has started, from conception to natural death.

AIM

Through basing of facts on sanctity of life clearly just from Divine Law, through the Bible and even the Church's teaching we intend to address the society at large, all those who don't respect the gift of human life, and ask them to listen to voice of the unborn children who cry every moment wishing if they can be given a chance to live.

We aim to call upon everybody to advocate for life and human transcendental values that respects the sacredness of human life and values that treat human life as a great, precious gift from God.

OBJECTIVES

- To highlight the basic known knowledge of what is abortion.
- To evaluate abortion as one of the greatest crime against humanity.
- To emphasize on the sanctity of human life from conception up to natural death.
- This essay will look forward to counteract article IV of the 'draft reproductive health and rights bill, 2008'. An article that assumes and suggests that life of the unborn is lesser and mothers should have absolute control over it.

The essay also will re-evangelize people on human values especially those that respect human life basing itself from the scripture (Gen. 1:26-27). *Human beings are created in the image and likeness of God.*

SOURCES OF THE STUDY

The researcher, with adequate knowledge and interest in Sanctity of life is interested to proof the thesis that abortion violates the right to life of the unborn and also it disrespects the Sanctity of life. This paper is based majorly on the research work from different material, basically from Church's documents like *Donum Vitae*, *Humane Vitae* and *Evangelium vitae* and also from other sources of different scholars and writers. Other library materials like journals, magazines and newspapers on this issue are also part of this research. It owes a lot new discoveries and current affairs also from internet. It has also some listening sessions of different attitudes and positions about abortion and Sanctity of human life from different interviewed personalities who are in medics and in religious circles.

THE SCOPE AND THE LIMITATION OF THE STUDY

Abortion is the expulsion of the foetus from the womb before it is viable, that is before it can live outside the mother. This paper is limited to induced abortion only, which is voluntarily brought about. If the death of the foetus is intended as end or as means, then it is direct killing and this paper will only deal with this kind of abortion.

DIVISION OF THE WORK

The first chapter will be the literature Preview; this will encompass a brief history of abortion, what is abortion, various common forms and types of abortion, techniques applied in abortion and also some consequences of procuring an abortion.

The second chapter will majorly deal with the question; “when does human life begin?” This will be answered from medical biological and ethical perspectives. In relation to the response given to this question, “The reproductive health and rights bill June 2008” will be analyzed and criticized and lastly the conclusion of the chapter.

The third chapter will deal with the moral assessment of abortion. What the scriptures say about abortion and life of the unborn. After that in the same chapter, direct abortion will be analyzed as killing, as a form of infanticide and as a murder. The morality of abortions resulting to life births will be examined too.

The fourth chapter will be the last chapter and it will crown it all by treating the sanctity of human life. It will start by discussing life as a gift from God which should be respected hence discussing the sanctity of life widely. The teaching of Catholic Church on Sanctity of life will also be discussed, not forgetting to analyze the encyclical *Evangelium Vitae* and many other Popes’ Encyclicals and documents on Sanctity of life and that condemn abortion. Lastly, the essay will conclude by its final thesis as a pastoral recommendation that, abortion as a crime against human life, general conclusion and bibliography.

CHAPTER ONE

LITERATURE REVIEW

INTRODUCTION

The issue of abortion is one of the most extensively discussed in the world and also the most controversial issue that has brought about majority of moral questions in our current world. Questions like what is the nature of the ‘being’ in the womb that is destroyed by an abortion, whether it’s a potential person or being that will become a child, or already a child, a small baby or not yet a baby. These are the issues that for ages are discussed and up to now there seems not to be any signs of agreement and consensus.

The basic aim of this chapter is to analyze basic knowledge and to make some clarifications on some issues about abortion. However, even in this first chapter after analyzing those facts about abortion it will be clear and fundamental to state that unborn children have an intrinsic value and equal rights to live, which must be respected by all.

1.1 WHAT IS ABORTION?

The word abortion has been defined in many ways by different writers and authors. Schwarz defines it as, “... generally the termination of pregnancy, which is terminated by the removal of the child from the womb through several methods.”¹ Pope Paul VI in his encyclical *Humane Vitae* includes another issue in abortion which also gives another perspective and view on abortion. He defines abortion as, deliberate and direct killing by whatever means it is carried out, of a human being in the initial phase of his/her existence extending from conception to birth (*Cf. Humane Vitae*, 8). When we refer to the Wikipedia dictionary, the basic issues that have been highlighted by Schwarz and Pope

¹ S. STEPHEN, *The Moral Questions of Abortion*, 20.

Paul VI, come up again as it defines abortion as, "... the removal or expulsion of an (unborn baby) embryo or fetus from the uterus resulting in or causing its death."²

In all these definitions there is one aspect that is very clear, the termination or removal of the child as Schwarz puts it, deliberate killing as Pope Paul VI writes and killing of the fetus as in Wikipedia Encyclopedia. This is a proof that there is an overall agreement in the three definitions that life is lost whenever abortion is procured. The life of a fetus is lost. I would like to use the word fetus with all the due respect; I believe is the best and perfectly appropriate word in itself to mean young one, in the context of the human person. For some people however, it is fetus instead of a child that a woman is carrying. It is psychologically easier to speak of the destruction of a fetus than of a child. Defenders of abortion object to the use of the term child especially while defining the term abortion. They generally do not want to appear as defending the killing of a child. So it is a fetus, destroying fetus does not sound bad. It is for this reason that is imperative we speak of the child and not of the fetus. The reality of the child in the womb must be emphasized and conveyed to everybody. I intend to do this just from the beginning of this essay.

Imagining a woman who out of a terrible accident suffers a terrible miscarriage, the doctor who will attend to her after the ordeal will not definitely tell her that you have lost your fetus but he will openly tell her that you have lost your baby. It is only when doctors and abortionist are set for killing the unborn they use the word fetus. This is because the word fetus has cold scientific neutrality that effectively obscures the reality of the murder they do. It is because of this respectable reason that in this essay we will restrict ourselves on the word unborn child or rather unborn baby other than fetus.

Am deeply convinced that a woman walking down the streets of Nairobi city or Kisumu city carrying a child on her back or in her arms she is with a child, just exactly the

² <http://en.wikipedia.org/wiki/Abortion> retrieved on 5/09/2008.

same as a pregnant woman who is walking on the same streets of Nairobi or Kisumu. In two circumstances the child is carried only in different levels and ways.

1.2 HISTORY OF ABORTION

“From ancient times to the present, abortion has been used, though not legally allowed, as a method of birth control. It achieves birth control not by preventing conception, but by killing the already conceived life”³. However, evaluating on writers and scholars of the ancient times we understand the mentality under which abortion was carried out as a means of birth control in that ancient time.

Plato and Aristotle approved abortion for the prevention of excess population in the small Greek city states; however, other sources say that for Aristotle, he was opposed to abortion as far as quickening of the fetus starts. The ancient laws too like Sumerians, Assyrian, Hammurabi and Persians codes which existed between years 2000 to 600 BC, prohibited abortion and imposed very harsh punishments on those who cause the death of an unborn child.

Induced abortion⁴ can be traced to ancient times. There is evidence to suggest, that historically pregnancies were terminated through a number of methods, including the administration of abortionfacients herbs which were locally available. Other methods and tools used as abortionfacients were sharpened tools like wires and metallic tools. Also the application of abdominal pressure and other techniques were used.⁵ The first recorded evidence of induced abortion is from the Egyptian Embers Papyrus in 1550 BC. A Chinese

³ V. C. ANDREW, *The Main issues in Bioethics*, 57.

⁴ Cf. Induced abortion is an abortion that is brought about intentionally. Also called an artificial or therapeutic abortion. As opposed to a spontaneous abortion (a miscarriage), [Http://www.medterms.com/script/main/art.asp?articlekey=17775](http://www.medterms.com/script/main/art.asp?articlekey=17775), retrieved on 5/8/2008.

⁵ Cf. [Http://en.wikipedia.org/wiki/History_of_abortion](http://en.wikipedia.org/wiki/History_of_abortion), retrieved on 5/8/2008.

record documents the number of royal concubines who had abortions in China between the years 500 and 515 BC. According to the Chinese legendary Emperor Shennong prescribed the use of mercury to induce abortions nearly 5000 years ago.⁶

The Hippocratic oath, attributed to one philosopher called Hippocrates who existed between 460-377 BC, contains a pledge not to give a treatment to a woman to cause an abortion and all medical practitioners has to take this oath and keep it. Similarly, in the history we find the Hippocratic Oath, chief statement of medical ethics for Hippocratic physicians in ancient Greece, forbade doctors from helping to procure an abortion by vaginal suppositories to induce abortion. It was believed and suggested by Modern scholarship that vaginal suppositories or pessaries that were banned because they were reported to cause vaginal ulcers.⁷

In places like in ancient Rome where abortion was accepted, such permissive attitudes have changed completely and strict anti-abortion laws to stop the moral decay and strengthen the nation have been put in to place. But for Jewish and Christian attitudes have been unanimously against abortion and so is the Christian era until today.⁸

Soranus a Greek physician and a scholar, in his work gynecology, he suggested and instructed that women willing to abort the pregnancies should engage in energetic exercises, energetic jumping, carrying heavy objects and riding animal.⁹ It is also believed that he used to prescribe some types of herbs to be used by pregnant women while taking shower, herbs that could facilitate abortion. However, he used to warn people upon using sharp objects as abortionfacients for the fear and risk of organ perforation.

⁶ Cf. T. CHRISTOPHER & L. SARAH, "Abortion", 21.

⁷ Cf. http://en.wikipedia.org/wiki/History_of_abortion#cite_ref-Riddle_1991_10-0, retrieved on 5/8/2008

⁸ Cf. V. C. ANDREW, *The Main issues in Bioethics*, 57.

⁹ Cf. http://en.wikipedia.org/wiki/History_of_abortion#cite_ref-Riddle_1991_10-0, retrieved on 5/8/2008

All through history, abortion has been a great ethical and moral issue discussed a lot and widely all over the world. The reason for this being the task of evaluation and examining the complexities behind the nature of abortion, what it entails in all dimensions stating from physical, psychological, social, and even spiritual both to the side of the mother, child and even the physician.

Abortion in 19th Century continued to have more clients despite the ban in many countries, but as disguised. This was more forceful due to the industrialization, globalization and development even in human health together with the new flawed schools of thought that came at that time. Similarly, in 20th century, the challenge for pro-life movement is more vigorous because many countries like Russia, Ireland, Sweden, even America and many more have legalized certain forms of abortion.¹⁰

1.3 FORMS OF ABORTION

Basically there are two forms of abortion, it can be spontaneous or induced (artificial). As stated earlier we shall not dwell much on spontaneous abortion but induced abortion.

1.3.1 Induced Abortion

Induced abortion refers to intentional efforts to terminate a pregnancy through alternative, often more dangerous means. Such practices are illegal in most jurisdictions - even where abortion itself is legal - and may present a grave threat to the life of a woman. An unsuccessful attempt to induce such an abortion can also cause lasting damage to the unborn child. Abortion that occurs when the fetus is expelled from a woman's uterus, when

¹⁰ Cf. http://en.wikipedia.org/wiki/History_of_abortion#cite_ref-Riddle_1991_10-0, retrieved on 5/8/2008

a procedure is done to end a pregnancy that is when it's called "induced abortion." Induced abortion is the intentional termination of a pregnancy before the fetus can live independently. An abortion may be elective (based on a woman's personal choice) or therapeutic (to preserve the health or save the life of a pregnant woman).

1.3.1.1 Purpose of Induced Abortion

An abortion may be performed whenever there is some compelling reason to end a pregnancy. An abortion is termed "induced" to differentiate it from a spontaneous abortion in which the unborn/fetus is lost naturally. An abortion is considered to be elective if a woman chooses to end her pregnancy, and it is not for maternal or fetal health reasons. Some reasons a woman might choose to have an elective abortion are:

- When the continuation of the pregnancy may cause emotional or financial hardship.
- When woman is not ready to become a parent.
- When the pregnancy was unintended.
- When the woman is pressured into having it by her partner, parents, or others.
- When the pregnancy was the result of rape or incest.

1.3.1.2 Categories of Induced Abortion

Let's try to analyze induced or direct abortion, since it seems it's through it that people try to argue for abortion. Induced abortion takes two forms of categories namely medical and surgical abortion.

(i) Medical Abortion.

Medical abortion is the type of abortion that is performed through medicines, tablets or pills. Basically it involves no surgical operations but drugs to induce abortion. It

is majorly performed by or rather caused by medics in the first nine weeks of pregnancy that is in the first trimester. There are different medicines and tablets like Mifepristone (brand name for Mifeprex) that are used for this medical abortion and they block the manufacturing of the hormone, progesterone, the hormone very vital in pregnancy because it sustains pregnancy. Some of those medicines and pills cause the lining of the uterus to be thin making it also impossible to sustain the baby inside.¹¹

Some medicines also make the uterus to contract and empty the baby inside it hence an abortion. After this medical abortion many women experience long and extended bleeding duration. There are cases also when some have died out of lack of blood due to heavy bleeding during abortion.

(ii) Surgical Abortion

This is a procedure done by doctors to remove the baby inside the womb through surgical operation. There are two basic ways by which doctors do this, through manual vacuum aspiration (MVA) and dilation and suction curettage (D&C). They both use suction machine to empty the womb. MVA uses a hand held tool, while D&C is done with a suction machine and tools; however, they all involve surgical operation.

MVA can be done in the first 10 weeks of pregnancy while the D&C can be done after the first few months of pregnancy but before the end of the 13th week. However, even if this type of abortion called surgical abortion, medicines may be given to help the woman feel calm. The doctor injects the opening to the womb (cervix) with medicines to make it numb. The cervix then is stretched, opened with a tool called dilator and the tube is

¹¹ Cf. <http://familydoctorsorg/online/famdocen/home/articles/846.html> retrieved on 7th Sep. 2008.

inserted by the doctors to empty the uterus. The baby is sucked out by a suction machine through that inserted tube.

1.4 METHODS OF ABORTION

There are many techniques that are used to induce abortion; the technique depends on the stage of pregnancy and the size of the unborn child. A human full term pregnancy is basically divided into three trimesters each lasting three months. This implies that the type of abortion or the kind of abortion procedure to be done depends on which trimester, whether first, second or third.¹²

Dilation of the uterus is required in cervical methods of abortion. The usual method of dilation is to insert a series of instrument of increasing size of the cervix. A set of dilators, metallic carved, instruments, are used to open the cervix sufficiently to accommodate the instrument of abortion. However, in contrast with a normal birth where the dilation occurs slowly or takes some more time than expected, the forceful stretching by the abortionists to open or to dilate the cervix is done very fast and easily, though very painful, risky and dangerous. This premature and unnatural stretching of the cervix can result in permanent physical injury to the mother.

1.4.1 First Trimester Abortion

These are the abortions done between the first and the third months of pregnancy. Major procedures done during this period are; the dilation and curettage (D&C) and the abortion by suction technique.

¹² M. MUGO, (2008) "*Medical Ethics*" Teaching class notes on abortion, Tangaza College-Catholic University of Eastern Africa, Nairobi, Photocopy.

(i) Abortion by Dilation and curettage (D&C)

This is one of the abortion techniques that are widely used in clinics. Basically it is done between 7th and 9th weeks of pregnancy or gestation. It involves insertion of a carved blade to the vagina into a previously dilated cervix until it reaches the endometrial wall. The endometrium is then scraped carefully and thoroughly until all embryonic or fetal remains and surrounding placental tissues are removed.¹³ After all, that procedure will not be counted as complete until all the fetal parts are counted to ensure no tissue remains inside the mother's womb. D&C is done under general anesthesia.¹⁴

(ii) Abortion by Suction Technique

This is the most common method of abortion during the 3rd month of pregnancy or gestation. It is performed by giving the mother general or local anesthesia and then her cervix is quickly dilated and a powerful suction tube is then inserted through the cervix in to the womb. The baby is then torn to pieces and sucked into a jar or rather the powerful suctioning force dismembers the minute body of the baby, detaches it and mingles it with the surrounding placental tissues.¹⁵

These lacerated tissues easily pass through the rubber tubing and are then collected in a transparent container so that there can be counting of the parts easily to avoid some remaining in the womb of the mother, which can cause infection or even more problem.

Though there is very high risk of carrying an abortion especially in the already two discussed techniques, currently with the level of scientific development and technology abortion is easily and cheaply accomplished. It can be done within 5 to 10 minutes, and the

¹³ S. STEPHEN, *The Moral Questions of Abortion*, 20.

¹⁴ Mugo, M. (2008) "medical Ethics" Teaching class notes on abortion, Tangaza College-Catholic University of Eastern Africa, Nairobi, Photocopy.

¹⁵ S. STEPHEN, *The Moral Questions of Abortion*, 20.

only factor that determines is money. It leaves us however, with so many unanswered moral questions that will be discussed in another chapter later.

1.4.2 Second Trimester Abortion

To start with, it is good to note that, by the start of second trimester, which is by the end of 3rd month, the arteries of the unborn child are already present and it means that the blood at that time circulates in these blood vessels to all parts of the body. The heart can be detected as beating; blood cells are by that time produced by the liver and spleen though later bone marrow takes up that role. "At this moment or after 12 weeks brain is formed and it means that a child then can feel pain, it is also believed that the baby at that time can suck his/her thumb".¹⁶

(i) Dilation and Evacuation (D&E)

This is an abortion technique that is used between 12th and 24th week of gestation or pregnancy. Here too the child is cut in to pieces as in D&C, only that it is a much larger and far more developed child, weighing as much as a pound and measuring as much as a foot in length.¹⁷ In addition, instead of the loop-shaped knife used in D&C abortion, a pair of forceps is inserted into the womb to grasp part of the baby. The teeth of the forceps twist and tear the bones of the unborn child. This process is repeated until the fetus is totally dismembered and removed. Usually, the spine is snapped and the skull crushed in order to remove them.¹⁸

This technique of abortion involves dismembering of the baby while still in the womb, which eliminates any possibility of life birth. It is relatively new procedure and

¹⁶ S. STEPHEN, *The Moral Questions of Abortion*, 3.

¹⁷ Cf. S. STEPHEN, *The Moral Questions of Abortion*, 20.

¹⁸ Cf. <http://www.lifesitenews.com/abortiontypes/> retrieved on 7th Sep. 2008.

generally believed to be among the safest for women and the least psychologically painful. However, in contrast it is considered as one of the worst, grievous and merciless type of abortion and so very traumatic and disturbing for doctors and the other medical staff.¹⁹

(ii) Saline Solution or Salt poisoning

This method is generally used after the sixteenth week of pregnancy, when enough fluid has accumulated in womb as amniotic fluid. A long needle is inserted through the mother's abdomen and a strong salt solution is injected directly into the amniotic fluid that surrounds the child. The salt is swallowed and 'breathed' and slowly poisons the baby. It acts as corrosive, burning off the outer layer of the baby's skin. Normally this process takes about an hour, and the baby die out of that, hence the mother goes into the labour pains about a day later expelling the dead baby or the dying baby.²⁰

There are cases however, where babies try to fight and are born alive, though because of the culture of death and the beastly spirits with the abortionists, those babies are left unattended to die. Thanks to few good Samaritans that few babies have survived and later been adopted, even after being poisoned by salt solution.

(iii) Abortion through Intravenous infusion of prostaglandin

This is a form of abortion in which chemicals in form of hormone-like compounds are injected or infused slowly using intravenous route. It usually takes effect within a few hours causing the expulsion of the baby.²¹ This hormone-like chemical compound causes the uterus to contract and force the growing baby to leave the womb prematurely. This

¹⁹ Cf. S. STEPHEN, *The Moral Questions of Abortion*, 21.

²⁰ Cf. P. THOMAS *Pastoral Guide*, 1225.

²¹ Cf. P. THOMAS *Pastoral Guide*, 1225

means that many of the babies aborted through this method are born alive but usually die shortly after birth due to un-given care and immaturity especially of lungs.

This method of abortion is regarded by many women, especially when, the baby is big and difficult to be aborted by other means like D&C, D&E or suction method though at 16th to 20th week the baby is wholly formed and very traumatizing to the mothers to disown the baby, especially when the baby is born alive.

One of the hormone-like chemicals that threaten the life of the un-born child which was launched in the market in 1990s is RU486. This chemical is injected or infused through the intravenous and once in the body, it stops the production of progesterone, a hormone that initiates and sustains pregnancy.²² Once its production is stopped, the uterus is provoked to contract at a very high level expelling the unborn child from the womb of the mother.

(iv) Selective Abortion (Inter-Cardiac Injection)

This is one of the most traumatizing and grievous type of abortion, it is performed from 16th week of pregnancy and above, up to 24th week. In this type of abortion ultra-sound machine is used to pinpoint the location of the baby, so that doctor stubs or injects Potassium Chloride or other high concentration of saline solution in to the heart of the unborn which causes an immediate heart attack to the pre-born baby. Then after few days later, the dead, pre-born baby is delivered naturally (*Cf. Evangelium Vitae*, 58 & 63).

²² Cf. M MUGO, (2008) "*Medical Ethics*" Teaching class notes on abortion, Tangaza College-Catholic University of Eastern Africa, Nairobi, Photocopy.

1.4.3 Third trimester Abortions

This is the period between the 7th month and 9th month, a period when the child has already developed a strong muscular grip with his hands. He has also started to breathe regularly and can maintain respiratory response for twenty-four hours if born prematurely and can survive comfortably in an incubator.

(i) Abortion by Caesarean section or by abdominal hysterectomy

This type of abortion is undertaken during the last month since only very few other techniques can be possible at this time of trimester. The style and procedure is like that of normal caesarean section operation by which abdominal incision is followed by the extraction of the baby from the uterus. However, the radical move that is taken after, is that immediately the umbilical cord is cut the baby is left to die by neglect or sometimes killed by a direct act.²³

(ii) Partial-Birth abortion

This is another category of abortion which is very similar to infanticide, since is done to a baby who is just about to be born or actually being born normally and then the decision to kill. It has five stages.

- Guided by ultra-sound, the abortionist grabs the baby's legs with forceps through the vagina via the cervix.
- The baby's legs are pulled out into the birth canal.
- The abortionist delivers the baby's entire body, except for the head.
- The abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the skull.

²³ Cf. G. BERGEL, *When you were formed in secret*, 2.

- The scissors are removed and suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse. The dead baby is then removed.

1.5 CONSEQUENCES OF PROCURING AN ABORTION

Abortion may be induced knowingly, willingly, and criminally by the pregnant person herself, or by someone else, with the aid of drugs, or instruments, or both. Which ever the case, as a far as abortion has taken place it causes many grievous effects on the mother. To the baby however, life is lost, the great gift of life and so the baby loses the greatest gift one can ever have or get.

The consequences of procured abortion on the lives of the mothers are very diverse. However, the baby also suffers greatly and actually loses life. Life of the mother once she decides to procure an abortion gets into a risk that can cause terminal illness or even death. These risks range from psychological, social, physical or any of the combinations. However, the risks depend and vary from one individual state of health to the other and also the method and the technique used to procure that abortion. The competence and the experience of the abortionist, not forgetting the age of the pregnancy and the woman reproduction history are also vital factors that contribute to the intensity of the risks and consequences. We shall put more emphasis on Physical effects and then briefly point out the other effects like Psychological and social.

1.5.1 Physical effects of abortion

When abortion is due to pathological causes it is usually preceded by the death of the fetus; so that the causes of abortion are really the causes producing the death of the

fetus.²⁴ The abortion may be complete or partial. If complete, the danger is principally from shock and hemorrhage; if incomplete and any debris remains, there is danger of diseases of the tubes, ovaries, bladder, cervix uterus, vaginal canal, and rectum; together with catarrhal discharges from one or more of these parts, displacements, impoverished blood supply, various neuroses, and usually a long and expensive convalescence.²⁵

Other risks of procuring an abortion include complications like:

- Uncontrolled bleeding.
- Infection.
- Blood clots accumulating in the uterus.
- A tear in the cervix or uterus
- Missed abortion (the pregnancy is not terminated).
- Incomplete abortion where some material from the pregnancy remains in the uterus.
- Severe pain.
- Fever over 100.4°F (38.2°C).
- Foul-smelling discharge from the vagina.
- Continuing symptoms of pregnancy.

Some other more common physical dangers of abortion are:²⁶

- (i) Death- As many as 100 women currently die from legal abortions in the United States every year. The vast majority of these deaths are not reported as

²⁴Cf. M. L. VALENTINO & K. M. JANET, *A review of Abortion in Kenya*, 30.

²⁵ Cf. <http://www.newadvent.org/cathen/01049a.htm>, retrieved on 10th Sept. 2008.

²⁶ Cf. W. HERN, *Abortion Practice*. Philadelphia: J.B. Lippincott Company, 1990, 101 & 103.

being caused by abortion. Instead, coroners²⁷ attribute them to other causes, such as "blood poisoning," "anesthetic misadventure," or "spontaneous gangrene of the ovaries."

- (ii) Cervical Lacerations- This is a less severe undiagnosed cervical damage that may result in subsequent cervical incompetence, premature delivery and labour complications. Cervical damage and scarring of the endometrium from abortion may also increase the risk of abnormal development of the placenta in subsequent pregnancies, thus increasing the risk of birth defects.
- (iii) Breast Cancer- The risk of breast cancer more than doubles after one abortion and grows even greater with subsequent abortions.
- (iv) Cervical, Ovarian and Liver Cancer- Women, who have had one abortion, double their risks of cervical, ovarian, and liver cancer, and women with more than one abortion quadruple their risks.
- (iv) Ectopic Pregnancies- Abortion is related to an increase in ectopic pregnancies in future pregnancies, which can seriously threaten the mother's future fertility and even her life. Abortionists may also "abort" a mother who has an ectopic pregnancy at the time, thereby allowing the condition to continue and placing her life in danger.
- (V) Pelvic Inflammatory Disease (PID) -PID is life-threatening and can lead to subsequent infertility and an increased risk of ectopic pregnancy.

²⁷ Coroners are public officials who inquire into the cause of a person's death when it is not clearly the result of natural causes.

1.5.2 Psychological and social effects of abortion

One issue that is very evident in many cases of procured abortion, and overlooked by many when they decide to procure an abortion, is the negative consequences. These are the psychological consequences and are the worst being, the act as a torture because they disturb the conscience, every time one remembers what he/she did. Due to the psychological torture, it has been realized that so many people go for an abortion thinking to remedy an otherwise bad situation, but the end result becomes even worse or not pleasant to them.

There is also a risk of living a very anxious life with many social and psychological discomforts always thinking that everybody knows what you did and is judging you. This has led to very many people after procuring an abortion, to withdraw from the society and even some end up committing suicide due to psychological insecurity.²⁸

1.6 CONCLUSION

The task of going through this chapter, researching it and compiling it has been very painful for me, and I can only say that abortion is the most degrading inhuman act for it destroys human life before even birth or in some cases immediately after birth. It also subjects pre-natal life to the status of a disposable object at the will of the powerful (Mothers and doctors-abortionists), who determines its fate. This for me sums up to be an inhuman treatment of the unborn which radically undermines the value of human life and also which opposes, frustrates and corrupts one of the purposes and functions of human sexual activity thus procreation.

²⁸ Cf. M. L. VALENTINO & K. M. JANET, *A review of Abortion in Kenya*, 30.

In this first chapter abortion has come out clearly as corroding and eroding human relations especially man and woman, parents love and children love, and even humanity and nature. "It exploits and manipulates women and young people as objects of male sexual pleasure and even fostering the irresponsible use of sex because one knows that if she becomes pregnant, can just abort."²⁹ All who have such a mentality should know that abortion undermines all human rights since the right to life is the first right and the foundation of all other rights. Human life is the most fundamental gift given to human kind and it should be unconditionally respected and revered by all. An innocent human life is and should always be inviolable and there is no reason whatsoever that may compel one to destroy it.

²⁹ R. LAWLER, J. BOYLE, & W. E. MAY, *Catholic Sexual Ethics: A summary, Explanation & Defense*, 2nd ed., 157.

CHAPTER TWO

BEGINNING OF HUMAN LIFE AND THE THREAT POSED BY THE PROPOSED DRAFT 'REPRODUCTIVE HEALTH AND RIGHTS BILL, 2008'.

INTRODUCTION

This chapter treats the general question of the beginning of human life and the great threat posed by the proposed 'Reproductive Health and Rights bill, 2008'. The chapter will also criticize the proposed bill basing our argument on the beginning of life. The chapter has two parts, part one that seeks to clarify some issues about the beginning of human life, and part two that will expose and challenge the draft proposed 'Reproductive Health and Rights bill, 2008'. This is because, as it will be clear from part one of this chapter, the existence of each one of us didn't begin at birth, but about 280 days before, with the formation of the first single living cell of that living unity of which we are.

2.1 THE BEGINNING OF HUMAN LIFE

When does human life begin? This is an important question with significant biological, ethical, theological and philosophical dimensions. It has too important implications for a number of controversial political topics including abortion and human embryonic stem cell research.

From the biological point of view, the beginning of new organism is initiated by the fusion of two specialized cell or gametes, one derived from the father (male gametes or spermatozoa) and the other from the mother (female gametes or ovum).

During the pre-natal moment, the newly formed life is well protected in the pleasant warmth of maternal uterus that life, changes progressively from a fully grown microscopic cell, into a physically bigger being. However, essentially the question of the

beginning of life—when life begins—is no longer a question for theological or philosophical dispute. It is an established scientific fact. Theologians and philosophers may go on to debate the meaning of life or the purpose of life, but it is an established fact that all human life begins at the moment of conception. As an interview with Dr. Karanja reveals, science has proved that life begins at conception. He puts it clear that, "...I have never ever seen in my own scientific reading that anyone has ever argued that life did not begin at the moment of conception and that it was a human conception if it resulted from the fertilization of the human egg by a human sperm."³⁰

In accord with Science, Professor Wanjohi in an interview shares and agrees too with science that human life starts at conception and there should be no doubt about that, because science can confirm that. He asserts that;

I have learned from my earliest medical education that human life begins at the time of conception. I submit that human life is present throughout this entire sequence from conception to adulthood and that any interruption at any point throughout this time constitutes a termination of human life. ...I am no more prepared to say that these early stages represent an incomplete human being than I would be to say that the child prior to the dramatic effects of puberty is not a human being. This is human life at every stage.³¹

He also adds that, after fertilization has taken place, a new human being comes into being, and that is no longer a matter of taste or opinion. This is evident because each individual has a very neat beginning, at conception. Burk too in his book states categorically and clearly that, "The life of a human being begins at conception, the time when the process of fertilization is complete"³² The fertilized egg cell—or zygote—contains nuclear material from both parents. It marks the beginning of the life of a new

³⁰ AN INTERVIEW WITH DR. KARANJA, (Gynecologist and surgeon), *On Proposed Draft Reproductive Health and Rights bill*".

³¹ AN INTERVIEW WITH PROFESSOR WANJOHI, *On Proposed Draft Reproductive Health and Rights bill*".

³² P. S. BUCK, *The Terrible Choice*, 34

human being and is a useful focal point for presenting all the diverse aspects of organic reproduction.

We can therefore unanimously concur with John as he puts it in his book that Life begins at conception, this is undisputable, and that, unless one is a strict materialist, he or she must admit that human beings are more than a particular configuration of atomic structure.³³ This is because if the fusion of germ cells within the mother's body is not a human being, what is it? What have two human beings procreated? If it is only 'potentially' human, does it have the potential to be something other than human? In fact, human being can procreate nothing else but human beings. And as Barring Haring in his Medical ethics asserts, "Every indication is that the moment of each person's creation is the moment of his conception. Before that moment the individual (with his unique DNA³⁴) did not exist, and from that moment he does."³⁵

2.1.1 FERTILIZATION AND FETUS STAGE

After every moment of sexual intercourse, the sperm cells actively move up the uterus into the woman's fallopian tubes through which the eggs proceed from ovary to the uterus meet. If there is no egg to be fertilized in the tube, the sperm will die in few days, however, if the woman has ovulated, which she does each month, and should the egg, whose life span is about two days be alive, then one of these billions of sperms may

³³ R. JOHN C. "The Corporeal Reality Of Nepes and the Status of the Unborn." 157.

³⁴ Deoxyribonucleic acid (DNA) is a nucleic acid that contains the genetic instructions used in the development and functioning of all known living organisms and some viruses. The main role of DNA molecules is the long-term storage of information. DNA is often compared to a set of blueprints or a recipe, or a code, since it contains the instructions needed to construct other components of cells, such as proteins molecules. <http://en.wikipedia.org/wiki/DNA>, retrieved on 1/09/2009.

³⁵ B. HARING, *Medical Ethics*, 80.

penetrate the egg. This means that the first decisive moment of new life is the moment of fertilization and not implantation as some people back.³⁶

At this moment, a new life, distinct from that of the father and of the mother is given, with a unique, never to be repeated genetic code. It's a minute, microscopic speck containing a multitude of inherited characteristics. A virtually infinite number of combinations of paternal and maternal traits are included and excluded in favour of those which will determine the individuality of the new life and the innate potentialities that can unfold during its earthly existence. The genotype has been determined.³⁷

The union of the male and female sexual cells (gametes) constitutes the human zygote.³⁸ The gametes, whether male or female, is the only human cell which has 23 Chromosomes³⁹, 22 homologous and one heterologous which determine the sex. Each carrying their twenty three chromosomes unites, forming the zygote or initial human cell, composed of forty-six chromosomes. In other words, fecundation is not a kind of progressive sequence, or an adding on of elements extrinsic to each other, nor obviously some kind of chance occurrence. Rather a unique and unrepeatable instant, in which the twenty-three chromosomes become integrated, forming in that moment, forty-six chromosomes of that particular human (zygote) embryo and not of another. This unique (zygote) embryo from that moment possesses his genetic program for the rest of his life.⁴⁰

In other words DNA from the mother and the father will be combined and the process

³⁶ Cf. P. S. BUCK, *the terrible Choice*, 34.

³⁷ Cf. BERNARD HARING, *Medical Ethics*, 77.

³⁸ Cf. ALBERTO CATURELLI, "Identity and status of the Human Embryo from the perspective of metaphysics" in Juan de Dios CORREA VIAL and Elio SGRECCIA (eds.), *Identity and State of Human Embryo. Proceeding of the third Assembly of the Pontifical Academy for life*, Vatican City: Libreria Editrice Vaticana Feb. 14-16 1999, 332-333.

³⁹ Chromosomes are those enigmatic, threadlike bodies found in all living cells, which passes on and controls the nature, character of a cell. The number of Chromosomes is the same for all the members of every species and that, in the case of man they number forty-six (46); this means that every human cell (except for the gametes) contain 23 pairs of chromosomes. These, in their turn, contain a part of deoxyribonucleic acid (DNA); they are the genes which order the production of necessary materials for the life the organisms.

⁴⁰ Cf. A.CATURELLI, "Identity and status of the Human Embryo from the perspective of metaphysics" 333.

called fertilization, will have occurred, the newly fertilized egg or zygote will have within it, characteristics of both mother and the father one half from each.

Human life inside the womb of the mother now has already started a nine months process of fetal development. Slowly, the zygote starts its journey down the tube towards the uterus. The trip through the fallopian tube takes about six days but surprisingly, during these days the mother will not know she is pregnant. The truth is, though the uterus is at that moment empty, human life has started where it starts, at fallopian tube where fertilization takes place.⁴¹ After around thirty-eight hours from the fertilization, the zygote subdivides into two cells and each of these subdivide each twelve hours to form at the end of the third day a whole of sixteen more cells, called morula because it resembles a small blackberry.⁴²

On the fourth day, the embryo reaches the uterine hollow in which it fluctuates freely for another three or four days, continuing to multiply: a total of thirty-two to sixty-four cells take the name of blastocyst which develops its own dynamics of life separate from that of the mother and is composed by a liquid and surrounded by a layer of cells, called trophoblast, from which the embryonic membranes will be formed for its nourishment and its defense, and from an aggregate of cells on its outskirts, the embryoblast, from which will develop the embryonic body.⁴³

One week after the fertilization the tiny sphere of cells, often called blastocyst, arrives in the uterus where it pursues its own activities and then develops its own dynamics of life, separate from that of the mother. The most astonishing feature of this stage is the self-reproductive powers of the cells, each marked by the same genotype and the most

⁴¹ Cf. P.S. BUCK, *The terrible Choice*, 35.

⁴² Cf. M. FAGGIONI, "L'inizio della Vita", *Appunti Su La Vita Nelle Nostre Mani...*, 5-6

⁴³ Cf. M. FAGGIONI, "L'inizio della Vita", *Appunti Su La Vita Nelle Nostre Mani...*, 5-6

marvelous entelechy. The blastocyst itself simultaneously takes on the two great tasks of implantation and further embryonic development.

Now the very critical stage begins in the struggle for survival. The blastocyst has only about seven days to implant itself in the soft spongy lining of the uterus; the cells which burrow into the uterine lining are called trophoblasts. If they succeed in their mission of implantation, they produce critically, an important, chemical hormone, which signals the mother's glands to turn off her next menstrual period. In addition they keep uterus quiet for the remainder of the pregnancy so that the fetal development can proceed smoothly.⁴⁴ After nestling in the uterine wall, the trophoblasts becomes the placenta, or the after birth while the opposite pole of the blastocyst becomes the embryo, or the fetus of the later weeks.

The mother begins to realize that she may be pregnant after now fourteen days of pregnancy have gone by, about seven in the fallopian tube and about seven in the implantation. The anticipated menstrual period does not arrive and while she may think it is just delayed, few days on consulting the doctors, the hormones produced by the blastocyst can be detected chemically in the woman's blood or urine and the pregnancy test will be positive.⁴⁵ After this second week of pregnancy, rapid increase in the complexity of the embryo begins. It is characterized by the differentiation of the embryo into organs such as brains, heart and liver. By six weeks all the internal organs of the complete human being are present, though still in a rudimentary stage of development.

By the end of the eighth week, the embryo has been matured in to what is generally called a fetus. Fingers and toes are fully recognizable. The skeleton starts to form. Though eyelids are not yet formed, the eyes are there. Simple reflex actions of the fetus can too be

⁴⁴ Cf. M. FAGGIONI, *"L'inizio della Vita", Appunti Su La Vita Nelle Nostre Mani...*, 5-6

⁴⁵ Cf. P. S. BUCK, *The Terrible Choice*, 36.

detected. After this point, no new major structures will be added and so the thrust of development will be toward growth and maturation of what already exists, rather than the criterion of anything new. Hence, regardless of when the movements of the fetus are felt, the event is called quickening. Between the twelfth and the sixteenth weeks, the eyes of the fetus are covered by the eyelids. Nose, lips, mouth, ears, fingers and toes are fully formed and the fetus at this point will start to suck the thumb. This reality of the fetus can be verified obviously if an X-ray photograph is taken. Such X-rays these days are taken frequently at the uterus to discover the exact position of the fetus prior to giving it a blood transfusion for severe Red Hemoglobin (RH) diseases.⁴⁶

The weeks between twentieth and twenty-eighth is milestone, basically at this stage very little outward appearance occurs, except for increase in size. However, complex development of various organs such as the brain accelerates greatly. It is also important to highlight that as from this moment majority of the unborn can actually survive outside their mothers womb, especially those with as from two pounds.

Nevertheless, the more the mature the unbom the higher the chances of survival and on the other hand the pregnancy should not go beyond the expected days, meaning the issue of time is very important. In that if the baby will not be born in time, whether early or later can decrease the chances of survival. This gives us the idea that life of the fetus is basically organized by the creator in very organized manner and in time framework. There is a time factor in conception, a time for implantation, a time for the appearance of each organ and its maturation, a time for birth, a time for the first breath and a time for the first cry. Each stage blurs imperceptibly into the next, but one important thing is that, at all times, the potential for further development is always present within the uterus, just as it should be throughout human existence.

⁴⁶ Cf. P. S. BUCK, *The Terrible Choice*, 36.

2.2 AN EXPOSÉ AND A CRITIQUE OF THE DRAFT PROPOSED 'REPRODUCTIVE HEALTH AND RIGHTS BILL, 2008.'

INTRODUCTION

Having looked at the genesis of life, all the stages that are involved before birth and having emphasized clearly the human life starts many days before birth, we would like to present the bill that wants to be introduced in the Kenyan law. A bill that clearly negates the facts of life made clear in part one of this chapter. It is important to note that if Kenyans are not careful the so called bill might find itself in the status of Kenyan laws and constitution, hence, making it legally acceptable to have an abortion in Kenya. There are very high and strong forces that are acting to make sure that this proposed draft 'Reproductive Health and Right Bill, 2008' becomes part of the Kenyan constitution.

While we cannot generalize and say the bill has all negative ideas, it is clear from the bill that it has very sensitive, negative, life threatening ideas and issues that make the whole document to be dodgy and so we are left with the option of refuting the whole document. This is because we realize, respect and honor the weight the constitution⁴⁷ of country like Kenya has and the consequences such a breach into constitution can cause, to the generations to come and also to the wellbeing of our nation Kenya. Hence, in this second part of this chapter we feel that we should try to highlight on issues why the proposed Draft 'Reproductive Health and Right Bill, 2008' cannot enjoy and should not enjoy or even share in the constitutionality⁴⁸ of Kenyan constitution.

⁴⁷ A social contract by which people choose to be governed and by which their aspirations are measured.

⁴⁸ A law is constitutional if it is consistent with the provisions and spirit of the constitution and the existing law made there under. Proposed draft Reproductive Health and Right Bill 2008- has to be tested thus for its constitutionality.

In our current constitution of Kenya the value and sanctity of life is clearly and strongly valued. Similarly, there have been two amendments of constitution done in Kenyan, history and out of the two amendments the value and sanctity was highly valued. In addition, looking at the social life of Kenyans, it is clear that, regardless of the various constraints, difficulties, hardships and poverty; they really and sincerely respect, protect, promote and defend life as much as they can. Kenyans still celebrate births and mourn deaths. Meaning they feel pain and great loss whenever one of their members dies. They too celebrate family unit and mourn loneliness, everybody in Kenya wants to be associated with a certain family and we all feel secure when we are together. Everyone is important regardless of his age, capability, capacity and ability. Therefore, here in Kenya any Law that negates the possibility of human life and family is truly against the interests of the people of Kenya.

Having demonstrated that the people of Kenya are in favour of life and family then it must be the case that all laws and regulations that negate the principles of life should be regarded as foreign and should not be absorbed as part of Kenyan constitution. The RHR (Draft 'Reproductive Health and Right Bill, 2008') is a victim of the same. This is because; the RHR Bill seems to be ignorant that what is in the womb of a pregnant mother is human life which has already started as was highlighted in part one of this chapter, and so due respect for human life should be there. Everybody therefore, has an obligation and a duty to protect, promote and defend human life from the moment of conception to the moment of natural death. The bill negates this reality of life in the womb of the pregnant mother.

2.2.1 AN ABORTION LAW, Labeled the 'Reproductive and Health Rights Bill, 2008'

On 10th April 2008, the Daily Metro reported that FIDA lawyers had been busy aimed at empowering women - and the Reproductive Health Rights Bill is one amongst

them seeking to authorize medical abortion in cases of sexual assault, rape, incest and when the pregnancy puts the mother's life in danger. Two months later, in June, we have a bill titled the 'Reproductive Health and Rights Bill, 2008' which is now almost ready for presentation to parliament.

This bill was launched by Women's rights groups in a campaign in the year 2008 to ensure that reproductive and sexual health care in Kenya is accessible, available, and affordable. Part of this campaign is the proposed 'Reproductive Health and Rights Bill, 2008', which was drafted by the Kenyan chapter of the Federation of Women Lawyers and the Coalition on Violence against Women. The bill addresses various reproductive health issues, including a push for easier access to abortions. It proposes, for instance, that a statement by a pregnant woman or any other proof that her pregnancy is due to sexual assault, rape, defilement or incest guarantee her to opt for a legal abortion.⁴⁹

While as Christians and members of human family condemn vices like sexual assault, rape, defilement or incest, we also dearly feel for the lives that will be lost if such a deadly law is implemented in our country Kenya, in that if the bill is passed, it will promote and allow easy access to abortion on demand, with virtually no safeguards to protect unborn children. Under the subtle guise of 'reproductive rights' language, the bill declares 'safe and accessible abortion-related care' as a reproductive right. Abortion can be permitted provided that 'the continued pregnancy would pose a risk of injury to the woman's physical or mental health.' This will, in effect, allow abortions on demand.

This is the type of law that wants to be introduced to us Kenyans; however, all those who are advocating for such a law should be aware that we cannot have such a change without the contradiction of our current law. Our current law as stated earlier above is in great favor of life. Few quotes from the Kenyan law can bear witness to this; -

⁴⁹ FIDA, *The Proposed Draft "Reproductive Health and Rights Bill 2008"*, Part IV, section 13 (1) (iii).

Under the current laws, Section 71 of the **Constitution of Kenya** prohibits the *intentional deprivation of the right to life* of any person. Since abortion is defined as the **intentional expulsion of an unborn child from the womb**, then this constitutional provision is protective to the unborn child, as a person.

Similarly, other provisions of the Criminal Procedure Code in its Section 181(2) (3) and (4) provide as follows:-

Section 2. When a person is charged with the murder or manslaughter of a child or with infanticide, or with an offence under section 158 or section 159 of the Penal Code (relating to the procuring of abortion), and the court is of the opinion that he is not guilty of murder, manslaughter or infanticide or an offence under section 158 or section 159 of the Penal Code, but that he is guilty of the offence of killing an unborn child, he may be convicted of that offence although he was not charged with it.

Section 3. When a person is charged with killing an unborn child and the court is of the opinion that he is not guilty of that offence but that he is guilty of an offence under one of the sections 158 and 159 of the Penal Code, he may be convicted of that offence although he was not charged with it.

Section 4. When a person is charged with the murder or infanticide of a child or with killing an unborn child and the court is of the opinion that he is not guilty of any of those offences, and if it appears in evidence that the child had recently been born and that the person did, by some secret disposition of the dead body of the child, endeavor to conceal the birth of that child, he may be convicted of the offence of endeavoring to conceal the birth of that child although he was not charged with it.

Therefore, it can be contended, without the fear of contradiction that the existing law, even though not very well and perfectly implemented, has good enough provisions to

address the matters on reproductive health as in section 240⁵⁰ of the Penal Code. It would therefore be appropriate that the proposed 'Reproductive Health Rights Bill, 2008' be critiqued because it is very much rooted in culture of death and cannot fit in the Kenyan law, with the above provisions the bill acts as a direct contradiction to the current constitution of Kenya.

2.2.2 A CRITIQUE OF THE PROPOSED 'REPRODUCTIVE HEALTH AND RIGHTS BILL, 2008.'

The proposed bill states that medical practitioners would be legally bound either to perform an abortion, or refer the pregnant woman to someone who can provide such service. They have no option of refusing or taking such a woman out of the abortion. "In fact, it would be a criminal offence to exercise the option of not carrying out an abortion."⁵¹ This is a clear show of how the bill is deadly and ready to inculcate the culture of death among Kenyans.

It is worthy of note that the proposed bill provides for the termination of a pregnancy to mean separation and expulsion by medical or surgical means of the "CONTENTS of the uterus"⁵² of a pregnant woman before the fetus has become capable of an independent life outside the uterus. This definition deliberately rejects the human status of the unborn by use of the word "contents of the uterus". The same definition raises the issue of "viability" which it doesn't define.

It is again unfortunate that although our technological advances can support men and women in medicine, find alternative ways to multiply food and other resources and

⁵⁰ A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

⁵¹ FIDA, *The Proposed Draft "Reproductive Health and Rights Bill 2008"*, Part IV, section 14 (c).

⁵² FIDA, *The Proposed Draft "Reproductive Health and Rights Bill 2008"*, Part 1, section 3.

even put men and women in space exploration, cannot be used to defend, protect and support the unborn. Instead, such advances are used as a tool against the weak. If some of us are not safe, then none of us is. Soon you and I will be the weak, unwanted and be targeted for elimination.

The proposed bill goes ahead to list 6 instances when the termination of pregnancy would be freely undertaken, which shows clearly that the bill negates completely the reality of life in the womb. It states that women are free to procure an abortion in instances like:

“Where the continued pregnancy would pose a risk of injury to the woman’s physical or mental health.”⁵³ This provision raises the issue whether psychological distress occasioned by an unplanned for marriage would also suffice as injury to mental health, among others; and of course as to whether abortion solves the psychological distress.

“Where exists a substantial risk that the fetus would suffer from a severe physical or mental abnormality”⁵⁴; This raises a query as to whether all deformed children have been sentenced to death in their mothers’ wombs given that today science has made it possible to detect such deformities at early stages of fetal development. It can further be queried whether this is not a eugenics’ approach to cleansing the human race of any weak species. This is a renewed social Darwinism.

“Where the pregnancy resulted from sexual assault, defilement, rape, or incest.”⁵⁵ This provision is further strengthened by making a non contested statement made by a woman sufficient to justify the termination of pregnancy; and so we remain silent of the perpetrators of such injustices against women. How can women ever rise to equality with men via the path designed by a male-centered society that convinces women to attack the

⁵³ FIDA, *The Proposed Draft “Reproductive Health and Rights Bill 2008”*, Part IV, section 13 (i).

⁵⁴ FIDA, *The Proposed Draft “Reproductive Health and Rights Bill 2008”*, Part IV, section 13 (ii).

⁵⁵ FIDA, *The Proposed Draft “Reproductive Health and Rights Bill 2008”*, Part IV, section 13 (iii).

closest members to them (their own children)?

“If the pregnancy is a result of Contraception failure.”⁵⁶ This reveals the fact that contraception was and will always remain a remote preparation for abortion. This reveals that the bill is not sensitive at all about the life of the child but rather on very weak indications as discussed earlier in chapter three.

“Where there exist extreme social deprivations.”⁵⁷ Instead of thinking of how we can help the poor mothers to bring up their children the idiom seems to be ‘make them poor, prescribe abortion, provide the abortion facilities (which will not cost less than minimal or average provisions), then deny them the possibility otherwise. The message is powerfully revealed: the aborting society is an affront to the less fortunate, the poor. It is aimed at weeding the society of the poor and any amount of force, law and money will be used to wipe out the poor. This is why we must ask whether this bill is Kenyan in its origins, who are its authors, who are the brains behind it.

After making provisions for allowing of termination of pregnancy, and after naming the unborn children “contents of the uterus”, the proposed bill is resoundingly silent on the ethical treatment of the aborted fetus. Are they to be given to the aborting woman for disposal, or to be incinerated and if so, how? This is the bill that wants to be introduced as part of the Kenyan constitution, there is no doubt, that the bill is deadly, as Kenyans, let us not follow an avenue that will lead us to be insensitive to some of the members of our community and society- the unborn.

⁵⁶ FIDA, *The Proposed Draft “Reproductive Health and Rights Bill 2008”*, Part IV, section 13 (v).

⁵⁷ FIDA, *The Proposed Draft “Reproductive Health and Rights Bill 2008”*, Part IV, section 13 (vi).

2.3 CONCLUSION

As we have seen in the first part of this chapter, the wonder, the marvel and the miraculous dynamism, inclusive communication that exist in that whole system explained in that part one, amaze every human being. It suggests a very strong vitality that exist in the womb since the moment of conception hence the principle of life. This unfolds and manifests itself eventually from the formation of the zygote with fertilization to the developed child and adult person. A process from an uncomplicated two cells (gametes), to one new being and later development, to very complicated and complex, more astonishing unity of that one new being formed.

It was made clear in that first part of the chapter that, the principle of transcendence in human beings is inborn, although the dynamic activity can unfold only in the appropriate environment and in constant communication within human being himself.

However, we are appalled that the proposal of the bill in the second part will result in the deaths of many more pre-born children and cause untold harm to women. As a society, we need to wake up and stop treating abortion as a quick-fix solution to pregnancy, as the bill seeks to suggest, and offer compassionate and practical support to women facing crisis pregnancies. The killing of the innocent can never be a genuine solution to a problem; we urge all those who care about the sanctity of human life to voice their opposition to this proposal with one voice.

All Kenyans of good sense and faith, see the proposed bill as what it really is, resist it and inform all your parliamentarians of the risks posed to this country if abortion is legalized.

CHAPTER THREE

MORAL ASSESSMENT OF ABORTION

INTRODUCTION

In this chapter we will assess this issue of morality of abortion, a brief overview from a biblical point of view about abortion and then analyzing abortion as killing, as a form of infanticide and as murder. The morality of abortions resulting to life births will also be analyzed and discussed. As we discuss the morality of abortion we realize that some people advocate for abortion for some explanation and justifications which are not well reasoned out or legitimate, some of those explanations and justifications will be discussed as weak indication. In addition, the morality of principle of double effect will also be discussed in this chapter.

3.1 THE BIBLE AND ABORTION

The Bible declares that God values all human life and that He wants all people to come to repentance to inherit eternal life (Peter 3:9). The Bible explains that the entire life of a human from the beginning to its natural end is sacred, since God determines the length of those days (Psalms 139:16).

The Old Testament provides most of the information on God's view of life before birth, since it gives us the law. The law specifically addresses the issue of taking the life of a fetus in the book of Exodus, stating categorically that, if men struggle with each other and strike a woman with child so that she has a miscarriage, yet there is no further injury, he shall surely be fined as the woman's husband may demand of him; and he shall pay as the judges decide. The punishment is dreadful if there is any further injury to that woman,

since the men involved will be given a penalty of death (Cf. Exodus 21:22-23). Therefore, the law tells us that a man who induces an abortion or miscarriage is to be punished, indicating that God values life before birth. Prophet Hosea too says that abortion is a punishment for sin, indicating God views it as awful (Hosea 9:14). Likewise, Prophet Amos tells us that God expressed His disgust for the Ammonites, who "ripped open the pregnant women of Gilead" (Amos 1:13).

Deep reflection on the word of God shows that God values the time before birth and that Human life begins in the womb. As we can clearly see in the book of Job, the Bible tells us God is involved in our creation from the womb: "Did not He who made me in the womb make him, And the same one fashion us in the womb?" (Job 31:15). The Psalms of David re-echoes the same words emphasizing the value of life before birth, "It was you who brought me safely through birth, and when I was a baby you kept me safe, I have relied on you since the day I was born and you have always been my God" (Psalms 22:9-10). Prophet Jeremiah too gives us an insight that unborn are well know by God and even planned for by their creator when he says, "...before I formed you in the womb I knew you, and before you were born I consecrated you, I chose you before you were born" (Jer. 1: 5).

3.2 ABORTION AS KILLING

Many words and terms are used which tend to hide abortions true nature and its demonic essence but even if it is termed as removal of pregnancy, it does not mean that it is not killing. This is because abortion may be a removal of the child through killing her or him, or through the means and techniques that will compromise the life of the unborn. Techniques like dismembering or poisoning and other brutal abortion techniques proof realistically that abortion is really a means of killing the unborn child.

In some instances where techniques like D&C or suction or even D&E are used, the chances of survival for the baby are zero, hence even if it's called the removal, the way in which the baby is removed is clear and direct that, the baby will die.

In some cases the doctors, abortionists and those performing it may try to use ambiguous terminologies to refer to abortion, but the explicit purpose is termination of pregnancy and the of killing the child as Stephen L. Ross puts it that, in many cases abortion is not abandonment of the child or merely wanting him removed but rather wanting him dead. "...If upon entering a clinic woman were told, we can take the fetus out of your womb without any harm to you or it, keep it arrive somewhere for nine months and then see it placed in good home, many could not be satisfied."⁵⁸ This is because the real intention while people are aborting is to kill and not saving him or her, they don't want to be parents or anything to do with the child. This proofs that abortion is really meant to kill and not to save.

The great, wonderful quote of Ross summarizes it all, if a woman aborts and then child survives, it tends to make her suffer every time she sees that baby, hence they don't want to hurt themselves severally, they prefer to hurt another party (the child), by killing it once and for all. Obviously, this puts it well that abortion means killing the child in such a case. On the rare instances where there are alive births, killing is done deliberately and intentional killing either because one wants the child dead or because one chooses a method of removal that will not give the child any survival chances. This makes it clear that when one opts to procure an abortion the deep intention in his/her mind is to kill the unborn child.

⁵⁸ R. L. STEPHEN, *Abortion and the Death of the Fetus in philosophy and Public affairs*, Vol. II No. 3, 243.

3.3 ABORTION AS A FORM OF INFANTICIDE

Abortion can also be seen as a form of infanticide hence a moral evil, that involves a killing of a small child. By infanticide we want to concur with Brennan William in being specific and submit that, this is killing of not only already born child but even the killing of the pre-born child since in terms of essence there is no difference.⁵⁹ Though the child in the womb is smaller, more dependent, more fragile and not seen physically he is a real person just like the already born child. He is, though in his/her earlier stages of life and development. Hence due to the moral equivalence of abortion and infanticide the equivalence can apply also in the reverse direction as William states, "If it is wrong to kill the child later (post-birth infanticide), it is also equally wrong to kill the same child earlier (Pre-birth infanticide)."⁶⁰

Williamson also wonders about a tribe in Siberia, which has practitioners who specialize in killing the unborn baby through the wall of the abdomen, during the last stages of pregnancy which may result to still birth or the birth of an injured baby that won't survive. He argues so well that such a case can only be treated as both abortion and as infanticide.

Is this abortion or infanticide? It is abortion because is killing of the child while still in the womb. It is infanticide because a person aims a knife or dagger directly at a child in order to kill him, a child whose presence is obvious by the bulge in the mother's abdomen, and a child who could be seen and touched except for the abdominal wall that shields him. It is infanticide because it is killing a baby who is right there.⁶¹

⁵⁹ Cf. BRENNAN WILLIAM, *The Abortion Holocaust: Today's final Solution*, 82.

⁶⁰ B. WILLIAM, *The Abortion Holocaust: Today's final Solution*, 82.

⁶¹ W. LAILA. *Infanticide: An Anthropological Analysis-In Infanticide and Value of life*, 127

Abortion is infanticide, all the techniques of abortion aim at killing the child and so whether the child is killed while still in the womb or after she has emerged from the womb is morally irrelevant. It is the same child before and after.

3.4 ABORTION AS MURDER

How could we understand a case where somebody intentionally kills an adult to get him out of the way (innocent person not an attacker)? That without much dialogue and arguments we can consider it as murder. What about if it was not an adult but a child? We would equally refer that too as murder not minding the size, the age the level of development. Suppose it is a very small child or a baby just born, what if the child is not yet born but about to be born what if he has a month or more to go before birth? All these refer to different points on the same human continuum. It is the same person throughout only smaller, less developed and sometimes out of physical sight, in the earlier stages. If it is murder at a later stage, then it is also murder in earlier stage, merely being in another place (the womb) and smaller; we cannot and should not take away the reality of murder. Abortion is the killing of an innocent human being hence also murder.⁶²

To concretize the above thesis, we wish to put some points into limelight and clarify them. While we talk about murder we think of intentionally killing of an innocent person. In abortion there is an intentional killing of an innocent baby (especially in the induced abortion), hence making it deliberate act and an intentional killing of that innocent person called child.

The other thing to be pointed out is the distinction between murder as both applying to action and applying to persons, making them guilty or murderers. Thus, to say that abortion is murder is to classify the action of killing an innocent person (pre-born)

⁶² Cf. E. BAJEMA, CLIFFORD, *Abortion and the Meaning of personhood*, 47.

child as murder, but it may also make a judgmental attitude that the woman or doctor and all those who assisted in the abortion as murderers.⁶³

The idea is very well responded by Bajema by explaining the fact that, which ever the aim, it does not matter, what matters is that life of an innocent person is lost. This comes as a result of those who argue that sometimes the motive, the intention and the aim may be good. There is no motive or aim that can be better than protecting, promoting and defending the life of the innocent. Hence there is no way out direct abortion can be as result of good motive.

If a man kills an old woman so that he can distribute her money to the poor: good motive? Perhaps. But the fact that he intentionally kills an innocent person makes it murder, good motive or not. To point to a good motive is to refer to the end; the means are murder nonetheless. If I kill an innocent person so that I get him out of the way and thereby save another a hardship. I may be motivated by good intentions but my action is morally evil hence murder. This is exactly what happens in the case of a doctor who performs an abortion with the intention of saving the mother from stress or depression. Whether doctors have good intentions and motives they commit murder.⁶⁴

Lastly, in saying that abortion is murder, we speak of such an act in the moral, not in the legal sense. This is because in some places and in some cases an act of killing an innocent person may not be legally murder, like in Nazi extermination. But in the moral sense, murder is murder everywhere. Nazi extermination program was a mass killing of innocent persons who could not defend themselves, who were in some respect different or seen as different, in order to get them out of the way a perfect description of abortion today, at least at the level of the attitude and mentality.

Even if something is allowed by the law or even mandated by it, sometimes it does not settle the moral question. As Stephen emphasizes, "Intentional killing of an innocent

⁶³ Cf., E. BAJEMA, CLIFFORD, *Abortion and the Meaning of personhood*, 47.

⁶⁴ P. DEVINE, *The Ethics of Homicide*, 15.

person, at whatever age, and in whatever location or stage is morally an act of murder and no law can alter this fact.”⁶⁵

3.5 MORALITY OF ABORTIONS RESULTING IN LIFE BIRTHS

The great explanation and highlight of methods of abortion and techniques used in abortion explained in chapter one, clearly shows that some babies that are intended to be killed through abortion are luckily born alive though sometimes very weak to survive or in very critical state. This however, is never the intention of the abortionists neither the mothers who opt for an abortion, the reason being when a life abortion occurs it traumatizes them all. The reality of what they kill dawns to them whenever a live baby out of abortion is delivered as explained by Schaeffer.

Something unintended happens in a very small number of abortions, in abortions performed relatively late in pregnancy, that no one wants to talk about it. It horrifies many of the medical practitioners who have encountered it. What happens is that about once in a day somewhere in USA something goes wrong and abortion results in a live baby.⁶⁶

However, it is very unfortunate that most of these children die minutes after birth, reason being that some are too immature to survive outside the womb, others are so much injured and others are directly killed or left to die on themselves. Schaeffer asserts that, “The medical staff use various ways to deliberate kill that life born child by putting a towel over the face of the child, so that the child can’t breath and later die. This however is equated to murder, infanticide or a clear cut moral intrinsic evil.”⁶⁷ In some cases, some medical staff neglects the child by throwing him or her alive in a trash or in to the

⁶⁵ S. STEPHEN., *The Moral Questions of Abortion*, 28.

⁶⁶ S. FRANKY., *A time for Anger: the Myth of Neutrality*, 159.

⁶⁷ S., FRANKY., *A time for Anger: the Myth of Neutrality*, 183.

incinerators. This shows a very high level of moral decay, a show of an expression that the baby is worth nothing and therefore can be disposed.

In other cases medical staff may make effort to save the child, this can be considered as advisable to many, though it contradict the first act and intention hence it rarely occurs as.

However, even in the few cases that abortion leads to life births, followed by intense and successful efforts to save the child, do not constitute a significant exception to the statement abortion is still a procedure undertaken with the intention of killing the child or removing him by a procure that in fact kills him/her or aims at killing him/her. This is enough to make abortion murder; there is an out cry today against child abuse. There is no doubt that abortion is one of the worst forms of child abuse.⁶⁸

3.6 WEAK INDICATIONS

After a well elaborated overview above, there are people who advocate for abortion giving some justifications and rationalizations even after such a clear exposé above. Similarly, abortion is advocated as a way out of different kinds of complications and dilemmas. We shall try at this point to analyze and evaluate those justifications but all the instances which are upheld in various sectors as justifying reasons for abortions are in all way unacceptable, unsound and unapproved by the sound reasoning, morality and church, they are therefore called weak indications.

a) **The Eugenic indication;** which call for abortion in instances where the expected offspring with great probability will be affected with serious defects, "The argument is that it is better for a child not to be born than to lead a life widened with crippling genetic disorders"⁶⁹ Eugenic indication recommends abortion in cases where certain defects are discovered in the developing fetus. Defects can be as a result of viral infections, exposure

⁶⁸ S. STEPHEN., *The Moral Questions of Abortion*, 32.

⁶⁹ V. C. ANDREW, *The Main issues in Bioethics*, 69

to rubella which can cause deafness and mental retardation; certain drugs used during pregnancy also cause defects to unborn babies.

However, the morality of Eugenic abortion has to be judged again by the opposing values. The comparison is difficult here because one of the values is really a disvalue that is, the ending of life before it can truly develop. One could perhaps speak of an absence suffering caused by genetic defects and avoidance of burdens placed on parents and society in having to care for the defective child. But the big question is, should the value of the defective child's life be compared with these selfish advantages?

Andrew argues logically that, "Eugenic abortion is not for the sake of the patient, the defective child, because it does not cure the disease but simply destroys the patient. How good can it be if these genetic defects can be cured or prevented?"⁷⁰ But also majority of the defective children who are given time and space to be born and grow, it's evident that they enjoy life to their capacities; some are useful, important members in the society like Mbekere famous Kenyan athlete who was born blind and many others. Hence our social nature imposes a duty upon us and the whole society to look after the less fortunate members of the human family.

b) The ethical indication; This is formed when a pregnancy is due to rape. That an "Abortion is considered justified in this case since the child is an undue burden forced upon mothers against her will who therefore will find great difficulty to love the child".⁷¹ It is a reality and sheer truth that, a woman whose pregnancy is caused by rape or incest is the victim of cruel and inhuman violence. Her mental anguish and psychological suffering is the direct result of pregnancy forced upon her against her will.⁷²

⁷⁰ V. C. ANDREW, *The Main issues in Bioethics*, 69

⁷¹ V. C. ANDREW, *The Main issues in Bioethics*, 68

⁷² Cf. V. C. ANDREW, *The Main issues in Bioethics*, 68

It is argued that in these tragic cases, the great value of the mental health of a woman who becomes pregnant as a result of rape or incest can be best safe-guarded by abortion. It is also said that a pregnancy is caused by rape or incest is the result of grave injustice and that the victim should not be obliged to carry the fetus to viability. As this would keep reminding her for 9 months of the violence committed against her and would just increase her mental anguish. This would mean, if we are to follow such reasoning the woman's mental health is greater than the value of the life of the unborn child. In some cases the unborn child is referred as an aggressor against the woman's integrity and personal life.

To clarify some issues here, we have to state that the unborn child is not an aggressor. The aggressor is the rapist and the fetus is an innocent victim just as much as the mother. It must not be killed therefore on the grounds of its being an aggressor. Also if we compare the human life of the unborn baby with expected psychological relief of the woman through abortion, human life objectively has to be placed higher on scale of values than the values a woman would obtain by abortion.⁷³ However as Professor Wanjohi re-emphasizes that, "in such difficult issues and tragic cases, alternative ways must be used to help the victim of rape. This includes psychological, religious and social counseling, help and preparation for adoption of the baby if the victims do not want to keep the child".⁷⁴

c) **Social indication:** Andrew analyses this indication as, "If the child is considered to be a social or an economic burden for the mother or the family. Among the most frequent reasons for abortion are conflicts with a woman's life plan."⁷⁵ Investigations and research show that many women who seek an abortion are entirely alone and full-time working;

⁷³ Cf. K. GEORGE, (2008) "*Lets all say No to Abortion*", A Pro-life presentation. 10th Sep 2009. Tangaza College.

⁷⁴ W. RAPHAEL, (2008) "*Lets all say No to Abortion*", A Pro-life presentation. 10th Sep 2009. Tangaza College.

⁷⁵ V. C. ANDREW, *The Main issues in Bioethics*, 68

married couples too may consider an additional child as a great financial burden. The ultimate reason for abortion decision is however, not even the financial pressure but rather fears for the living standards of the family.

However, as Professor Wanjohi reiterates, people should know that abortion is not obviously the solution to this problem, more sex education is needed, but it should be a real education not just biological information about male and female sexuality and contraceptives as history has it. Sex education that will emphasize the values of the human family, respect for persons, meaning of true love which is not just sexual attraction and especially responsibility of one's actions and consequences.⁷⁶

Hence abortion as a birth control method, whether inside or outside married can not be justified. The killing of the 'unwanted' innocent human beings is here compared with the social and economical problems their birth causes. Killing innocent human beings is a greater evil than the very real social and economic ills of unwanted motherhood or unwanted parenthood.

According to the medical or therapeutic indications abortion is warranted if the life of the mother is in serious danger because of the pregnancy for example ectopic pregnancy. In such a case we have an instance of one human life opposed to another human life, hence clear conflict of maternal and fetal lives, and so argue that instead of them perishing both, the life of the mother which is savable is saved.

Catholic ethics absolutely rejects any kind of abortion for eugenic, ethical and social reason and considers it simply as murder of the innocent. This is because human life is sacred from its beginning and it involves the creative action of God, remaining forever in special relationship with the creator, who is the sole end. (*Donum Vitae*, 5).

⁷⁶ Cf. W. RAPHAEL, (2008) "*Lets all say No to Abortion*", A Pro-life presentation. 10th Sep 2009. Tangaza College.

3.7 DIRECT ABORTION AS AN INTRINSIC EVIL

Abortion is direct when the killing of the child is the direct object of the action, whatever the intention for the action might be. That is, the action kills the child by attacking it directly. Abortion is indirect when the healing of the mother is the direct object of the action; that is, when the action itself is a direct treatment of the body or organs of the mother for therapeutic purposes, even though it is foreseen that the death of the unborn child might or may follow as a side effect or indirect result of that action. In other words, for direct abortion, the therapist does not kill the child as he cures the mother but rather kills the child first.

For example: if a doctor decides to treat a condition of high blood pressure of a pregnant woman by aborting her unborn baby, he is guilty of killing the child directly in order to treat the mother's condition. Killing the child is the therapeutic measure he takes to treat a condition of its mother. He is guilty of doing a direct abortion, which is never licit.

If, on the other hand, the doctor excises a cancerous uterus, or heals the uterus with radiation, he directs his action immediately to the mother's organ; if a child in the uterus is killed thereby, this is not the means by which he heals the mother. It is an indirect consequence, or a side effect, of the direct healing therapy. An indirect abortion is sometimes permitted to save the mother's life, (but not forgetting the principle of double effect under only which conditions the indirect abortion is morally permitted), or to forestall a serious threat to her life or health. But, as we shall see, a mother may opt, in such a case, to give her own life to save the child. If achievable, the doctor must delay his treatment as much as this will be medically appropriate to save both the child and the

mother.⁷⁷

In the case of ectopic pregnancies, when the fertilized ovum's descent into the uterus is interrupted and the pregnancy attaches itself to the fallopian tube, the invasion of tissues from the unborn child weakens the tissues of the mother's fallopian tube; the engorged blood vessels of her tube present a real danger of fatal hemorrhage to the mother because the tube will rupture in time. A sudden rupture would result in almost certain death unless the mother can receive immediate emergency treatment in a well equipped hospital.

The mother's organ is therefore a threat to her life, and she has a right to receive direct treatment of her organ in order to save her life. It is permissible, therefore, to excise her tube beforehand in order to save her life, even though the child attached to that tube might die as a side effect. The child would die, after all, when the tube ruptures. An ectopic tubal pregnancy is a case in which it is not possible to save the child by waiting until the child is viable. However, even in this case the principle of double effect must be put in place and exercised.

In a nut shell, direct treatment of the mother's body and her organs can be licit, even when this indirectly results in the death of the unborn child. However, the mother has a duty to save her child as well as herself when this is possible. When medically possible she must postpone non-life threatening treatment for herself, for example, until the child is viable and can be born alive, even should it be by premature Caesarean Section.

⁷⁷ B. BARUCH, *Abortion and the Sanctity of Life: A philosophical View*, 14.

3.8 THE PRINCIPLE OF DOUBLE EFFECT

It is Catholic's church teaching that it is always morally wrong, to directly will the destruction or damaging or impending of certain basic rights, such as innocent human life. However, as Shaw clearly states that, "...it is not always morally wrong to perform an action that causes harm to one of these basic goods as a side effect. The principle of double effect is a set of criterion by which to determine when it is morally right to choose to perform an action that causes such a bad side effect."⁷⁸ Such actions cause two effects, one good and the other bad. Thus the 'principle of double effect'.

However, Shaw continues to say that, there is a prior question that must be answered before one invokes the principle of double effect, namely:, "Is there a substantial reason for performing an action that will house a bad side effect? If not the action should not be performed, and there is no need to bring 'double effect' into play."⁷⁹ Suppose for instance, one can reach a good objective by a course of action that does not involve doing harm to some of human good. In those circumstances, one should adopt that cause of action, not turn to a different course of action involving such harm and subject it to analysis by double effect.

In such cases, under the principle of the 'double effect,' attending physicians must do everything in their power to save *both the mother and the child*. If the physicians decide that, in the case of an ectopic pregnancy, the mother's life can only be saved by the removal of the Fallopian tube (and with it, the pre-born baby), or by removal of some other tissue essential for the pre-born baby's life, the baby will of course die. But this kind of

⁷⁸ R. SHAW (ED), *Our Sunday Visitor's Encyclopedia of Catholic Doctrine*, 187.

⁷⁹ R. SHAW (ED), *Our Sunday Visitor's Encyclopedia of Catholic Doctrine*, 187.

surgery would not be categorized as an abortion. This is all the difference between deliberate murder (abortion) and unintentional natural death which no one has a control over.⁸⁰

The principle of the two-fold, or double effect, states that it is morally allowable to perform an action that will produce both good and bad effects as long as the following conditions are *all* met. The example shown is for the treatment of an ectopic pregnancy, where the pre-born child is developing in the Fallopian tube. If the child continues to grow there, the tube will eventually rupture and will probably cause death to the two. The principle involves some conditions which must be followed and not only that, but also following them in their order.

(1) The object of the action to be performed must be good in itself or at least morally indifferent, but not an intrinsic evil. In this case, the object of the surgery is to remove a pathological organ which presents a threat to the life of the woman.⁸¹ By contrast, the object of surgical or chemical abortion is simply to kill the pre-born child ["object" is the end towards which an action tends, and does not connote the intention(s) of the operator, as does the word "objective"].

(2) The good effect must not come about as a result of the evil effect, but must come directly from the action itself. In this case, the good effect (saving the mother's life) is not caused by the bad effect (the death of the pre-born child).⁸² By contrast, in the case of direct abortion (surgical or chemical abortion), the death of the child is wrongly considered to be the "good" effect.

⁸⁰ Cf. R. SHAW (ED), *Our Sunday Visitor's Encyclopedia of Catholic Doctrine*, 187

⁸¹ Cf. L.S ALEXANDER, *Foundations of Moral Theology*, 92.

⁸² Cf. L.S ALEXANDER, *Foundations of Moral Theology*, 92

(3) "The evil effect must not be desired in itself hence must happen at the same time as the good effect or after it, never before it."⁸³ In the case of the removal of an ectopic pregnancy, the surgeon does not intend or want to kill the baby; baby's death is an unintended and unwanted side effect of the surgery. By contrast, the *intent* of abortion is to kill the pre-born child.

(4) "There must be a sufficiently grave reason for permitting the evil effect to occur."⁸⁴ In this case, the reason is to save the life of the mother, a good that is greater than or equal to the evil effect of the baby's death. Pro-abortion groups often stretch this principle to absurd lengths, going so far as to justify *all* abortions under the principle of the double effect because, as they allege, *all* abortions threaten the life of the mother. In as much as this principle is concerned, the life of the mother must be in real danger posing no other alternative at the disposal of all the physicians.

(5) Sometimes a fifth condition is added, implicit in (4), above, namely, that there is no other alternative available to solve the problem at hand. If there are alternatives other than the intervention, that offer better possibilities to save both mother and pre-born child, these of course *must* be used. Having made the distinction between direct and indirect abortion, however, we must also note that the question of whether to save "either the mother or the child" is really academic today. Catholic Church encourages mothers to go to a doctor who will save both the child and herself as well.

⁸³ L.S ALEXANDER, *Foundations of Moral Theology*, 92

⁸⁴ L.S ALEXANDER, *Foundations of Moral Theology*, 92

3.9 CONCLUSION

All said and done it is very clear at the end of this chapter that, due to action done in abortion (involving object and subject) and also the techniques of abortion discussed widely in chapter one and the explanations given, portrays clearly that it cannot be otherwise other than concurring with the pro-life movements that abortion is killing of pre-born child. The mentality, the attitude and the mindset behind majority of cases discussed in this chapter too, brings to light that the underlying intention is to eliminate the unborn child, not because of a very grave reason, but because of just selfish motive and motivations. This leads to a very grave evil at a personal level and also in the community. It also brings a moral decadence and insensitivity in the society, making the society to be insensitive to its members, hence a society of murderers and executors.

As Pope John Paul II reiterates in his Encyclical, “The fact that some people prefer to use ‘removal of pregnancy or the termination of pregnancy or even termination of pregnancy’ does not matter, but the underlying factor is that life of the unborn child is lost”(*Evangelium Vitae*, 79).

CHAPTER FOUR

SANCTITY OF LIFE

INTRODUCTION

According to sanctity of life ethic, every human being or every human life is intrinsically good. As Walter puts it clearly in other words, "...no human life is more valuable than another and that lives not yet fully developed (embryonic and fetal stages) and lives with no greater potential, the suffering lives of the terminally ill or the pathetic lives of the severely handicapped are still sacred."⁸⁵ This makes it strong that, condition of a life does not reduce its value or justify its termination, and that all attitudes and mentalities that equate life with its quality and its productivity don't exist in this sanctity of life ethic. It is then totally inappropriate to say that, some lives are of greater value than others, similarly, the condition and the quality of life has nothing to do with the justification for termination of that life.

This chapter, will discuss this issue of sanctity of life, emphasizing facts which are ordained by God and divine Law to respect the sanctity of life. The chapter will also cover the Catholic Church's teaching on Sanctity of life, emphasizing much on Pope John Paul's Encyclical 'the Gospel of Life'. In addition, in this same chapter two very important propositions will be in the limelight and they will act as the foundational stone for this chapter. The two propositions are:-

A) That human life is sacred by the very fact of its existence; its value does not depend upon a certain condition or perfection of that life.

⁸⁵ J. J. WALTER. & A. T. SHANNON, Eds. *Quality of life: The New medical Dilemma*, 111.

B) That, therefore, from the first proposition, all human lives are of equal value; all have the same right to life.

4.1 SANCTITY OF LIFE PRINCIPLE

In the sanctity of life principle there exist no circumstances that the life of an innocent person may be taken away or eliminated. Killing cannot be justified because life is sacred and always a gift which should be protected and defended.

Sanctity of life principle is concerned with the quality, with the type of life that is being lived, holy, sacred and un-alienatable. Advocates of Sanctity of life like pro-lifers insist that, "...if each and every life is not accorded full worth and equality, then the quality and sanctity of the whole of society will be seriously endangered"⁸⁶

It is in these firm accounts and premises that we can evaluate abortion from the sanctity of life perspective. Emphasizing the very fact of life as being the basic for its value, we the advocates of life feel an obligation to respect life totally as soon as it is present. Though life in early stages of pregnancy is not fully developed, it is life of human species and as such, needs to be protected against direct destruction. Its condition or status at a certain moment does not diminish its value.

This aspect of sanctity of life principle goes ahead in defending life and coming up with another aspect of the sanctity of personal life ethic. "This approach argues that all human lives are sacred and of equal value provided they are capable of personal living. The life that is to be considered sacred is not to be identified with biological life of the human species; it is personal life that is sacred."⁸⁷ In other words whenever we say that abortion is morally evil and bad, we should be strong enough to pin point every act,

⁸⁶ C. DANIEL, *The Quality of Life: What Does it Mean*, 12.

⁸⁷ W. J. LEONARD, *Human Death as Neocortical Death: The Ethical Context*" The Linacre Quarterly, 41 May 1974, 107.

specific act that is just about to terminate the life of unborn as evil and bad. When we say that abortion is bad, and evil and we don't come down to condemn that particular abortion that is just about to happen, we risk being irrelevant out of our own generalities.

Similarly when we say that we want to defend life of the unborn and that life is sacred and holy, we should always be ready to come down and defend the life of that particular child that is just about to be terminated. Meaning we need to conceptualize these general norms and understand them in a particular personal way for them to be relevant and helpful to us.

In trying to relate the sanctity of life ethic and our point of discussion 'abortion', basing ourselves from the two great propositions of sanctity of life highlighted above, we come to conclusion that, a careful analysis of what abortion involves reveals that, it is totally unjustifiable destruction of human life. Man's obligation is to respect life, to be willing to undergo some sufferings in defense of life if need be, and to accept responsibility for his sexual behaviors. So much so that for a man to result to violence of innocent life-taking to solve problems (even if how serious), is contrary to the obligation and call to protect the life that has been given to us. This is because man is called to always see life as a gift from God and not as a possession.⁸⁸

Another aspect is that, in sanctity of life morality of issues must be understood as a morality of actions rather than or at least more than a morality of intentions. Abortion is abortion whether the desire is to avoid a deformity or to not interrupt a career as many will put it. Abortion whenever it is procured remains a direct assault upon helpless human life. The intention to abort so that the child will not have to suffer is much more admirable than the intention to abort to avoid inconveniences, but the intention is not the most important factor. "To put more emphasis on the intention is to stress what the action means to the

⁸⁸ Cf. J. J. WALTER & A. T. SHANNON, Eds. *Quality of life: The New medical Dilemma*, 113.

person involved not how the action affects the ordering of things that man is bound to respect. Actions have more impact on the life of humans objectively than the intentions.”⁸⁹

This leads us to a point that human life is intrinsically good in itself; its value does not depend upon what it means to person or different persons. For the sanctity of life principle, the moral will of God is identical with his created will. The will of God for man is largely expressed in the natural ordering of creation. Man’s obligation is to use his reasoning to come to know what the great purpose is and so that he can act out of respect for and in accordance with that created meaning. There is always an objective, absolute value of human life and worth. Similarly human being and human life is always worthy of respect, protection, care and should be supported without adequate justification of the contrary.

4.2 THE CATHOLIC CHURCH’S TEACHING ON THE SANTITY OF LIFE

According to Catholic Church, life is sacred from the time of fertilization (Conception) and then it should be treated with great care and respect, up to the moment of natural death. This means by extension that abortion of a conceived human life is a transgression of God’s commandment, “thou shall not kill” (Exodus 20: 13): Whether that life is already a human person, or whether theoretically its animation by God, is scheduled for a more developed phase of its existence. For if contraception is intrinsically evil, all the more so, the interruption of a new human life that has already began.

While all God’s creation is good, human life has a special dignity and sanctity. And as Shaw puts it, “...it is therefore not expected that one should intentionally destroy human life but is it is expected that one should respect and enhance it at every stage, in all

⁸⁹ J. J. WALTER & A. T. SHANNON, Eds. *Quality of life: The New medical Dilemma*, 114.

conditions, situations and environment".⁹⁰ The dignity, sanctity and special status of human life is based on two truths; - that human beings are set apart from the rest of creation because they are created in the image and likeness of God (Gen. 1:26-27).

Similarly, human beings are blessed with a gift of free will so that they can receive God's love and choose to love God and others in return. Secondly, human beings are the only creatures that are called for an eternal life with Christ. The two truths are very clear in Vatican II Documents, and that by assuming our human nature, Christ has united himself with every human person (*cf. Gaudium et Spes*, 22). Pope John Paul II stipulates this clearly that, rejection of human life is by extension the rejection of Jesus Christ, since the horizons and dimensions of human being transcends this earthly existence, and point to the fact that human life has external significance (*cf. Evangelium Vitae*, 104).

To say that human life is sacred and has dignity means that it has intrinsic and not only instrumental value: Man is the only creature on earth that God has wanted for its own sake as Vatican II document states (*cf. Gaudium et Spes*, 24). In that human life is good in and of itself, and not only good for other purposes. To say Human life has sanctity is to emphasize that each human being has been specially willed onto existence by God to enjoy a loving relationship with him, and therefore should be treated with reverence.

Respect and reverence for human being demand unconditional respect for human life, because life is our first and foremost basic gift from a loving God and the condition for enjoying his other gifts. As the Congregation for the Doctrine of faith states in its 1980 Declaration on Euthanasia that:

Human life is the basis of all goods and is the necessary source and condition of every human activity and of all society and condition of every human activity and of all society. This means clearly that we can not pursue other human goods or achieve worthwhile goals if we are not first assured of our very existence.⁹¹

⁹⁰ R. SHAW (ED), *Our Sunday Visitor's Encyclopedia of CATHOLIC DOCTRINE*, 303.

⁹¹ SCARED CONGREGATION FOR THE DOCTRINE OF FAITH *Declaration on Euthanasia*: 1.

While taking care of the philosophical and biological arguments which do not give a definitive solution when the en-soulment takes place, the church argues in a very logical way that the new life is at least probably a human person with all human rights, one who willingly kills what is probably a human person is guilty of serious offence against the fifth commandment, 'thou shalt not kill' (Exodus 20: 13).

To explain this, the following comparison is frequently used; if a hunter sees a movement behind a bush, and is not certain whether that is a bear or another hunter; if he then shoots what is there, he is guilty of being willing to kill another human being. And so the church in Vatican II document insists that, life is sacred and should be protected, promoted and defended and that life must be protected with the utmost care from the moment of conception; abortion and infanticide are abominable crimes (cf. *Gaudium et Spes*, IV, 51).

It is not possible to demonstrate that a newly fertilized human ovum is not yet a human being, with an immortal soul created directly by almighty God. The biological sciences cannot demonstrate that God does not create a human person at the time of conception. God does not appear visibly to human eyes when He creates a new human person.

However, our limited appreciation of Christ's Incarnation can help us to appreciate what happens when God creates a human person in the genetic materials presented as was discussed in chapter two. Christ's human nature - body and soul - was anointed with the Personhood of the Son of God hence God became man, divine and human met. At that moment God gave orders to the angels: "Let all God's angels worship him" (Heb 1:6). Does God not assign a Guardian Angel to each new human person when He creates him? If we can appreciate and apprehend that then we should too appreciate the moment of fertilization, since to the best of our knowledge, this can only be explained as occurring at

the exact moment of fertilization and not in any other time.

God honors the parents by entrusting the new life to them for their love and keeping, this would mean that an abortion is a wrongful betrayal of this entrustment given by God to parents, and is a grave injustice to the child, who has rights received directly from God, independent of the consent of society.

Pope Pius XI in his encyclical *Casti Connubi* reiterates that the reverence for newly conceived life is therefore reverence shown to God, and is an acknowledgement of the rights of the child. It is basic to our faith and to human justice and culture (cf. *Casti Connubii*, 22). Catholic Church's law (Canon Law) emphasizes on the sanctity of life by putting very terrible penalty to the one who disrespects that life. "A person who procures a successful abortion incurs an automatic (*latae sententiae*) excommunication" (Code of Canon Law 1398)

4.3 THE ENCYCLICAL 'THE GOSPEL OF LIFE' (*EVANGELIUM VITAE*) ON SANCTITY OF LIFE

This is the latest encyclical that talks widely about this evil of abortion and the church condemns abortion and all its facets and avenues that threaten the sanctity of life. In this encyclical Pope John Paul II is very explicit and clear in reminding people on the stand of the church that, "... the direct and voluntary killing of an innocent human being is always gravely immoral" (*Evangelium Vitae*, 57).

Pope John Paul II repeats the words of the Holy bible that, Human life is sacred and inviolable at every moment of existence, including the initial phase which precedes birth.

From their mothers' womb, they belong to God who searches them and knows them, who forms them and knits them together with his own hands, who gazes on them when they are tiny shapeless embryos and already sees in them the adults of tomorrow whose days are numbered and whose vocation is even now written in the "book of life"

(Cf. Ps 139: 1, 13-16). There too, when they are still in their mothers' womb-as many passages of the Bible bear witness they are the personal creatures of God's loving and Fatherly providence (*Evangelium Vitae*, 61).

Abortion is classified as one of the worst crimes that are committed against human life and those who perform it can only do so if their consciences are so much darkened by their life of sin so much so that they can't distinguish between good and evil. Hence the pontiff in this encyclical calls everybody to be vigilant in a very high way because the world currently is filled up of moral instability and evil that advocates for culture of death all over. The encyclical emphasizes the great importance of the life of the human being and it holds accountable all who participate in such an evil act of killing innocent beings. It states,

The moral gravity of procured abortion is apparent in all its truth if we recognize that we are dealing with murder and, in particular, when we consider the specific elements involved. The one eliminated is a human being at the very beginning of life. No one more absolutely innocent could be imagined. In no way could this human being ever be considered as an aggressor, much less an unjust aggressor! He or she is weak, defenseless, even to the point of lacking that minimal form of defense consisting in the poignant power of a newborn baby's cries and tears. The unborn child is totally entrusted to the protection and care of the woman carrying him or her in the womb. And yet sometimes it is precisely the mother herself who makes the decision and asks for the child to be eliminated, and who then goes about having it done (*Evangelium Vitae*, 58).

This idea of Pope John Paul II in his encyclical is rooted deeply in Vat.II especially in the document *Gaudium et Spes*, 27, which states that, the church currently recognize the many adversaries in which human life is attacked. The varieties of crime are numerous and majorities are crimes against life itself such as murder, genocide, abortion, euthanasia and willful suicide; all violation of the integrity of human person such as mutilation, physical and mental torture, undue psychological pressures; all offences against human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the so called human trafficking (of women and children) and many others: all

these debase the perpetrators more than the victims and militate against the honor of the Creator (*Gaudium et Spes*, 27).

This situates us on the assertion that in recent debates, the church has warned against the devaluing of human life reflected in the evils above and also the misuse of modern technology to attack human life or treat human life as mere objects.

4.4 REQUIREMENT OF DIVINE LAW

The Divine Law, in which human beings participate through their intelligence, emphasizes too explicitly and implicitly the sanctity of life, especially when it directs human beings to "...act in accordance with reason"⁹² It requires them to render to God first of all the adoration that is due to him and to him alone. It requires man to respect his neighbour, to live at peace and harmony with them to rendering them what is due to them and this requires honoring one's parents, respecting life, marriage, good name and property of ones neighbour.⁹³

Divine law is somewhat pertaining to human intelligence. Indeed, it entails the way human beings actively participate in the Divine Law, ordering their own actions in accordance with reason. This would mean the respect for human person and avoiding all sorts of criminal and immoral acts against humanity like murder, genocide, abortion, euthanasia and willful destruction that involve all aspects that violate integrity of human person.⁹⁴

Naturally, therefore, the physical effects of abortion will depend in direct ratio on the causation thereof, and the comparative of what brought such causation. In any case,

⁹² A. THOMAS, *Summa Contra Gentes* 120.

⁹³ Cf. E. M. WILLIAM, *An introduction to Moral Theology*, 59.

⁹⁴ Cf. E. M. WILLIAM, *An introduction to Moral Theology*, 64.

abortion is fraught with serious consequences, direct and indirect and is a sad miscarriage of nature's plan, greatly to be deplored, and earnestly, strenuously, and conscientiously to be avoided. Of course, when brought about with criminal intent, abortion is nothing less than murder in the first degree; and if the law of the land does not discover and punish the criminal, the higher law of the God of Nature and of Nature's inexorable reprisals for interference with, or destruction of her beneficent designs, will sooner or later most certainly do so.⁹⁵

4.5 THE RIGHT TO LIFE

The above discussed sanctity of life leads us to affirm that there are rights that belong to human beings and are unbreakable whatsoever. However the root of all human rights is the right to life, this is so asserted by the Sacred Congregation for the Doctrine of faith in its document which declares that, when we speak of human rights that demand respect from individuals and society, we must speak first of the right to life. Since,

...the first right of the human person is his life. He has other goods and some are more precious, but this one is fundamental the condition of all others, hence it must be protected above all others. It is not the recognition by another that constitutes this right; it demands recognition and it is strictly unjust to refuse such recognition...⁹⁶

This right is inherent by simply being a member of the human beings. Thus any discrimination based on the various stages of life is no more justified and will never be justified at any moment. The right to life remains complete in an old person, even one greatly weakened; it is not lost by one who is incurably sick. The right to life is no less to be respected in the small infant just born than in the mature person. In reality, respect for

⁹⁵ Cf. M. L. VALENTINO & K. M. JANET, *A review of Abortion in Kenya*, 30.

⁹⁶ SACRED CONGREGATION FOR THE DOCTRINE OF FAITH, *Declaration on procured abortion*,

human life is called for from the time that the process of generation begins that is from the moment of conception.⁹⁷

As Sacred Congregation for the Doctrine of faith continues to re-echo that, Pope still emphasizes in his encyclical '*Evangelium Vitae*' that the right to life does not belong more to some than others, and "...as far as the right to life is concerned, every innocent human being is absolutely equal to all others (*Evangelium Vitae*, 57) However, human beings are not equal in their strength or their ability to defend and advance their own right to life: But this only gives a chance people of good will, all of us who are strong and the whole society as a whole, to have obligation, responsibility and duty to protect and support the weak and helpless in defending their rights to life (Cf. CCC 1935-1937).

Human life is therefore also a social good; its protection is a basic purpose for which societies and legal systems are established. As the Pontiff in *Evangelium Vitae* states:

When the church declares that unconditional respect for the right to life of every innocent person from conception to natural death is one of the pillars on which every society stands, she wants simply to promote a human state. A state which recognizes the defense of the fundamental rights to the human person, especially of the weakest, as its primary duty (*Evangelium Vitae*, 101).

⁹⁷ Cf. SACRED CONGREGATION FOR THE DOCTRINE OF FAITH, *Declaration on procured abortion*, 12.

4.6 PASTORAL RECOMMENDATIONS

Kenyans we are faced with this great dilemma whether to say Yes to life or yes to death, we don't want to overlook the basic principles that we have all through upheld with great esteem. Let's not compromise with evil because if we Compromise with Evil, We Lose! What then shall we do? Shall we quit? Quitting we cannot, for this is not for us! We are the sign of contradiction set up high for all to see. "Behold I am with you even to the end of times" Let's stand firm in our support for marriage which is a faithful, exclusive, life-long union of a man and a woman and must remain such in law. In a manner unlike any other relationship, marriage makes a unique and irreplaceable contribution to the common good of society, especially through the procreation and education of children.

With regard to the caring and education of children, lets continue to support initiatives, all faith organizations, which provide resources for all parents, especially those of modest means, to choose education which best address the needs of their children.

Let's welcome continuing commitments to empower faith-based groups as effective partners in overcoming poverty and other threats to human dignity. Let's work with the different faith groups and government to strengthen these partnerships in ways that do not encourage government to abandon its responsibilities and formulate rules and laws that do not support human life.

Most fundamentally, lets work to protect the lives of the most vulnerable and voiceless members of the human family especially unborn children and those who are disabled or terminally ill. Let's consistently defend the fundamental right to life from conception to natural death. Let's be opposed to abortion as the direct killing of innocent human life, encouraging one and all to seek common ground that will reduce the number of abortions in morally sound ways that affirm the dignity of pregnant women and their unborn children. Let's oppose legislative and other measures to expand abortion. Let's

work to retain essential, widely supported policies which show respect for unborn life, protect the conscience rights of health care providers and other Kenyans, and prevent government funding and promotion of abortion.

The Church, pro-life movements and other institutions which for many years have prevented funding of abortion have a proven record of reducing abortions. Efforts to force Kenyans to fund abortions with their tax by implementing the 'Reproductive Health and Rights, bill 2008' would pose a serious moral challenge and jeopardize the passage of essential and better, beneficial and life giving health care reforms. Instead of implementing 'Reproductive Health and Rights, bill 2008' let's continue to seek ways to work constructively with our government and parliament and others of good will to pursue policies which respect the dignity of all human life and bring greater justice to our nation.

Lets appreciate the fact that we are Africans, Kenyans, who are Christians and that our moral principles have always guided our everyday experience in celebrating a new life, caring for the hungry and homeless, offering health care and housing, educating children and reaching out to those in need. Africans lead the largest community of human beings in the world with our life giving values, from our experience and our tradition, we offer a distinctive, constructive and principled contribution to the national dialogue on how to act together as a community celebrating each and every gift of life in our community, lets not overlook what we have been treasuring as Africans and as Christians for years and years.

Our nation now faces moral challenges with potentially tragic human consequences and serious moral dimensions. Let us work together as Christians and people of good faith to support strong, prudent and effective measures to address the terrible impacts and injustices done to the unborn children.

Christians must remember that behind abortion and all dilemmas that are related to it, people facing unwanted pregnancies, bringing up handicapped children, or coping with

long-term results of rape and incest. The need to offer genuine assistance to the unmarried mother, to the mother who already has a large family and no proper means of support, to the parents of handicapped children and those who have been criminally assaulted should be part of the Christian response regardless of our own attitude towards abortion. Such loving care may well decrease the number of abortions.⁹⁸

Likewise, Christians must reflect on their responsibility in a society where human life is regarded cheaply. It is proper to ask what kind of society we become when human life is regarded as disposable; all of us may then be vulnerable. The prophetic proclamation of principle of the sanctity of life must be matched by concern for those who do not and cannot accept that standard. Meaning Christians must always feel free and willing to work even politically for change in the abortion laws and to persuade society of the evil of abortion on demand.⁹⁹

Above all, do not grow despondent: there is much to fear for the situation of life around the world, but we are not permitted by our Christian faith to give up our efforts or zeal for life. In fact, we need to redouble it!

Pray every day for God to end abortion with our help (in that order): abortion is such a great spiritual and social evil that only the divine power of God Himself can end it. "The Lord hears the cry of the poor," but God will not do it alone. He needs us to humbly recognize the basic fact that it is *humanly impossible* to end this evil. We need to get on our knees and beg His Mercy on the unborn and the conversion of all those who commit these evils.

⁹⁸Cf. D. J. Atkinson, - al., (eds) *New Dictionary of CHRISTIAN ETHICS AND PASTORAL THEOLOGY*, Illinois: Inter- varsity Press, 133

⁹⁹ Cf. D. J. Atkinson, - al., (eds) *New Dictionary of CHRISTIAN ETHICS AND PASTORAL THEOLOGY*, Illinois: Inter- varsity Press, 133

Commit to fasting every week to end the evils of abortion: "Some demons can only be driven out by prayer and fasting," said the Lord, and we have to take that admonition seriously if we are to effect any change in the hearts of our people or of our society. Fasting makes us more spiritual and gives greater efficacy to all our works and prayers.

Take back the culture: Even if the anti-lifers hold the reins of political power, we must not sit back and allow moral anarchists to define all the terms of the cultural or social agenda. Whether it is through social activism for life (crisis pregnancy centers, pickets and prayer marches) or through touching hearts and minds, one soul at a time (persuasion, formation, teaching, media), we cannot be neutral about the direction our society culture is heading. It is leading us to certain spiritual death, and no one can afford that. We need to fight for it and never give up the battle. Yes because Africans we have always treasured the gift of life in our midst, lets not forget that.

We know that pro-lifers, all Christians of good will and organizations that support life like 'Human Life Kenya' will be in the struggle for lives and souls continuously. It is our calling and mission. We will never give up *one inch* to uphold the truth that the whole world needs to hear more than ever: namely, that human life is sacred from the first moment of natural fertilization to the moment of natural death and we will defend it whether the society likes it or not. It will be good for everybody to know that the issue of abortion affects the growth and the well being of every society. This issue can only be resolved efficiently, effectively and appropriately by addressing all other life issues that relate to abortion and directly contribute to it. Until all the elements (civil laws, constitutions, attitudes and mentalities) that advocate and promote abortion are rooted out from the societies we cannot halt this discriminatory treatment of the unborn. Until we appreciate the sanctity of human life as God given, we will never revere and protect all human life from the moment of conception to the moment of natural death.

Lastly, it is apparent from this essay that, however much women may run for abortion to solve what they see as their difficulties and stalling blocks, abortion does not mitigate human difficulties or problems. It can never be a solution at any cost, whether for personal problems or social problems but it only increase and exaggerates them as we have seen in the consequences of abortion. Let's unite all of us and fight from all angles, tirelessly, this culture of death.

4.7 GENERAL CONCLUSION

The principle of the sanctity of life is clearly established in Genesis 1:27 which states that, God created man in his image; in the divine image he created him; male and female he created them and also in the Ten Commandments. The Bible as whole clearly states that, life comes from God as his gift and that we are answerable to him for what we do with our own life and other people's lives. Such responsibility means that we shall all answer before judgment seat, for our actions and failures to act.

The early church and its successors firmly held to the need to defend the unborn and the inviolability of the fetus, once life has started. The modern debate has moved on, and Christians may disagree, but not about the central need to preserve the principle of the sanctity of life, and limit the idea that people are free to please themselves with regard to their own bodies regardless of the impact on others. Within the catholic community, abortion has always been condemned.

As we conclude this long essay, it is good to highlight that everybody is involved, affected in one way or another in this issue of abortion, starting from mothers who decide to go for an abortion are to be held responsible of the lives they end. The fathers of the

children may also be blamed, not only when they directly pressure the women to have an abortion, but also when they indirectly encourages such a decision on their part by leaving them alone to face the problems of pregnancy. In addition, certainly in this case, moral responsibility lies particularly with those who have directly or indirectly obliged the mother to have an abortion. Doctors and nurses are also responsible, when they place themselves at the service of death skills which were acquired for promoting life. Nobody who participates in abortion or in this elimination of life is spared, including legislators who have promoted and approved abortion laws, and, to the extent that they have a say in the matter.

The administrators of the health-care centers where abortions are performed are also to blame and responsible for the loss of lives, they should never allow such activities to be happening to their centers. A general and no less serious responsibility lies with those who have encouraged the spread of an attitude, laws and bills that advocate sexual permissiveness and a lack of esteem for motherhood, and with those who should have ensured, but did not, effective family and social policies in support of families, especially larger families and those with particular financial and educational needs. Finally, those who had the opportunity to help, educate, counsel, advice women, preach the gospel of life to all and esteem human life at all stages but they did not.

It is the high time we all know that if the liberal law be legally entrenched in Kenyan constitution, Africa as whole will glide down morally and culturally. This is because, the issue of Abortion is killer and a threat to humanity, and hence the teaching and tradition of the church has always held that human life must be protected and favored.

Our life, due to its transcendent nature is therefore sacred and inviolable in its whole span of development; from the moment of conception to the moment upon natural death.

We therefore unanimously discourage women from engaging in abortion, regardless of their social, psychological and legal circumstances, this is because abortion can not and will never solve their social or psychological strain but rather will raise them, making women desperate in their daily life. We however, encourage them that they should try to get help from the many pro-life, government and church organizations that help and support such women with various difficulties regarding their pregnancies.

At the same time, let us please consider lending our support to all Pro-life organizations that care about mothers with difficulties and their pre-born children. Similarly we want to salute all those people of good will who help pregnant women who find themselves isolated and frightened, offering emotional support and practical help such as liaising with families and providing financial assistance.

BIBLIOGRAPHY

PRIMARY SOURCES

The African Bible: Biblical text of the New American Bible
The Catechism of the Catholic Church, Rome, 11 October 1992.

CHURCH DOCUMENTS

CONGREGATION FOR THE DOCTRINE OF FAITH, *Donum Vitae*, Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation Replies to certain Questions of the day, February 22, 1987.

FLANNERY, A., ed., *The Conciliar and Post Conciliar Documents*, II Bombay: St Paul's Publication 1975.

Dogmatic Constitution on the Church, (Lumen Gentium), Rome 1965
Pastoral Constitution on the Church in Modern world, (Gaudium et Spes), Rome 1965.

SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Declaration on procured abortion*, Rome Sacred congregation for the doctrine of the faith, November 18, 1974.

SACRED CONGREGATION FOR THE DOCTRINE OF FAITH, *Declaration on Euthanasia*: 1980.

PAPAL DOCUMENTS

JOHN PAUL II, *Encyclical Letter "Evangelium Vitae", On the Gospel of life* (25 March 1995), Nairobi: Paulines 1995.

PAUL VI, *Encyclical Letter "HUMANE Vitae", On Human life* (25 July, 1968), Nairobi: Paulines 2001.

PAUL VI, *Apostolic Exhortation "Evangelii Nuntiandi" on Evangelization in the Modern World* (8 December 1975).

PIUS XI *Casti Connubii*, 1930.

BOOKS

ALEXANDER, L.S, *Foundations of Moral Theology*, Nairobi: Paulines Publications Africa 2006.

BAIRD, R.M., & ROSENBAUM, S.E., *The ethics of Abortion: Pro-life Vs Pro-choice*, (revised edition), New York: Prometheus Books 1993.

BAJEMA, C. E., *Abortion and the Meaning of Personhood*, Grand Rapids MI: Baker Books house 1974.

BENEDICT ASHLEY, M & KELVIN O'ROURKE, D., *Health Care Ethics: A Theological Analysis*, (1st Edition) St Louis, Missouri: The catholic Hospital Association 1978.

BENEDICT ASHLEY, M & KELVIN O'ROURKE, D., *Health Care Ethics: A theological analysis*, (4th Edition) St Louis, Missouri: The catholic Hospital Association 1978.

- BRODY, B., *Abortion and the Sanctity of Life: A Philosophical View*, New York: The Colonial Press Inc 1976.
- BRENNAN, W., *The Abortion Holocaust: Today's final Solution*, St. Louis: Landmark Press 1983.
- BUCK, P. S., *The Terrible Choice*, New York: Bantana Books 1968.
- CALLAHAN, D., *The Quality of Life: What Does it Mean?* New York: Paulist Press 1972.
- DEVINE, P., *The Ethics of Homicide*, London: Cornell University Press 1978.
- DAVID, J.' ATKINSON, - al., (Eds) *New Dictionary of Christian Ethics And Pastoral Theology*, Illinois: Inter- varsity Press 1980.
- DIAMOND, E. F., *A Catholic Guide to Medical Ethics, Catholic Principles in Clinical practice*, Illinois: The Linacre institute of the catholic Medical Association, Palos Park 2001.
- GARY, B., *When you were formed in Secret*, Ohio: Intercessor for America 1980.
- HEANEY- ROBERT, et all *The fullness of life: Catholic Medical education for the 21st Century*, Omaha, NY: Creighton University Press 1991.
- KUHSE, H. - SINGER, P., Ed. *Bioethics, An Anthology*, Oxford: Blackwell Publishers Ltd. 1999.
- LAWLER, R.- BOYLE J. & MAY, W.E. *Catholic Sexual Ethics: A Summary, Explanation & Defense*, 2nd Ed., Huntington: Our Sunday visitor Inc. 1998.
- LEE, P., *Abortion & Unborn Human life*, Washington DC.: The Catholic University of America 1996.
- LEMA, V.M., & MACHARIA, J.K., *A Review of Abortion in Kenya*, Nairobi: Centre for the study of Adolescence 1992.
- MCCORMICK, R. A. & Ramsey, P. eds., *Doing Evil to Achieve Good*, Chicago: Loyola University Press 1978.
- MENNINGER, K., *Man Against Himself*, New York: Harcourt Brace 1938.
- MILTON, A. GONSALVES, *Right and Reason: Ethics in Theory and Practice* (9th Ed.)New Jersey: Prentice-Hall, Inc. 1986.
- PAZHAYAMPALLIL, T., *Pastoral Guide Vol. II- Sacraments and Bioethics*, Ban galore: Kristu Jyoti Publications 1997.
- HARING, B., *Medical Ethics*, New York: Paulist Press 1994.
- REIMAN, J., *Abortion and the Ways we Value Human Life*, New York: Rowman & Littlefield Publishers, Inc. 1999.
- ROSS S, L. *Abortion and the Death of the Foetus in Philosophy and Public Affairs*, Vol. II No. 3 New York: Oxford University Press 1982.
- RUSSELL S., (ED) *Our Sunday Visitor's Encyclopaedia of Catholic Doctrine*, Huntington: Our Sunday Publishing Division 1997
- SCHWARZ, S., *The Moral Questions of Abortion*, Chicago: Loyola University press 1990
- SCHAEFFER, F., *A time for Anger: The Myth of Neutrality*, Westchester: Crossway Books 1982.
- SHANNON, T., A., Ed., *Bioethics, Basic Writings on The Key Ethical Questions That Surround the Major, Modern Biological Possibilities and problems*, 4th ed. New Jersey: Paulist Press 1994.
- TIETZE, C., & LEWIT, S., "Abortion", New York: Scientific American Press 1969.

- THOMAS A, (Trans. Anton C. Pegis et al.) *Summa Contra Gentes*, Notre Dame, Ind.: U. of Notre Dame Press 1975.
- WALTER, J. J., & SHANNON A. T., Eds. *Quality of life: The New Medical Dilemma*, New York: Paulist Press 1990.
- WILDES, K.W.M., & MITCHELL, A.C. *Choosing life-A dialogue on Evangelium Vitae*, Washington DC: Georgetown University Press 1997.
- VARGA, C. A., *The Main issues in Bioethics*, New York: Paulist Press 1984.
- WILLIAM, E. M., *An introduction to Moral Theology*, Huntington: Our Sunday Visitor, Inc. 1994.

ARTICLES

- BOMAS DRAFT, National Constitutional Conference: *The Draft Constitution of Kenya* 2004 .
- HEANEY, STEPHEN J., "Aquinas and the Presence of the of the Human Rational Soul in the Early Embryo" *The Thomist* 56 (1992).
- HERRANZ, GONZALO, "RU486: The Abortion Pill," *Origins* 23, May 23, 1991.
- MOSHER, S., "Abortion and the Conscience of the Nation" *Population Research Institute-Review*, (may-June 2004.)
- MCGRATH, PATRICK J. "On Not Re-interpreting *Humane Vitae*," *Irish Theological Quarterly* 38, 1976, 130-143.
- NATION MIRROR, "*The Catholic Church Vows To Fight Abortion*", (September 2008)
- RANKIN, JOHN C. "*The Corporeal Reality of Nepes and the Status of the Unborn.*" *Journal of the Evangelical Theological Society* 31 (June, 1988):
- The Constitution Of The Republic of Kenya
- KENYAN CHAPTER OF THE FEDERATION OF WOMEN LAWYERS, *The Proposed Draft "Reproductive Health and Rights Bill 2008.*
- WAKO DRAFT Kenya Gazette Supplement: *The Proposed New Constitution of Kenya*, Nairobi 22nd August , 2005.
- WEBER, J. L., *Human Death As Neocortical Death: The ethical Context*" *The Linacre Quarterly*,(41) May 1974.

UNPUBLISHED MATERIALS

- MUGO, M., "*Medical Ethics*" *Teaching class notes on abortion*, Tangaza College-Catholic University of Eastern Africa, Nairobi, 2008 Photocopy.

INTERVIEWS

- GITONGA J. (2009) "*Dangers of the traditional way of Abortion*", Interviewed by the author, tape recording, 22 Aug.2009, Kenyatta National Hospital.

- GITONGA J. (2009) "*Dangers of Abortion in our Modern Society*", Interviewed by the author, tape recording, 22 Aug.2009, Kenyatta National Hospital.
- MAIER P., "*The rise Abortion in our modern society*" Interviewed by the author, notes taking, 28th Sep.2009. Capuchins Community Karen, Nairobi.
- KAKETO A. RICHARD "*Constitutionality of the 'Reproductive Health and Rights bill2008'*" Interviewed by the author, notes taking. 18th May 2009.Dimesse Sisters Retreat house Nairobi.
- KARANJA, DR. "*Proposed Draft Reproductive Health and Rights bill*" Interviewed by the author, notes taking. 18th May 2009. Consolata Shrine Westland's Nairobi.
- KEGONDE, GEORGE . (2009) "*Lets all say No to Abortion*": A Pro-life presentation, Interviewed by the author, notes taking.10th June 2009 Tangaza College Nairobi.
- WANJOHI, RAPHAEL, PRO. . (2009) "*Lets all say No to Abortion*": A Pro-life presentation, Interviewed by the author, notes taking.10th June 2009. Tangaza College Nairobi.

INTERNET MATERIALS

- [Http://en.wikipedia.org/wiki/Abortion](http://en.wikipedia.org/wiki/Abortion) , retrieved on 5/8/2008.
- [Http://www.medterms.com/script/main/art.asp?articlekey=17775](http://www.medterms.com/script/main/art.asp?articlekey=17775), retrieved on 1/09/2009.
- [Http://en.wikipedia.org/wiki/History_of_abortion](http://en.wikipedia.org/wiki/History_of_abortion), retrieved on 5/8/2008.
- [Http://en.wikipedia.org/wiki/History_of_abortion#cite_ref-Riddle_1991_10-0](http://en.wikipedia.org/wiki/History_of_abortion#cite_ref-Riddle_1991_10-0), retrieved on 5/8/2008.
- [Http://www.surgeryencyclopedia.com/A-Ce/Abortion-Induced.html](http://www.surgeryencyclopedia.com/A-Ce/Abortion-Induced.html), retrieved on 10th Sept. 2009.
- [Http://familydoctorsorg/online/famdocen/home/articles/846.html](http://familydoctorsorg/online/famdocen/home/articles/846.html), retrieved on 7th Sep. 2008.
- [Http://en.wikipedia.org/wiki/Abortion#cite_ref-14](http://en.wikipedia.org/wiki/Abortion#cite_ref-14), retrieved on 10th Sept. 2009.
- [Http://www.lifesitenews.com/abortiontypes/](http://www.lifesitenews.com/abortiontypes/) retrieved on 7th Sep. 2008.
- [Http://www.newadvent.org/cathen/01049a.htm](http://www.newadvent.org/cathen/01049a.htm), retrieved on 10th Sept. 2009.
- [Http://en.wikipedia.org/wiki/DNA](http://en.wikipedia.org/wiki/DNA), retrieved on 10th Sept. 2009.