

The ground is shifting in the abortion debate

Few people want to ban terminations but on both sides
of the Atlantic there is support for tighter laws

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One of my favourite phrases of the year came from my fellow *Times* columnist Matt Ridley. Matt described himself as a “global lukewarmer”. In the debate on climate change, he wrote, you could be forgiven for believing that people either have to believe that climate change is the biggest ever threat to the planet or it isn’t happening at all. Most scientists recognise that *some* man-made warming is happening and that it will bring both costs *and* benefits. The way great debates are framed, however, allows little room for moderate or warm voices — the media only wants hot versus cold. It’s true for immigration, deficit reduction, Europe. And abortion.

For those pro-choice campaigners who resist almost any controls on abortion 2013 has been unsettling. It was the year when the reality of foetal “gendercide” within Britain

surfaced — the deliberate, discriminatory termination of unborn baby girls. If a foetus has no human rights, did it matter that abortions were taking place because sons were preferred to daughters? Pro-choice heads exploded trying to find a feminist-friendly answer.

More significantly for abortion advocates — after a period in which the world appeared to be on a liberalising trend — 2013 has ended with Spain’s Government proposing a tightening of procedures.

Across the Atlantic a dozen US states have already passed new restrictive measures, including Texas, Georgia, and Indiana. Interestingly, the legislative trend is following rather than leading public opinion. There is a slow but steady concession to the reality of what the late Christopher Hitchens recognised. “In order to terminate a pregnancy,” he said in 1989, “you have to still a heartbeat, switch off a developing brain, and, whatever the method, break some bones and rupture some organs.”

The problem with America’s all too permissive abortion laws was illustrated by a court case in May. Mainstream news organisations ignored the story at first but were eventually forced to cover the horrific case of Dr Kermit Gosnell.

Gosnell, a Pennsylvania physician, was found guilty of murdering late-term babies by “plunging scissors into their necks and ‘snipping’ their spinal cords”. His clinic hadn’t been inspected for fifteen years. A strong feeling has emerged that the US abortion industry is badly under-regulated.

Forty years after the so-called Culture Wars began — when the US Supreme Court legalised abortion — America is becoming much more liberal on gay rights but is also becoming more concerned about abortion. During the same period in which the percentage supporting same-sex marriage has

Voters are more liberal on
gay rights but more
conservative on abortion

doubled to 54 per cent the proportion describing themselves as pro-choice has dwindled to a minority. Twenty per cent want abortion to be completely illegal but, more significantly, 38 per cent want it to be legal in only a few cases. Interestingly there is very little difference across the genders, with men and women holding very similar views — or indeed across

the generations, with many young Americans becoming more concerned about abortion.

Back here in Britain there is little likelihood that the law will change soon, even though surveys find modest support for a lowering of the limit at which terminations can take place. A slightly lower limit of the kind supported by David Cameron and a much lower limit — as supported by the Health Secretary Jeremy Hunt — is unlikely unless the Tories win a majority.

A lower limit has become the focus of debate because of advances in neonatal care. Premature babies can now survive at earlier stages of pregnancy than a decade ago. Amillia Taylor was born at just under 22 weeks' gestation and she is now a healthy toddler. This has led the swelling pragmatic middle ground of the abortion debate to support reducing the termination limit from 24 weeks to 21. Others want a still earlier limit because of research that shows that even if the foetus is not viable outside the womb it can still feel pain.

Another middle way may involve the introduction of fully informed consent. A Michigan law based on this principle requires pregnant mothers to inspect “depictions,

illustrations or photographs of foetal development”. Women are still in charge but are helped to fully understand what they're choosing.

What is very unlikely in Britain is an end to the exception for foetal abnormality. Many people are simply too frightened of having to raise a disabled child. Although the UK currently recognises that a 24-week-old foetus deserves the full protection of the law, this protection is not afforded to babies that might be disabled in some inadequately defined way. This exception has produced an alliance between anti-abortion and disability rights campaigners. Not only does the exception mean disabled infants in utero have a vulnerable status but there is the danger that their second-class status might infect society's wider attitude to people with disabilities. This slippage has already happened in Belgium where, this month, infanticide for children with certain disabilities was legalised by the country's Senate.

British law has got to the point where we recognise that after 24 weeks it is wrong — in Hitchens' words — to still a heartbeat, switch off a developing brain and rupture some organs. It's wrong unless it's the heart, brain and organs of a disabled child.