



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

Is abortion immoral and should it be illegal?

I want to start by thanking those who have organised this evening, and to *Pro Life UC* for hosting it.

What I'll be doing instead is explaining how I answer these two important questions. Is abortion immoral, and if it is, should it be illegal?

It's important because of what's at stake depending on what the right answer to these questions, and also because of the prevalence of abortion in New Zealand. In 2008 just under 18,000 abortions were carried out in New Zealand. With just over 64,000 live Births in New Zealand for the same period, that's an incredible ratio of about one abortion for every 3 and a half live births. If abortion is as bad as some people say it is, then, it is an issue of monumental importance in this country.

My position is simple: Yes, abortion is immoral, and secondly, because of the extent to which it is immoral and because of the specific reasons that it is immoral, it should also be illegal. I'll address each of these two distinct claims in turn.

Is Abortion Immoral?

Firstly, is abortion immoral? I think that it is, and today I'll present two lines of argument that it is. These two arguments are the traceback argument and the argument from the future. The first of these arguments is designed to argue that abortion is immoral because the subject of abortion, namely a human fetus, is identical with a living human person, and the second argument defends the claim that regardless of disputes about the personhood of the fetus, it is still wrong to kill it because of what we take away when we do so.

The traceback argument

Let's look then at the traceback argument (or the argument from regression). It is sometimes claimed by advocates of abortion rights that the unborn child destroyed in an abortion can be destroyed without wrongdoing because an unborn child – a fetus – is either not a human being in a proper sense, or not a human person. If it were, then abortion would be wrong, but it's not.

Whatever you might currently think about the status of an unborn child, I hope you at least agree with this claim: *You* are a human person. Right? That's not controversial. What's also not controversial, although it's just a little more technical, is the principle of identity. In the field of logic, the principle of identity is the most basic of all principles. It can most simply be summed up like this:

Necessarily, $A = A$.

Everything is identical with itself. Another way of referring to this most basic concept is "numerical identity." This is because if you're counting something the correct number of times, you count it only once because it is the same thing as itself.



Once we understand what numerical identity is, another claim becomes fairly straightforward, namely the claim that you are numerically identical with a fetus that once existed. Obviously you're not qualitatively identical with a fetus – or an embryo prior to eight weeks gestations, or an infant, or a toddler, and so forth. But you're numerically identical with all of these.

This way of thinking about our history avoids the rather absurd suggestion that you were once a sperm or an egg, an old canard sometimes thrown at opponents of abortion. Of course you were never a sperm or an egg, because there is no numerical identity between a sperm and egg, and an embryo. A sperm and egg are two potentially unrelated things, that bring a new thing – a third and physically distinct thing into existence, whereas an embryo is related to itself in a logically necessary way – it is identical with itself, and it develops into further stages of its own existence. You at your current stage in life are a stage of that development. The same holds for certain other rather absurd responses to the anti-abortion perspective, like “well if you think we shouldn't destroy human lives, then you must think that we shouldn't destroy cancer cells in humans, because those are alive and human.” This objection cannot arise here, because not everything that is human and alive is numerically identical with a human being, for example skin or hair cells.

So the numerical entity that is you was once a toddler, and once an infant, and once a fetus. If you put a photo of you now next to a photo of you at, say, ten weeks' gestation, you would be incorrect to say that these were photos of two different things. Numerically, they are exactly the same thing because the entity that you are now was once a toddler, an infant, a fetus and an embryo. We have traced your identity back to an embryo.

But if this is so, then abortion destroys something that is identical with a human being. This first argument then goes like this:

- 1) It is prima facie immoral to kill a human being
- 2) Abortion kills a human being
- 3) Therefore abortion is prima facie immoral.

Notice that I have only said that it is “prima facie” wrong to kill a human being. That means that it is wrong at first sight, all other considerations set aside. We all accept, I think, that the prima facie duty to abstain from killing people can be set aside in some cases in light of other considerations: Most of us would think that a person who kills in self defense could be excused. Most of us accept that there may be times when it is necessary to go to war, for example. So killing might not always be immoral. But where we can identify a prima facie moral duty, we should carry out that duty unless we have been shown that there are significant factors that weigh against our normal moral duty. In other words, because there is a prima facie duty *not* to carry out abortion, it is up to those who believe that abortion is morally acceptable to give good reasons for thinking that there are important factors that weigh against carrying out our normal moral duty to not kill human beings in the case of abortion. Unless they do this, we have a moral duty not to carry out abortions.

The argument from the future



Next I want to outline the argument from the future. In presenting this second argument, it actually doesn't matter what you or I think of the personhood or status (or lack thereof) of the unborn. Instead, I want to pose the question of what it is that makes killing a person – one of us – wrong. Then I'll ask whether or not that “wrong making” feature is present in the case of killing a fetus (whether that fetus is a person in the full sense or not).

So what *is* it that makes it wrong to kill one of us – you or me? I think a fairly widely accepted answer is that killing one of us would be wrong because doing so takes away a person's life. However, we only mean that in a certain sense. Obviously when you kill someone you don't take away their past life – that's already happened. It's difficult to think of taking away a person's *present* life – the present only lasts for an immeasurable moment. What we're taking away is a person's *future*. Think for example the death penalty – let's choose the example of a firing squad. The shooting is over in seconds, but the punishment is not merely the sensation of being shot through the chest. The punishment is that the executed person no longer has a future of human experiences.

Not only is it a future, it's the future life of a human person. We don't think much about killing grass or vegetables, because they have no personal future to take away. When we kill a human being we take away what ethicist Don Marquis calls a “future like mine.” he writes:

Some parts of my future are not valued by me now, but will come to be valued by me as I grow older and as my values and capacities change. When I am killed, I am deprived both of what I now value which would have been part of my future personal life, but also what I would come to value. Therefore, when I die, I am deprived of all of the value of my future. Inflicting this loss on me is ultimately what makes killing me wrong.¹

There's something clearly plausible about this. A man being led to the firing squad is not primarily afraid that it's going to really hurt. A young woman told that she has three months to live because of cancer – while she might fear the pain the cancer will cause, is not worried *primarily* because of this. Their fear arises because their future is going to be taken away. Moreover, killing a three year old does not merely take away his ability to draw cute little pictures with crayons and play in the sandpit. It takes away what could otherwise be a fulfilling future as growing child and later an adult. The grieving parents of this killed child could quite rightly say to the killer - “You've robbed him of his future!”

I want you to notice several things about this view of what makes killing wrong. Firstly, it has nothing to do with whether or not something is biologically human. Consider the possibility that in centuries to come humanity explores other galaxies and discovers other intelligent life out there: Aliens who, far from being brute animals, seem like intelligent beings in much the same way that we are. If the only thing that makes killing wrong is that something is biologically human, then

¹ Don Marquis, “Why Abortion is Immoral,” *The Journal of Philosophy* 86:4 (1989), 189-190.



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

there would be nothing wrong with killing these beings, but this seems clearly wrong. However, if it is wrong to take away a future like mine, then biological technicalities make no important difference. It would be wrong to kill these beings because they too have futures that are relevantly like mine. In addition to such beings, this principle opens up the possibility of considering the morality of killing certain animal species here on earth now. I'm not about to offer any type of cataloging of creatures that can be killed and those that can't, but the "future like mine" principle can clearly play a part in determining the morality of such killing (the great apes present us with obvious examples to consider). Secondly, this theory of the immorality of killing provides compelling moral reasons for not killing very young children, who may lack many of the psychological features that some people believe are necessary for full personhood, which satisfies what I think is a pretty strong moral intuition that we have that killing children is in fact wrong. Thirdly, note that this principle presents us with what philosophers might call a *sufficient condition* for the immorality of killing, rather than a necessary one. This principle is merely that if something takes away a future like mine, then it is morally wrong. It does not mean that *unless* a form of killing takes away a future like mine, then there's nothing wrong with it. As such, this principle has nothing to say about other difficult cases like euthanasia, where the person involved may not have a future like mine. If that is wrong, then it will be wrong for other reasons, but not this one.

If this property – taking away a future like mine – is enough to make an action wrong, then the crucial question is this: Does abortion take away a future like mine?

I think the answer is that it clearly does. Regardless of what the fetus is right now, it clearly has a future of experiences that are relevantly like yours or mine. In fact just over thirty three years ago there was a fetus that had a future *exactly* like mine, and to destroy that fetus would have taken a way the future that is my life now. A fetus might not *now* value the future that lies ahead of it, but this is quite irrelevant. It may be that right now *I* don't even know what my future will be and so I can't value that future. That hardly makes it acceptable to kill me! So if this property is sufficient to make an action immoral, then it follows that abortion is immoral for the same reason that killing you or me would be immoral.

You might want to quibble with this on the grounds that children who are aborted are often aborted because of serious defects, so they don't have a future like mine anyway. But this objection is simply out of touch with the facts. As has routinely been the case in New Zealand, 98 percent of all abortions carried out here in 2008 were carried out on the notoriously dubious grounds that the continuation of the pregnancy itself constituted a serious threat to the mental health of the mother. *Not* because of crimes committed against the mother, not because of an existing medical condition, and not because of defects or deformities in the unborn child. Now, I don't think for a minute that it's moral or humane to say that people with downs syndrome or spina bifida have no future of value and that their future can be disposed of without wrongdoing. But if proponents of abortion rights do want to adopt that rather callous stance, they are still faced with the prospect of having to grant that virtually all cases of abortion in New Zealand are immoral.

Consequently, even if you don't think that the unborn child is a human person, you have good grounds to think that abortion is seriously immoral for the same kinds of reason that you currently



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

think it is wrong to kill an innocent human being.

Should abortion be illegal?

The fact that something is morally wrong does not, of course, automatically mean that it should be illegal. That would be a fairly totalitarian way of viewing the government's role, where the government existed to force people to be moral in every way.

You might think that this is none of the government's business. Perhaps you see why the arguments for the immorality of abortion work, but you're happy to say "I'm personally opposed, but pro-choice." You might nod when you hear people say "don't like abortion? Then don't have one – but don't you dare push your morality onto me!"

Here's what wrong with that way of thinking: When someone says "I'm personally opposed," that means that they themselves think abortion is wrong. So the question to ask is: Why are you personally opposed? If you're opposed for the reasons I've given, you'll reply by saying that you're opposed because abortion destroys a human being and takes away a future of life like yours or mine.

The government shouldn't enforce every moral principle (like, say, exercise good manners), but there is clearly a bare minimum that the government should enforce. Among the most fundamental of these is what we've come to call human rights. The 1948 UN universal declaration of human rights lists some of these that we take for granted in (most of) our social and legal decision making. For example:

"Everyone has the right to life, liberty and security of person."

or

"All are equal before the law and are entitled without any discrimination to equal protection of the law."

Since I have argued that an unborn child is identical with a "someone," and since, when they lose their future, this loss is as great as the loss of anyone else, it follows that saying that it's alright to destroy them simply denies that these articles of the universal declaration of human rights should be recognised. I put it to you that to reject these fundamental moral and legal principles undermines so much of civilised society that our society scarcely becomes worthy of that description at all.

I have no problem with people saying "don't like chocolate ice cream? Don't eat it!" But if someone says to me "I'm personally opposed to riding roughshod over human rights, but if you want to do it, go right ahead!" Then I humbly suggest that the speaker just doesn't understand what rights are. If abortion does what I've argued that it does, then it warrants not merely our moral condemnation, but prohibition in law.



Summary

It's fairly common, although quite mistaken, for proponents of abortion rights to assume that opposition to abortion is nothing more than the result of religious dogmatism, appealing to privately held convictions that have no basis in reasons that society as a whole need to take seriously. If this is what you came to this event thinking, then I hope that at very least I've given you reasons to reconsider this quite unfair assessment of the case against abortion.

I don't pretend that the reasons that I have given will cover absolutely every conceivable scenario. I think that many moral and legal prohibitions have understandable exceptions. Stealing is wrong, but we would be hard pressed to find fault with a person who stole food because she was starving to death.

In summing up, I want you to notice that these two arguments – the traceback argument and the argument from the future, although dealing with similar subject matter, are independent. The success of one is not dependent on the strength of the other. You might not buy the traceback argument, although I think you'd need some fairly compelling reasons not to. But if you don't, the argument from the future still stands as a completely separate reason to think that abortion is wrong and should be illegal.

I also want you to notice that what I've presented is not a dogmatic claim that all abortions or all killing are always and everywhere wrong. What I've given are arguments for the prima facie judgement that abortion is wrong. I have allowed for the possibility that there may be times when our normal moral duty gives way to greater duties or rights. But given the strength of these two arguments, it is up to the defenders of abortion rights to provide clear reasons for thinking that abortion constitutes a striking exception to our everyday moral duties.

So in short, I've given you reasons to accept three things:

- Firstly, that abortion is immoral because it involves destroying things that are identical with living persons in the sense that you and I are identical with living persons.
- Secondly I've argued that quite apart from disagreements about the status of unborn children, killing them is still wrong because the act of doing so possesses the very same features that make killing people like you or I wrong, namely that it takes away their future as human persons – a future like mine – a future that has intrinsic value.
- Thirdly, I've argued that if the reasons that I have given for thinking that abortion is immoral carry any weight, they show not just that abortion is immoral, but that it should in fact be restricted in society. It should be illegal. This is because the reasons that abortion is immoral are not just reasons for thinking that abortion should be disliked or that it is



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

religiously taboo, unpleasant or difficult, but they are reasons for thinking that abortion is unjust. It violates principles that – when other actions violate them – we all accept that those actions have crossed a line that warrants them being prohibited, not merely as a matter of the private moral whims of a person or group, but as a matter of social justice.



Responses to possible objections:

Obviously, given that our abortion rate is so incredibly high, in spite of readily available sex education and in spite of readily available contraceptive alternative to abortions, and given the way that some people in this country so passionately advocate for abortion rights, it's clear that not everyone shares the stance I've offered here.

A number of people that I've spoken to who do support abortion rights are pretty frank in their admission that they really don't support abortion rights on principled grounds. Not all of them, but some of them are quite happy to tell me: "I just don't care. That might sound selfish, but it's my life and I don't want to give birth because it would inconvenience me." I don't intend to address that, because it's not an objection.

However, actual objections are out there, I assume that anyone who speaks up on the abortion issue is likely to have encountered them, and I want to survey a few of the most common objections today.

The objection from imposing morality

"Don't like abortion? Don't abort, but don't impose your morality on others!"

The thought here is that there is nothing wrong with you forming your own moral judgement on the matter and living according to it, but that it's wrong to impose that judgement onto the lives of other people and to expect *them* to live as though *they* believed as you do. George Sher (professor of philosophy at Rice University), although he himself is pro choice on the issue of abortion, realises the failure of this argument:

It is often maintained that those who oppose abortion are acting properly when they themselves refuse to abort, but not when they attempt to prevent others from aborting as well. When they try to ban all abortions, the argument goes, they overstep the bounds of tolerance by imposing their own moral views upon others. **But the principle which underlies this argument, that all morally controversial decisions should be matters of individual conscience, is plainly untenable. Even the most ardent proponents of tolerance would deny that wife-beating, slavery, or murder are matters of individual conscience; and their position would hardly be affected by the discovery that some or most other persons consider such practices morally permissible.**

[George Sher, "Subsidized Abortion: Moral Rights and Compromise," *Philosophy and Public Affairs* 10:4 (1981), 367-368.]

I think that George Sher is obviously correct. If I wanted to keep dark skinned people as slaves, and rejected all your moral condemnation by saying "look, I'm not asking *you* to keep a house nigger. If you don't want to, then don't. But stay out of my affairs," I doubt that anyone would take my complaint seriously. The very reason that we think such behaviour is wrong in the first place is that



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

it destroys the wellbeing and the future of other people, which is precisely the kind of scenario where we *ought* to intervene and stop that kind of behaviour. To say that we shouldn't impose our beliefs about abortion on to other peoples assumes that those particular beliefs are false and that in fact abortion is not a matter of social justice because it does not destroy a human being or take away a human future. Therefore before this argument can succeed, the two arguments that I have present against abortion must first be fully addressed.

This is really just another version of the slogan that says "I'm personally opposed, but pro-choice," which I addressed earlier.

"Making it criminal won't stop it!"

In New Zealand I have frequently heard the claim that making abortion illegal will not stop it, and therefore we should not make it illegal. I've encountered this argument in the reports of the Abortion Supervisory Committee and I've heard it from high profile abortionists and abortion rights defenders. The argument in its most frequently heard form at the moment is that if we make abortion illegal in New Zealand, women will simply be forced overseas to have abortions.

Here's the thing: This claim is false. It has been made for decades, and gained prominence in 1985 in a report by Janet Sceats to the Abortion Supervisory committee. In it, she admitted that in response to the 1977 introduction of the Contraception, Sterilisation and abortion act which imposed some restrictions on abortion practices, abortion rates dropped. In her report, she claimed that this was fully explained by trans tasman traffic. Women were simply going to Australia and having abortions there. Were it not for this occurrence, abortion rates would have continued to rise. She noted a rise in the number of child bearing age who traveled to Australia for less than a week in 1978. She concluded that they must have gone there to have an abortion. She claimed, further, that the actual number of live births in New Zealand did not increase immediately following the drop in the abortion rate.

However, as Marilyn Pryor then pointed out to the Abortion Supervisory committee in 1986, this research was deeply flawed and omitted crucial facts, as well as making factual errors. She showed that even if we simply accept the claim that every woman of childbearing age traveling to Australia for less than a week in 1978 was going there for an abortion, and even if we add those cases to the abortion numbers in New Zealand, the overall total still markedly declined. In other words, abortion numbers in total did decrease, even if some women did go overseas to get an abortion. What's more, we can further prove this by noting the factual error in claiming that New Zealand's live births did not increase from 1978 to 1979 (when those babies were being born). They did, by over 1200. So the professionals who make this claim – that if we make abortion illegal, women will just go overseas for an abortion and abortion numbers will not decrease, *know full well* that the claim is false. They make the claim anyway. There's a word for that.

Secondly, this argument for abortion rights is flawed on ethical grounds as well. It suggests that if people are able to do something overseas when it is illegal here, we should make it easier for them to do it here. Really? Because if I'm correctly informed, there are some countries where perverts



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

can hire children as prostitutes. Given that this is so, having laws in NZ against sexual connections with children won't actually stop determined paedophiles. The question is – is that really relevant to us when we decide what our laws should be? Just imagine a government that said: “We think that abortion is fundamentally immoral because it takes away a human life and destroys a human future. We think that it is unjust and violates important human rights, because because other countries allow it and our citizens can go to those countries to have abortions, we will allow it.”

The argument has nothing to do with principle, and everything to do with convenience. It essentially boils down to this: If we make abortion illegal here, then women who want an abortion here will be put out. I have one reply to that: Good. If abortion is what I have argued that it is, then people in New Zealand seeking an abortion *should* be put out by the law.

If abortion is made illegal, then people will have illegal abortions

In a way this one is a bit of a no brainer, because if abortion is made illegal, then *of course* those who have abortions will be doing so illegally. However, the fear here is around the possibility of women dying from unsafe illegal abortions. If we make abortion illegal, then women will seek out abortions from unsafe sources and put their own lives at risk.

The first way to respond to this argument is to appeal to the facts, which do not support the objection well. Let me quote from Bernard Nathanson, a former high profile abortionist and founder of the *National Association for Repeal of Abortion Law*, an abortion rights group in the US:

How many deaths were we talking about when abortion was illegal? In NARAL (National Association for Repeal of Abortion Laws) we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always 5,000 to 10,000 a year. I confess that I knew the figures were totally false, But in the “morality” of our revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?²

What about here in New Zealand? Again, the facts are very revealing. Back in 1998 I was researching the issue of maternal death due to illegal abortion in NZ. Because I had just read a report to parliament by the Abortion Supervisory Committee which claimed that making abortion illegal does not stop it because women will seek out illegal abortions that result in maternal death, I made a phone call to the Abortion Supervisory Committee. My query was simple: Where can I obtain statistics on the number of maternal deaths due to illegal abortions in NZ prior to legalisation? The reply I got was *laughter*, followed by a very surprised “What? There are no such statistics. Who reports illegal abortions?”

A 1977 Royal Commission of Inquiry likewise noted that “After a careful study of all available

² Bernard Nathanson, *Aborting America* (NY: Doubleday, 1979), 193.



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

statistics, surveys and methods of assessment” the actual *number* of illegal abortions prior to legalisation was impossible to accurately assess. However, the available information on maternal deaths due to illegal abortion provided a figure of how many women were dying each year because of illegal abortion.

Would anyone like to hazard a guess at that number? One woman per year.

So the first thing to say about the concern over maternal death is that it is something of a smokescreen. When the concern is expressed, it is never expressed with any statistics attached, because if it were, it would lose its rhetorical power.

But the second thing to notice is that because this objection doesn't address the central moral issues, it falls short. Let's say that not one, but one hundred women die every year from illegal abortions. Then let's add into the mix the fact that if abortion were then made legal, there would be ten thousand abortions every year. Neither of these figures are correct, but you get the idea. If abortion destroys a human being and takes away a human future, as I have argued that it does and is therefore immoral, how is it defensible to permit ten thousand of them to take place in order to prevent the deaths of 100 other people and the loss of their future?

The second thing to note is this: *Every* illegal activity is made more dangerous by the fact that it is illegal. Think of the terrorists who make bombs. Why not show them compassion? It's not an easy choice to make and plant bombs – terrorists do not like it. What's more, they place themselves at great risk, making home made bombs in back rooms in unsafe conditions, potentially harming themselves. If terrorism is not made safe and legal, we will simply have illegal terrorism. As we know all too well, this is associated with unplanned explosions and terrorist death.

We find an appeal like that ridiculous – but why? It's because they idea of *safe* terrorism is an absurd one if terrorism kills people when it succeeds. This argument for legal abortion can only succeed *if* one first shows that abortion doesn't do this. The two arguments that I offered for why abortion should be seen is immoral and made illegal must first be addressed, and if they can, then sure, let's make abortion readily accessible. But if not, the appeal for safe legal abortion makes no more sense than the appeal for safe legal spouse murder.

At this juncture I have to agree with pro abortion rights feminist Mary Anne Warren, where she admits:

[T]he fact that restricting access to abortion has tragic side effects does not, in itself, show that the restrictions are unjustified, since murder is wrong regardless of the consequences of prohibiting it.³

I wish we had that kind of clarity of thought from those in new Zealand who promote liberal abortion law. What we are seeing instead in the arguments for abortion rights in new Zealand

³ Warren, “On the Moral and Legal Status of Abortion,” in *The Problem of Abortion*, Joel Feinberg, et al, Wadsworth, 1984, p.103



Abortion, Morality and Law
a talk given by [Dr. Glenn Peoples, PhD](#)
at the [University of Canterbury Pro-life club](#)
31 July, 2009

is actually an informal logical fallacy called *begging the question*. Begging the question occurs when somebody uses an argument that just takes for granted one of the very things that is in dispute.

The objections to abortion surrounds the status of what it kills, and the reasons why killing that entity are wrong. The responses, however, just assume that this objection is wrong and they move on to argue about why abortion should be made more readily available and safer, but they do not actually make any effort to show it that the objections fail.

I don't pretend that I have exhausted all objections to my position. Maybe there are a few out there in this audience that you want to raise, and by all means do. But Having followed the abortion issue for a while I can definitely say that the objections I have addressed are the most common that you're likely to hear from professional proponents of abortion rights and from those who financially gain from the abortion industry in this country. Of *all* the responses that I have heard from that group, it occurs to me that they deliberately avoid that which is central to the objection to abortion in the first place. So I submit that the two reasons that I have given for opposing abortion rights have gone more or less unopposed, in spite of all the time that abortion providers and defenders have had to address them. Surely then the time has come to act on them and to make abortion illegal.

I want to add a footnote to this.

One curiosity about this claim of mine is that abortion already is illegal. It's a crime, contained in the crimes act. It is *prima facie* forbidden *precisely because* of the reasons I have given. The reason that there are so many abortions in this country is because abortionists and certifying consultants are willing to break the law. Most abortions in New Zealand are crimes. They are illegal because the legal grounds for having an abortion are not met. Nearly all abortions carried out in New Zealand are carried out on the grounds that the pregnancy would pose a serious threat to the mental health of the mother. This is simply because no evidence is required for this claim and it is easily appealed to even when it is not the case. In the late 1990s when I was involved in SOUL in the Waikato region we were in contact with young women visiting family planning clinics who told them that they were seeking an abortion. You'd be utterly astounded at the extent to which the health professionals involved were prepared to lie to make those abortions happen. They accepted claims like "I get pimples when I am pregnant" or "I don't currently have enough seatbelts in my car," and on that basis they approved women for abortions on the grounds of a serious danger to mental health.

What's more, the Abortion Supervisory committee, the regulatory body that was set up to make sure that these folk did *not* break the law are continually defending this breaking of the law, and claiming that since all these crimes are being committed, we should just have more liberal laws so that those crimes would no longer be crimes. I suggest then that while some change of law might be helpful, what would be even more helpful is for existing laws to actually be enforced, and for certifying consultants who recommend approval for abortion where legal grounds are not met should be prosecuted accordingly.