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Recommended Citation

Ziegenfuss, Carrie, "Sentience as a Reason to Ban Partial-Birth Abortion" (2003). *CedarEthics Online*. 41.
http://digitalcommons.cedarville.edu/cedar_ethics_online/41

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Sentience as a Reason to Ban Partial-Birth Abortion

Carrie Ziegenfuss

On October 3, 2003, the House of Representatives passed a bill banning partial-birth abortion. The bill, which is entitled, "Partial-Birth Abortion Ban Act of 2003," is now headed for the Senate, and if passed by the Senate, it will go to President Bush for his signature [Ed. Note: this has already happened]. These small advances in the fight against partial-birth abortion are only the beginning of a long hard road ahead. Once passed, the bill will inevitably be immediately appealed by abortion-rights activists and make its way to the Supreme Court for a judiciary ruling. Unfortunately, the opponents of this bill have refused to acknowledge the rights of the fetus and concern themselves only with the rights of the mother.

Partial-birth abortion is a horrifying procedure, and among the many reasons it should be banned is sentience, the ability of the fetus to experience pain. Sentience depends on the development of sensory pathways in the central nervous system, specifically the spinothalamic tracts. The thalamus, which is responsible for coordinating sensory impulses, must be fully developed to allow for cognition (Sullivan, 2003).

As the fetus is developing in the uterus, a number of physiological changes occur. When the fetus is in its second month of development, the central nervous system develops to the extent that it is able to control movements of muscles, and reflexes are also present (Beckwith, 1993). Electroencephalographic (EEG) information that shows maturity of the cerebral cortex is available as early as twenty weeks, and a functioning cerebral cortex is necessary for cognition. Based on this information, the fetus is very likely to experience pain at twenty weeks (Sullivan, 2003).

However, as Collins points out, "the presence of a functioning cortex is not necessary to pain sensation." He argues that the fetus can definitely sense pain by thirteen and a half weeks, and perhaps as early as eight weeks. Collins writes, "certain neurological structures are necessary to pain sensation: pain receptive nerve cells, neural pathways, and the thalamus." He says that these necessary neurological structures begin to develop at eight weeks and complete their maturity by thirteen and a half weeks (Beckwith, 1993, pp. 48-49). Based on this information, it is safe to say that the fetus does experience pain in the third trimester of pregnancy (24-36 weeks), the time when partial-birth abortion procedures are carried out.

The way in which partial-birth abortion is performed is appalling, and the most appropriate word to be used to describe it is "inhumane." Dr. Martin Haskell of Kettering, Ohio is the pioneer for this sick twist on abortions, the mastermind behind this surgical method that brutally ends a child's life. To perform this procedure, the fetus is delivered in a breach position, but is only partially pulled from the uterus. This keeps the chest and face covered so the baby cannot take its first breath. Scissors are used to penetrate the skull by way of the foramen magnum and the result is to decompress the skull and deliver a dead baby (National Right to Life, 2003). As the Partial-Birth Abortion Ban Act declares, "Clearly, the only difference between partial-birth abortion and infanticide is a mere three inches (2003, p.3)."

Brenda Shafer, a nurse who was present during a partial-birth abortion procedure, was appalled at what she witnessed. She states, "The baby's body was moving, his little fingers were clasped together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arms jerked out in a flinch, a startled reaction, like a baby does when he thinks that he might fall." She goes on to say that she still has nightmares about what she observed that day (Leo, 2002, p. 92).

Brenda's story paints a vivid picture of what actually must happen to end a baby's life during late-term pregnancies. The fact that the baby's arms jerked when the scissors were inserted is a good indicator that the baby was able to recognize the sensation of pain caused by the penetration of his skull. What is the difference between brutally killing a child who is still in the womb and ending the life of one who has just been born? I would argue that the only difference is that one child was given the right to live, and the rights of the other child were cancelled by an over-emphasis on the mother's rights. I wonder how the mother of a child who is killed by such a procedure would feel, if she understood that her baby was capable of experiencing the pain caused by the penetration of scissors into his skull?

It seems very inconsistent that an axe murderer on death row is given more compassion in the manner of death than a baby within the womb. At least the guilty prisoner is able to die a relatively painless death through lethal injection. The child in the womb is an innocent human being and does not deserve to die in such a tortuous way, let alone die at all. And for those members of our society who do not believe the fetus is a human being, it is still undoubtedly an innocent entity and this manner of death should be forbidden.

It is disturbing that more people do not oppose this atrocious act. American society is becoming dulled to violence, and we must put an end to the violent acts that are within our control to end. What will happen in the near future with the Partial-Birth Abortion Ban Act of 2003? Will the people of this nation listen to their conscience or will they continue to live apathetic lives and allow this scourge to continue? I would hope that we will all choose to take responsibility for our actions and fight to put an end to partial-birth abortion.

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