

BOOK REVIEW

Abortion: Law, Choice and Morality. DANIEL CALLAHAN. Macmillan, 1970. 524 pages. \$14.95.

In recent years the problem of abortion has been constantly in the spotlight. Many states have enacted legislation liberalizing their abortion statutes, while at the same time the courts of various states have declared their restrictive abortion statutes unconstitutional, either on the grounds that they were too vague or because they interfered with the mother's right to determine whether or not she would bear children.

These developments highlight the long and bitterly fought battle that has been waged between the advocates and opponents of change in the abortion laws. With the development of safer means for performing abortions, the growing danger of overpopulation, the changing role of the modern woman and the growing secularization of our society there has been a constantly increasing pressure to change the laws. This has been opposed by those who believe that the fetus is a human being and that abortion is murder.

One of the problems in the whole debate is that the feelings on both sides run so high that it is almost impossible to find an intelligent, well-reasoned approach to the question. Proponents of change in the abortion laws categorize their opponents as unthinking conservatives who are unaware of the sociological, psychological, medical and economic problems that many persons contemplating abortion must face. They further feel that these people are enforcing their own particular brand of morality by maintaining the strict legal prohibitions on abortion. The opponents of abortion law change, on the other hand, picture the advocates as heartless murderers who are attempting to destroy the sanctity of human life. They feel that there are areas in which morals and the law must meet. They say that, since the fetus is a human being, they are not legislating morality but merely keeping the legislatures from permitting homicide.

In this arena of argument, distrust and name-calling it is heartening to see a book that presents an intelligent, well-researched, thorough and calm approach to the problem. Daniel Callahan's recently published *Abortion: Law, Choice and Morality* is that book. While Callahan does state his own position, the major portion of his work presents objectively and in exhaustive detail the major facts of all facets—medical, legal, biological, psychological, philosophical and

moral—of the abortion question. The vast amount of material incorporated makes it an invaluable source book. It is not, however, a book for the dilettante; and it is perhaps too exhaustive, too thorough and too objective to become a popular book.

The author indicates that he wanted to write a calm book, free of the normal polemics of the typical abortion debate. In this, he has succeeded. Unfortunately, whenever a writer attempts to examine in detail the grays of a difficult problem rather than simply set forth the black and white arguments, his book becomes somewhat difficult reading. For the interested and dedicated reader, it will be worthwhile to follow the very thorough examination presented by Callahan.

In the first section of his book Callahan examines in detail the various problems—medical, psychiatric, and fetal—which lead people to obtain abortions. He demonstrates the difficulty in immediately accepting any one set of facts as a clear indication of the need for an abortion. For instance, he points out that the psychiatric problems caused by having a child can be matched by the guilt feeling that can develop as the result of an abortion. The section also presents many pertinent statistics on the actual medical dangers of abortion and on the possibilities of having a deformed child.

The second section examines the various existing legal codes and their effects. It shows their influence on the birth rate, the rate of legal abortions versus illegal abortions, and lists the changes in attitudes caused either by permissive or by restrictive laws. It presents the results of obviously exhaustive research into the statistics of many states and countries. While this is invaluable information, the statistics are so plentiful and the states and countries studied so numerous that the total effect is likely to become confusing to the average reader. Callahan does, in summary, draw some conclusions from his exhaustive studies, but unfortunately many of these conclusions are not definitive because of the many variables involved.

The third section details the moral implications and problems of abortion, examining the argument on the sanctity of human life in relation to philosophical studies and the biological data relating to the beginning of life. The author points out that these considerations are important in determining what type of law should be enacted. But he emphasizes that the problem goes beyond the legal enactment; that even when a permissive law is on the books, the individual considering an abortion is still confronted with a serious personal moral problem.

Finally, Callahan studies the two competing arguments that

usually lead the abortion debate, the Catholic position and the abortion-on-request approach. The author points out what he describes as the problems and inconsistencies in both of these positions, and then presents his own viewpoint which is an attempt to find a middle ground.

By "middle ground" Callahan means a position that "(a) seeks to avoid two one-dimensional moral solutions to the problem, i.e., a denial of abortion under all but the most unusual circumstances or an acceptance of abortion under all but the most unusual circumstances; and (b) seeks to establish the moral seriousness of the problem and to spell out some possible legal solutions."

Under our present restrictive laws abortion generally must be denied except under the most unusual circumstances. However, these laws are almost unenforceable; the number of illegal abortions is increasing so rapidly that an abortion-on-request situation actually prevails in many localities. Therefore, it is arguable that the result of the strict law has only been to make those who conduct illegal abortions rich, to endanger the lives of women who have illegal abortions, and to discriminate against those who cannot afford abortions.

Callahan appears to be strongly influenced by these arguments as he opts for a very permissive system of laws:

An ideal law—most closely approximated in some of the East European countries—would meet the following specifications: (1) It would permit abortion on request up to that point where the medical danger of abortion becomes a concern (normally about 12 weeks); thereafter serious reasons would be required and the decision would not wholly be the woman's (though her voice ought to continue, even then, to carry the greatest weight). This specification would meet the woman's right argument to a considerable degree. (2) It would offer—but not require—prior to the abortion, a formal counseling process by at least one trained person other than the doctor who would perform the operation. During it, (a) an attempt would be made to determine whether a woman's expressed wishes reflect her real wishes; (b) information would be provided her about the nature of the medical procedure and any possible medical consequences; (c) alternatives to abortion would be offered to her—if available—whether in the form of financial assistance, psychiatric counseling, the aid of a mother's helper for a sufficient period after birth, marriage counseling if that is the problem, assistance in finding better housing, and so on. This provision would be designed to maximize the options open to women. (3) It would provide for free abortions for all women who desire an abortion, as well as providing free assistance of the kind needed to bear and raise a child if that option is

chosen. (4) It would require a contraceptive counseling and assistance process after an abortion was performed. The aim here would be to prevent further abortions. (5) It would include a "conscience clause" for doctors and nurses, as well as specifying those conditions under which a doctor could, on medical grounds, refuse to perform an abortion. Thus it would seek to protect the medical and human rights of doctors, not forcing them to act against their conscience or their medical judgment. (6) It would require that all abortions be performed by trained medical personnel and be recorded for statistical purposes.

At the same time, Callahan emphasizes the inherent importance of the child in the womb and insists that a woman should be very hesitant in making a moral judgment that would kill the child or prospective child.

Although Callahan is attempting to find a middle ground, it would appear that his solution to the problem of abortion will not please everybody. It will be hailed by those who desire abortion on request, but will be attacked by those who favor the traditional position. Those who believe that abortion is murder will not be happy with a law that virtually permits abortion on request. They will not be mollified by the fact that the author has issued a warning to women to examine their consciences before they have abortions.

Not many would agree that Callahan has provided a final solution. But whether or not the reader approves the author's position, the great wealth of information contained in this book makes it an important contribution to the literature on abortion.

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