

# Submission of Berend de Boer on Abortion Law Reform

## About the Submitter

1 This submission is made by Berend de Boer in a personal capacity.

## What is in the womb?

2 Contrast the two different terms used to describe what is going on in the womb:

- 3 1. Our Prime Minister calls it a baby<sup>1</sup>.
- 4 2. Our current Abortion Act cannot stomach the mention of baby so uses the word embryo and fetus in section 2.

5 Everyone uses the word baby when they describe what's in the womb. It's the everyday word. It's the word our Prime Minister uses.

6 But if we want to get rid of this baby, we use dehumanising terms like fetus. A technical term no one really uses to describe the life in the womb. Unless they do not want to recognise it as life.

## When does human life begin?

7 In everyday speech humans recognise life in the womb as human life, as a baby. If we end a babies life, we end a human life. If we end a human life, we end the life of a person. That person could have become a famous musician, a famous composer, an entrepreneur opening space, a spacefarer even.

8 But if it was not a baby, not many would speak up. If it was not human, there would be no moral issues. But even if it is not human, it would still be life. Else we would not use the phrase termination. You terminate only what is capable of being terminated.

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<sup>1</sup> Kerri Sackville: Why Jacinda Ardern's pregnancy news is a big deal, [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11978329](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11978329)

9 So what is life in the womb according to the proposed legislation? Is it human?  
 10 Is it not human? The legislation definitely calls it life, as it uses the phrase  
 “*terminating*” in section 19.

10 I note that the proposed legislation does not specify where human life begins.  
 11 Implicitly it does though. Life before 20 weeks is treated differently from life  
 after 20 weeks. The proposed legislation says:

11 **1.** Section 10: “*A qualified health practitioner may provide abortion services  
 to a woman who is not more than 20 weeks pregnant.*”

12 That’s all it says. The health practitioner may abort a baby. No ifs. He does  
 not need to ask questions. The pregnant mother does not have to justify  
 herself. The health practitioner does not have to justify him or herself.

13 **2.** Contrast that with section 11: “*A qualified health practitioner may provide  
 abortion services to a woman who is more than 20 weeks pregnant only if  
 the health practitioner reasonably believes that the abortion is appropriate  
 in the circumstances.*”

14 And the proposed legislation goes on to list three criteria where the cir-  
 cumstances are appropriate. The health practitioner has to consider the  
 pregnant woman. But the health practitioner does not have to consider the  
 life to be terminated.

15 Why does the legislation treat life before and after 20 weeks different? Where  
 does this 20 weeks come from? In our day and age there should be a scientific  
 basis for such claims.

16 Does human life begin when the baby is born? Is personhood mystically im-  
 parted at the first breath? Ross Douthat describes that as the least scientifically  
 defensible position<sup>2</sup>:

17 “*[This is] moving toward the most mystical, the least scientifically de-  
 fensible, of possible positions on fetal personhood — one that only a  
 special revelation could support.*”

18 Does human life begin before a baby is born? When exactly? This bill seems  
 to make an obscure claim something special happens at 20 weeks. If so, and if  
 life after 20 weeks deserves special consideration, the legislation and the health  
 practitioner should consider the life to be terminated. This 20 weeks comes  
 solely from considering the life of the baby, it starts the count at conception.

<sup>2</sup> New York Times column, [The Abortion Mysticism of Pete Buttigieg](#).

This 20 week period is entirely based upon the life of the baby. Nothing special happens to the mother at 20 weeks. Her concerns do not become any different. Why does she have to justify herself at 20 weeks, but not 1 hour earlier?

## Recommendations

- 19 I propose that before this bill is taken up for further debate, parliament first considers:
- 20 **1.** When does human life begin:
- 21 **a.** If parliament determines human life begins at 20 weeks, parliament should determine the appropriate protections for life before 20 weeks. Life that is not yet human life. We have such protections for animals. We protect non-living things such as rivers. We have humans speaking on behalf of non-human life. The same should happen for not yet human life in the womb. We should allow someone to speak on its behalf before we allow a health practitioner to terminate such life.
- 22 **b.** If parliament determines human life begins at some point before birth, it should determine what protections this human has. What's the Bill of Rights for an unborn person? At what point does a human deserve recognition and protection?
- 23 **2.** What should be done to the terminated life? The proposed legislation is missing a section on how to dispose of it. Can it go in the trash? Is it a corpse that should be buried? Definitely a section should be added to the proper handling of the terminated life.

## Conclusion

- 24 We already advise pregnant women on a range of things like healthy eating and not drinking alcohol. We recognise that certain acts have impact on the life in the womb. Parliament should spell out the rights of life in the womb, before it should advance bills on terminating this life.