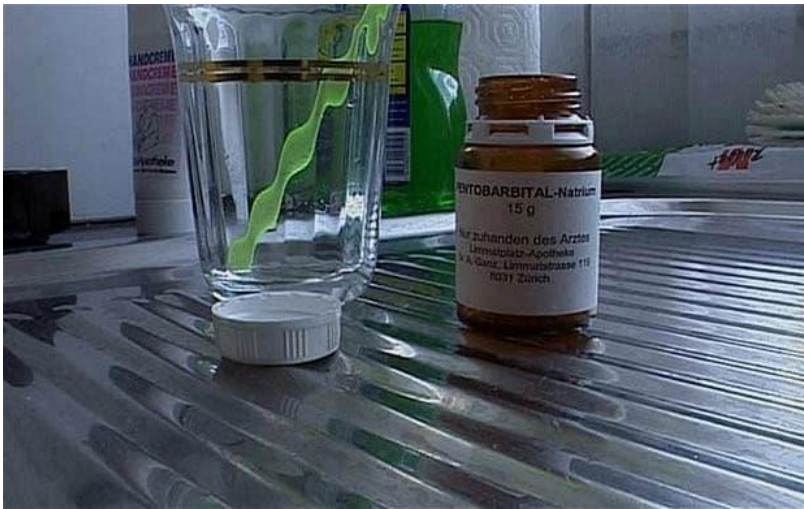


Natural Law – Application to Euthanasia and Abortion

Your learning objectives are:

- * To Identify the key laws, medical procedures and arguments for and against euthanasia and abortion
- To be able to apply these issues to natural law
- To consider whether or not you think natural law is an appropriate ethical theory to apply to these issues



Spec Check

C. Aquinas' Natural Law - application of the theory:

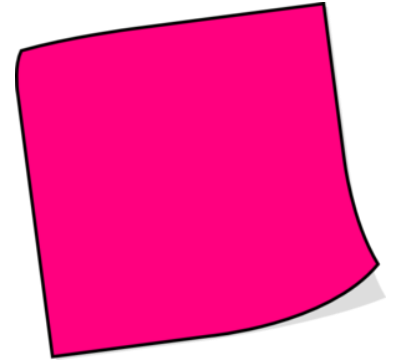
The application of Aquinas' Natural Law to both of the issues listed below:

1. abortion
2. voluntary euthanasia

- * The degree to which human law should be influenced by Aquinas' Natural Law.
- * The extent to which the absolutist and/or deontological nature of Aquinas' Natural Law works in contemporary society.
- * The strengths and weaknesses of Aquinas' Natural Law.
- * A consideration of whether Aquinas' Natural Law promotes injustice.
- * The effectiveness of Aquinas' Natural Law in dealing with ethical issues.
- * The extent to which Aquinas' Natural Law is meaningless without a belief in a creator God.

Natural Law Re-Cap

- Odd one out:
- A) Interior/Goods/Exterior
- B) Acts/Real/Apparent
- C) Faith/Charity/Prudence
- D) Justice/Temperance/Hope
- E) Love/Live/Learn
- F) Polygamy/Murder/Monogamy



Definitions

- **Abortion**: the deliberate termination of a human pregnancy, most often performed during the first 24 weeks.
- **Euthanasia**: the painless killing of a patient suffering from an incurable and painful disease or in an irreversible coma.

Abortion

- [The big questions on abortion](#)
- Read the abortion stories in your workbook
- **TASK:** Use your phones to research the following questions:
 - Up to how many weeks can a foetus be aborted in the UK?
 - Are all abortions free on the NHS?
 - What different types of abortions are there?

Abortion

- Pregnancy is counted from the first day of the woman's last period, and the stage of conception is vague and disputed
- Abortions are available on the NHS, and most popular in the first 12 weeks of pregnancy
- **Medical abortion** = an abortion pill inserted into the vagina to induce the termination of the foetus
- **Surgical abortion** = a vacuum aspiration or suction available up to 13 weeks of pregnancy

Abortion and the Law

- Abortion was traditionally **illegal** and fell under the Offences against the Person act (1861)
- In 1929 the Infant Preservation Act allowed the **preservation of a mother's life** as the only reason for a termination (principle of double effect)
- The Abortion Act of 1967 stated 'two doctors must agree that an abortion is necessary if a woman's physical or mental health would be harmed by having the baby *or* if the baby is going to be physically handicapped
- The **Embryology Act of 1990** stated it isn't illegal for a woman to terminate the pregnancy up to 24weeks, but removed any time limits for a foetus with 'abnormalities' (including down syndrome)

Abortion and the Law

- Abortion laws remain contentious in British politics
- **'Abortion-Rights'** are a pro-choice group to protect the rights of women to make choices about their own body
- The **Society for the Protection of Unborn Children** is a pro-life group which is popular in Catholic Churches
- If late abortion is approved for a foetus with an 'abnormality' (to the point that they would get a birth and death certificate) then is it suggesting that the foetus is not in fact a 'person'?
- **Mason and Laurie** argue that the 1990 act therefore allows gynaecologists to kill a 'creature in being'
- **Peter Singer** argues that there is no obvious sharp line which marks the 'zygote (0-5 days old foetus) to an adult – hence the problem!'

Personhood

- The question of 'when does life begin' is central to its application to natural law
- **Conception** = The idea that life begins when the sperm fertilises the egg
- **Consciousness** = The idea that life begins when there is an ability to think and reason
- **Quickening** = The idea that life begins when the baby is first felt to move
- **Viability** = The idea that life begins when a foetus could survive outside of the womb (24 weeks)
- **Birth** = The idea that the physical birth is when life begins
- **Enoulment** = The idea that life begins when the soul enters the body

Application to Natural Law

- **TASK:** Using these bullet points, make notes about the application of Natural Law to abortion
- **Deontology and Absolutism**
- **4 levels of Law**
- **Rationality**
- **Primary and Secondary Precepts**
- **Virtues**
- **Internal and External Acts**
- **Real and Apparent Goods**

Application to Natural Law

- A **Thomistic** view to this question would be that life begins at **conception** and therefore an abortion of any kind infringes upon the primary precept 'to Live (protect the innocent)'
- Abortion also **infringes upon the casuistry** of the foetus in reaching its final purpose
- An abortion on the grounds of **preserving the mother's life** could be approved, as this would uphold the precept 'to Live' (for the mother). This would be the **principle of double effect** as the intention is to protect life, and the external act is that the mother's life is saved, despite a secondary bad act of the foetus' life being terminated
- **Pope Pius XI** stated '*abortion is against the precept of God and the law of nature*'

Application to Natural Law

- **Howard Kainz** argues that the **principle of double effect** should also be used to argue that abortion is permissible in the case of the woman being **raped**
- That is because the **good intention** is to allow the woman to flourish with education and her choice to reproduce and the **good primary act** is to allow the woman to flourish within these other precepts (despite the **bad secondary act** of the foetus being killed)
- This, Kainz argues, is also in line with virtuous behaviour

Euthanasia

- [A short film of a woman who wants assisted suicide](#)
- **TASK:** Use your phones to research the following questions:
- In which countries is Euthanasia legal?
- How many people a year in Switzerland take their own life through dignitas?
- What is the age of the youngest person to use the dignitas health clinic?

Euthanasia

- **Voluntary euthanasia** = the request to die by the person who competently wishes it so
- **Active euthanasia** = one person actions another's death for the other's benefit
- **Involuntary euthanasia** = the ending of someone's life without the consent of the patient
- **Conscious refusal of treatment** = Not taking medication knowing that the consequence is death – this is not regarded as euthanasia

Euthanasia and the Law

- Traditionally suicide, and therefore Euthanasia, were **illegal**
- 1961 = **Suicide was decriminalised**, but it was explicitly stated that **to aid or assist suicide in any way was still a crime**
- When a life has 'ended' is complicated with regards to comas and those kept alive by artificial means
- Also complicated is the 'quality of life' debate – how can it be proven when a life has 'lost value'

Application to Natural Law

- **TASK:** Using these bullet points, make notes about the application of Natural Law to Euthanasia
- **Deontology and Absolutism**
- **4 levels of Law**
- **Rationality**
- **Primary and Secondary Precepts**
- **Virtues**
- **Internal and External Acts**
- **Real and Apparent Goods**

Application to Natural Law

- Euthanasia goes against the primary precept **‘to live (protect life)’**
- Euthanasia **infringes upon casuistry** and the final purpose of a human
- ‘Mercy killing’ is an **apparent good**
- It links with the **sanctity of life argument** – that life is Holy
- The **Catechism of the Catholic Church** states it is wrong, even as an attempt to justify the elimination of suffering
- **Ian Harriss** states that in Spain (heavily influenced by Natural Law and the Catholic Church) the heavy use of sedation is generally perceived as the best way out
- This leads to the **principle of double effect**, if long term use of sedation with the **intention** to prevent suffering, leads consistently to the **prevention of suffering**, but ultimately to a secondary result of death, then this would be permissible
- Harris asks us to consider whether mass voluntary euthanasia would lead to a **disordered society**

Skills Practise: Essay Planning

- AO1 = Explain how Natural Law can be applied to the issue of abortion (20)
- AO1 = Explain how Natural Law can be applied to the issue of Euthanasia (20)

Spec Check

C. Aquinas' Natural Law - application of the theory:

The application of Aquinas' Natural Law to both of the issues listed below:

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