

IT TAKES MORE THAN TWO TO MAKE A BABY. THE ‘DOBBS VERSUS. JACKSON’ DECISION OF THE US SUPREME COURT

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IT TAKES TWO TO MAKE A BABY. Abraham, the founder of the Abrahamic religions of Judaism, Islam and subsequent Christianity around 2000BCE, originally had no children because his wife Sarah could not bear children. So, Sarah suggests to Abraham that he had sex with her Egyptian slave Hagar and she gave birth to her son Ismael [Genesis 16f]. An unborn baby was not recognized as a person with full rights in Mosaic Law: ‘When men strive together, and hurt a woman with a child, so that there is a miscarriage, and yet no harm follows, the one who hurts her shall be fined. If any harm to the women follows, then you shall give life for life, eye for eye [Exodus 21:22]. Given the high natural abortion rate of about 50%, one could argue, that only 50% of zygotes normally will reach the 16-cell stage². Of course, we have many religious stories that Gods were biological fathers of people, but none of these stories has a de-facto evidence. In Luke [Luke 1:25-35], we read that Jesus was received by Mary from God personally, but we have various indications that it was the Syrian-Roman soldier Pantera who had sex with the teenager Mary in Jerusalem³. Jesus once said ‘he who has ears, let him hear’ [Math 13:9].

THE RISKY NINE MONTH OF PREGNANCY AND UNIVERSAL HUMAN LIFE PROTECTION. When a sperm and an oocyte merge and form a zygote which nidates in the mother’s uterus and grows until birth, these biological facts don’t tell us much about the beginning of the new person, but the Carnegie stages of neuromaturation are more precise. On the 18th day p.c. (post conceptionem) we recognize the first appearance of the neural plate, on the 33th day p.c. the development of cerebral vesicles, on the 54th day p.c. the appearance of the cortical plate formed by a single layer of postmitotic cortical neurons; on the 151th day p.c. finally we see a stabilization of interneural synapses which is the prerequisite for learning, memory, aware and other complex mental processes⁴. A universal Life Protection Act could read as follows: - 1. An individual developing or having integrated brain functions deserves moral recognition and legal protection. Biomedical facts suggest the protection of human life from early synapse formation in the cortical plate, when personal life becomes imminent, up to the presence of integrated brain functions, when somatic death is immanent. - 2. Given global cultural diversity and different moral and religious traditions, states in promoting their interest in protecting the life and dignity of their citizens in accordance with widely held values within their constituency may as a matter of policy brain life and brain death criteria based on accepted medical standards. - 3. States and laws must provide a conscience Clause for individual choice the moral recognition of earlier stages in unborn human life and in defining individual criteria for their death based on cessation of functions of the heart or higher brain. - 4. States with strict uniform laws should allow ‘ethical tourism’ without penalty when citizens disagree with those uniform laws based on their religious or moral conviction⁵.

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² Akerman Km 2006 Lebensende und Lebensbeginn, Muenster: 358.

³ cf: <https://ethik-in-der-praxis.de/downloads/2022-sass-fatherofjesus.pdf>.

⁴ Sass HM. The moral significance of brain-life criteria. In: The Beginnings of Human Life, ed Beller FK, Weir RF. Dordrecht: Kluwer: 57-70.

⁵ Sass HM. Cultures in Bioethics. Lit Publ; 2016: 126.

WAYS AND MEANS OF AVOIDING PREGNANCY. Not having sex at all or only during a few defined days within a menstrual period, using condoms or other contraceptives or pharmaceutical devices are the means to avoid pregnancy or the nidation of the early embryo. Some medications alike methotrexate, mifepristone and misoprostol used for ending a pregnancy but also are used for other treatments such as treating rheumatoid arthritis⁶. These multipurpose drugs can be prescribed by telemedicine and delivered by mail. A 2020 review estimates that 7% of women would self-manage abortion by ‘herbs, over-the-counter medicines, drugs, alcohol, physical methods, some of which we know have the potential for harm and are ineffective’⁷. Justice Clarence Thomas in his concurrence in *Dobbs vs Jackson*, mentions three possible scenarios for future court interference and involvement: ‘right to contraception, same-sex intimacy, and same-sex marriage’⁸.

LOVE AND SEX WITHOUT PREGNANCY: Of course, lesbian or homosexual lovemaking would not result in pregnancy. And that should enjoy those who are afraid of pregnancy and its possible conflicts. But the actual ‘conservative’ Supreme Court, as just mentioned, is not in favor of these practices. The Court would support the naive position of reducing a woman to birthing person and a man to a sperm donor. Helen Rappe-Baggett writes to the editor of the *New York Times*: ‘As someone who has recently gave birth to my first child, I was especially galled to be referred as a “birthing person” during my pregnancy. I wonder also why men are not now being referred to as “sperm producing bodies”. I am all ensuring that trans men and women their full civil rights, but it should not mean that 50% of the population must be erased from our common discourse’⁹. - God gave his blessings to the sexual acts of Abraham, Sarah and Hagar; the 2022 US Supreme Court would not do so!

⁶ Mathews AW, Terlep S. Abortion-related drugs get guidelines. *Wallstreet J.* 2022, July-14: A3.

⁷ Zumbrun J. Tracking abortion is about to get murkier. *Wallstreet J.* 2022, July 9/10: A2.

⁸ Yoshino K. Same-sex marriage may be next. *New York Times* 2022, July3: 3; cf. Bruder J. Inside the covert network of activists preparing for a post-Roe future. *The Atlantic* 2022; 329/4: 23-32.

⁹ Rappe Baggett H. Letter to the Editor. *New York Times* 2022, July 10: 8.