

Life, uninterrupted

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Just as the onus of using science and technology to our advantage is on us, so too must law and religion support our lives



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When in 2012, Savita Halappanavar died of sepsis in Galway, Ireland after being denied an abortion during a miscarriage, her death became a catalyst for the movement to repeal the amendment of the Constitution of Ireland, which grants an equal right to life to the mother and the unborn. It paved the way for a new legislation to allow the termination of pregnancies in the predominantly Catholic country. In May 2018, in a historic referendum, people in Ireland voted overwhelmingly to overturn the abortion ban by 66.4% to 33.6%.

According to a United Nations Population Division (2013) report, 189 out of 196 countries of the world allow abortions to save a woman's life. Unlike the rest of the UK, abortion in Northern Ireland is only allowed when a woman's life is at risk, but not in cases of rape, incest or fatal foetal abnormality. By one estimate, more than 1,000 women each year travel from Northern Ireland to have an abortion in other parts of the UK. In 2001, an estimated 7,000 women travelled abroad to obtain an abortion. So, clearly, a law based on a religious belief on what is seemingly pro-life exists only in principle, and in the case of Savita, it did not serve the purpose it was intended to. Citizens too did not just circumvent it, but going by the 'pro-choice' win, did not support it too.

This happened in a country which, three years later, in 2015, became the first in the world to vote in favour (62%) of gay marriage, and where in 2017, the gay son of an Indian immigrant became the country's prime minister. These pro-reform, socially-relevant steps are the only way forward in a world that is making giant leaps not just in scientific and technological developments, but in the transformation of human life by creating enabling environments for the expansion of people's capabilities, capacities and choices, thereby enriching lives.

Moral conflicts & religion

HR consultant Sonia Singh Miranda is a practising Catholic and I ask her for her view. She admits to being fiercely pro-life, and against abortion, but says that in certain circumstances, especially ones of medical exigencies, abortions should be allowed and advised by the competent authority. She believes that tenets of a religion shouldn't become burdensome to the laity, but should ease our lives. There is a middle ground when following one's religion and the law of the land, she says, and that it bodes well for the law to circumvent the non-essential and focus on preservation of the quality of life. It truly makes no sense if, in keeping with an archaic religious diktat, one life is lost to save another, she adds.

I ask Sonia if there has been a conflict situation in her life where she chose a religious belief over other concerns. "When I found out I was expecting for the third time and being on the wrong side of 35, my doctor put me through a battery of tests, warning me of the risks and clearly spelling out that should there be a problem, I must be prepared for a medical termination of pregnancy. But I was certain, irrespective that I would keep the baby – partly my religious upbringing, partly me being pro-life."

Savita had repeatedly asked for a termination knowing she would miscarry, but the nurse attending her admitted later in court that the reason she gave Savita for not complying with her wish was that it was not possible in their 'Catholic country'. The nurse, clearly conflicted over the religiosity of the decision, could have referred to others because the 2013 Protection of Life During Pregnancy Act clearly stated that while the destruction of a human foetus is a criminal offence, it is permitted where there is real and substantial risk of loss of the woman's life. When a similar situation presented itself before Sister McBride of St Joseph's Hospital in Phoenix, Arizona in 2010, she made a moral, ethical choice which was to save the pregnant woman by terminating her pregnancy because the woman and her unborn were clearly in danger of dying. But while Sister Margaret McBride focussed on saving one life instead of losing two, the Bishop of the Roman Catholic Diocese of Phoenix focused on the 'killing' of the unborn and excommunicated Sister McBride.

Religion is interpreted by people in various ways, but the moral compass of humans is a constant. We derive our moral code from history, experiences, and through reflection. When we are called upon to make difficult decisions, it is from this moral code that we find our answers. When Ashfaq, a resident of Darbhanga in Bihar, saw a Facebook post

in which an infant required O negative blood to save his life, he offered to donate. And when the doctors refused to take his blood because he was on Ramzan fast, Ashfaq decided to break the fast. Ashfaq chose humanity over religion.

“The law has to change. Maybe Savita was born to change the law here,” Savita’s husband, Praveen Halappanavar, is reported to have said after the referendum. Law and religion are our safeguards against the problems and predicaments of social living. They are the tools in our hands that we can use or misuse. India was one of the first countries in the world to legalise abortion to promote family planning in its bid to control population. However, this quickly turned into the criminal practice of sex-selective abortions because of our misogynistic social mindset.

We know that laws are bent to benefit people with wealth and power. The common man does not have faith in the legal system. The choice to abort is most often not available to minors who are victims of rape because these pregnancies come to light in advanced stages. After the 20-week period, law stipulates approval by the court to carry out an abortion. Many of these girls have to carry their pregnancies to full term as the legal procedure itself is long-drawn and they are very often denied permission to abort. To add to their distress, poverty and social ostracisation often force the victims to marry their rapists. Not to forget that in several cases, the court has endorsed such a marriage.

Citizens of the 21st century need no reminders of the brutal crimes that are committed in the name of religion, purportedly to ‘safeguard’ it. Neither law nor religion has managed to put the ‘fear of the consequences’ that are real, imminent and inevitable in our heads.

The way forward

Some years ago, this newspaper carried a report about how Sarvesh (name changed) and his family viewed the century’s longest solar eclipse through the pieces of his father’s x-ray films. Sarvesh did this to transmute a childhood memory of when his father had confined the family inside their house, blocking all light so that the sun’s rays could not enter their home during a solar eclipse. I also remember that during that eclipse, while many schools declared a holiday, many others arranged for the students to view the eclipse with the necessary precautions. This is how humankind will sustain itself in the complexities of the modern life and move forward — making amends, keeping pace.

Even as our deepest truths remain outside the realm of science, we cannot turn our backs to what it can reveal to us, how it can bring succour to our lives. There is a growing suspicion among people that hospitals and clinics in India in the recent years push for caesarean births even when normal deliveries are possible because of the money they can make through the procedure. This belief is not entirely unfounded, and in general, is just another manifestation of the low ethical standards, not of the medical community, but the society they belong to. When I mentioned this to a gynaecologist, she reminded me of how we forget to consider that it is the advancement in medical science, the diagnostics

through ultrasound imaging that enables doctors to monitor foetal development, detect complications and opt for caesarean deliveries which makes it possible for them to save more women and newborns during childbirth.

The number of women who die during childbirth in India has come down sharply, with more women (80%) now delivering children in hospitals. The maternal mortality rate according to the Registrar General of India declined to 130 in 2014-16 from 167 in 2011-13, reducing maternal and neonatal mortality.

Just as the onus of using science and technology to our advantage is on us, so too must law and religion support our lives. Law and religion are for human life and not the other way around. The judicial system and our religion provide us with a framework within which to operate; they help us to take decisions; and, keep us together. They must not restrict our mental and emotional evolution to be able to act with reason and humanism. The tenets of law and religion can be restrictive, but the human heart must remain all-compassing, it must have the scope to expand and embrace, especially when human life is threatened.