

# **USA: 'It's not a little child': gynecologists join the fight against six-week abortion bans**

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## **Doctors argue that the bans, known as 'fetal heartbeat' bills, are medically inaccurate and use misleading language**

High-profile gynecologists are criticizing the framing of six-week abortion bans, known as "fetal heartbeat" bills, as medically inaccurate.

The bans, now moving through nearly a dozen state legislatures, propose the strictest limitations on the right to abortion as established by the US supreme court case *Roe v Wade* in 1973.

"These bills present the idea that there's something that looks like what you or a person on the street would call a baby - a thing that's almost ready to go for a walk," said Dr Jen Gunter, a gynecologist in Canada and the US who runs an influential blog. "In reality, you're talking about something that's millimeters in size and doesn't look anything like that."

That early in a pregnancy, Gunter said, an embryo does not have a heart - at least, not what we understand a human heart to be, with pumping tubes and ventricles. At six weeks, a human embryo throbs, but those tissues have not yet formed an organ, so the pulsing should not be confused with a heartbeat.

"When throbbing of some tissue begins, it's not a heart," said Dr Sara Imershein, a gynecologist and obstetrician in Falls Church, Virginia. "Really, we call it an embryo until about nine weeks from last menstrual period," or roughly three weeks after the new laws prohibit termination of pregnancy.

It would be more accurate to call these bills "fetal pole cardiac activity" measures, said Gunter. Though it doesn't roll off the tongue, the term would capture the state of an embryo at six weeks, which appears more fish-like than human baby.

"It's a process - the heart doesn't just pop up one day," said Imershein. "It's not a little child that just appears and just grows larger", in contrast to imagery often invoked by anti-abortion campaigns of embryos as tiny, miniaturized infants.

Misleading names like "heartbeat" move the debate away from medical considerations for a woman's decision to get an abortion, said Gunter.

Similarly, the phrase "late-term" is misleading. A normal human gestation is 40 weeks. Medically speaking, "late-term" means 41-42 weeks.

But anti-abortion activists twisted the phrase into a political construct understood to be any abortion after the 21<sup>st</sup> week, late in the second trimester. "Nobody is doing late-term abortions - it doesn't happen," said Gunter of the medical definition. "But it's become a part of our lexicon now."

She recalled an instance when she worked in Kansas, where abortions were banned at publicly funded medical centers. She had a first trimester patient with a serious and deteriorating medical condition. Her doctor recommended termination. In order to get clearance, Gunter was patched through to the state senator who sponsored the law. "I had to explain [it] to him. I had to ask him permission to do the abortion."

"What was really shocking to me was that when I called him - I had researched everything so that I could give him all the statistics - and I barely said two lines and he said, 'Oh doctor, do whatever you think is necessary'," she said. "If doing what I thought is necessary is what you believe in, why have the law?"

Gunter said six weeks is not enough time to make informed medical choices. It's before most women know they're pregnant, and before fetal malformations can be diagnosed. The risks of medical conditions, such as lupus, won't be apparent that early. There are some heart conditions "where we say, you should not be pregnant", said Gunter. "The risk of death is 50%. We know that the second the pregnancy test is positive. But what if that person doesn't seek medical care until they're eight weeks?"

"The whole point [of these bills] is to introduce terminology that makes people think differently about pregnancy," said Gunter.

In practice, she said, six-week measures are effectively abortion bans - a fact that misleading names such as "heartbeat bill" could obscure. "We can't use the incorrect language in the bills," said Gunter. "Because once you start using incorrect language, you've basically conceded."

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## **Adrian Horton**

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