

Taking Abortion Seriously: A Philosophical Critique of the New Prolife Rhetorical Shift

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SINCE its genesis in the mid-1960s, the movement against abortion rights (or the “prolife” movement) has made its case in the public square as well as the courts by emphasizing the humanity of the fetus.ⁱ Its leaders, both popular and academic,ⁱⁱ have maintained that if the fetusⁱⁱⁱ is a member of the human community, then all the moral obligations and rights that apply to other members of the human community apply to the fetus as well. In order to establish the first half of this conditional premise, prolife have made a case for the fetus’s humanity, arguing that the insights of science combined with philosophical reflection lead inexorably to the conclusion that the fetus is a human person.^{iv} Prolifers then argue that our legal framework ought to reflect that conclusion by protecting the fetus from unjust harm, which would include, among other things, a prohibition of almost all abortions.^v

Recently, however, some prolife leaders have questioned this strategy.^{vi} They maintain that the humanity of the fetus and the immorality of abortion are not really in dispute among a vast majority of the American populace, whether one’s self-description is prolife, prochoice, or somewhere in-between.^{vii} Given that, they suggest that the prolife movement change its rhetorical strategy: instead of merely calling for society to fulfill its moral obligation to protect prenatal persons, the prolife movement should stress the alleged harm abortion does to women, and for that reason, offer to meet the material and spiritual needs of the pregnant woman who sees abortion as an evil, though necessary, alternative. This shift, proponents believe, will result not only in making abortion rare, but in making American culture more prolife.^{viii}

I will argue that this new rhetorical strategy (NRS) is flawed in at least three ways: (1) its supporters hastily interpret the public’s “moral”

condemnation of abortion as consistent with objective morality^{ix} and a prolife view of the fetus; (2) it may nurture and sustain the moral presuppositions that prolife typically have argued allow for abortion; and (3) it rests on an interpretation of social science data that can be challenged.

None of my comments, however, should be interpreted as a discouragement or criticism of works of mercy performed by those intending to ease the burden of women with unplanned pregnancies. These works should be commended and encouraged. My concern in this essay is with those activists who suggest that such works replace, rather than merely supplement, moral argument and ethical justification.

Because this critique of NRS is philosophical, it will focus on the veracity of premises, the validity of inferences as well as the coherence of conceptual claims of proponents of NRS. In addition, this critique should be seen as largely intramural. That is, since its focus is on a rhetorical strategy whose proponents believe will best change the minds and hearts of their fellow citizens to think more prolife, my comments and criticisms presuppose the correctness of this goal for the sake of argument. Although the moral and legal question of abortion is an appropriate topic for scholarly debate, it is not the purpose of this paper to take a moral or legal position on abortion *qua* abortion.

A DIALOGUE ON ABORTION

In February 1997 at a retreat for members of the Board of Trustees of a small liberal arts college in southern California, I spoke on the topic, "Can the Law Be Neutral on Moral Issues?" I lectured for about 45 minutes and then opened up the floor for questions. One gentleman, an investment banker and attorney from New York City, queried,^x "I agree with much of what you say, but I think that on one issue, abortion, the law can remain neutral. You see, the current law, affirmed in *Roe v. Wade* and *Casey v. Planned Parenthood*, does not take a position on abortion. For the law does not require women to have an abortion and it does not forbid them from having an abortion. The law is neutral. The law is prochoice."^{xi} I replied to the gentleman that I did not agree with him but that the best way to understand my viewpoint would be to ask

him questions in much the same way Socrates questioned those with whom he dialogued. He thought the proposal was intriguing and agreed to participate. Although the following is not verbatim, I believe that it accurately conveys the dialogue:

“Why do you think some people in our society oppose abortion?” I asked.

“Because they believe that fetuses are human beings or human persons.”

“So you don’t think they’re right?”

“Yes.”

“Then, what are fetuses?”

“They are potential persons or partial persons. They are not full human beings.

So, I think killing them is wrong, but it’s not like killing a full-fledged person. And that’s why I think the government should stay out of the issue.”

“But if fetuses were fully human, as proliferers assert, you would agree with them that virtually all abortions ought to be forbidden.”

“Yes, that’s right.”

“So, your position is not really neutral, is it?”

“What do you mean?”

“You believe that if fetuses were fully human most abortions ought to be forbidden.”

“That’s correct.”

“So, by allowing abortions, the government is taking a non-neutral position. It is saying that fetuses are not fully human persons, because, if they were, abortion would be unjustified homicide. Is this correct?”

“Yes. I now see your point. Proliferers believe that fetuses are fully human persons whereas those who permit abortion by implication do not. So, being prochoice is not really neutral.”

“That’s right. The prochoice perspective takes a position on who and what is a member of the human community, and concludes that fetuses are not included.”

What my discussion with this gentleman reveals is something that seems true of a large segment of the general public: they do not see abortion as a serious moral wrong. Certainly, polling data have consistently shown that a vast majority of people see abortion as wrong, even morally wrong, and they often describe it that way, using words and phrases like “tragic,” “a difficult dilemma,” “something I would never do,” and “a horrible choice.” David Reardon, an NRS proponent,

points out:

[N]early 80 percent of the public will now admit that abortion involves the destruction of a human life, even though many in this group still believe abortion should be legal. In fact, studies show that at least 70 percent of aborting women believe what they are doing is morally wrong or, at least deviant behavior.^{xii}

Nevertheless, both in practice and public discourse many relegate abortion to a question of personal preference, something they do not do when it comes to behaviors they consider serious moral wrongs, such as spousal and child abuse, torture, and human slavery. For example, imagine the public's reaction to a politician who said the following: "I am 'personally opposed' to owning a slave and torturing my spouse but if someone thought it consistent with his 'deeply held religious beliefs' to engage in such behaviors it would be wrong for me to try to force my beliefs on that person." A politician having said that would be considered a moral monster. Yet, such language is perfectly acceptable when discussing abortion: "I am 'personally opposed' to abortion but if someone thought it consistent with her 'deeply held religious beliefs' to have an abortion it would be wrong for me to try to force my beliefs on that person." It is clear that even though a vast majority of Americans see abortion as morally wrong and believe that it is the taking of a human life, it is not clear that many in that majority actually consider it a serious moral wrong.

THE NEW PROLIFE STRATEGY: PRESENTATION AND CRITIQUE

It seems, then, that until the American populace judges abortion as a serious moral wrong, rather than as a mere moral wrong, their opinion on the legal status of abortion will not likely shift in a prolife direction.^{xiii} Yet, supporters of NRS maintain that their strategy can make abortion rare and thus shift public opinion without directly addressing the question of whether abortion is a serious moral wrong.

A. NRS AND THE HUMANITY OF THE FETUS

Frederica Mathewes-Green, a proponent of NRS, argues: “Pro-lifers will not be able to break through this deadlock by stressing the humanity of the unborn.... [T]hat is a question nobody is asking. But there is a question they are asking. It is, ‘How could we live without it?’ The problem is not moral but practical: in this wrecked, off-center world, where women are expected simultaneously to be sexually available and to maintain careers, unplanned pregnancies seem both inevitable and catastrophic.”^{xiv}

But if Mathewes-Green is correct about people’s view of the fetus (and there is good reason to believe she is not), then far from demonstrating her point, she has shown us that those who support abortion rights and yet concede the full humanity of the fetus and the moral wrongness of abortion are either sociopaths (i.e., they willingly and without conscience permit and sometimes engage in what they know to be a serious moral wrong), morally untutored (i.e., the prolife movement has not carefully explained the logic of conceding the full humanity of the fetus), or do not really appreciate the logical problem of asserting that one has a moral right (i.e., abortion is morally permissible) to do a moral wrong (i.e., abortion is morally impermissible).^{xv} But this is as far away from a practical problem as one could imagine. A practical problem is something like this: how can we make ends meet on only one paycheck? A practical problem is not: if only society’s expectations were modified, I would not have to kill my unborn offspring. This is a deeply moral problem that reveals something about a person’s character. After all, even if NRS results in reducing the number of abortions (and there is no reason to suppose that it would), it may have the unfortunate consequence of sustaining and perhaps increasing the number of people who think that unless their needs are pacified they are perfectly justified in performing homicide on those members of the human community, who, proliferers believe, are the most vulnerable of our population. It is difficult to imagine that any reflective proliferer would think society would be morally better off in such a state of affairs.

Relying on a study commissioned by the Caring Foundation, a prolife group that produces television spots that try to address the concerns of pregnant women, NRS defender Paul Swope^{xvi} writes:

When a woman faces an unplanned pregnancy, her main question is not “Is this a baby?”—with the assumed consequence that if she knows it to be so she will choose life. Women know, though often at the subconscious level, that the fetus is human, and that it will be killed by abortion. But that is the price a woman in that situation is willing to pay in her desperate struggle for what she believes to be her very survival. Emphasis on babies, whether dismembered fetuses or happy newborns, will tend to deepen the woman’s sense of denial, isolation, and despair, the very emotions that will lead her to choose abortion.

Her central, perhaps subconscious, question is rather, “How can I preserve my own life?” The pro-life movement must address her side of the equation, and do so in a compassionate manner that affirms her own inner convictions. Without stigmatizing or condemning, pro-lifers must help a woman to reevaluate what she perceives the three “evils” before her.^{xvii}

Of course, all that Swope says about women considering abortion can also be said of Susan Smith, the South Carolina woman who, in an attempt to please a boyfriend who did not want children, plunged her car into a lake with both her two young boys buckled in. Perhaps she is now reflecting in prison: “That is the price in that situation I was willing to pay in my desperate struggle for what I believed to be my very survival.”

Thus, if one were to apply Swope’s analysis of abortion to infanticide, one would have to conclude that if there were less condemning and stigmatizing of parents who kill their infants, there would be fewer Susan Smiths. However, if Swope is mistaken about what women contemplating abortion think of the moral status of their fetuses, then there is no analogy.

The study cited by Swope “suggests that women do not see any ‘good’ in resulting from unplanned pregnancy. Instead they must weigh what they perceive as three ‘evils,’ namely, motherhood, adoption, and abortion.”^{xviii} But Swope’s inference is hastily drawn, for he does not entertain the possibility that the reason why these women choose only to kill their fetuses (if they choose to abort) rather than their already born children, if they have any, suggests that he and Mathewes-Green are mistaken about “the question nobody is asking.” After all, if the pregnant woman thought of herself as a mother while contemplating pregnancy termination, rather than seeing motherhood like she sees

adoption or abortion (which Swope himself admits is the case), a state of affairs that may or may not occur in the future, perhaps abortions would be as rare as Susan Smith-type occurrences. But they are not. Thus, it seems reasonable to infer that NRS supporters are mistaken. That is to say, pregnant women seeking abortions generally do *not* see their fetuses on the same moral plane as they see either themselves or their already born children.

B. SOCIAL SCIENCE OR MORAL PHILOSOPHY?

One can question whether the research done by NRS proponents are examples of good social science, and whether the inferences they draw from these data are warranted.

In her Real Choices Project, Mathewes-Green set out to discover the practical reasons why women had abortions, then based on those findings, she believes, proliferators can then try to meet the needs of women in crisis pregnancies so that the number of abortions can be reduced. The project collected its data from post-abortion listening groups as well as a survey distributed to 1,860 pro-life pregnancy centers. Pro-choice groups were invited but declined to participate. Only 10 percent of the surveys were completed and returned.^{xix}

It is doubtful whether such a study will result in accurate information about most women who have abortions. First, the surveys were distributed to pro-life pregnancy centers, institutions whose clients may not be representative of all women who receive abortions. Second, the women who attended the listening groups were most likely more hurt and more highly motivated to share their experiences than those women who had abortions but chose not to attend such groups because they may not have suffered as significantly (or at all) in comparison to the participants.

Swope confidently infers from the Caring Foundation study that “the pro-life movement’s own self-chosen slogans and educational presentations have tended to exacerbate the problem, as they focus almost exclusively on the unborn child, not the mother. This tends to build resentment, not sympathy, particularly among women of child-bearing age.”^{xx}

Swope attempts to justify this ambitious conclusion by appealing to both the data that resulted from this study as well as one of the study's objectives. Of the latter, Swope writes:

One objective of the research was to answer a question that has baffled pro-life activists for some time. How can women, and the public in general, be comfortable with being against abortion personally but in favor of keeping it legal? Because pro-lifers find it morally obvious that one cannot simultaneously hold that "abortion is killing" and "abortion should be legal," they have tended to assume that people need only be shown more clearly that the fetus is a baby. They assume that if the humanity of the unborn is understood, the consequent moral imperative, "killing a baby is wrong," will naturally follow, and women will choose life for their unborn children. This orientation has framed much of the argument by pro-lifers for over two decades, with frustratingly little impact.^{xxi}

Several problems with this objective come to mind. (1) The prolife argument is *not* that abortion is wrong because it kills a baby, but rather, abortion is morally wrong because it kills a human person who is not yet a baby but still a fully human person. For the prolife, the term "baby" is like the terms "adult" and "adolescent." It merely labels a particular stage in human development. If Swope is right about the prolife argument, then the argument itself, ironically, may be the reason it has apparently not worked: since it is obvious to most people that a fetus is *not* a baby (a label we ordinarily assign to newborns not preborns), a woman seeking an abortion, thanks to this "prolife" argument, can have the abortion without believing she is killing a bonafide member of the human community. She likely knows that abortion is killing *something*, but thanks to a confused premise of this "prolife" argument, she knows what is being killed is not yet a baby, because she knows on independent grounds that a fetus is not a baby (just as she knows an infant is not an adult). For the term "baby" is typically associated with a postnatal human being who is named, cuddled, brought home, and sometimes christened, none of which is experienced by the typical fetus. Thus, in most people's way of looking at things, a fetus is not a baby. (2) It is unclear how Swope *knows* that the traditional prolife argument has had little impact. It may be that because of the cultural, legal, and moral

condition with which the prolife movement has had to work, it has done remarkably well, and its impact has been extraordinary. Perhaps the presence and activism of the prolife movement has kept certain segments of the public (e.g., evangelicals, conservative Roman Catholics) largely prolife, and for that reason, the movement has a fighting chance to change the minds of people over the next 40 to 50 years. Swope does not have counterfactual knowledge of how the world would have been if the prolife movement had not emphasized fetal humanity from its genesis. Swope cannot, therefore, possibly know what he claims he knows.

Swope cites data that apparently show a shift in abortion attitudes in specific geographical locations throughout the United States after the Caring Foundation's television ads were broadcast. (These television ads attempt to address the "three evils" cited by Swope by trying to persuade viewers that not having an abortion is in the pregnant woman's self-interest.^{xxii}) Although an analysis of the accuracy of the data is important, I want to focus on Swope's claim that he can infer from the data that the population surveyed are becoming more prolife.

Swope speaks throughout his essay about those interviewed having a "prolife sentiment," holding a "prolife position," and moving in a "prolife direction." Yet, he never defines precisely what these phrases mean and how one could know that someone's beliefs are consistent with them. Consider, for example, the following statements:

- a. Abortion is immoral
- b. Abortion should be illegal
- c. The fetus is as much a human person as an ordinary adult or infant.
- d. The fetus is human
- e. Abortion is generally not good for women.

Suppose someone provided the above answers to a Caring Foundation pollster inquiring about that person's moral and legal view of abortion. One interpretation of these answers is that they are confirmation of a "prolife sentiment." Yet, they are all consistent with some version of a non-prolife viewpoint. As evidence of this, consider a '-e' in which each of the above statements is coupled with a non-prolife sentiment (in

italics) that is consistent with the apparent prolife statement with which it is paired:

a' Abortion is immoral, *but it ought to remain legal.*

b' Abortion should be illegal, *but not because the fetus is a human person, but because it will likely be psychologically harmful to the woman.*

c' The fetus is as much a human person as an ordinary adult or infant, *but that is my personal religious belief and it would be wrong for me to force that belief on others.*

d' The fetus is human, *but not fully human like an ordinary adult or child who has a right to life. Thus, abortion ought to remain legal.*

e' Abortion is generally not good for women, *but not because the fetus is a full human person, but because the abortion disrupts something which is natural and good for the expectant mother. Even so, abortion should remain legal.*

Thus, what Swope interprets as a “prolife sentiment” may not be prolife at all, for those giving the answers may be judging abortion as bad or wrong under the assumption that moral judgments are merely personal, relative, and subjective, a view that seems to be in ascendancy these days.^{xxiii} For example, a traditional moralist (who could as easily be a supporter of abortion rights as an opponent of them)^{xxiv} assumes that when a person says “X is morally wrong” he means that “X ought not be done by anyone including myself.” Yet, for the relativist, “X is wrong” may mean “X does not please *me*” or “X is not something *I* would do” or “I would prefer that others not do X, but who am I to judge?” In sum, it is nearly impossible for one to interpret a person’s answers as consistent with a “prolife sentiment” unless one has knowledge of the person’s background beliefs (e.g., Is she a moral relativist?), worldview commitments (e.g., Are all *humans* persons or do some have more personhood than others?), and/or level of ethical sophistication (i.e., Does she really know what it means to say something is morally wrong? That is, does she understand the logic of morals and apply it consistently?).

There are several general problems with Swope’s defense of NRS.

First, perhaps Swope's approach seems to bring out apparent prolife sentiments in the populations he studies because the prolife movement's historical emphasis on fetal humanity has made Swope's message much easier to receive. Thus, the impact of the Caring Foundation's ads may be largely the result of a culture having heard in other venues what Swope thinks has had virtually no impact.

Second, even if Swope's approach "works" in terms of reducing the number of abortions, it does not follow that the culture is becoming more accepting of the prolife perspective. That is, Swope's emphasis on appealing to the pregnant woman's self-interest to persuade her not to have an abortion may result in nurturing and sustaining a philosophical mindset that is consistent with abortion's moral permissibility even if abortion may actually become rarer in practice. According to Swope:

Using language and imagery that will attract rather than alienate, the pro-life movement must show that abortion is actually not in a woman's own self-interest, and that the choice of life offers hope and a positive expanded sense of self.^{xxv}

Although an appeal to self-interest may persuade some women not to have abortions, it is not clear how the choice not to abort under that pretense is equivalent to moral conversion and intellectual assent to the prolife perspective. After all, if a 19th-century American slave owner chose to free his kidnapped Africans because he was persuaded to believe that it was not in his self-interest to continue owning them, such an act, though good insofar as sparing the slaves a tremendous indignity, would not be equivalent to the slave owner being converted to the belief that no person by nature is property and thus ought not to be owned by another. It would be, in other words, wrong to conclude on the basis of the slave owner's act of liberation that he had become a converted abolitionist. Since the prolife position, as we have seen, is based on the belief that fetuses are full members of the human community and ought not to be killed by anyone without justification, being persuaded not to have an abortion would not be equivalent to moral conversion and intellectual assent to the prolife perspective.

Moreover, there are clearly some cases where abortion may be in the

pregnant woman's self-interest.^{xxvi} Given his emphasis on self-interest, Swope has no principled argument against that sort of abortion. Nurturing an apparently unprincipled self-interested populace does not seem consistent with what prolife activists would conceive as a prolife culture, even if it results in fewer abortions. After all, Swope and his allies *admit* that what is doing much of the moral work in the minds of women contemplating abortion *is self-interest*. Given that admission, it is not clear why they see *that* as a character trait to massage rather than as an impulse that needs to be disciplined by the exercise of moral judgment. Since the prolife position affirms that one ought not to have an abortion in virtually every circumstance *even if* you judge it to be in your self-interest, it seems counter-intuitive for the defenders of NRS to want to provide a cultural environment hospitable to the moral primacy of self-interest.

Third, Swope (along with Mathewes-Green and Reardon)^{xxvii} admits that women who have abortions oftentimes rationalize what they are doing. Given that, how can Swope and his allies trust these women to give an adequate self-assessment of their own reasons for having an abortion, when these proponents of NRS admit that these reasons are the result of the rationalized deliberations of self-interested moral agents?^{xxviii}

It seems, then, that the findings of social science, without the resources of moral philosophy, are not an adequate ground on which to base the prolife cause. At the end of day, it is probably the case, as I noted earlier in this paper, that the proponents of NRS are mistaken about the public's opinion of the fetus. It is likely that many people think like the man with whom I dialogued: they believe the fetus is human, but not fully human; they see abortion as a moral wrong, but not as a serious moral wrong. Ironically, the data cited by Swope, Reardon, and Mathewes-Green^{xxix} seem to indicate this as well: a majority of Americans believe abortion is killing as well as morally wrong, yet they believe it should be legal. But this does not tell us whether Americans believe abortion is a serious moral wrong (i.e., unjustified homicide). After all, killing and eating one's pet kitten may be considered morally wrong by numerous people who do not believe it should be illegal.

CONCLUSION

Given my analysis of the arguments for NRS, it is clear that there are two things that the prolife movement must accomplish in order to facilitate cultural change in its direction. First, it must persuade its fellow citizens that fetuses are full members of the human community. Second, it must show that if fetuses are human persons, one cannot be “prochoice” on abortion and at the same time maintain that fetuses are fully human, just as one cannot be prochoice on slavery and at the same time say that slaves are human persons. In other words, the prolife movement must convince the vast majority of the public that abortion is a serious moral wrong and not a mere moral wrong.

There are a number of possible reasons why the prolife case has not been disseminated as widely and deeply as the prolife movement would have hoped during the past thirty years. Let me offer the following three.

First, the prochoice side has controlled the language of the debate, which is not surprising since the label “prochoice” seems to resonate with an American public that puts a premium on personal liberty, religious freedom, and the right to privacy.

Second, some citizens who believe that abortion is a serious moral wrong do not think it should be criminalized. They have been led to believe that the government can be neutral on the question. Because the prochoice way of looking at things controls how the abortion debate is conducted, many people are shamed into thinking that if they call for the criminalization of abortion they are “forcing their morality on others” as well as violating other people’s personal liberty, religious freedom, and right to privacy, even though, as we have seen, for the state to permit abortion is to institutionalize in our legal framework a view of human personhood that is based on a particular and partisan metaphysical perspective. In other words, all citizens, regardless of where they stand on fetal personhood, must honor *that* perspective by restraining themselves from interfering with other citizens who choose to exercise their legal right to terminate the lives of the fetuses that occupy their wombs.

And third, some citizens, like the man with whom I dialogued, believe abortion is a moral wrong but not a serious moral wrong. Even so, they

mistakenly believe that the government currently takes a neutral position on abortion. The prolife movement, if it is to succeed, must convince them otherwise.

NRS supporters seem to be saying that the only way to persuade the general public that abortion is a serious moral wrong is for the prolife movement to show that many women suffer (either psychologically, physically, or both) as the result of the process of choosing as well as having an abortion, and that prolife deeply care about and have compassion for these women.^{xxx} Such a strategy may very well result in fewer abortions, but it is not clear that it will result in the cultural change of mind, the intellectual assent and moral conversion, that prolife desire. After all, from a strictly moral point of view, abortion *is not* a serious moral wrong just because the woman suffers and/or because it is not in her self-interest to have an abortion. For many abortions do not result in gratuitous suffering or harm to the women who have them, and clearly no prolife would want to say that *those abortions* are morally benign.^{xxxi} In addition, doing good may require that one suffer more than if one did either evil or no good at all. That is, suffering may or may not accompany the committing of a serious moral wrong, and sometimes suffering accompanies that which is morally obligatory or permissible or has no moral aspect whatsoever. It seems, therefore, that the proponents of NRS confuse “feeling good” with “being good.”

NOTES

i. See the essays by prolife, prochoice and moderate thinkers in parts V and VI of Louis P. Pojman and Francis J. Beckwith, eds., *The Abortion Controversy 25 Years After Roe v. Wade: A Reader*, 2nd ed. (Belmont: Wadsworth, 1998).

ii. See, for example, Randy Alcorn, *Prolife Answers to Prochoice Questions* (Eugene: Multnomah, 1992); Hadley Arkes, *First Things: An Inquiry Into the First Principles of Morals and Justice* (Princeton: Princeton Univ. Press, 1986), chs. 16, 17; Francis J. Beckwith, *Politically Correct Death: Answering the Arguments for Abortion Rights* (Grand Rapids: Baker, 1993); Patrick Lee,

Abortion and Unborn Human Life (Washington, D.C.: Catholic Univ. of America Press, 1996); Stephen Schwarz, *The Moral Question of Abortion* (Chicago: Loyola Univ. Press, 1990); and Dr. and Mrs. J.C. Willke, *Abortion: Questions and Answers*, rev. ed. (Cincinnati: Hayes, 1988).

iii. I am using the term “fetus” in the popular sense as synonymous with “unborn.” I am not using it in the technical sense of referring to the last stage in prenatal development after zygote and embryo. In other words, I am using the word fetus to refer to the unborn entity at all stages of its development prior to birth.

iv. Examples of this approach are Beckwith, *Politically Correct Death*; Lee, *Abortion*; Dianne Nutwell Irving, *Philosophical and Scientific Analysis of the Early Human Embryo* (Ph.D. dissertation, Philosophy Dept., Georgetown Univ., 1991); J.P. Moreland and Scott B. Rae, *Body and Soul* (Downers Grove: InterVarsity Press, 2000); and Schwarz, *The Moral Question of Abortion*.

v. There are some who challenge the claim that the nature of the fetus is what is doing, or ought to be doing, the moral work in the disagreement over abortion. For defenses of this perspective, see Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy and Public Affairs* 1 (1971); Frances M. Kamm, *Creation and Abortion: A Study in Moral and Legal Philosophy* (New York: Oxford, 1992); Eileen McDonagh, *Breaking the Abortion Deadlock: From Choice to Consent* (New York: Oxford, 1996); Laurence Tribe, *Abortion: The Clash of Absolutes* (New York: Norton, 1990), ch. 6; and David Boonin-Vail, “A Defense of ‘A Defense of Abortion’: On the Responsibility Objection to Thomson’s Argument,” *Ethics* 107:2 (January 1997). For replies to this perspective, see Francis J. Beckwith, “Personal Bodily Rights, Abortion, and Unplugging the Violinist,” *International Philosophical Quarterly* 32 (1992); Lee, *Abortion*, ch. 4; Keith Pavlischek, “Abortion Logic and Paternal Responsibilities: One More Look at Judith Thomson’s Argument and a Critique of David Boonin-Vail’s Defense of It” in *The Abortion Controversy*; and John T. Wilcox, “Nature as Demonic in Thomson’s Defense of Abortion,” *The New Scholasticism* 63 (Autumn 1989). Although this is an important and influential perspective, it falls outside the scope of this essay. For the focus of this discussion is the prolife movement and its call for ultimately making most abortions illegal. In order for the prolife movement to accomplish this, it must directly respond to the conditional challenge put forth by Justice Harry

Blackmun in *Roe v. Wade*: “The appellee and certain amici argue that the fetus is a ‘person’ within the language and meaning of the Fourteenth Amendment. In support of this, they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant’s case, of course, collapses, for the fetus’ right to life would then be guaranteed specifically by the Amendment. The appellant conceded as much on re-argument. On the other hand, the appellee conceded on re-argument that no case could be cited that holds that a fetus is a person within the meaning of the Fourteenth Amendment” (*Roe v. Wade* 410 U.S. 113, 157-58 [1973]). Consequently, the political and legal reality is that fetal personhood is doing all the moral work, even though some moral philosophers and legal and political theorists argue that it does not and/or should not.

vi. See Paul Swope, “Abortion: A Failure to Communicate,” *First Things* 82 (April 1998); Frederica Mathewes-Green, *Real Choices: Offering Practical, Life-Affirming Alternatives to Abortion* (Sisters: Multnomah, 1994); and David C. Reardon, *Making Abortion Rare: A Healing Strategy for a Divided Nation* (Springfield: Acorn Books, 1996).

vii. I use the labels “prolife” and “prochoice” out of courtesy to those who prefer this self-description of their stance on abortion. Although in some contexts they are rhetorically powerful labels, they are not really very informative about either perspective. After all, the prochoice advocate does not deny that human persons have a right to life. He just believes that this right to life is not extended to fetuses since they are not human persons and/or they are not entitled to the use of the pregnant woman’s bodily resources. The pro-life advocate does not deny that people have the liberty to make choices that they believe are in their best interests. She just believes that this liberty does not entail the right to choose abortion since such a choice conflicts with the life, liberty, and interests of another human person (the fetus), which is defenseless, weak, and vulnerable, and has a natural claim upon its parents’ care, both pre- and post-natally.

viii. See, Reardon, *Making Abortion Rare*, especially chs. 1-3. Reardon, for example, writes: “The solution to this bad publicity [for the prolife movement] is to *always*—*ALWAYS*—place our arguments for the unborn in the middle of a pro-woman sandwich. Our compassion for the women must be voiced both first and last in all our arguments, and in a manner which shows that our concern for woman is a primary and integral part of our opposition to abortion.” (Ibid., 26).

ix. “Objective morality,” the opposite of moral relativism, is the view that there exist unchanging moral truths that apply to all persons, in all times, and in all places. For a critique of moral relativism and a defense of moral objectivism, see Francis J. Beckwith and Gregory P. Koukl, *Relativism: Feet Firmly Planted in Mid-Air* (Grand Rapids: Baker, 1998). For a classic defense of moral relativism, see Ruth Benedict, “A Defense of Moral Relativism,” in *Do the Right Thing: A Philosophical Dialogue on the Moral and Social Issues of Our Time*, ed. Francis J. Beckwith (Belmont: Wadsworth, 1996).

x. The dialogue that follows is not verbatim, but is paraphrased and rewritten in order to accentuate the point I was trying to make to the questioner. Having said that, I believe it is an accurate description of what occurred.

xi. This is a typical position held by many thoughtful people. It has, however, been employed as part of a rhetorical strategy by some prochoice activists to justify not engaging in public debates with their opponents. Consider the comments by Joyce Arthur of the Pro-Choice Action Network in “Why Pro-Choice Supporters Do Not Debate the Anti-Choice” <mypage.direct.ca/w/writer/debates.html> (April 26, 1999): “By their very nature, debates imply opposing sides, either of which could be right or wrong, or could be led to a compromise. But anti-choice and pro-choice are not the opposite of each other—because the opposite of forced pregnancy is forced abortion. Both of these are fascist extremes that have no place in a democratic society. Both are illegal in North America, and rightly so. The very idea of debating such things makes a mockery of what a debate is: a democratic forum for constructive dialogue.

“In contrast to the anti-choice position, being pro-choice is the reasonable, moral, middle ground on which most people stand. The pro-choice position is inherently democratic and protects everyone, because whether you like abortion or not, you’re responsible for exercising your own choice....

“In North America, the ‘debate’ over abortion happened decades ago in our courtrooms, and the anti-choice movement lost....”

xii. Reardon, *Making Abortion Rare*, ix. Although it is not entirely clear from the text, the statistics cited by Reardon seem to come from two sources he sites elsewhere in his book: (1) A 1990 Gallup poll of over 2,000 adults conducted by social scientists James Davison Hunter and Carl Bowman (see James Davison Hunter, *Before the Shoot Starts: Searching for Democracy in America’s Cultural War* [New York: The Free Press, 1994], 93), in which they

found that “77% of the public believe abortion is the taking of a human life, with 49% equating it with murder. Only 16% claim to believe that abortion is only a ‘surgical procedure for removing human tissue.’ Even one-third of those who describe themselves as strongly pro-choice concede that abortion is the taking of a human life” (Reardon, *Making Abortion Rare*, 188). (2) A March 19, 1989 *Los Angeles Times* “poll that found that 65% of those who favor legalized abortion and 74% of those who have had an abortion, believe abortion is morally wrong” (Ibid.)

xiii. It should be noted that a telephone survey—conducted in mid-1998 by Princeton Survey Research Associates for the prochoice Center for Gender Equality—shows an apparent prolife shift in the opinions of American women. According to one author, this poll “found that 53 percent of American women favor prohibiting abortion either altogether or with exceptions for rape, incest, or to save the life of the mother. A lot of people were shocked by this finding. They shouldn’t have been. It’s consistent with polls pro-life groups have been doing for years; a Christian Coalition poll taken the same week had an identical result.” (Ramesh Ponnuru, “Not Dead Yet: The Pro-Life Movement is Winning,” *National Review* [17 May 1999], as found on the www at www.nationalreview.com/feature/feature.html). The number of 53 percent is an 8 percent shift away from a prochoice sentiment in a poll done two years prior. According to Diane Colasanto of Princeton Survey Research Associates, “The changes on abortion are pretty dramatic.” The president of the Center for Gender Equity, Faye Wattleton, in a teleconference with reporters, said, “We find some of the findings very disturbing.” (From the Jan. 28, 1999 edition of *The Pro-Life Infonet*, an online daily compilation of pro-life news and educational information maintained and edited by Steven Ertelt [ertelt@prolife.org]. It is sponsored by Women and Children First [www.prolife.org/wcf].)

xiv. Mathewes-Green, *Real Choices*, 32.

xv. For a philosophical analysis of the question of whether one can have a moral right to do a moral wrong, see Robert P. George, *Making Men Moral: Civil Liberties and Public Morality* (New York: Oxford Univ. Press, 1993), chs. 3 and 4; Arkes, *First Things*, chs. 1-4.

xvi. Swope is Northwest Project Director of the Caring Foundation.

xvii. Swope, “Abortion: A Failure to Communicate,” 33.

xviii. Swope, "Abortion: A Failure to Communicate," 32.

xix. See Mathewes-Green, *Real Choices*, 11-26.

xx. Swope, "Abortion: A Failure to Communicate," 33.

xxi. *Ibid.*, 31-32.

xxii. Here are some examples of these ads (from Swope, "Abortion: A Failure to Communicate," 33-34):

[A woman is in front of a nice house, raking leaves. She says good-bye to her daughter, then turns to the viewer.] "I was sixteen when I found out that I was pregnant with Carrie. I wasn't married and I was really scared. You know, some people today say that I should have had an abortion, but in never occurred to me that I had that choice, just because it wasn't convenient for me. Hey, I'm no martyr, but I really can't believe I had a choice *after* I was pregnant."

[A woman rises from her bed, the clock showing 3:00 am. She goes to the window, staring into the black, rainy night. She stands silently, as a female voice speaks.] "They said you wouldn't be bothered by a voice calling for you in the night....There would be no trail of cereal through the house, no spills or stray toys. The clock ticks. All is calm. And you realize, there is still a voice. If you've faced the pain of an abortion, call 1-800...."

[A young woman sits by a fireplace, facing the camera.] "You know, I used to be pro-choice, and then something happened to me—I had a baby of my own. When I was pregnant I finally realized that all this little kid was trying to do was make it, just make it, just like all of us. So I haven't figured it all out yet, but why, when I wanted the baby, it *was* my baby, and why I didn't, it was something *else*? Think about it."

xxiii. Professor Marianne Jennings, director of Arizona State's Lincoln Center for Applied Ethics, writes that "today's college students, trained as moral relativists, are perplexed at best by universal rules. Among Americans in the 18-34 age group, 79% believe that there are no absolute standards in ethics, according to a survey conducted in 1997 by Lutheran Brotherhood, an insurance company. A recent poll of M.B.A. students conducted by a pair of business professors found that 73% would hire a competitor's employee to obtain trade secrets. The same survey found that only 60% of *convicted criminals* would do so." (Marianne M. Jennings, "Business Students Who Hate Business," *The Wall Street Journal* [3 May 1999]: A22). For a philosophical critique of moral relativism, see Beckwith and Koukl, *Relativism: Feet Firmly Planted in*

Mid-Air.

xxiv. Take, for example, Louis P. Pojman, a defender of abortion rights as well as a strong critic of moral relativism. See Louis P. Pojman, “The Case for Moral Objectivism” in *Do the Right Thing*; and Louis P. Pojman, “Abortion: A Defense of the Personhood Argument” in *The Abortion Controversy*.

xxv. Swope, “Abortion: A Failure to Communicate,” 35.

xxvi. See the personal stories of women who believe that legal abortion is a benefit to them and others: Ellen Messer and Kathryn E. May, *Back Rooms: Voices from the Illegal Abortion Era* (Amherst: Prometheus, 1994; reprint of 1988 edition by St. Martin’s Press); and Suzanne T. Poppema, M.D. and Mike Henderson, *Why I Am an Abortion Doctor* (Amherst: Prometheus, 1996) This poses a problem for the NRS supporters: why don’t prochoice stories count *against* the prolife position? After all, if persuading people of the wrongness of abortion is contingent upon the personal liability to the aborting woman, on what non-judgmental grounds could the NRS supporters say that an abortion is wrong if the woman and her physician claims that it benefits her?

xxvii. See Mathewes-Green, *Real Choices*, especially 11-60. Reardon calls this rationalization “self-deception.” See his essay, “Women Who Abort: Their Reflections on the Unborn” in *The Silent Subject: Reflections on the Unborn in American Culture*, ed. Brad Stetson (Westport: Praeger, 1996), 143-46 As we have seen, Swope admits to this rationalization when he writes that aborting women see before them three evils—motherhood, adoption, and abortion—and oftentimes see the latter as the best way to preserve the self, their highest good. Of course, if Swope is correct that these women “know” that abortion is killing a human person, the aborting woman’s reasoning does not result in moral justification for the abortion, but is merely an attempt to rationalize a serious moral wrong. But given that, it is not clear how Swope knows that these women are giving him correct information about their decision making, for they may be again engaging in rationalization while being interviewed by Caring Foundation researchers.

xxviii. In fact, Mathewes-Green *dismisses* the testimonies of women who have had abortions when those testimonies do not fit her theory. She writes: “Becky says that if she had known the facts of fetal development, of how the baby grows in the womb, that would have stopped her. If she had only known that it was really her baby in there, she would have done anything to give it life. The other

women agree vociferously. Knowledge of their unborn children would have weighted to one side of the scale more than anything the other side could present. The pain of years of grief now resolved, these women have bonded with their long-dead children, and the maternal urge to protect one's offspring is strong. They cannot imagine anything standing in the way of bringing those children to life. I am impressed with the light in their eyes, the healing won after such piercing pain, and the wholeness these women now seem to show. But, at the same time, I question whether their viewpoint is prevalent among women at the beginning of the journey, those just now considering abortion. I am skeptical of the belief that the facts of fetal development alone will be convincing in most cases. I wonder whether, given the original desperate situations, it would have even been sufficient for those women who face them now" (Mathewes-Green, *Real Choices*, 42-43). It seems that Mathewes-Green is missing the key moral premise presupposed in her discussion with these women: killing persons without justification is wrong. What Becky is saying is that if she had been fully informed of her unborn child's personhood, she would not have had the abortion. That is, she, like the other women, understand the logic of morals. But if not for the moral premise and what follows for its practical application, the facts of fetal development would have made no difference, just as the facts of human anatomy would have not influenced the decision-making and subsequent, now infamous, actions of O.J. Simpson, Susan Smith, and Ted Bundy.

xxix. See Swope, "Abortion: A Failure to Communicate," 31-32; Reardon, *Making Abortion Rare*, ch. 2; and Mathewes-Green, *Real Choices*, ch. 1.

xxx. I am not implying by this that pro-lifers currently lack compassion and/or do not engage in acts of mercy in support of women in crisis pregnancies. I am simply restating the position of NRS supporters.

xxxi. Reardon asserts that "because every abortion hurts a woman, as well as her child, we can defend every unborn child by defending the best interests of the mother, knowing that her best interests are never served by abortion." (Reardon, *Making Abortion Rare*, 13). Putting aside the ambiguity of the term "best interests" (which Reardon interchangeably uses with "self-interest"), it is difficult to know how such a claim could ever be proved empirically or even whether it is *prima facie* morally correct from a pro-life perspective (e.g., abortion to save the life of the mother, as in the case of an ectopic pregnancy, seems morally unobjectionable to most pro-lifers). Yet, in another context, when chiding the

abortion industry, Reardon *condemns* self-interest: “Abortion counseling is biased by financial self-interest, paternalism, psychological need, and social concerns which extend beyond the personal needs of the individual patient.” (Ibid., 79). Evidently, if a woman owns an abortion clinic, her self-interest should be condemned and thwarted so that the good may be pursued (i.e., making sure that abortions do not occur at that clinic), but if that very same woman is contemplating having an abortion at that very same clinic, her self-interest should be nurtured by prolife counselors so that the good may be pursued (i.e., making sure she does not undergo an abortion at that clinic).