

Doubt as a Basis for Persuasion on the Abortion Question

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ABSTRACT: Over the years, the pro-abortion movement has consistently tried to avoid the substantive issues concerning abortion by denying that it is a live moral question. In this paper I suggest that an effective pro-life response requires not only producing better philosophical arguments but also better rhetorical strategies for bringing people to take the moral question seriously in the first place. I argue that the mere implanting of doubt concerning the status of the unborn child can be enough to make a significant difference in how women approach the abortion decision.

AS IN OTHER grossly immoral projects, the strategy for “success” pursued by the pro-abortion movement lies less in winning a moral argument than in denying that there is one. By way of comparison, consider how most people now think about contraception. In the space of fifty years the practice went from being nearly universally denounced to being regarded as an issue of personal hygiene that, for most people, lacks any moral significance whatsoever. Divorce has similarly lost the sting of immorality for many people in our society.

Denying that the issue is a moral one is an effective tactic precisely because it allows advocates of radical change to short circuit the moral argument altogether. They do not need to present sound arguments to “win” the debate if the relevant audience is persuaded that the question is outside of morality anyway. I have found that even otherwise morally conservative people who largely accept traditional mores about family and marriage remain incredulous that contraception should be thought to be a moral question (and not just a weird Catholic quirk). One cannot even begin to have a moral discussion about contraception with people who have already excluded it from the scope of moral reflection.

I think that many abortion advocates expected that more or less the same thing would happen after everything was “settled” by the Supreme Court in *Roe vs. Wade*. Perhaps, they thought, certain diehards would

continue to raise a ruckus, but they would eventually fade away. The future would belong to the forces of “choice” and young people reared in the age of abortion would come to accept abortion as a normal part of sexual activity – as uncontroversial as contraception. That this has not happened is a testament to the pro-life movement as a whole, a rebuke to the “inevitability” thesis, and perhaps a sign of hope with respect to other contemporary immoral trends.

Nonetheless, I think that abortion advocates still hold out hope that something like this will yet come to pass. I recently checked the website of Planned Parenthood for the first time to see how they treat the topic. I was particularly interested to see if they would offer any kind of moral justification of abortion, perhaps to settle the uneasy consciences of any of their potential clients. In fact, and perhaps unsurprisingly in retrospect, there was nothing of the kind. Rather, they hew entirely to the fiction that abortion is a mere medical procedure, and they emphasize that “only you can decide what is best for you.”

This is obviously the motive behind the scornful dismissiveness that we see in the typical claim that the unborn child is a mere “ball of cells.” What is interesting here is not so much that this claim is easily and demonstrably false, but that so many people *want* to believe that it is true. No doubt, it would make things much more convenient if abortion were just, as the Planned Parenthood website has it, a matter of a “suction machine [that] gently empties your uterus” with any “remaining tissue” removed by hand.¹

The abortion advocates generally do not want a real moral debate about abortion. They occupy the high ground in politics, the media, and academia. It clearly serves their interests best to try to push abortion into the same category as contraception and divorce, and so they prescind from moral argument altogether. One important way in which they can achieve this is by an effort to “medicalize” abortion, as the language that I quoted above from Planned Parenthood makes clear. If abortion is merely a “medical procedure,” then it seems appropriate, as with other

¹ This language previously appeared on the main Planned Parenthood Web site, but has since been removed. It does remain at <https://www.plannedparenthood.org/planned-parenthood-illinois/patient-resources/abortion-services/clinic-abortion> (accessed June 16, 2016).

such procedures, to leave it in the hands of the medical profession to regulate. Physicians can then claim unique authority on the matter. In this way they remove abortion from the moral debate altogether and so “win” by default.

I want to suggest that one of the biggest issues facing pro-life advocacy is the need to resist this attempt to pull abortion out of the scope of moral debate. It is crucial to keep the abortion question squarely within the moral sphere. On a philosophical level this requires making the nature of the abortion decision truly clear.

I have many problems with Rosalind Hursthouse’s analysis of the morality of abortion,² but I do think that one thing that she really gets right is her observation that many people simply fail to recognize the gravity of the nature of the decision to procure an abortion:

Some women who choose abortion rather than have their first child, and some men who encourage their partners to choose abortion, are not avoiding parenthood for the sake of other worthwhile pursuits, but for the worthless one of “having a good time,” or for the pursuit of some false vision of the ideals of freedom or self-realization. And some others who say “I am not ready for parenthood yet” are making some sort of mistake about the extent to which one can manipulate the circumstances of one’s life so as to make it fulfill some dream that one has. Perhaps one’s dream is to have two perfect children, a girl and a boy, within a perfect marriage, in financially secure circumstances, with an interesting job of one’s own. But to care too much about that dream, to demand of life that it give it to one and act accordingly, may be both greedy and foolish, and is to run the risk of missing out on happiness entirely. Not only may fate make the dream impossible, or destroy it, but one’s own attachment to it may make it impossible. Good marriages, and the most promising children, can be destroyed by just one adult’s excessive demand for perfection.³

Briefly, Hursthouse’s view is that parenthood is a great good, but that there are other goods of comparable worth that are incompatible with

² For a more extensive discussion and critique of Hursthouse’s position, see my “Virtue Ethics and Abortion” in *Persons, Moral Worth and Embryos: A Critical Analysis of Pro-choice Arguments from Philosophy, Law, and Science*, ed. Stephen Napier (Dordrecht, The Netherlands: Springer Verlag, 2011), pp. 101-23.

³ Rosalind Hursthouse, “Virtue Theory and Abortion,” *Philosophy and Public Affairs* 20/3 (1991): 223-46 at p. 242.

parenthood and are thus reasonable to pursue even at the cost of procuring an abortion. That is why she is not opposed to abortion *per se*, but only to abortion chosen for flippant or unserious reasons. My own view is that Hursthouse's mistake, ironically enough, lies in not taking abortion seriously enough, for she does not want to recognize all the claims of justice in play.⁴ I do not want to pursue this point further here, however, because I do think that Hursthouse has put her finger on something important about the way a lot of "normal people" approach abortion.

Rather than grappling with the full significance of abortion as fully implicated with the deepest and most important questions in human life, many people simply view a child as an obstacle to a certain idealized lifestyle. In that, of course, they are not wrong. What they are wrong about is just how valuable that idealized lifestyle really is, and even more so that it can be legitimately purchased with the life of a defenseless child.

I simply do not think that most normal people, especially young people, who choose abortion have really wrestled with the moral issues or could give any kind of serious account of their moral reasoning. Instead, they intuitively recognize that having a child is a huge burden. Focused almost entirely on that fact, they ignore the moral considerations as much as possible.

If that is right, even for some considerable number of women who choose abortion, then what we need in order to reach such women is less to offer better moral arguments and more to get them to take seriously

⁴ In "Modern Virtue Ethics" Christopher Miles Coope quotes Hursthouse (p. 234) as saying "virtue theory quite transforms the discussion of abortion by dismissing the two familiar dominating considerations as, in a way, fundamentally irrelevant." He then pointedly remarks: "One of these 'dominating considerations' is of course whether abortion is murder under the description: the killing of a child. If that can be dismissed as irrelevant, if only 'in a way,' this sort of virtue theory is surely bankrupt" (p. 47 n37). Christopher Myles Coope, "Modern Virtue Ethics" in *Values and Virtues: Aristotelianism in Contemporary Ethics*, ed. Timothy Chappell (New York NY: Oxford Univ. Press, 2007), pp. 20-52. I expand on this criticism of Hursthouse in my "The Missing Virtue: Justice and Modern Virtue Ethics," *Proceedings of the American Catholic Philosophical Association* (2016), forthcoming.

the fact that this is a fundamental moral question in the first place. The focus of pro-life outreach to such women cannot take the form of philosophical argument, for at the end of the day such women are motivated less by arguments than by fear: fear of the unknown, fear of responsibility, fear of the loss of freedom, and so on.

The issue is not philosophical but rhetorical. How can we persuade such women to take the moral question seriously in the first place? Before offering my suggestion, I want to comment on a set of tactics embraced by a certain segment of the prolife movement that is, I strongly suspect, counter-productive. This is the attempt to shock women out of abortion, typified by protestors with graphic images of aborted babies.

Their thought is something like this: if we can just get women to see the truth that it really is a baby inside, the women will reconsider. This way of thinking seems right. But I want to suggest that signs like these do not actually accomplish this purpose. The images are horrific. The natural reaction of anyone seeing them is shock and disgust. What the protestors want is that this shock and disgust will be turned against abortion. What actually happens, however, is that the disgust is mostly turned towards the protestors themselves.

This should hardly be surprising. There is a reason that people need to be reminded not to shoot the messenger. If I am right in thinking that a majority of women who choose abortion do so mostly out of fear, then it seems to me highly unlikely that bombarding them with emotionally charged imagery (or, for that matter, even emotionally charged verbal rhetoric) will produce a genuine change of heart. I certainly cannot rule out the possibility that some women have actually been moved by such tactics. If that is so, we can be thankful for the lives of those children. But the main issue at hand is not whether such tactics have ever “worked” but whether they are the most effective overall.

I would like to suggest an alternative. I firmly agree that what we most need to get women considering abortion to see is that the unborn child is just that, an *unborn child*. Peter Singer and Michael Tooley notwithstanding, I do not think that most normal people could actually bring themselves to kill a newborn infant. Perhaps I am overly optimistic on this score, but I think that most normal people still instinctively recoil from infanticide.

The real question is: what could actually get through to a woman considering abortion? As I have already said, they are not likely to be persuaded by moral argument, for they are not being driven primarily by philosophical considerations. Further, they are not likely to respond favorably to a pro-life message if they feel themselves to be personally under attack by pro-life advocates. What is the alternative? My suggestion is simple. Suppose that we could get a woman in that situation to ask herself just one question: *what if* it really is a baby?

This might seem at first to be pitifully weak. Of course, it's a baby! What is such a mealy-mouthed question going to accomplish in the face of the great evil of abortion? Beyond the graphic images, typical pro-life slogans include "abortion is murder," "abortion kills children," "thou shall not kill," and so on. All of those statements are absolutely true. But I wonder if the very strength of the convictions that they embody might be largely counterproductive in reaching women who are actually considering abortion.

In our society being perceived as judgmental is one of the greatest social vices. Needless to say, this reflects a deep misunderstanding of the good. But if we are going to think seriously about real women who are contemplating abortion, we have to think about how we can actually reach them, and not focus on the fact that they have a defective understanding of how things should be. Obviously their minds are corrupted or they would not be considering abortion in the first place. If we are going to try to get them to rethink an abortion, we must get them *thinking* in first place.

It is an absolutely natural human reaction to respond defensively to negative judgments. We all do it, even if we know deep down that the judgment is justified. All the more so, then, in the context of the emotional vulnerability and fear that is surely typical of many women's abortion decisions. We are just not going to reach these women by presenting our convictions in strident terms, even if those are entirely true. Furthermore, it is a natural human reaction as well to seek a kind of "revenge" against those whom you feel are attacking or persecuting, i.e., judging, you. What better way to take "revenge" on the nutjobs protesting outside the abortion clinic than to go through with it, thereby supposedly expressing your power as an independent woman.

Don't get me wrong. Like David Warren, I consider "religious

nutjob” a term of honor. Furthermore, the prolife movement entirely deserves the awe-inspiring conviction of the men and women I have observed praying rosaries outside of the local abortuary in my own part of Minnesota in zero degree January weather. But that is also the entire point: these are not the people we need to reach.

This is why my suggestion is that we would actually do better not to emphasize the strong *assertion* (that it really is a baby that you are about to kill) and instead to focus on a much less threatening *question*: what if it really is a baby? Properly appreciated, this question is deeply disturbing and unsettling. Instead of just trying to share our pro-life convictions, we should be satisfied with planting a paralyzing doubt. Imagine what might happen if we can merely get a woman to think to herself: just how sure can I be that it really is only a “ball of cells” or a bit of “tissue” to be “gently suctioned out”?

I am sure that most women who contemplate abortion want to get it over with as quickly as possible. Abortion seems like the best option, for they (foolishly) think that it is clean and easy. I want to take that away. I want to get them to worry. I want the weight of the decision to become oppressive. It is human nature to procrastinate and put off weighty decisions. The longer a pregnancy goes on, the harder it becomes for normal women to go through with it.

It is clear that many more people support restrictions on later (versus earlier) abortions. The obvious reason is that the larger the fetus gets, the harder it is to deny its full humanity. Admittedly, this is irrational. Philosophically, there are no better reasons to distinguish between early and late abortion than to distinguish between abortion and infanticide. But people are irrational sometimes. If the goal is to get women to stop killing their children, or even just to stop one woman from killing her child, then anything that we can do to delay and temporize is a win, because an avoided early abortion will not necessarily turn into a late abortion.

It might be objected that what I am suggesting is illegitimately manipulative. In fact, I think it is just the opposite. That is, I do think that it is morally defective to attempt to undermine another’s rationality, but that is not what I am suggesting here. I think that most women turn to abortion precisely because they have not really thought through what it entails. My strong suspicion is that trying to introduce a doubt of this

sort will actually be the beginning of real thought about what abortion really is. In other words, inspiring doubt serves to inspire thought.

Once we can get someone to entertain the doubt, then there is actually a possibility of beginning rational argument. At that point analogies might come into play. For instance, many pro-abortion advocates are persuaded strongly by the thought that the right to abortion is entailed by bodily self-ownership. I have elsewhere⁵ shown this to be false, but that notion is central to the so-called women's rights argument typified by Judith Jarvis Thomson's famous violinist analogy.⁶

Thomson explicitly likens a woman's body to a house jointly occupied by the mother and the unborn child. But, she tartly notes, the mother *owns* the house and therefore has the right to "evict" the child. In fact, I do not think that we own our bodies, for we *are* our bodies). But even setting that aside, it is still the case that ownership does not grant one the right to do whatever one likes with one's property. There are all kinds of legitimate restrictions on what we can do with our own physical property, and indeed there are all kinds of legitimate restrictions that most of us accept on what we can do with our bodies (e.g., selling oneself into slavery, prostitution, organ selling, and so on). I have discussed all of this elsewhere, so I do not want to delve deeply into these issues here. Rather, I just want to observe that even if one thinks that a woman owns her body in the same way that she owns her house, that does not mean that she would simply be within her rights summarily to "evict" her child in a way that will cause its death, just as it would not be properly within the rights of a building owner to evict a squatter if that would immediately result in the latter's death.

Consider this competing analogy: suppose you own a derelict building that you want to demolish. Normally, we think that it would be straightforwardly within your rights. Now, suppose that you have reason to believe there are squatters in the building. You did not invite them. But when you arrive with your bulldozer, you find them there. Would anybody think that you can just go ahead and bulldoze the building if

⁵ Mathew Lu, "Defusing the Violinist Analogy." *Human Life Review* 39 (2013): 46–63.

⁶ Judith Jarvis Thomson, "A Defense of Abortion." *Philosophy and Public Affairs* 1 (1971): 47–66

you were likely to kill the squatters in the process, simply because you own the building? Obviously not.

So far this is in line with Thomson's argument in that, even if Thomson's analogies work (which they do not), all that would follow is that the woman would have a right to the *removal* of the unborn child, not a right to secure its death. At most, ownership would grant the building owner the right to have the squatter *removed*, not killed. Of course, almost all actual abortions do directly aim at the death of the child, so even Thomson's argument would rule out almost all actual abortions.⁷ So, if Thomson's analogy were allowed, the mother would have a right to the intact removal of the unborn child, even if it resulted in the child's death. But I want to resist even that conclusion.

Let's return the building analogy. What if removing the squatter would be tantamount to killing him? Suppose that the squatter has taken refuge in the building because of sub-zero temperatures and has nowhere else to go. Would the fact of property ownership still straightforwardly grant the property owner the right to evict the squatter if the result is the squatter's near certain death? Again, I do not think that we own our bodies, so I would deny premise behind this entire line of argument. My point, however, is that even if someone does accept it, the bodily self-ownership what follows from that is not a right to do *anything* one wants to one's property, irrespective of the effects on other people.

At this point, I want to return to my goal of instilling doubt. If one is willing to accept that I may not bulldoze a building when I know there are people inside, I now want to ask a different question. How confident do I have to be that the building is empty before I start? Suppose that I find some evidence of the squatters, but after a search of the building I do not actually find them. Further, suppose that the building is quite large and that they could be hiding. Just how confident do I have to be that they are not there before I can begin the demolition? Would "more likely than not" be enough? Would "highly likely"?

In fact, I think that the only right answer is that I would have to be *morally certain* that there were no squatters in the building before I

⁷ To be fair, she does realize that her argument under the *supposition* of the personhood of the child rules out aiming at its death, but she also ends by dismissing that supposition.

began demolishing it. I would not have to achieve mathematical certainty, but I would have to have no good reason at all to believe that squatters *might* still be present. If I do have any such suspicions, it would be incumbent on me to determine to the best of my ability that the building was actually empty before I begin. And this would be true even if gaining that confidence that would require a great deal of time, money, and inconvenience.

So, how confident should a woman have to be that what is inside of her is not actually a child before she undertakes to have an abortion? I think that the answer is the same as in the demolition case. She would have to be morally certain. Just how much doubt would be necessary to undermine that? My sense is that it would not require much at all. Just getting her to seriously ask “what if it is a child?” is probably enough to inspire a reasonable level of doubt.

This is where the power of doubt really shows itself. I do not actually have to get the woman to *accept* an argument for the full humanity of the unborn child. If she wants such an argument, we can produce one for her, but I do not think that most women contemplating abortion are actually evaluating philosophical arguments. Instead, all that we have to do is to implant the smallest doubt, a doubt that I hope will grow and nag on her conscience and lead to a real change of heart. Yet it does not even need to accomplish that much to do some good. I think that we have already accomplished something important if we can get her to slow down, to worry, to think about what she is doing and really to agonize over her decision.⁸

Let me close by saying that I do not doubt the good will of many people in the pro-life movement who employ graphic images and enflamed rhetoric. We all want to lift the scourge of abortion. But as much as the philosopher in me likes things clearly defined, the abortion fight on the ground is not all or nothing. A single mother who is dissuaded from abortion is a victory. Perhaps my idea here comes to

⁸ After hearing this paper, David Solomon told me of a similar strategy that he has employed in the classroom when he suggests that the abortion decision be weighed similar to Pascal’s wager, where the gravity of the consequences of abortion are so great that pursuing an abortion in the face of reasonable doubts about the humanity of the child is irrational.

nothing, but I have the strong suspicion that the pro-life movement can actually make doubt and uncertainty work for us. Of course, we ourselves can be certain that abortion is radically unjust. I myself have few stronger convictions. But I also strongly believe that we can make headway with real people just by inspiring enough doubt to get them to seriously consider: what if it really is a child?