

# What Should a Pro-Life Booklet Say?

*Charles K. Bellinger\**

Abstract: There are various pro-life booklets or pamphlets that have been published, with *Why We Are Pro-life*, by Trent Horn of Catholic Answers, as one example. I am wondering out loud, and seeking input from UFFL members, regarding what a short booklet should say that is oriented toward a pro-choice audience. What should be said, or not said, to persons who have a negative attitude toward the pro-life position, and who view abortion as either a tragic necessity or a positive moral good? This paper surveys the moral, rhetorical, and philosophical background for such a booklet (or series of videos, or whatever form such a presentation should take), considering several possible heads: the woman, the man, the child, the community, rights, religion, and moral progress in history.

\* Charles K. Bellinger is Theological Librarian and Associate Professor of Theology and Ethics at Brite Divinity School, Texas Christian University. His degrees are B.S., Portland State University, 1985; M.A., Pacific School of Religion, 1987 (Theology); M.A., University of Virginia, 1992 (Religious Ethics); Ph.D., University of Virginia, 1997 (Theology, Ethics, and Culture); M.S.L.S., University of Illinois, 1998 (Library Science); M.A., Texas Christian University, 2013 (Rhetorical Theory). ~~He is currently researching and writing on the abortion debate, which is crucial to the future of our culture.~~

**F**IND RICHARD WEAVER'S TAXONOMY OF FIVE MAIN TYPES OF PERSUASIVE ARGUMENTS to be helpful: Arguments of authority, definition, analogy, consequences, and circumstances. Those could be used as a structuring outline, but is another outline preferable? Given the emphasis in pro-choice thought on individual autonomy, should that topic be addressed first? Should the historical analogy of slavery/the Holocaust/abortion be mentioned, or is it too radioactive and off-putting, even though true? How should the issue of religious vs. secular arguments be handled, given that most pro-choice advocates think that their

position is secular, when it is actually a version of what Richard Neuhaus called “the religion of the sovereign self”? What insights can be gleaned from a survey of conversion narratives, such as those of Bernard Nathanson, Abby Johnson, and so forth? If a pro-life booklet has a male author, would that cause the minds of some possible pro-choice readers to reject the possibility of reading it (PATRIARCHY!)? Should the booklet have a corporate author, such as University Faculty for Life? What should be said in the booklet about rights language, given that such language is more often used as a rhetorical club than as a thoughtful philosophical concept? Should quotations from pro-choice authors that can be viewed as embarrassing to their cause be included? Should a discussion of the word “feminism” be included, given that many pro-choice persons consider “pro-life feminism” to be an oxymoron? Another relevant topic is the format of communication; should the booklet be converted into a series of short YouTube videos, for example, or should that be the primary means of communication, with the booklet as secondary? This list of questions is suggestive, not exhaustive. Here is a possible title and table of contents.

#### A Pro-Life Primer, for a Pro-Choice Audience

- Preface
- The Woman
- The Man
- The Child
- The Community
- Morality
- Rights
- Religion
- Progress

#### *Preface*

The purpose of this short booklet is to provide an explanation of how pro-life advocates think, geared toward a pro-choice audience. One of the basic rules of debate is that people should be able to summarize how a person on the other side of an argument thinks, in terms that that person would recognize as an accurate summary. This may sound simple, but it is a more difficult task to accomplish successfully than one might assume.

One starting point in this endeavor is to note that there are different types of argument that people employ when they are seeking to persuade others, regardless of the topic. There are arguments of, for example: definition, analogy, consequences, circumstances, and authority. In the abortion debate, the definition of “personhood” is crucial, particularly in terms of when personhood begins. But other key terms, such as “autonomy,” “rights,” “justice,” “moral progress,” and so forth, are employed with different meanings in the minds of different individuals. Arguments of analogy are also important, and the abortion debate features one of the most widely known analogies in the philosophical literature (on any topic), namely Judith Jarvis Thomson’s thought experiment. Thomson leads her reader to imagine being forced against their will to be hooked up via medical tubing to a famous violinist, because the musician’s kidneys are failing, and the reader’s kidneys are needed to keep the violinist alive, for a period of nine months, until a kidney donor can be found. This is obviously an attempt to draw an analogy with pregnancy, and Thomson argues that just as her reader would be justified in disconnecting the tubing, so also should a woman who is pregnant not be forced to provide bodily life support to a gestating child for nine months. There are also historical analogies made in the abortion debate; both pro-choice and pro-life advocates have accused the other side of making arguments that are similar to those made by the defenders of slavery.

Arguments of consequences take the form of “if . . . then.” “If abortion is outlawed, then women will die in back alleys.” Or, “If abortion is legalized, men will treat women as disposable sex partners.” Arguments of circumstances refer to the “spirit of the age,” or, “this is how society works now.” “We live in an age of individual autonomy and women’s rights,” a pro-choice advocate will say, “and there is no going back to the 1950s or the 1250s.” A pro-life advocate is likely to respond that just because a large number of people think and act a certain way does nothing to establish the correctness of that way of thinking and acting. The moral quality of the

sexual revolution and legalized abortion is precisely what is being debated, and it is not helpful to presume that one side in the debate is, by default, “on the correct side of history.” It is not hard to find examples of people who thought they were “on the right side of history,” such as those who released the guillotine lever during the French Revolution, or those who transported Black persons from Africa into slavery in America, or those who sent people in huge numbers to Siberia, etc., and we have no problem today questioning the correctness of their historical understanding.

In a sense, the argument concerning authority is the most basic of all questions, and also the most difficult to gain clarity on. An argument may quote Abraham Lincoln, or Mother Theresa, or a sacred scripture, and the persuasive force of the argument is supposed to reside not just in the words but also in the source of the words. But what if someone has a negative attitude toward the “authority” that is being quoted? Then it will be an argument that lacks effect. On a more fundamental level, arguments of authority thus raise the question of how different people think, in terms of their deepest philosophical assumptions and beliefs about reality. The American Declaration of Independence says that human beings are “endowed by their Creator” with rights; but what if many people today consider that theological language about rights to be outmoded? Where then do rights come from? This is partially an argument about the definition of the concept of rights, but it is on a deeper level a question about authority. Does the Supreme Court of United States have the authority to create rights? Or the Supreme Court of one of the many states? Or the United Nations, if it approves a “Universal Declaration of Human Rights”? Or the voters in a certain state, if they vote for or against a ballot measure that will create a “right” in that state’s constitution? Should each individual woman who is pregnant have the authority to invent the right to have an abortion in her own situation? These questions have no clear answer, because there is no consensus in the modern West regarding many of the deep issues of moral and political philosophy.

A benefit of drawing attention to these different types of argument is that it may improve the quality of conversation. If one person says, for example, “I believe that personhood begins at conception,” and another person responds that “If abortion is outlawed, women will die in back alleys,” it is clear that one type of argument (definition) is being responded to with a

different type of argument (consequences). It would seem to be intuitively correct to assume that a more productive pathway forward will be found when people are aware of these different types of argument, and employ them to focus their conversations in ways that are more careful and structured. The chapters below will be written with an awareness of this idea.

### *The Woman*

Scholars sometimes use the phrase “motive attribution asymmetry,” which means that it is a commonly noticed feature of human psychology that we tend to attribute good motives to ourselves and bad motives to others. We can see this in the abortion debate whenever a pro-choice advocate says that the pro-life position is motivated by “a desire to control women’s bodies.” This is not an idea that pro-life advocates will agree is an accurate summary of their motivation; the accurate summary will focus on the idea that the act of abortion is viewed by the pro-life advocate as an ethically unjustified case of killing a human being. This idea will be the focus of the chapter below entitled “Morality.”

Phrases such as “a desire to control women’s bodies” or “the anti-abortion ideology is an example of the continuing power of patriarchy” seek to paint a picture of the pro-life way of thinking as being “against women” or “hostile to women.” This is simply not true as a description of the situation. There are many men who hold pro-choice views, and many women who hold pro-choice views; there are many men who hold pro-life views, and many women. How a person thinks about the topic of abortion is not determined by whether they are a man or a woman; it is determined by philosophical assumptions and beliefs about the nature of reality and morality. There are many women who are highly educated, holding advanced degrees (Ph.D, J.D., M.D., etc.) who are pro-life. To produce a list of these women, with just a one sentence description of each, along the lines of “Professor of X, at University Y, author of Z books . . .” would take up a huge amount of space in this brief booklet. The point here is that the idea that the pro-life position is nothing but a desire to “control women” is rendered absurd by this reality. Pro-life women, regardless of their educational level, do not have a hostile attitude toward other women. They recognize, rather, that women are not helped by being facilitated in ending the life of that human being who is in the process of coming into the world as her own child. They believe that the

way of thinking that promotes that facilitation is deeply flawed, and the wrong turns in contemporary thought that have made such a flaw possible can be understood and criticized. That understanding and criticism is precisely what one finds in the writings of women pro-life scholars.

Women and men have a key difference, in that women are capable of giving birth to children. This basic fact brings with it many complex issues relating to sexuality, health, relationship dynamics, public and business policies, poverty, professional advancement, and so forth. At the heart of the pro-life way of thinking there is a pro-women way of thinking. Women will be supported and assisted as they travel the pathway of life if they live within a culture that values and protects all human beings, regardless of their age, which includes their age from conception. A culture that only values some human lives and considers others to be disposable is not a culture of life; it is not a healthy and morally sound culture. Ironically, a culture that values some human lives more than others bears a striking resemblance to patriarchy.

### *The Man*

During the 1960s, when significant cultural momentum began building in support of the idea that abortion should be legalized, one of the key “early adopters” of that concept was Hugh Hefner and *Playboy Magazine*. This is an appropriate symbol for a key aspect of the abortion debate, namely, that men benefit from having sexual access to women, while being able to rely on abortion as a “solution” to the problem of an unwanted pregnancy. Women can be treated by men as temporary partners, used for sexual pleasure, without having to address fatherhood as a serious responsibility. When sexuality is cut off from an intrinsic connection with procreation—and that separation is one of the cornerstones of contemporary culture—then pregnancy and childbirth becomes a threat to be fended off. Abortion is precisely that act of fending off, through ending the life of the human being developing in the womb.

Notice that within the taxonomy of arguments outlined in the Preface above, this is an argument of consequences. One consequence of the legalization of abortion is a subtle but undeniable effect on the attitude of men toward women and toward sexuality. If abortion is always, as it were, “waiting in the wings” as an available option, then men are facilitated in their tendency to treat women as things to be used rather than as persons to be

loved with seriousness and commitment. This leads to “one-night stands,” “hook-ups,” temporary “friends with benefits” relationships, and so forth. There is a significant body of psychological literature that has shown that this cultural development is not a positive thing, but negative, and the negative impacts fall more heavily on women than on men. The Sexual Revolution was premised on the idea that if people are “freed” from the dictates of traditional notions of sexual morality, then they will be happier. It is noteworthy that even within “secular” and “liberal” circles there have been articles and books published recently that seriously question the naiveté of this premise<sup>1</sup>

Another cornerstone of contemporary culture is the widespread rejection—when it is rhetorically or psychologically convenient to do so—of the approach to morality that scholars call “virtue ethics.” In the present context, this means that in our era men are encouraged to exploit the vice of lust for their own narcissistic ends, and discouraged in developing the virtues of self-control, love, and fidelity. Which pathway in life leads to greater happiness and to a healthier overall culture: 1) men, regardless of their age, have the psychology of immature teenagers, 2) men venture down the pathway of growth toward maturity? For pro-life advocates, the answer is obvious.

### *The Child*

It is common in pro-choice literature to find phrases such as: “the anti-choice position just cares about the baby up until birth, but not afterwards,” or, “the pro-lifers say that a collection of cells in a woman’s uterus has more rights than she has.” These are also cases when what is being said will not be recognized by pro-life advocates as an accurate summary of how they think. Pro-life advocates care about babies and their mothers after birth, and they have established many social-service ventures that provide assistance with diapers, baby formula, clothing, housing and utility assistance, daycare assistance, job training, and so forth. These are things that pro-choice advocates do not do, because the “solution” they offer to poor women is

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<sup>1</sup> These two recent books are examples: Louise Perry, *The Case Against the Sexual Revolution: A New Guide to Sex in the 21st Century* (Medford, Mass.: Polity, 2022), Christine Emba, *Rethinking Sex: A Provocation* (New York: Sentinel, 2022).

simply the message: "If you feel that you cannot afford to have a child, then end its life." Pro-life advocates have also been proponents of changes in business policies and government initiatives that support pregnancy and childbirth, such as employment protection in law for pregnant women, lactation rooms in businesses and universities, enhanced maternity leave policies, and so forth. This is an area where there is great opportunity for cooperation that bridges the "culture wars," because even pro-choice advocates realize that there are many women who want to have a child who would make that decision if the social environment in general were more supportive.

Language that describes the child developing in the womb as having "more rights" than the pregnant woman is the language of rivalry. It arises out of an often-unexamined assumption about the nature of reality, namely, that the cosmos is a realm of continual strife and conflict, and there is a zero-sum game in which some are winners and others are losers. There is a constant need to posit a battle between human beings, understood as radically separate individuals, and the result of this battle is that those who have more power win. This is a description of a sacrificial economy. The pro-life way of thinking and living does not subscribe to this set of assumptions about reality; that is why it does not use the language of rights to pit human beings against each other, but rather to protect the vulnerable.

The facts of human fertilization and gestation are well known and are not in dispute. There can be two people who are equally well-educated in these facts, such as OB-GYN doctors, and one subscribes to the pro-choice position, while the other subscribes to the pro-life position. The facts are not in dispute; the question regards how the facts are interpreted in terms of ethics. "Science," as an enterprise, is not magic fairy dust that can solve this type of problem. "Science" has no special authority to define philosophical concepts such as "rights," or "justice," or "truth," or "personhood."

Generally speaking, the key parting of the ways between the pro-choice and pro-life ways of thinking about the inhabitant of the womb can be expressed by using the terms "constructivism" and "essentialism." For pro-choice advocates, a person is gradually being constructed in the womb; the "person" is not there in the beginning, but he or she will come into existence at some later point in time. (Pro-choice advocates are not in agreement about what that later point is, but we need not spend time on that in this immediate

context.) Pro-life advocates view the person as essentially present from the beginning, by virtue of the unique DNA code that has come into existence when the egg and sperm joined. Pro-choice advocates say that the inhabitant of the womb is a “potential person, not an actual person,” while pro-life advocates say that the inhabitant of the womb is “a person with potential.”

We can use the analogy of an automobile assembly line to illustrate this point. If a car has a chassis, suspension, and tires, we would not say that a “new car” has been built yet. But when can we say that? Is it when all, or almost all, of the parts have been assembled, and the car could be started up for the first time? Or is it when the car is actually started up and driven out of the factory? These are obvious analogies with viability and birth in the abortion debate. Pro-life advocates maintain, however, that this analogy as a whole is philosophically false, because a car is an inanimate object that is being built by external agents. The inhabitant of the womb is a living being directing its own development through the astonishingly complex workings of the DNA code. The process of development is continuous throughout the nine months, so that it is arbitrary to say that a “person” is now in existence, when 24 hours earlier they were not. Gestation is the gradual unfolding or unrolling of the essence of the human being, and the engine driving this development is the “person” that we have been referring to as the “DNA code.” Think, for example, of how DNA evidence is now routinely used to convict, or exonerate, persons in courts of law.<sup>2</sup>

Some pro-choice authors will admit the validity of what has just been said, but they take an entirely different approach to the question of personhood, an approach that is subjective rather than objective. They argue that personhood should not be tied to DNA or to any developmental features of the inhabitant of the womb, but only to the pregnant woman’s will. If a woman wants to be pregnant, then there is a person inside her womb; if she does not want to be pregnant, then there is not a person. Gestational age is irrelevant; all that matters is the woman’s will, which is the source that “creates” personhood. Pro-choice advocate Marjorie Reiley Maguire has argued along these lines: “My position is that the only way a fetus can become a member of the human community, and therefore a person, prior to

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<sup>2</sup> Richard Stith, “Construction vs. Development: Polarizing Models of Human Gestation,” *Kennedy Institute of Ethics Journal* 24, no. 4 (2014): 345–84.

birth, is if the woman in whose body it exists welcomes it into the human community by her consent to the pregnancy.”<sup>3</sup> Maguire draws on Martin Buber’s philosophy of I and Thou by arguing that this moment of consent changes the biological It into a personal Thou. Maguire, in the same essay, also says that “even if the fetus is a person,” in a biological, objective sense, “the fetus is beyond the protection of the law. The fetus can be compared to a citizen of a totalitarian state whose freedom is taken away by the government.”<sup>4</sup> It is Maguire’s own understanding of the subjective creation of personhood through the woman’s will that leads her to make this somewhat astonishing analogy. A fetus is like a Jew in Nazi Germany, and if a woman does not want her fetus to live, then it will die, just as the Nazis wanted the Jews to die. This is the logical conclusion that one arrives at when one goes down the path of radical subjectivism in ethics. Note that this is not a case of pro-life advocates accusing pro-choice advocates of embracing a way of thinking that is similar to the defenders of slavery and the Nazis; this is a case of a pro-choice advocate acknowledging that such is the inner logic of her own advocacy for abortion.

The pro-life way of thinking is rooted in the idea that living things have essences that can be known by human reason when that reason is functioning in a healthy way. The essence of what a person is can be known, and personhood begins at conception. A healthy society that consists of citizens who recognize this will be a society that treasures life from conception to natural death. Tragically, our society does not fit that description.

### *The Community*

We live in an age of radical individualism; this entails a distorted overemphasis on individuals as distinct and isolated entities that are separated from their community. Contrast this with Martin Luther King, Jr.’s famous statement that “We are caught in an inescapable network of mutuality, tied in a single garment of destiny.”<sup>5</sup> He was speaking to the

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<sup>3</sup> Maguire, “Symbiosis, Biology, and Personalization,” <https://lib.tcu.edu/staff/bellinger/abortion/Maguire-symbiosis.pdf>, 15.

<sup>4</sup> *ibid*, 12.

<sup>5</sup> MLK, “Letter from Birmingham Jail,” <https://letterfromjail.com/>, 1.

context of the Civil Rights movement; pro-life advocates see their efforts as being in alignment with that movement. Interpreting certain classes or groups of human beings as inferior to those who are doing the interpreting is “othering,” and that phenomenon shape-shifts in human history. Pro-life advocates focus on human beings developing in the womb as another target of othering, just as Blacks and Native Americans have been targets of othering in history. In a radically individualistic age, the primary form that othering will take is temporal othering; those who are older define themselves as “persons” and they will define those who are younger as “non-persons.” This entails a “forgetfulness of being,” because the ones who are older were at an earlier point in time in their mother’s womb.

One aspect of the hostility to community that is present in a radically individualistic age takes the form of a distrust of democracy. It is common, for example, for pro-choice advocates to say that pro-life advocates are guilty of “imposing” their morality on others. The concept of “imposing” will be treated more fully in the next chapter, but here we note that others are seen not as fellow citizens who are motivated by love and compassion, but as zealots who are determined to crush individual autonomy. Individuals need to be “freed” from the fetters of community according to the philosophy that dominates our age. From the pro-life point of view, this is an existential posture, a way of being, that is unable to successfully grasp that individuals need community to flourish and thrive. Individuals can be psychologically disturbed or travelling on the pathway toward greater psychological maturity and integration. So also, communities can be sociologically disturbed, or they can be travelling on the pathway toward justice and compassion. These two aspects of human existence are interconnected. Individuals need healthy communities to guide them toward flourishing, and healthy communities will be made up of individuals who are striving toward greater maturity. There is a kind of double helix effect at work here, in that individuals and communities are always intertwined.

Pro-choice proponents, in their advocacy for radical individualism and “moral autonomy,” seem not to grasp these basic truths of human life, or if they do grasp them, they are at war with them. Perceptive observers of human culture, such as René Girard (1923–2015), have argued that individualism is actually an optical illusion, a failure to recognize that human beings are deeply and unavoidably mimetic. “Mimetic” means that we are

always aware of our existence with others on the horizontal plane of society, and we look around at others and imitate their desires and thoughts. We take our assumptions about what constitutes “success” in our society from our observations of others. Mimetic psychology, however, leads to rivalry, conflict, strife, and—ultimately—a sacrificial social ecology. Those human beings who have the lowest standing and a lack of protection will be sacrificed by those who have more power, so that the social order will be able to achieve a sense of stability and “peace.” But this “peace” has been achieved at the expense of the scapegoat, the weakest member of the community.

This may seem like abstract theorizing, but it is actually revelatory of the realities of the practice of abortion. A set of parents, for example, may have a college-age daughter who has aspirations of becoming a doctor or a lawyer; when she becomes unexpectedly pregnant, they put pressure on her to have an abortion. Notice that this is social pressure, not individual autonomy, which has the goal of ensuring that the daughter achieves the professional “success” as “success” is mimetically defined by society. The child in the womb is the scapegoat who is killed to avoid any disturbance to what was “planned.”

The example just given is a “middle-class” or “upper-class” case, but the principles apply even more strongly to “lower-class” cases. Women who are in the lower socio-economic class feel even more pressure to abort their children, which may be an internalized pressure within a materialistic society. The pro-choice position is continually insinuating, if not candidly saying: “If you feel that you cannot afford to have a child, then end its life. It is better for a child to not exist than for that child to grow up in poverty.” The pro-life position seeks social change, in terms of business and governmental policies, that will address this problem effectively. In this sense, the pro-life position is genuinely transformative and progressive, while the pro-choice position simply accepts the status quo as “the way things are” and thus reveals that it is “conservative” in a bad sense. The pro-choice position uses the continual killing of the children of the poor as a safety valve that protects

the status quo and reduces the pressure for the social changes that we should all support as the pathway toward a healthier social ecology.<sup>6</sup>

### *Morality*

One of Martin Luther King, Jr.'s less famous talks is entitled "The Three Dimensions of a Complete Life." While it is less famous than others, it is of paramount importance. The three dimensions that MLK speaks of are 1) the "height of life," by which he means the relationship of the person with God, the Creator of all things, 2) the "breadth of life," by which he means our relations with other human beings in community, and 3) the "length of life," by which he means the journey of the individual through time. In speaking this way, MLK is summarizing very effectively one of the key elements of that philosophical anthropology that has formed the basis of Western thought about human nature. There are three main dimensions of reality as it is inhabited by human beings: the vertical axis (the material and the spiritual), the horizontal plane (social relations), and individual selfhood. The vertical axis has traditionally been known as the Great Chain of Being, which is illustrated by the curriculum of the modern university in the departments of physics, chemistry, geology, biology, anthropology, and religious studies. The horizontal plane is studied in the departments of sociology, political science, economics, and history. Individual selfhood is studied in the departments of psychology, philosophy, and literature. This is, of course, just a brief sketch of the world of knowledge, one that lacks a full description of the many nuances involved in the dimensions and how they interact with each other. This fuller description is found in the literature of these fields, which, of course, means that we are referring to hundreds of thousands of pages of text.

What, you may ask, does the idea of dimensional anthropology have to do with morality? It turns out that it has everything to do with morality. Think, for example, of the Great Chain of Being, the notion that reality is like a ladder, with the basic elements at the bottom, their possible combinations in chemistry, and the increasing sophistication of living things as one climbs

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<sup>6</sup> Bernadette Waterman Ward, "Abortion as a Sacrament: Mimetic Desire and Sacrifice in Sexual Politics," *Contagion* 7 (2000): 18-35.

the rungs of the ladder: bacteria, earthworms, fish, dogs, dolphins, chimpanzees, and human beings. The defenders of slavery used this concept of the ladder for an immoral purpose; they quite explicitly argued that White people occupy the highest rung in the human section of the ladder, with Blacks being on the lowest rung, and Middle Easterners and Asians somewhere in between. This use of the idea of the Great Chain of Being as a justification for the gross immorality of slavery is an example of how a philosophical idea can become corrupted, so that it serves as to facilitate unjustified violence. The horizontal plane has also served an immoral purpose whenever human beings employ membership in an ethnic group, tribe, nation, political faction, etc., as a basis for engaging in acts of violence against other human beings who are not members of the in-group. Examples of this include Nazism, Stalinism, the ethnic cleansing in the former Yugoslavia, the killing fields of Cambodia and Rwanda, the Palestinian / Israeli conflict, and so on and so forth. Individual selfhood is the third key dimension, and it also can serve as a vector facilitating violence. This is seen in the actions of mentally disturbed “lone wolf” mass killers.

But it can also be seen in the pro-choice way of thinking, with its emphasis on “individual autonomy” as an absolute political and legal principle that facilitates the killing of the unwanted child. When we consider the three dimensions in the light of morality, we see that it is an overemphasis on one dimension at the expense of the others that is the key mistake. The defenders of slavery overemphasized the vertical axis and did not take into account how the virtues of the horizontal plane, love and justice, serve as a decisive critique of their immorality. Those who overemphasize the horizontal plane are blinded by groupthink and develop a need to advance the cause of their own social group by seeing another group as an enemy that must be killed. They are refusing to see the human race as a whole as the primary group to which they belong and whose health they should be promoting. Those who overemphasize individual selfhood have been swept up in the zeitgeist, the spirit of our age, which is radical individualism. It is within the individual selfhood dimension that human existence in time is experienced.

We can thus summarize the relationship between the dimensions and morality by saying that the Great Chain of Being can serve as a vector for *vertical othering*; group belonging can serve as a vector for *horizontal*

*othering*, and individual selfhood can serve as a vector for *temporal othering*. This last notion forms the core of the pro-choice worldview, which always boils down to the idea that the inhabitant of the womb, the gestating child, is an *inferior* form of human life who can be killed if the existence of this child is not desired by those who have superior power over it.

This philosophical point can be illustrated through the concept of the conflict of interest. In sports such as figure skating or gymnastics, which involve the scores of judges, it makes no sense to say that the athletes can determine their own scores, because of the conflict of interest. Every athlete could give themselves a “perfect 10.” The same is true in courts of law; the defendant is not the one who determines his or her own guilt or innocence; that is done by a jury or a judge, because the defendant has an interest in the outcome. The key principle of the pro-choice way of thinking, however, is that this idea needs to be turned upside-down. The notion of the conflict of interest needs to be lifted up as the highest philosophical principle. It is claimed that: 1) women benefit from being able to end the life of the gestating child if the existence of the child upsets her plans, 2) the woman who is pregnant should have the sole and absolute authority to decide the question of the personhood of the inhabitant of the womb. That this is the key to the pro-choice way of thinking has been expressed with near-perfect clarity by Justice Anthony Kennedy in the most famous passage in the Supreme Court’s *Casey* decision of 1993: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” By reaffirming *Roe v. Wade*’s legalization of abortion this way, Justice Kennedy is clarifying the central conundrum of modern political thought. We say: “People should be free to do what they want, as long as they don’t harm others.” This saying seems to promise that there could be a constraint on human action, namely the prohibition of harm. But this saying, by itself, does not tell us who the others are that we must not harm. For Justice Kennedy, speaking as a mouthpiece for the pro-choice philosophy, this problem is solved by saying that each woman who is pregnant, as a distinct individual, has the authority to decide whether the inhabitant of the womb is an other or not, and he is presuming that it is in her interest to make this decision. The saying, “People should be free to do what they want, as long as they don’t harm others,” promises a possible constraint on human action,

but that constraint is completely vaporized under the scorching blaze of hyper-individualism.

It was mentioned above that it is common for pro-choice advocates to say that the pro-life position is guilty of “imposing” its morality on others. The problematic nature of this accusation is now much clearer. This saying is based on two key assumptions that underly pro-choice thought: 1) the imposition of morality is a bad thing; and 2) pro-choice advocates do not impose their morality on others. When these assumptions are questioned, they fall apart. Regarding the idea that the imposition of morality is a bad thing, we can point to the obvious reality that our society functions on the exact opposite premise. We have laws against bank robbery, domestic abuse, sexual assault, and so on, ad infinitum, because law is the imposition of morality. A restaurant owner cannot put a sign in his window that says “Whites Only” because racism is immoral. Regarding the second assumption, the idea that pro-choice advocates do not impose their morality on others is also false. The *Roe v. Wade* decision was a massive imposition of judicial power, forcing all fifty states to legalize abortion, based on the opinion of seven justices at that time that the child gestating in the womb is merely “potential life” not “actual life.” The act of abortion is itself the imposition of death on the developing child, justified by what has been articulated above as temporal othering. And—it would require a lengthy historical essay to explain this fully—the pro-choice way of thinking was made possible by the triumph of nominalism over realism in modern thought.

Nominalism is the idea that things do not have essences that are recognized by reason and natural law; instead, things are nothing but whatever people say they are. Realism is the idea that things have essences, and these essences, such as personhood, are recognized by reason when it is functioning in a healthy way. The deep irony of the pro-choice way of thinking is that it accuses the pro-life way of thinking of “imposing,” when the philosophy of nominalism is rooted in the belief that human beings can do nothing else than invent interpretations of reality and morality and then impose those interpretations onto reality so that the intentions of the individualistic self can move forward with no limitations whatsoever.

*Rights*

“I support a woman’s right to choose abortion.” “I support the unborn child’s right to life.” Variations on these phrases have been repeated innumerable times within the abortion debate. If the definition of insanity is doing the same thing over and over again, always expecting the outcome to be different, then it would seem that we are insane. But another way of thinking about this is to note that if rights language has become a cul-de-sac in which we are stuck, then perhaps we can find a way forward by thinking about what we are doing more carefully and creatively.

First, however, we should note that there are rights language skeptics. Famously, at least as fame is measured in philosophical circles, Alasdair MacIntyre said that believing that there are such things as rights “is one with belief in witches and in unicorns.”<sup>7</sup> Sonu Bedi, a professor at Dartmouth who has earned both a J.D. and Ph.D. in political philosophy, wrote a book called *Rejecting Rights*. Mary Poovey, a historian, wrote an essay supporting the pro-choice cause, in which she argued that rights language is a product of a past epoch that we have outgrown in our postmodern sophistication.<sup>8</sup> She seemed a bit unclear in the essay, however, concerning what it would mean for pro-choice advocates to “jettison” rights language completely.

If one does not join the rights language skeptics, then it would seem that we can only find our way out of the cul-de-sac by asking deeper questions instead of just using rights language as a club with which to beat others. “What are rights?” “Where do they come from?” “How do we know what rights are and where they come from?” “What is the history of rights language and how is that history relevant to its current use?” These are some of the questions that come immediately to mind.

There has been much talk and writing in recent decades about the “culture wars” polarization in which we find ourselves. Rights language is one of the most salient features of this polarization. From the pro-life point of view this topic needs to be approached from two different angles:

<sup>7</sup> MacIntyre, *After Virtue*, 69.

<sup>8</sup> Poovey, “The Abortion Question and the Death of Man.” In Judith Butler & Joan Wallach Scott (eds.), *Feminists Theorize the Political* (New York: Routledge, 1992), 252-61.

philosophy and history. With regard to history, we need to note that the American Declaration of Independence says that human beings are “endowed by their Creator” with rights; many people today, who tend to be on the cultural left, say that this notion of a divine source of rights is too old-fashioned to have any functional value. They say that rights language is a social construction, meaning that the Supreme Court, or voters at the ballot box, can invent rights. Rights language is a configuration of power, specifying who has the ability to do what, according to the prevailing views of the day. An obvious weakness of this approach, however, is that if rights are invented by the Supreme Court, as the abortion right was invented by *Roe v. Wade* in 1973, then those rights can be de-invented at a later point in time, as was the case with *Dobbs* in 2022. Perhaps a later Supreme Court will reinvent the right to abortion, or perhaps Congress will, but all of this inventing and de-inventing tends to cast a pall of skepticism over the whole enterprise.

Pro-life advocates see in the language of the Declaration a truth that we moderns have rejected to our detriment. This may come as a surprise to many readers, but the Nazis used rights language; they said that the strong have the right to impose their will on the weak. If that is an idea that is problematic, then we need to acknowledge that rights language can be used for both good and bad causes. In our own American history, there was a time and place when it was common for people to say that White people have a right to own Black slaves. Rights language that is simply an expression of power has a very dubious pedigree. Pro-life advocates maintain that rights should be recognized by human beings rather than invented by them. This involves a stance of humility before the nature of reality: “We hold these truths to be self-evident” implies the notion that human beings are like apprentices learning from a master, and the Master is the moral natural law that is built into the cosmos. This may seem to be a “medieval” idea, but it needs to be noted that this understanding of natural law was the backbone of the argument in Martin Luther King, Jr.’s “Letter from Birmingham Jail.” The modern world tends to reject the apprentice mode of knowing in favor of the idea that each individual is the Master of his or her own life, world, and morality. This hyper-individualism is not a recipe for a healthy society.

The three dimensions of reality referred to above provide a lens through which we can develop a sound understanding of the philosophy of

rights, using the analogy of a rainbow. A rainbow is not a physical entity such as a tree or a fish; it is a phenomenon of human consciousness. The same can be said for rights. For a rainbow to be perceived, three elements are needed: an observer, raindrops in the sky, and a source of light. In a similar way, human rights require three elements: 1) a person who, by virtue of his or her moral maturity, “sees” the rights of others; 2) the others whose rights are recognized and protected; 3) a source of light, that is, a source of the dignity, value, and rights of human persons that precedes and transcends the person who sees the rights of others. When we consider the bad examples in modern history, such as the defenders of slavery and the Nazis, we can note that they were morally immature and thus “blind”; they did not recognize and respect the rights of others. They treated others unethically because they were not attuned to seeing by the “light” that makes the protection of human rights possible.

The phrase in the Declaration of Independence “endowed by their Creator” is pointing to the source of light that we have noted is the third necessary element in a sound philosophy of rights, after the seer and that which is seen. If this idea is rejected, because it is too “theological,” then we are led into the cul-de-sac in which we find ourselves. If there is no transcendent source of light by which we see the “others” whose rights we are obligated to respect and protect, then we are left with just the observers, the seers, who can “choose” whether or not they will recognize the rights of others. In a hyper-individualistic age, the observers will see their own interest as the highest priority.

### *Religion*

It is common for pro-choice advocates to say that the pro-life position is inherently religious; it is a case of religious people imposing their sectarian beliefs on others. The situation is much more complex than this idea suggests. There are, for example, some atheists and agnostics who support the pro-life position. There is a website, “Secular Pro-Life,” that says this at the top of the first page: “You don’t have to be religious to have a problem with killing humans. We welcome pro-life activists, closeted pro-lifers, people on the fence, and anyone interested in exploring the secular arguments against

abortion.”<sup>9</sup> The website contains a large library of essays. There are also many pro-life advocates who are religious, but the arguments they make scrupulously avoid making any religious claims or arguments; only “secular” arguments are made. There are some pro-life advocates who are religious, and they do make religious arguments, such as saying that all human beings are creatures of God, and that abortion is wrong because it is against the will of God.

There are also many pro-choice advocates who are religious, and they sometimes make religious arguments in favor of legalized abortion. Two examples: Willie Parker, an abortion doctor, says: “The part of you that’s like God is the part that makes a choice. That says, I choose to. Or, I choose not to. That’s what’s sacred. That’s the part of you that’s like God to me.”<sup>10</sup> Margaret Kamitsuka, a theologian, says: “. . . the incarnation vouchsafes that God has given [women who abort] the Spirit, who calls them not to cower in shame and self-recrimination but to go forward and grow in wisdom.”<sup>11</sup> Mario Cuomo, when Governor of New York in 1986, gave what has become a famous speech at the University of Notre Dame, in which he argued that his personal beliefs as a Catholic were that abortion is morally wrong, but he understood his public role as governor as preventing him from imposing his personal beliefs on the citizens of his state.<sup>12</sup> Robert George, a prominent pro-life philosopher, responded that this “I’m personally opposed, but . . .” argument is fallacious, because pro-life “. . . principles are not mere matters of dogma nor are they understood as such by the Catholic Church, whose beliefs Cuomo claims to affirm, or by prolife citizens, whether they happen to be Catholics, Protestants, Jews, Muslims, Hindus, Buddhists, agnostics, or atheists. Rather, prolife citizens understand these principles and propose them to their fellow citizens as fundamental norms of justice and human

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<sup>9</sup> <https://secularprolife.org/>

<sup>10</sup> *Life’s Work: A Moral Argument for Choice* (New York: Simon and Schuster, 2017), 212.

<sup>11</sup> Kamitsuka, *Abortion and the Christian Tradition*, (Louisville: Westminster John Knox Press, 2019), 223.

<sup>12</sup> Mario Cuomo, “Religious Belief and Public Morality,” <https://archives.nd.edu/research/texts/cuomo.htm>

rights that can be understood and affirmed even apart from claims of revelation and religious authority.”<sup>13</sup>

As if the possible configurations of the relationship between religion and the abortion debate were not already complex enough, we need to add that there is a deeper level of analysis and argument that can be brought to bear on this subject. We can question the meaning of the terms “religious” and “secular” as being too simplistic, at least as they are commonly used. There is a substantial and growing literature that seeks to give more nuance to what we understand “religion” to mean. Scholars write, for example, about the American Civil Religion, or about Nazism, Stalinism, and Maoism as “political religions.” A book entitled *The Altars Where We Worship: The Religious Significance of Popular Culture* explores how the body and sex, big business, entertainment, politics, sports, and science and technology can function in people’s lives as forms of spirituality, regardless of whether or not individuals are consciously aware of these cultural forms of religiosity, and regardless of whether or not they are members of formal religious bodies.<sup>14</sup> Richard John Neuhaus, a prominent pro-life author, argued along these lines by claiming that the radical individualism that is dominant in our age is actually “The Religion of the Sovereign Self.”<sup>15</sup>

On a more practical level, in terms of how democracy functions, we can note that the idea that there must be strict separation between religion and the abortion debate is unworkable. When a person goes into the voting booth to cast a ballot for a particular candidate or ballot measure, there is no election official standing inside the booth with the voter, reminding them that they are prohibited from allowing any religious thoughts from influencing their vote. People may bring into the process of voting religious values that may lean in a pro-life or a pro-choice direction, and that is simply how democracy works. There can be no “policing” of people’s thoughts as they

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<sup>13</sup> Robert George, “Cuomological Fallacies.” [https://lib.tcu.edu/staff/bellinger/abortion/George\\_Cuomological\\_Fallacies.pdf](https://lib.tcu.edu/staff/bellinger/abortion/George_Cuomological_Fallacies.pdf)

<sup>14</sup> Juan Marcial Floyd-Thomas, Stacey M. Floyd-Thomas, and Mark G. Toulouse, *The Altars Where We Worship: The Religious Significance of Popular Culture* (Louisville: Westminster John Knox Press, 2016).

<sup>15</sup> Neuhaus, “The Religion of the Sovereign Self.” In *The Right Choice*, Paul T. Stallsworth, ed. (Nashville: Abingdon, 1997), 61-68.

vote that makes any practical sense. And there can be no “policing” of how people communicate with others about the topic of abortion, whether that is verbal or written.<sup>16</sup>

### *Progress*

Most people want to think of themselves as being “on the right side of history,” but if the law of non-contradiction is valid, it cannot be the case that both the pro-choice and pro-life ways of thinking are on the right side of history. Each has accused the other of having a way of thinking that is similar to the defense of slavery; both cannot be correct. On the pro-choice side, we can refer to Lawrence Lader as an example. In 1961 he wrote a book called *The Bold Brahmins: New England’s War Against Slavery, 1831-1863*. In 1966 he wrote a book simply entitled *Abortion* in which he argued that those who are struggling to legalize abortion are today’s activists whose cause is analogous to that of the Abolitionists. Those who oppose this legalization were compared by Lader to the defenders of slavery, in that they want to keep women enslaved to their uterus. More recently, Andrew Koppelman has made a similar argument, calling the pro-life position a defense of “forced labor” (pun intended). He asserts that the pro-choice cause should focus less on the language of “privacy” and more on the post-Civil War amendments as the most solid basis for pro-choice legal argumentation.<sup>17</sup>

Pro-life advocates have made similar arguments in the opposite direction. Jesse Jackson, for example, said that: “If something can be dehumanized through the rhetoric used to describe it, then the major battle has been won. . . . That is why the Constitution called us three-fifths human and then whites further dehumanized us by calling us ‘niggers.’ It was part of the dehumanizing process. . . . Those advocates of taking life prior to birth do not call it killing or murder; they call it abortion. They further never talk about aborting a baby because that would imply something human. Rather they talk about aborting the fetus. Fetus sounds less than human and therefore

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<sup>16</sup> Charles K. Bellinger, “Religious Arguments and the Abortion Debate,” *Human Life Review* 43, no. 2 (Spring, 2017): 51–58.

<sup>17</sup> Koppelman, “Forced Labor Revisited: The Thirteenth Amendment and Abortion.” In *The Promises of Liberty: The History and Contemporary Relevance of the Thirteenth Amendment*, Alexander Tsesis, ed. (New York: Columbia University Press, 2010), 226-244.

can be justified.”<sup>18</sup> Justin Buckley Dyer wrote a book in 2013 that makes this argument in great detail, based on very thorough historical research: *Slavery, Abortion, and the Politics of Constitutional Meaning*. He argues that the notion that one human being can legitimately be thought to “own” another human being is the basis of pro-choice thinking. “If anything has remained constant in the forty years after *Roe*, it is the ubiquitous sense, among many conscientious citizens, that on some level of deep principle, the abortion controversy is a reenactment of a battle already fought and a betrayal of rights already won.”<sup>19</sup>

From the pro-life point of view, there are two main components of genuine moral progress in history: 1) expanding the boundaries of the moral community, to include those formerly excluded; and 2) recognizing nonviolence as the moral ideal that we should aspire to move toward. Examples of the first point include the ending of slavery and the continual struggle to recognize the equal dignity and worth of Black persons, Native Americans, Jews, and so forth. Women gaining the right to vote and equal opportunities in employment and sports are also examples of the expansion of the boundaries of the moral community.

Regarding the second point, we intuitively respect the advocates of nonviolence, such as Gandhi and Martin Luther King, Jr., and we abhor those who engage in acts of mass violence, such as the Nazis or the 9/11 hijackers. The pro-life position is steadfast in always insisting that the gestating child in the womb ought to be included within the expanding boundaries of the moral community, while pro-choice articles and books have argued, in a thousand different ways, that the opposite should be the case; the inhabitant of the womb should not be viewed through the lens of equality, but through the lens of inferiority of dignity and value. There are rare occasions of candid speech in pro-choice rhetoric in which the violence inherent in abortion is admitted, as when Lisa Harris, an abortion doctor, says: “In general feminism is a peaceful movement. It does not condone violent problem-solving and opposes war and capital punishment. But abortion is a version of violence.

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<sup>18</sup> Jackson, “How We Respect Life Is the Over-riding Moral Issue.” <https://groups.csail.mit.edu/mac/users/rauch/nvp/consistent/jackson.html>

<sup>19</sup> Justin Buckley Dyer, *Slavery, Abortion, and the Politics of Constitutional Meaning* (Cambridge: Cambridge University Press, 2013), 102.

What do we do with that contradiction? How do we incorporate it into what we are as a movement, in particular a feminist movement?"<sup>20</sup> Lloyd Steffen has written a book called *Life/Choice: The Theory of Just Abortion* in which he explicitly argues that the pro-choice position should be argued and defended using the categories and principles of the just war theory.<sup>21</sup> He assumes that women and fetuses are enemy combatants.

The issues at the deep root of the abortion debate are best clarified by the principles of dimensional anthropology. Before the American and French Revolutions, Western society employed the vertical axis as its main politically structuring principle; it was assumed that society was a ladder with the monarch on the top rung, the aristocracy one step down, followed by the middle classes, the poor classes, and the slaves. The Revolutions ushered in the era of democracy, which took as its main structuring principle the horizontal plane. Politics should be "of the people," in Abraham Lincoln's phrase, meaning that power is wielded by elected representatives and presidents. The Civil War in the United States can be interpreted as the last dying gasp of those who were attempting to cling to the vertical axis as the key to social structure.

But in the twentieth century, which was supposed to be the scene of the triumphant expansion and vindication of democracy, history was wracked by the worst excesses of the horizontal plane: collectivist violence in the form of Nazism and Stalinism. To overemphasize the horizontal plane leads to even worse violence than overemphasizing the vertical axis. In the wake of World War II, the idea of individualism gained momentum, and people began to envision "individual autonomy" as the newest and best politically structuring principle. But when individualism is overemphasized, it also becomes a vector that facilitates violence, which is precisely what happened in the legalization of abortion. It is clear that violence is a shape-shifting phenomenon, one that expresses itself within the dimensions of reality as it is inhabited by human beings. What we human beings refuse to acknowledge and accept as our moral imperative is the task of synthesizing the three dimensions in a symphonic way. We insist upon pitting the dimensions

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<sup>20</sup> Lisa Harris, "Second Trimester Abortion Provision: Breaking the Silence and Changing the Discourse." *Reproductive Health Matters* 16 (sup31):

<sup>21</sup> Steffen, *Life/Choice* (Cleveland: Pilgrim, 1994).

against each other in a state of rivalry, a zero-sum game, that always ends in violence that is justified by those who are engaging in it.

The pro-life way of thinking and living sees this and is continually calling humanity to live in response to the highest moral ideals. This is a thankless task in an age when so many people are blinded by the golden calf of radical individualism and its consequent moral relativism. But the pro-life way is always inspired by hope and by the rational belief that Truth is actually a moral force in history, as Gandhi and Martin Luther King, Jr. said.

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