

Let's Talk About Abortion . . . Differently

by **Geenius at Wrok**

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Between Jan. 22, 1973, when the U.S. Supreme Court declared by a 7-2 vote in *Roe v. Wade* that state laws banning abortion violated citizens' rights to privacy and due process of law, and May 31, 2009, when an anti-abortion extremist murdered ob-gyn and abortion provider Dr. George Tiller in the foyer of his church, America has endured 36 years of argument over the abortion issue, which has sunk to the level of a Punch-and-Judy show more often than it's risen to the level of sober debate. Two dogmas -- each spurning the other's most basic premise and employing the most loaded language it can fashion -- have fought a trench war over abortion in America's statehouses. In consequence, abortion rights are neither wholeheartedly maintained nor abolished outright: access to abortion is freighted with onerous, sometimes outrageous conditions (such as requiring a girl molested by her father to gain his consent, as in Mississippi and North Dakota), and clinics and hospitals that offer abortion services are scarce where teen and out-of-wedlock pregnancy is greatest. Nobody is satisfied. Nobody wins.

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Meanwhile, over these 36 years, the terms of the argument haven't changed a bit. It's insane to expect that any progress, or anything other than more radical rhetoric and violent action from impatient extremists, will come from the all-or-nothing thinking that both sides in this argument display. We need to reframe and renew the debate, in terms that address the interests of everyone involved.

There are two chief obstacles that we need to overcome. The first is the demonization of those who hold opposing views. In *Give Me Liberty: A Handbook for American Revolutionaries*, the author Naomi Wolf, a steadfast supporter of abortion rights, describes being invited by the conflict-resolution organization **Search for Common Ground** to participate in its Project for Life and Choice, "a weekend of discussion and deliberation" among writers and activists both for and against abortion rights. Wolf recounts that she saw anti-abortion activists "as motivated primarily by the desire to repress women for religious reasons . . . wishing to ensure that women suffer through pregnancies they do not want and bear children they cannot support," while noting that the anti-abortion participants saw abortion rights supporters as "antagonistic to the nuclear family, sexually promiscuous, or anti-mother ideologues . . . callous about the suffering or death of innocents [and] actively hostile to all religious faith" -- both points of view growing naturally out of the black-and-white tenor of the abortion argument. Yet by the end of the weekend, both groups had acknowledged a shared interest in solving "the problem of millions of unwanted pregnancies in America" and had proposed meaningful concessions: making contraception more available, and providing information at abortion clinics about adoption possibilities and organizations that help support mothers and newborns. Just one weekend of sincere talk and mutual respect was enough to produce a foundation that could be built upon.

The second obstacle is resistance to hearing the opposing message. The "pro-choice" side, which argues for preserving women's liberty, rejects the possibility that a fetus is a living human being. The "pro-life" side, which argues for preserving the life of fetuses, denies that a pregnant woman has any right that might take precedence. Neither side is willing to acknowledge the other's basic premise, out of the fear of losing hard-fought political gains and the hope of eventually achieving total victory. This denial that the other side *might have a point* prevents the "debate" from ever being more than a shouting match.

I've believed for some time that the best way to make headway on abortion is a dialectical approach. Originating with Socrates and refined by Hegel, this approach proposes that a **thesis**, or idea, gives rise to an **antithesis**, or contradictory idea, and that the tension between them is resolved by a **synthesis** that reconciles their essential truths. In America, we've never achieved -- or even seriously sought -- a synthesis between "pro-choice" and "pro-life" views. What if both sides are right in the positive and wrong in the negative? What would it mean for us to recognize *both* a woman's right to liberty *and* a fetus's right to life?

An abortion rights advocate might object to characterizing a fetus as a human being, arguing that an early-term fetus is nothing but an insensate "blob of tissue" (a loaded description). But a human fetus, with the right nourishment and in the right environment, will grow on its own, whether its mother wills it or not, into a fully formed infant and, eventually, an adult. No, the fetus can't live without its mother; neither can

a human infant. And the argument that early-term fetuses lack features that would distinguish them as human is a nonstarter; the truth is in the DNA.

An abortion opponent willing to grant that a woman doesn't forfeit her human rights and become a walking incubator upon becoming pregnant might nevertheless argue that life trumps liberty in every circumstance. But suppose I'm holding you captive, for no reason, in an empty room. Most people would agree that, if your only way to escape was to kill me, you'd be justified in doing so -- your right to liberty supersedes my right to life. A more visceral example is that of a person defending herself to the death against a rapist. Is there any violation of human liberty more absolute than rape? What about the American Revolutionary War, in which 52,000 were killed to gain the freedom of 2.8 million? Clearly, we do hold one person's liberty dearer than another person's life under certain circumstances; the phrase "life, liberty and the pursuit of happiness" is a creation of literary rhythm, not a statement of precedence.

The question, then, is whether abortion constitutes one of those circumstances where one's right to liberty trumps another's right to life. This is another instance where clear thinking is foiled by loaded language, in this case the anti-abortion characterization of a fetus as a "baby." A fetus is not a baby, any more than a toddler is a teenager. It's an earlier developmental stage. This is relevant, because we acknowledge certain limitations on children's legal rights based on their developmental stage, so it stands to reason that fetal rights should be limited further. Suppose that a developing fetus accumulates the full rights of a newborn gradually, starting from zero at the point of conception; at some point along the way, we might say, the fetus's right to life comes to outweigh its mother's right to liberty, while before that point, the mother's right to liberty prevails. The essential question becomes how to find that point.

If we can get this far, then we can treat the issue matter-of-factly as a conflict between the rights of two parties, and we can begin to establish criteria for determining, case by case, which party's rights should take precedence over the other's. Abortion rights advocates might envision, with justified horror, every woman who seeks an abortion having to defend her wish in a courtroom -- but if clear guidelines are established, then nothing more ought to be necessary to ensure compliance than filling out a checklist, which a woman and her doctor could handle on their own and in private.

As Americans, we should prefer to construe human rights more generously, rather than look for excuses to deny them. The **Declaration of the Rights of the Child** (which every nation on earth has ratified except the United States and Somalia) states, "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity." While a fetus is not a child, the justification for granting these rights to children ("Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth") does apply to fetuses as well. At the same time, it's absurd and unconscionable to categorically deny a pregnant woman's entitlement to equal protection under the law and her right to determine the course of her own life for the sake of some sacrosanct status granted to the fetus she carries. Pregnancy and parenthood demand substantial sacrifices, and these should never be made unwillingly.

The absence of empathy in our discussion of abortion leads us to deadlock. "Both sides offer positions without nuance," Wolf writes.

The pro-choice lobby crafts policies that go further on the abortion-on-demand spectrum than most citizens wish to go; the pro-life lobby crafts policies that go further on the no-abortion-for-any-reason spectrum than most citizens wish to go. Why should the national debate not more closely reflect the ambiguities about the issue that most thinking Americans actually feel?

In place of "ambiguities," I'd say *recognition of complexity*, understanding that the party with whom we identify more closely is not the only one with vital interests at stake. A reconciliation of respect for liberty and respect for life is the only thing that will let us move forward as a nation on the issue of abortion. If we keep doing what we've always done, we'll keep getting what we've always gotten: polarization, rancor, unnecessary abortions in some places, unwanted pregnancies in others, and the occasional licensed medical practitioner being shot in the head. Should we look forward to another 36 years of this?

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