

# Beyond Apocalypse and Apology: A Moral Defense of Abortion

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The movement to preserve and advance reproductive freedom is suffering the consequences of a great victory. The establishment of the constitutional right to abortion in *Roe v. Wade* was a monumental step that changed the lives of American women. Girls grow up today under the mantle of *Roe*, never having known a world in which illegal, unsafe, degrading and sometimes fatal abortions were the norm. That is a cause for celebration as *Roe* turns 30. It is also, however, a cause of complacency. Movements typically subside after winning major legal or political battles, and ours has not escaped this cycle.

Complacency corrodes all freedoms. It is particularly dangerous to reproductive freedom because our opponents are single-minded and fervent to the point of fanaticism. Their crusade has fueled three decades of incremental restrictions that make it risky or burdensome to get an abortion and, for some women, block access altogether. Understandably, the prochoice movement has grown frustrated with the unending onslaught, and the public, numb. The movement's responses to this conundrum have varied over time and among its many spokespersons. Yet, two recurring approaches—to jolt the public by forecasting *Roe*'s reversal and to court reluctant supporters by steering wide of abortion altogether—are problematic. We need to recapture at least some of the moral urgency that led to *Roe*, and we must meet the assaults head-on.

Reproductive freedom is in trouble. The Supreme Court has refrained from overturning *Roe* but has allowed the states to layer myriad restrictions on abortion. The states, seizing the opportunity to regulate women's lives, enacted more than 300 restrictions on access to abortion and other reproductive health services between 1995 and 2001.<sup>1</sup> Some of the most common laws affect all women seeking abortions in a particular state: For example, 18 states require counseling designed to dissuade women from having abortions, followed by a waiting period before an abortion can be performed.<sup>2</sup>

The assault on *Roe* has done the most damage, however, to women whose voices are largely ignored in the political debate and whose interests carry the least political weight. Low-income women face what can be prohibitive costs in seeking abortions. Very few have private health insurance, and government-supported plans rarely pay for abortions. Moreover, these women face significant financial obstacles merely to get to a provider. Nationwide, 87% of all counties lack abortion providers (because of inadequate training opportunities for medical students, burdensome regulations targeted at abortion providers, and a

climate of harassment and violence, among other factors).<sup>3</sup> For low-income women living in rural areas, this can mean adding costs for travel, time away from jobs and child care to the cost of the abortion itself.

Teenagers have also suffered the brunt of abortion restrictions. More than half the states enforce laws that deny those younger than 18 access to a legal abortion unless they involve a parent or go to court.<sup>4</sup> Teenagers who consult their parents under compulsion of the law and against their better judgment often find their fears justified: They are kicked out of their homes, beaten and prevented from obtaining abortions. The alternative of going to court is daunting for any teenager, and especially for one who is pregnant, desperate and unsupported by her family. Often, she must explain multiple absences from school without raising suspicions, find a lawyer who will help her, brave one or more trips to the courthouse, tell the intimate details of her personal life to numerous strangers and then hope that the judge grants her the permission she needs.

Yet, advocates for reproductive freedom tire of talking about these restrictions, and few people seem interested in hearing about them. Because most middle-class, adult women can get abortions in spite of the prevalent restrictions, the majoritarian passion to preserve the right established in *Roe* has faded, leaving the most vulnerable women isolated and powerless. They have reason to wonder what we are celebrating at *Roe*'s anniversary.

What we need to celebrate is renewed unity, commitment, energy and purpose. Unfortunately, the movement has sometimes tried to achieve these by either dwelling on the possibility that abortion will again be illegal or minimizing the importance of abortion. We refer to these two tendencies as the apocalyptic and the apologetic approaches.

## THE APOCALYPTIC APPROACH

The apocalyptic approach aims to rouse the public from complacency by positing an immediate and personal threat: Women will no longer be able to get an abortion when they need one. This approach recognizes that a woman who thinks that the abortion rights battle is over and won can be goaded into action if she is convinced that the victory is about to be reversed and that its reversal will affect her. The threat posed must be imminent, real and personal.

Typically, the apocalyptic approach warns that the Supreme Court is on the brink of overturning *Roe v. Wade*. To emphasize the immediacy of the threat, this approach highlights the hostility of the current administration and the advancing age of several justices who support women's

right to choose. Focusing on the worst-case scenario—the Court’s complete overturning of *Roe*—makes the threat personal to a broad swath of Americans. Thus, this approach hopes to draw in people who are not moved to activism in opposition to narrower restrictions.

There can be no doubt that the already battered right declared in *Roe* faces new and powerful assaults. Both the White House and the Congress are enemies of choice and stand prepared to appoint and confirm like-minded judges—not only to the Supreme Court, but also to the lower federal courts where most abortion rights cases are decided. In addition, Congress is now in a position to pass long-threatened federal restrictions, posing yet more obstacles to abortion nationwide.

The question remains, however, whether these assaults will prove fatal to *Roe* itself. If history is any guide, the Supreme Court may well continue to say that *Roe* is good law while upholding one restriction after another. This is the compromise the Court adopted in the late 1980s and openly embraced in its 1992 decision in *Planned Parenthood v. Casey*. The Court there proclaimed, “the essential holding of *Roe v. Wade* should be retained and once again reaffirmed,” but then added, “the fact that a law...has the incidental effect of making it more difficult or more expensive to procure an abortion cannot be enough to invalidate it.”<sup>5</sup> If the Court follows this pattern, the damage, while devastating, will continue to be incremental, cumulative and obscure, rather than dramatic, sudden and obvious. Of course, the harms will accumulate faster as the courts grow more hostile.

Because a candid reversal of *Roe* is neither certain nor immediate, people may react to constant warnings as they would to a car alarm that goes off at all hours—it is annoying, but they learn to ignore it. We risk being unable to galvanize the public if and when we confront the imminent possibility of *Roe*’s demise.

Moreover, constantly referring to the possibility of losing the “core right” to abortion diverts attention from the significant encroachments that have already been and continue to be placed on the right. Under this approach, whether the core right exists is effectively measured by whether a middle-class, adult woman has access to an abortion. Meanwhile, a low-income woman has, for all intents and purposes, already lost her core right if she depends on Medicaid for her medical care but is denied coverage for an abortion; if she lives in a rural state with no abortion provider within 200 miles; and if she must make two trips to that distant provider, thanks to a state-imposed waiting period. Her right is a hollow promise when the government is permitted to erect so many hurdles that they create an impasse.

#### **THE APOLOGETIC APPROACH**

The apologetic approach takes a different tack. Reacting to a widespread and apparently growing discomfort with abortion, it focuses predominantly on topics the public finds more palatable, such as contraception and sexuality edu-

cation. It minimizes discussion of abortion, or characterizes abortion as regrettably necessary.

This approach hopes to garner additional supporters for the movement’s overall agenda by beginning with more popular subjects. Unfortunately, it does not always proceed from there. Bringing people into the fold by first discussing different (though related) issues may create an opening to convince them about the importance of access to abortion, but it is not a substitute.

The apologetic approach also hopes to draw people in by identifying with their misgivings about abortion. Respect for uncertainties and objections is critical to any conversation about deeply held values, but the apologetic approach does not engage in moral dialogue. Instead, it mirrors the public’s general skittishness about abortion.

The tendency to shy from open discussion of and support for abortion plays into the hands of our opponents. They want the public to associate abortion with secrecy, trauma, stigma, guilt, fear and shame. Both our silence and our apologies reinforce these associations, however unintentionally. Our opponents say that abortion is murder, we imply or say that it is regrettable, and the public slides further into ambivalence. Recent polling data suggest such slippage in public support.<sup>6</sup>

Furthermore, the apologetic approach tacitly promotes the myth that the prochoice movement is too extreme. This approach calls for putting on a fresh and friendly face, to contrast with the glare of the stereotypical radical feminist. But we have not been frowning on childbearing, fighting for abortion on demand until moments before birth or generally scorning the views of the public. We do not need to pursue moderation as though we have been guilty of extremism.

When we smile brightly and sidestep the issue of abortion, we risk alienating our strongest supporters. They understand that abortion rights are part of a larger constellation of both rights and aspirations. We stand not only for the right to choose, but also for comprehensive sexuality education, effective contraceptive options, quality prenatal care and childbirth assistance, and trustworthy and affordable child care. Focusing on abortion to the exclusion of all else is a mistake—but so is avoiding the subject of abortion. When we are evasive, our supporters may doubt our commitment, even if they understand that our evasiveness reflects a tactical strategy rather than a shift in principle. They may wonder about the effectiveness of outreach efforts that omit or equivocate about so important a topic and, thus, forgo the opportunity to educate people about the ongoing, cumulative damage to abortion rights.

In its hesitance to defend abortion, the apologetic approach shrinks from the wrong demon. It is an unwanted or unhealthy pregnancy that causes a woman to confront the abortion decision. Once she is in this predicament, abortion may be a welcome solution among very limited options. Bemoaning abortion is like lamenting open-heart surgery in the face of Americans’ unacceptably high rate of heart disease. We hope never to need a coronary bypass, but we are grateful to have the procedure available if we need it.

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Similarly, as critics of the apologetic approach have pointed out, “One can feel bad, sorry, or regretful that any woman ever has an unwanted pregnancy. One can also feel truly wonderful that safe abortions are legally available when wanted.”<sup>7</sup> These are not contradictory positions.

#### **ABORTION AS A MORAL CHOICE**

An alternative to the apocalyptic and apologetic approaches is a realistic, direct defense that recalls the reasons we fought for legal abortion in the first place. It argues forcefully to a generation that expects equality that without the right to decide whether to continue a pregnancy, a woman’s autonomy and equality are compromised. It documents the critical role that access to abortion has played in women’s lives over the past 30 years. Rather than focusing on whether we are about to lose *Roe* altogether, it exposes, defends against and attempts to reverse the constant whittling away that diminishes the right to abortion every year. It focuses attention on the unfairness of laws that in effect deny this right to the most vulnerable women.

To defend abortion with confidence, we must first recognize that institutional opposition to the right is part of a broader campaign to undermine women’s autonomy and equality. Antichoice leaders see sexuality (especially women’s) divorced from procreation as shameful, women as inadequate to make weighty moral decisions and forced childbearing as appropriate punishment for sexual irresponsibility. They approve of requiring women to pay out of pocket for contraception, while ensuring that insurance plans cover men’s access to Viagra; reducing sexuality education to a “just say no” mantra and consigning those teenagers who say yes to the deadly risks of unprotected sex; and denying poor women the means to obtain abortions, yet refusing to help them provide adequate food, shelter and education for the children they bear. Abortion is only one piece of the puzzle.

When this puzzle is assembled, the image that emerges is of a woman subjugated, not a fetus saved. For example, it is illuminating that “right-to-life” leaders generally tolerate abortion in cases of rape or incest. The fetus conceived by rape is biologically and morally indistinguishable from the fetus conceived by voluntary intercourse. But in the view of our opponents, the rape victim is innocent while the woman who chooses to have sex is tainted. For them, it is the woman’s innocence or guilt that determines whether she should be allowed to have an abortion or forced to bear a child.

The impulse to punish women rather than to help children is equally evident in the policies of antichoice states with regard to children already born. If the motivation behind abortion restrictions were really the love of babies, antichoice states should have child-friendly laws. Yet the opposite is so. A comprehensive review of the abortion and child welfare policies in the 50 states demonstrates that the states with the most restrictive abortion laws also spend the least to facilitate adoption, to provide subsistence to poor children and to educate children in general.<sup>8</sup> The study

concludes, “Pro-life states are less likely than pro-choice states to provide adequate care to poor and needy children. Their concern for the weak and vulnerable appears to stop at birth.” The seemingly contradictory coexistence of “pro-life” laws and antichild policies is explained, in significant part, by opposition to women’s changing roles in society: The more hostile statewide public opinion is toward women’s equality and the lower women’s income is relative to men’s, the more likely the state is both to restrict abortion and to impoverish children.<sup>9</sup>

In contrast, our position is prowoman, profamily, prochild and prochoice. This is a moral debate we must have and can win. Such a debate can move doubters to become moral defenders of a woman’s decision to have an abortion. Even those who remain personally opposed to abortion may come to support each woman’s right to make the decision in accordance with her own conscience, commitments and beliefs. What follows are some of the best reasons to support abortion rights.

#### **Autonomy**

A woman deciding whether to continue a pregnancy stands on moral ground. She is entitled to make her decision, and she must live with the consequences. No one else—and certainly not the government—should decide whether she will use her body to bring new life into the world. The decision is too intimate and too important to be taken from her.

In everyday life, men and women make decisions that affect the life and death of existing people. They decide whether to join the army; whether to donate blood, a kidney or bone marrow to a child; whether to give money to Save the Children instead of buying a new sweater; whether to decline a lifesaving blood transfusion; whether to drive a small fort on wheels that may protect its passengers in a crash but often kills those in less-substantial vehicles. Few question adults’ autonomy to make these decisions, although some may criticize the individual choice made.

Yet, our opponents want a different standard to govern women’s decisions about abortion. They portray women who demand the right to make this decision as selfish and immoral, although even many “prolifers” place fetuses on a lower moral plane than existing people (hence their tolerance of abortion in cases of rape and incest, among other inconsistencies). In response, we must staunchly defend women’s ability and right to be moral actors, especially when they are making decisions about reproduction.

#### **Equality**

Without the right of reproductive choice, women cannot participate equally in the nation’s social, political and economic life. Their freedom to decide whether and when to have children opens doors that would otherwise be closed. They may learn to be electricians, librarians, roofers, teachers or triathletes; care for their young children or aging parents; start and finish college; wait until they are financially and emotionally prepared to support a child; keep a steady job; marry if and when they want to.

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Women still do the bulk of the work of raising children and caring for extended families. Whether they experience this work as a privilege, a necessity, a burden or all three, increasing their control over the scope and timing of these responsibilities can only help them to secure a more equal footing on whatever paths they travel. In fact, in countries throughout the world, women's desire and ability to limit the number of children they have go hand in hand with their educational advancement and economic independence.

### **Bodily Integrity**

Women should have control over their own bodies. In virtually all other contexts, the law treats a person's body as inviolable. Prisoners are denied many of their most important personal liberties, yet are protected from unreasonable invasions of their bodies (such as routine body cavity searches). Similarly, the state cannot require a crime victim to undergo an operation to recover evidence (such as a bullet), even if that evidence would help to convict a murder suspect. And no law can force an unwilling parent to undergo bodily invasions far less risky than pregnancy (such as donating bone marrow) to save a living child. "It is difficult to imagine a clearer case of bodily intrusion" than for the government to demand that a woman continue a pregnancy and go through childbirth against her will.<sup>10</sup>

### **Wantedness and Welcome**

The decision to have a child—even more than the decision to have an abortion—carries profound moral implications. Unless a woman is willing to bear a child and give it up for adoption, she should have children when she feels she can welcome them. A mother's freedom to decide whether and when to have an additional child contributes immeasurably to the welfare of the children she already has, as well as any yet to be born. A teenager's decision to delay having a child until a time when she can provide adequate financial and emotional support increases the probability that when she does decide to have a family, it will be healthy and stable. Indeed, many women who decide not to have a child at a particular time do so out of reverence for children.

### **Personal and Public Health**

Finally, the right to abortion promotes personal and public health. We know that criminal bans do not stop women from seeking abortions. The desperate measures women in pre-*Roe* days felt driven to take to terminate their unwanted pregnancies are testament to how untenable the prospect of childbearing can be. Access to safe, legal abortion ensures that women will not be maimed or killed when they decide they cannot continue a pregnancy. Similarly, access to safe abortion ensures that women can terminate pregnancies that endanger their health. A pregnant woman with a heart condition, uncontrolled hypertension, diabetes or one of a host of other problems must have all medically accepted options open to her. She, her loved ones and

her doctor must be able to respond to shifting and serious health risks without having to consult a lawyer.

### **CONCLUSION**

These reasons to support abortion rights are not new. All of them predate *Roe v. Wade*, some by centuries. Yet, as *Roe* turns 30 and continues its embattled advance toward middle age, these reasons are as pressing as ever. We state them in different ways to appeal to different audiences at different times, but all provide a basis for persuading people to stand behind abortion rights, both for themselves and for others.

However persuasive we are, of course, a groundswell to defend the right to abortion may not rise up until enough people feel so personally threatened that they take action. Nevertheless, if we are clear, straightforward and unabashed about why we advocate for reproductive freedom, and realistic about the threats we face, we may rebuild public support, even if this support does not instantly translate into activism. Maintaining and reinforcing this support can, in turn, ready the public for a call to action. Thus, we preserve the best hope not only for mobilizing in a crisis, but also for targeted organizing against the disparate restrictions that are building into a barrier too high for many to cross.

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