

## Can We Talk? A Conversation on Abortion

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The people of the United States need to have a conversation about abortion. There has never been such a conversation and the country seems to be moving even further away from the possibility of beginning a conversation. The news media recognize only two positions on abortion. The two sides of this dispute are called “pro-life” and “pro-choice.” Neither name is helpful.

This essay is a disagreement with both sides of the conflict. It rejects the supposition that if you are not on one side then you are necessarily on the other side. Opinion polls have long shown that most of the public is not firmly on one side or the other. The public may just be confused but it might be that most people recognize that there is something wrong with both sides (as well as something right) and that there will never be a fruitful conversation so long as the labels of pro-choice and pro-life are used for the way to describe an outlook and a policy on abortion.

The dispute about abortion unfortunately tends to start with a decision of the U.S. Supreme Court. The case of *Roe v. Wade* is, of course, a key moment in the legal history of the practice of abortion. But it is only one moment of a history that stretches back millennia and had key moments in the nineteenth and early twentieth centuries. Anti-abortion laws in the United States were passed in the nineteenth century by a coalition of the new medical professionals who wished to control women’s sexual lives and evangelical Protestants who were concerned that Roman Catholics were taking over the country. The Roman Catholic Church had a long tradition against abortion but it made distinctions about the gravity of kinds of abortion. Only in the second half of the twentieth century did officials of the Roman Catholic Church join in an unusual alliance with Evangelical Protestants to declare an absolute condemnation of abortion.

Anti-abortion laws could not succeed in eliminating abortion. No law will ever get rid of the practice unless and until the human race has better ways to control birth. In the early twentieth century rich women could find physicians who would authorize the need for a “therapeutic abortion.” Poor women were forced to use home remedies which were often dangerous and ineffective. By mid-century there was uneasiness among some physicians about their role in this arrangement, and confusion at the state level about whether abortion should be criminalized.

The U.S. Supreme Court stepped into the middle of this confusion in 1973. It could not solve the problem. The Court recognized the reality of abortion and tried to make some distinctions about the “who” and the “when” of abortion. Its decision was and is denounced as immoral on the political right wing. The political left wing celebrates the decision while sometimes criticizing the Court’s basing the decision on the right to privacy. *Roe v. Wade* might have led to a helpful national conversation but no conversation followed.

Both sides of the subsequent dispute adopted self-defeating strategies. The movement opposed to abortion has ineffectively used its energies to denounce the Supreme Court decision as if a reversal of *Roe v. Wade* would morally change anything. Passionate opponents of abortion, one might think, would support measures that are known to reduce the number of abortions. The obvious measures to accomplish that purpose are to improve (other) forms of birth control by better sexual education, wide accessibility of contraceptives, and relieving women of oppressive conditions that often lead to abortions. In the recent years, opponents of the Affordable Care Act have misleadingly conflated discussions of insurance coverage for contraceptives and for abortions.

People who support the availability of abortion undermine their case by talking about “abortion rights” and “a woman’s right to choose.” Those phrases need a context that makes sense for the practical exercise of the right. “Abortion rights” has now become omnipresent but it is a strange phrase. “Reproductive rights” makes much more sense with an emphasis on the options that ought to be available to a woman.

A “right to abortion” makes it sound as if abortion is a desirable good to which one should have a right instead of it being a practice that the human race should be trying to lessen if not eliminate. An exclusive emphasis on “a woman right to choose” fails to acknowledge that abortion is a public and political reality. Facilities and safe means of abortion have to be available if the right to choose is to be worth much.

The opposing sides suddenly found themselves on common ground in protesting against Donald Trump’s bumbling but logical comment on punishing women who have abortions. Both sides professed horror at the idea. The people who wish to criminalize abortion claim that the one who performs the abortion is the criminal but not the one who receives the abortion. But the woman who requests the abortion is clearly a participant. And if abortion were criminalized the two actors would commonly be the same person.

The only way to defend that position is to claim that the woman is not free to choose because she is being coerced by outside social and economic forces. But that would imply a need for a massive political and economic effort to improve women’s lives. Only in that way would women not be victims. A contrary fact remains, however, that millions of women are ready to testify that they freely chose to have an abortion and were not victims at all.

Defenders of abortion’s availability might try to build from the common ground of a professed respect for women. Granted that each side is suspicious of the profession of the other side. The people who say that every abortion is murder cannot bring themselves to condemn the women who have an abortion. The claim that all of these women have no choice is surely an exaggeration, but it is a legitimate point to say that free choice is always limited by what is available to choose from. Abortion, both sides might admit, is not what anyone sets out in life to have; it is what millions of women choose as the least undesirable option.

One conclusion to be drawn from the criticism of both of these political lobbies is that policies should be put in place that would reduce the need for abortions, but also that facilities should be available to the poor as well as the rich for guaranteeing that when abortions are performed they be as early and as safe as possible. That is not just a practical political judgment but a moral judgment too. Most people in the country have some moral qualms about abortion. They recognize a moral difference between very early and very late abortions. However, in the current standoff there is no allowance for moral distinctions.

Today's official teaching of the Roman Catholic Church does not allow any such distinctions. But throughout most of its history the church did recognize a distinction between early abortion and abortion after "ensoulment" occurs, that is, when there is a "formed fetus." Its leading thinkers, including Augustine and Thomas Aquinas, were very clear on this point: early abortion is not homicide. It is true that such thinkers lacked our knowledge of biology and human reproduction. But their judgment was based on philosophy and common sense. Living tissue is not a baby.

It is strange that in this area church officials have ceded their authority to scientists. Instead of talking about persons as embodied souls, church officials now refer to the "beginning of life" which is not what needs debate. Fertilization is a biological process that is visible; the result is the beginnings of new life. But the moment when a new human being comes into existence is not a question for biology to answer. Science and technology can provide evidence of the existence of those signs that help us to judge if a human being exists. But there is no agreement, and there probably never will be, about when a baby, a person, a human being comes into existence. Roman Catholic spokespersons are right to be morally concerned with the entire span of pregnancy; but calling their fellow citizens mass murderers is not a way to initiate a discussion of public policy.

There are questions of policy that deserve a serious political debate but at present there is simply a clash of lobbies in which neither side accepts the good faith of the other side. Not until there is a change of rhetoric that eliminates the unbridgeable opposition of two sides will there be the possibility of a conversation that includes the genuine concerns of the majority of people in the country.

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