



The NY Salon presents
Is Abortion Bad?

Principle, Pragmatism and Prevention and Telling the Truth about Abortion

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It is unfashionably fundamentalist to defend the notion that women should have a 'right' to abortion. It does not play well with the public who misunderstand what is meant and find it strident. This is understandable when our society has a 'degraded' sense of what it means for something to be 'a right'. Today, we talk imprecisely about the 'right' to many things – the right to be happy, the right to be stress free, the right to have our views respected. But this promiscuous use of the term undermines the political concept of a 'right' that is at the heart of the abortion discussion.

Why 'rights' remain central

For those of us who emerged from a progressive, humanist tradition, 'rights' designate the requirements for participation in bourgeois democratic society. Rights are what are required to make people equal and so are not negotiable. Thirty years ago, this specific concept of rights was shared by democrats and those concerned with social justice. The *right* to abortion and contraception was a basic tenet of the Women's Liberation Movement in its early years, along with the right to equal pay and equal job opportunities, because activists understood that women needed control over their fertility to play an equal role in public life. Given that women cannot always prevent pregnancy, if a woman is denied the freedom to end one, she is denied the opportunity to participate in society in the way that her brother or husband can. Better nurseries, better financial support can mitigate some of the consequences of motherhood – but nothing can mitigate the impact of pregnancy itself, which is why women need the means to end it.

This has not changed: it is as true in 2007 as it was in 1977. Contraception has improved, but is still fallible. Abortion is a necessary back-up to birth control for any society that is committed to equality of opportunity for women. The discourse of women's equality may have changed, but its fundamental prerequisites have not.

There is also another way in which the right to abortion should be non-negotiable. When we are denied the right to end pregnancy we lose our right to bodily autonomy; a fundamental human right central to Western civilisation. The ethics of modern medical practice is built on the notion that each of us has the right to refuse to compromise our bodily integrity. You might find it morally reprehensible for a woman to refuse to give up a kidney that could be transplanted to save the life of her son, but there is no law to force her to do it. The law forces us to draw a distinction between what is legal, and what we regard as morally right and wrong. We accept this because we accept that a society able to compel un-consented medical intervention in the interests of someone else is a greater social evil than an occasional un-palatable individual choice. This is hugely relevant to abortions where the law is often at odds with this, otherwise accepted principle.

...And responsibilities

We can accept that with rights, come responsibilities. This is usually presented as a view that women have individual responsibilities to try to minimise the need for abortion by conscientious use of contraception. But, without detracting from that, surely it can also be argued that our modern society as a whole must expect, and allow, women to take responsibility for their own moral choices concerning their pregnancy. The decision to end or continue pregnancy must be made by *someone*: why should it not be made by the person whose life is most connected to it? Why should that responsibility be taken away from the person who conceived it?

Ronald Dworkin argues compellingly [Life's Dominion: an argument about Abortion and Euthanasia HarperCollins 1993] that part of our belief in human dignity rests on people having 'the moral right and moral responsibility to confront the most fundamental questions about the meaning and value of their own lives for themselves.' Each of us must be answerable to own conscience and conviction; this, he argues is part of what makes us human. To take away our responsibility for our moral decisions is to take away our humanity.

This statement of principle is unlikely to score well in focus groups or to 'gain traction' even among many who would regard themselves as pro-choice; it implies we must allow people to make decisions that we believe are wrong – because it would be *more* wrong for us to deny them the capacity to do that. As Dworkin argues eloquently: 'Tolerance is the cost we must pay for our adventure in liberty'.

I am not suggesting that we place a principled defence of liberty at the heart of every struggle to keep abortion legal. But we should be mindful of why we have argued for abortion as a right. It was not because we were less sensitive, less educated, less tactical, and less subtle than now; but because we needed to explain why abortion mattered. We still do, even if we need to do it in a different way in a social climate less inclined to adventure in liberty.

Public Health and Prevention

Of course, we can be pragmatic – we don't *have* to talk in the language of rights. The UK provides an interesting example of where abortion access has been expanded and improved by a political administration that situates abortion, not as a right, but a public health concern. In the UK, the abortion discourse has been almost silent as to 'rights'. Abortion access has been accepted as a way to address social problems of deprivation and exclusion, to reduce the number of 'unfit parents' and 'problem families'. The framing of abortion in a personal and public health context has made it difficult to oppose. When abortion is seen as a health

matter, to argue against abortion is to argue against a doctor's decision of what is best for a patient.

The public health arguments for abortion have potential to unite social liberals and conservatives. Even those who think abortion is abhorrent draw back from the practical consequences of making it unlawful. In the UK there is a broad consensus that abortion is a 'lesser evil', a wrong that is sometimes right. The opportunism of leading on public health is understandable, even forgivable, providing we are mindful of the rights issues that stand silently in the shadows. We must remain aware of them lest the public health benefits of abortion cause conservatives to become over-zealous as to abortion's role in reducing the costs of unwanted births to 'problem' families. Just as we must tolerate those deciding to have abortions in circumstances that we may think are wrong, so our defence of the right to bodily autonomy compels us to defend a woman's right to continue her pregnancy. Acknowledgement and respect for this is what separates us from the Neo-Malthusians who see abortion as a social solution to poverty and disadvantage.

In recent years, in the USA, attempts have been made to build consensus that abortions should be prevented rather than prohibited. Many in the pro-choice community seem to feel that there is a need to demonstrate that they are not pro-abortion extremists but share society's concern that abortion is undesirable, and there should be fewer of them. Journalist Andrew Sullivan predicted the tone of the times in Time magazine (7 March 2005) when he wrote '[W]e surely all want to lower the number of abortions. Whether you believe that abortion is a difficult medical procedure for women or whether...you believe that all abortions are the immoral taking of human life we can all agree on a third principle: we would be better off with fewer of them'.

In an open letter to the 'Right to Life Movement', NARAL Pro-Choice America, posed the question: 'What better way to end the debate over abortion rights than by eliminating the reasons women seek abortion?' The advocacy group Catholics for a Free Choice has gone so far as to work out a package of social (and attitudinal) reforms to do just that, with a poster campaign describing a world:

'... where safe and reliable birth control is affordable and acceptable and everybody uses it. Where the decision to become a parent is made responsibly. Where people have healthcare whether or not they have a job. Where sex is both serious and pleasurable.'

In this world, they suggest: 'abortions aren't illegal, they're prevented.'

A faith-based group can, perhaps, be forgiven for relying on an imaginary utopian vision, particularly when they have a point to make to priests and politicians who try to restrict contraceptive provision. It is always helpful to underscore the point that one sure way to keep abortion numbers (and maternal mortality rates) high is to make it harder to prevent pregnancy. However, we need to be wary of claims that abortion can be prevented; contraception, even when used well, fails more often than doctors like to admit. And while some women may choose to continue unplanned pregnancies if more resources were available, many would not. But, a more troubling matter is that this vision of a society necessary for the prevention of abortion relies on a uniform set of individual attitudes and values to sex, responsibility and parenthood – precisely those fundamental issues where personal, individual choice is most valued. And the more one insists on uniformity of values, the further one moves from autonomy and ability to make meaningful moral decisions for oneself.

Paradoxically, the more one scrutinises what would be needed to *prevent* abortion, the more we must surely conclude that such prevention is impossible and opposition to its prohibition is unavoidable.

It may be that the arguments around public health or the preference for prevention are where we can establish the greatest consensus on abortion's acceptability. However, any such consensus will be partial because the moral dimension will remain contentious. This is inevitable and insurmountable. There can be no *moral* consensus that includes those who believe that the destruction of human life in the womb is wrong and those who believe it is not. It may be possible to establish a *pragmatic* consensus among those who are prepared to discuss which abortions are less wrong than others but attempts to establish foundations for a broader moral consensus degenerate into glibness.

Slate journalist, Will Saletan, made a substantial impact in the debate arguing in a New York Times leader that to galvanise public sentiment we should adopt the principle that 'Abortion is bad, and the ideal number of abortions is zero'. It is difficult to see how this engages the discussion in a meaningful way at all given that no-one argues 'Abortion is good, and the ideal number of abortions is a million.' We can acknowledge that access to abortion is a social good while acknowledging that it's a bad experience for an individual woman to have one. Whatever the socio-political meaning of abortion, for an individual woman, it is her private solution to her individual problem.

For sure, we probably can obtain a consensus that it would be good if abortion didn't exist. But this is about as meaningful as a consensus that the ideal number of poor people is zero. As Bob Geldof and Bono recently discovered it is easy to get people to say they want to 'make poverty history' – who did they think would argue we want to keep poverty contemporary? It was agreement on how to achieve it that proved impossible. So it is with abortion; the devil, some would say, is in the detail. The public is smart enough to understand this, even if communications consultancies sometimes forget

The morality of abortion cannot be resolved in the abstract. Each individual abortion takes place within its own complex set of circumstances. To understand abortion we need to understand its place women's lives

It may be that we can best build support for legal abortion by putting the spin to one side and telling the whole truth: the truth about what abortion is, the truth about why women have them, and the truth about what it means for women when bodily autonomy is denied. Maintaining support for legal abortion is not about 'messaging' – it is far more complex and important than that. To defend abortion we must win arguments in favour of tolerance and encourage an aspiration for liberty. To win the arguments, first we must have them.

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