

Abortion

by Bill Herbst

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Most, and quite probably all, of the fundamental human paradoxes that manifest as dilemmas for us are unresolvable. We make decisions in society about how to deal with them, but our choices are rarely if ever permanent. From time to time, we revisit these knotty problems and may change our minds collectively about how to deal with them — which to allow, when, and how; and which to deny completely, even though we probably can't remove them entirely from human experience.

Abortion is one such terrible issue.

The famous 1973 Supreme Court decision in *Roe v. Wade* to allow and mandate on-demand fetal abortion is once again being challenged. A considerable percentage of Americans believe in what has come to be known as "right to life." A still larger percentage supports "a woman's right to choose by controlling her own body."

For many Americans, the *Roe v. Wade* decision that made abortion legal is considered "settled law." Women born since 1973 have grown up assuming that the question had been resolved once and for all in this country. That turned out to be false. The question of mandating or banning legal abortion is unsettled and again moving to center-stage in our culture.

I know of few dilemmas in human civilization that are as intensely, almost gut-wrenchingly conflicted as abortion. So, let me set up this brief commentary by giving my opinion about "rights."

The second paragraph of the Declaration of Independence, penned by Thomas Jefferson, begins with what has become a very famous assertion:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Right, that among these are Life, Liberty, and the pursuit of Happiness.

I don't buy it. I think of Jefferson's trio — *Life, Liberty, and the pursuit of Happiness* (modified from the earlier triad of *Life, Liberty, and Property* proposed by English social/political philosopher John Locke — not as "rights," but "privileges." What's the difference between a right and a privilege? For me, rights are indeed "unalienable," meaning that they trump everything else, existing (at least in the popular mind) as absolutes in all situations and all times.

By contrast, privileges tend to be understood as conditional, operating within a specified context of allowances, limitations, and circumstances.

My problem with rights is that they omit the necessary correspondence with responsibilities. Privileges, however, include responsibilities. For me, that's a critical difference. Also, rights are considered inherent and inviolable. Privileges are special immunities, dispensations, or exemptions, usually granted to some rather than others (although here I'm extending those grants to everyone).

I don't regard anyone as having a "right to life," including an unborn fetus. Life is a privilege, a gift (or maybe a curse...). I don't regard sovereignty over one's own body as a right, either. That's a privilege, too. That's what the fight is about: Do we give our sanctioned privilege to the woman or to the fetus?

OK. Back to abortion.

To my way of thinking, what makes abortion so terrible is that we're dealing with two lives — one well underway, and the other embodied but not yet born. The decision to end the gestation process or allow it to go to term through birth is thus complicated — morally, ethically, legally, practically, and spiritually. We're not talking about excising a life-threatening tumor here to save or maintain one life, but about something altogether different that affects more than a single life.

A fetus is clearly alive. Medical science has demonstrated that beyond question. A fetus is living, individuated, and almost certainly embodies some level of consciousness. Before birth, however, the fetus is not autonomous. Without access to the mother's bloodstream (containing oxygen and nutrients), the fetus would die within minutes. So yes, an unborn human in the womb is living, but more as an extension of the mother's life-support. In a sense, a fetus is human but not yet a viable person.

Many of those who would ban abortion feel that terminating a fetal gestation amounts to murder. I am reluctantly sympathetic to that argument, but I don't agree entirely. Admittedly, the whole idea of abortion is disturbing to me. That's not hypothetical — I had one in my 30s (by proxy, of course), and the emotional experience was awful for us both.

All that said, I am firmly "pro-choice." If abortion is banned and made illegal, such policies will not stop abortions. Women have undergone terminated pregnancies via abortion for a thousand reasons for as far back as we care to look. Banning and outlawing abortion won't stop that, but will make abortions considerably more dangerous, putting the pregnant woman at risk both medically and criminally. That doesn't seem wise to me.

I'm also sympathetic to the idea that we have (or should have) at least some influence over how our lives are shaped, whether as men or women. I don't believe in "control" in any total way — that strikes me as impossible and an attribute of human arrogance — but I am all in for women having a choice in matters directly related to their own bodies and their future lives.

Among the epithets that the pro-life and pro-choice camps tend to throw at each other are various stereotypes that may apply sometimes, but could hardly be considered universally true. One of these is that people who are pro-life (and thus anti-abortion) are more concerned about the unborn than about the born. I'd guess that such an accusation has its roots in the Old Testament sensibility attributed to Christian fundamentalism. If you're unborn, you're innocent and sacred, deserving of humanity's protection, but if you're born and have made mistakes (as we all do, to one degree or another), then woe be unto you — you deserve whatever punishment for your sins is meted out. No, an unintended pregnancy may be a mistake, but to me it's not a sin. I'd bet that the harsher certainty of "you're pregnant, so tough luck" is probably true of at least some pro-lifers, but my guess is not too many.

Conversely, I also don't accept that pro-choice advocates are murderous fiends who deny or disregard the sanctity of an individual life. Again, maybe a few are, but not many.

For most of those — women, obviously, but also to a lesser extent their male partners — who find themselves facing an unplanned or undesired pregnancy, I imagine that the question of what to do is agonizing. Abortion may be matter-of-fact to some people or in some cases, but I presume that the vast majority of terminated pregnancies contains inescapable elements of tragedy — through lost possibilities, difficult choices, and/or feelings of remorse. A pregnancy is a major crossroads in a life-journey, and only one road of the two can be taken. Either carry the fetus to term and have the child or don't. Keeping the newborn baby or giving it away for adoption may also be a crossroads, but that later fork doesn't involve ending a life, just choosing which of two journeys to undertake, and that is fundamentally less tragic.

From my perspective, humanity is a club, and joining the club carries certain prerequisites, one of which is circumstances at birth that are likely to allow at least a fair chance of having a good life. I appreciate the difficulty of judging a future life from a point in time prior to birth, but the idea of leaving that judgment to fate, chance, or God (however one conceives of a sovereign deity) is unacceptable from my perspective. No, we cannot undo what has been done. The slate cannot be wiped clean. One way or another, there will be consequences, and they will carry repercussions, whatever choices we make.

I am definitely not for abortion as a convenience or an escape from adult responsibility. Abortion is as serious as it gets, and never to be undertaken lightly. It's right up there with slavery, war, and capital punishment.

If the pro-life supporters hold sway and succeed in banning and outlawing abortion, as has been the case often throughout history, I will regard that as a setback for humanity, and yet another nail in civilization's coffin. Even in that worst-case scenario, however, the victory will be Pyrrhic and temporary. Women will never allow that option to be completely taken from them, no matter how much their personal autonomy is curtailed and their safety threatened.