

The Morality of Abortion Does Not Depend on the Stages of Pregnancy

Abortion, 2006

"The question ... is not, 'When does life begin?' but, 'Can it ever be moral for a woman to be pregnant against her will?'"

Karen Houppert is a freelance journalist who frequently writes on feminist issues. In the following viewpoint she rejects the idea that if an unborn fetus is deemed to be a "person" then abortion is wrong. Specifically, she takes issue with the notion that because third-trimester fetuses exhibit complex brain activity, they are therefore persons. In Houppert's view, the key issue in the abortion debate is not when life begins or when the fetus becomes nearly fully developed but rather whether a woman should be able to control her own body. It is wrong for society to bestow on the fetus any kind of right to life, she argues, because doing so means that women can then be forced to be pregnant against their will.

As you read, consider the following questions:

1. When does Gregg Easterbrook believe a "bright line" should be drawn, as quoted by Houppert?
2. When do women tend to bestow "personhood" on the fetus, according to the author?
3. How does Houppert phrase what she believes is the central question of the abortion controversy?

In January [2000] the Supreme Court announced that it would consider the constitutionality of Nebraska's "partial birth" abortion ban. The Court is stepping into the abortion fray for the first time in eight years to settle a judicial dispute: While the Court of Appeals for the Eighth Circuit has ruled that Nebraska's law is unconstitutional, the Court of Appeals for the Seventh Circuit has ruled that two similar laws in Illinois and Wisconsin are fine.¹

Legally speaking, "partial birth" abortion laws have been a mess. Since 1995 thirty state legislatures have passed such laws, which deliberately define the term "partial birth" vaguely. Of those laws, twenty-two have become tangled in the courts and have been either completely blocked or severely limited. Although only an estimated 650 women in the United States have this emergency late-term procedure each year (less than 1 percent of all abortions), "partial birth" abortion has taken center stage in the courts, the legislatures and even the presidential race. Those third-trimester abortions that do occur, meanwhile, are almost always a result of fetal anomalies discovered late in a pregnancy or limited access to abortion services—among teens too scared to get parental permission or judicial waivers early enough and women who live in any of the 86 percent of US counties with no abortion facilities.

Trying to Define When Personhood Begins

So it came as news to a lot of people when, in the January 31 [2000] *New Republic*, senior editor Gregg Easterbrook announced that he'd found an easy way to stop the nation's endless nattering on the subject. Easterbrook's silver bullet? Almighty science. "New fetal science may provide a rational, nonideological foundation on which to ground the abortion compromise that currently proves so elusive," he wrote in an article called "What Neither Side Wants You to Know: Abortion and Brain Waves."

Easterbrook's argument goes like this: Abortion should be allowed in the first two trimesters because "new science" shows us that tons of fertilized eggs die off then anyway. "Only about half of all zygotes implant in the uterine wall and become embryos; the others fail to continue dividing and expire," he says. "Of those embryos that do trigger pregnancy, only around 65 percent lead to live births, even with the best prenatal care." Therefore, he says, "it is hard to see why a woman should not be allowed to produce the same effect using artificial means."

Flawed though this reasoning is—hmm, lots of people die of natural causes so shouldn't society be allowed to "produce the same effect using artificial means"?—it is part two of Easterbrook's argument that is most troubling. Forget Catholic doctrine, which says the fetus acquires a soul during week six, he says. Forget common law, which places it at "quickening"; forget religious conservatives, who say life begins at conception; and forget the Supreme Court's standard of fetus "viability." Tiresome arguments all! According to Easterbrook's new science, at twenty-four weeks the fetus's "cerebral cortex becomes 'wired,'" and "fetal EEG readings begin to look more and more like those of a newborn." Easterbrook contends that the "hopelessly confusing viability standard should be dropped in favor of a bright line drawn at the start of the third trimester, when complex fetal brain activity begins."

Simple.

It is at this point that feminists who've been around the block once or twice must fight the temptation to take this earnest neoliberal by the hand and lead him gently back to the point of contention: What does it mean that this fetus acquires "personhood" inside the body of another?

A Woman's Right to Control Her Own Body Is More Important

Memo to Gregg: Yours is that same tiresome argument about when life begins. Randall Terry [founder of Operation Rescue, an anti-abortion group] and his minions call them the "preborn." You've simply modernized, adding the intellectual's imprimatur by invoking science to define "signs of formed humanity."

But get this. Most of us feminists don't even disagree with you. We might quibble with the notion that "personhood" is bestowed at precisely twenty-four weeks when brain waves are first detected on an EEG, because in general, when a pregnancy is a welcome one, we women tend to bestow "personhood" immediately. (We change the way we eat; "You're eating for two now." We pass around sonograms and coo at those ten little "signs of formed humanity." We mourn when we miscarry.)

Though Easterbrook presents his "solution" as new, it's already possible to ban third-trimester abortions under *Roe v. Wade*. And he's just the latest in a long line of liberals obsessed with pinpointing the onset of life. In fact, in a well-known 1985 essay in the *Village Voice* ("Putting Women Back in the Abortion Debate"), Ellen Willis opened by remarking on a new trend. "Once people took for granted that abortion was an issue of sexual politics and morality. Now, abortion is most often discussed as a question of 'life' in the abstract." Typically, arguments about "life" come from the right, but with some regularity they also come from progressives, socialists and liberals, who talk about protecting fetal rights as if they could be separated from women's rights. Each time, the argument is presented as new and provocative. Each time, the messenger is heralded as original and insightful.

Enter Easterbrook. The year is 2000. "Scientifically based late-term abortion restrictions would not enter into law poignant but unprovable spiritual assumptions about the spark of life," he writes, "but would simply protect lives

whose humanity is now known."

This is where our jaded feminist gives a weary nod and says, "Remember, this fetus is being carried inside a woman's body. The question," she'd remind him, "is not, 'When does life begin?' but, 'Can it ever be moral for a woman to be pregnant against her will?'"

Further Readings

Books

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Footnotes

1. The Supreme Court struck down the Nebraska law in June 2000.

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