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Abortion & Hypocrisy

by Michael Sean Winters

Distinctly Catholic

Yesterday, the House Judiciary Committee's subcommittee on the Constitution held a hearing on Rep. Chris Smith's "No Taxpayer Funding for Abortion Act." The hearing was contentious, as political discussions of abortion policy usually are, and has earned plenty of media coverage. The Washington Post wrote about it [here](#) and Politico has an article [here](#). But, the debate over abortion is not just contentious, it is also curious because of the way it exposes the intellectual and philosophic inconsistencies of both parties.

Last night, on the Rachel Maddow show, the host highlighted, with praise, the floor speeches of two women in the Wyoming state legislature who rose to oppose an anti-abortion measure. The measure required doctors to offer pregnant women the chance to see an ultrasound, mandated a waiting period, etc. The representatives Maddow championed, both conservative Republicans, invoked the kind of "small government" argument Republicans usually invoke when discussing government regulation of industry. Maddow applauded them for their intellectual consistency. Here is the video:

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In this morning's Washington Post article on the congressional hearings, however, we read this: "Abortion rights advocates contend that the proposals would allow hospitals to refuse to provide abortion in cases where the woman's life is threatened." So, Maddow is on record applauding the claim that the government has no business following a woman into the hospital or the examining room and telling her what she can and cannot do. She no doubt subscribes to the view that a "right to privacy" protects the woman's autonomy in such a situation, and that it is not the business of government to try and coerce that woman to do something she does not want to do. But, what if the woman is the doctor, not the patient? Surely, any right to be free from government interference that is large enough to justify a woman's right to procure an abortion is large enough to permit a doctor to refuse to perform an abortion. Or is it only pro-abortion women who have a right to privacy?

Efforts to de-fund Planned Parenthood by conservative Republicans highlight the hypocrisy on the right. I am no fan of Planned Parenthood. But, I am thinking that once we attain nearly universal health insurance in this country, the need for Planned Parenthood clinics will decline precipitously. Those clinics are needed now because many people can't afford to go to a doctor to get whatever family planning care they desire. If women can discuss family planning issues with their primary care physician and get what they need there, why would they need to go to a Planned Parenthood clinic? So, a deal: If conservative Republicans will end their effort to repeal last year's health care law, I will support the ending of all government funding for Planned Parenthood. Deal?

The other key focus of the anti-abortion bills before Congress is to make last year's health care bill subject to the Hyde Amendment restrictions on abortion funding by statute. Currently, those restrictions are embodied in an executive order. Those, including the USCCB, who argue a statute is stronger than an executive order are right, but I am not sure the distinction is worth all this contention. Yes, an executive order can be rescinded by the executive at any time, but executives do not usually go against their political interest and President Obama has given his word on this subject so any effort to rescind his own order would make him look like a lying flip-flopper. It is not a matter of trusting a politician per se, it is a matter of trusting a politician to pursue their political interest.

Additionally, the GOP's approach, with its blanket prohibition on federal funding of insurance plans that cover abortion, has a certain clarity that I find attractive. But, I think the slightly more muddled approach to the issue devised by the Senate and contained in the final bill will actually have a more pro-life effect. It does not just prohibit federal funding of policies that cover abortion, but it makes it more difficult for private plans that receive no government subsidy to offer abortion coverage too. But, to be clear, I can live with either approach.

The debate over abortion coverage is an important one. Since 1973 when Roe was decided, societal attitudes have changed on a host of issues. Pre-marital sex is far more common now than then. Gay rights was barely on the national radar screen in 1973 but the President just successfully led the effort to repeal Don't Ask; Don't Tell. Attitudes towards recreational drug use have softened. But, on abortion, the number of those opposed to the abortion-on-demand legal culture Roe enacted has remained steady, and if anything, young people today are more likely than their parents to support some restrictions on abortion. There are many and complex reasons for this, one of which undoubtedly has been the consistent witness of the Catholic Church. We have not gone quietly into that bad night. But, we could easily ignite a backlash if we over-reach. Americans are not yet pro-life so much as they are ambivalent about allowing abortion for any reason: They still support abortion in some instances overwhelmingly. There is more work to be done, and it is not only a work to be done on Capitol Hill.

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