

Texas Abortion Battle

Michael Sean Winters | Jul. 17, 2013 | Distinctly Catholic

The debate over abortion restriction legislation in Texas has garnered national attention, not least because of a filibuster mounted by State Sen. Wendy Davis, a pro-choice Democrat whom Melinda Henneberger rightly called ["Tough, cool and wrong"](#) [1].? Similar fights in North Carolina, Wisconsin and other states have garnered less attention, but together they form a trend. That trend is at once hopeful and worrisome.

The reason for hope is obvious. Apart from the usual suspects like MSNBC's primetime line-up of hosts, people are being made to confront the reality of abortion. As Henneberger pointed out in the column cited above, "The Texas legislation is not unlike laws on the books all over Western Europe, where late-term abortions are rightly considered barbaric ? except, of course, in cases of rape, incest, or health risk to the mother." Actually, I would amend that sentence: Late-term abortion is still barbaric in cases of rape, incest and health risk to the mother, but there is a moral intuition that the situation itself is barbaric already, and while I do not believe that killing the unborn child is ever a remedy for any situation, I do find more sympathy for a woman seeking an abortion because she was raped than I do for a woman who is seeking an abortion because she forgot to take the pill or because she was hoping for a child of a different gender. Nor do I think acknowledging that sympathy for a woman who has been raped, and why it would lead some people to conclude abortion should be an option, makes me one ounce less pro-life than if I held the contrary view.

A Gallup poll earlier this year showed that 80% of Americans oppose abortion in the last trimester. It is hard to get 80% of Americans to agree that the sun rises in the East. But, that broad swath of support does not necessarily translate into legislative victories. A similar percentage of people supported background checks on gun purchases and we are still waiting for that legislation to clear either chamber of Congress. But, one thing is clear: Americans grasp that while they may not feel much affinity with a very, very little child that more closely resembles a colony of cells than a baby, after 20 weeks, they know it is a baby we are talking about and they recoil, appropriately, from the idea that anyone can, for any reason, snuff the life out of that child.

The other reason for hope is that the hypocrisy of the pro-choice movement often comes to the surface during these debates. My favorite instance of this was when Chris Hayes on his MSNBC show "Up with Chris Hayes" had back-to-back segments on the pro-choice saint Wendy Davis and the evil practice of forcing women prisoners to undergo sterilization. Hayes cited the infamous Supreme Court decision in *Buck v. Bell* in which Justice Oliver Wendell Holmes, Jr., approved forced sterilization of the mentally handicapped with the famous observation that "three generations of imbeciles are enough." Mr. Hayes did not grasp the irony of putting these two segments back-to-back. He seemed not to grasp that the roots of the pro-choice movement, and specifically of Planned Parenthood, were dripping in eugenic beliefs and, even today, one can hear the Neo-Malthusian sensibilities of some pro-choice advocates as they tie themselves in knots, defending a woman's right to choose without qualification but getting squishy when the issue of sex-selection abortions comes up.

Liberals, in other contexts, like to hold themselves out as the champions of science. On climate change, they undoubtedly are such champions. But, when it comes to abortion, they have a vested interest in keeping people

from examining the reality of the science too closely. So, they oppose laws that require a sonogram or ultrasound before procuring an abortion: Better not let the woman see what ? or who! - exactly is about to be destroyed. But doctors routinely explain to patients precisely what will happen in a given operation, bringing out diagrams or even model skeletons to demonstrate what will happen once the patient is in the operating room. Why should it be different with abortion? And, insofar as some of these state laws note that the cut-off point for abortion should be when the unborn child can feel pain, and liberals oppose that restriction, do they also believe that an unborn child who is receiving a medical procedure other than abortion should be denied anesthesia?

The Gosnell trial, and similar cases, demonstrated that not all abortion providers are very deeply concerned about women's health. Yet, pro-choice advocates fight requirements that an abortion doctor have admitting privileges at a local hospital. In the absence of such privileges, just what happens to a woman when something goes wrong? Liberals denounce laws requiring abortion clinics to operate like other health clinics. They claim that such regulations will put many clinics out of business. But do these same liberals object to the Environmental Protection Agency issuing regulations that force other industries to change their ways? I listened to a man from Ralph Nader's group on the radio the other day talk about the need for more vigorous FDA restrictions on certain drugs. I am betting that every pro-choice advocate that has been interviewed on MSNBC this past month opposed the Keystone-XL pipeline and supports regulations on the coal industry that might close some plants.

So, all this is to the good. But, why am I worried? Because I think we in the pro-life movement have a better case to make than our current political strategy allows us to demonstrate. I understand that when pro-life groups find themselves with majorities in both chambers of a state legislature, the desire to act and act quickly must be enormous. But, I worry about the backlash. Better to say, I worry that if we do not spend more time persuading those people who are deeply ambivalent about abortion, which happens to be a majority of Americans, we may face a backlash that washes away the victories we are currently enjoying in various states. Instead of these bills that throw a bunch of reforms together, might it not be better to do them one at a time and debate the merits? Let the American people have a discussion of late-term abortion and another discussion of clinic regulation and safety, and another discussion of admitting privileges, and another discussion of sex-selection adoptions. I worry, too, that our political allies in this fight display their own hypocrisies during these debates and the pro-life movement has become hijacked by activists who prefer not to notice those hypocrisies among their allies. Our worry that a wrong-headed political and/or legal strategy imperils the pro-life movement, and that we may be witnessing such a moment.

Tomorrow: A Better Way Forward for the Pro-Life Movement

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