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THE ABORTION DEBATE

by Laura A. Gembolis

The controversy surrounding abortion has become a highly volatile debate, placing two abstract rights against each other. The argument is presented in terms of a dichotomy: a fetus's right to life and a woman's right to choose. With these two arguments as the basic premise for the public debate, the public question of abortion wrestles with legal or moral permissibility, with references to Supreme Court decisions or papal statements. On a private level, as I will show, the question of abortion often does not ask if abortion is right or wrong, but whether it is the best action of several in particular circumstances. Consequently, the private question that women or couples ask themselves is much less concerned with placing a fetus's life against a woman's autonomy. The public and private terms of the debate often seem oddly disassociated. This separation between the public and private question of abortion, plus the intensity of the public debate, makes a resolution between public principles and private realities difficult to imagine. There may, however, be possible reconciliation between the private approach and the public approach. In examining the possible cause for this breach, I will show how the Japanese Buddhist mizuko kuyo, a public ritual which acknowledges the private difficulties in choosing abortion, may serve as a possible model for American moral thinking on this issue.

First, the abortion debate should be placed in its larger social context, an American, Judeo-Christian, twentieth-century understanding. Alasdair MacIntyre deems our present debates on ethics to be "emotivist" in tenor. In describing the emotivism of our debates, MacIntyre presents three distinguishing characteristics of today's public debates. The first asserts that because there is no rational way to compare positions, we can arbitrarily assume one. Once a position is assumed, the individual then accepts the
current arguments for it. The second characteristic is the tacit claim that the arguments are for positions that are both impersonal and logical. The third characteristic is that these arguments are separated from their larger historical context. Thus, today's moral arguments show a fragmentary understanding of moral problems. Together these characteristics produce contradictory moral judgments that are falsely understood to be objective, impersonal and rational moral discussions. Therefore, MacIntyre claims that the emotivist assumptions for debate are wholly irrational.

Presenting three positions within the abortion controversy, MacIntyre places the specific question of abortion within the “slightly shrill tone... of moral debate” in general (8). The first position asserts an understanding based on a woman’s right to choose. It argues a woman must have full autonomy of her body, including all reproductive choices. The second position argues against an individual acceptance of abortion but refuses to deny the choice to another woman. It is uncomfortable arguing that abortion is morally permissible, but this position does not argue to make abortion illegal. The last position believes life begins at conception, making abortion a moral wrong for any reason. This position equates abortion to murder. These are the three general positions in the abortion debate as MacIntyre presents it. While I agree with MacIntyre’s overall description of today’s ethical debates, I believe he inaccurately presents each position as equally emotivist and irrational. In order to make his larger argument, MacIntyre inadequately presents the second position as a simplified synthesis of a complex range of possible positions, many of which are rational and moral.

In their attempts to justify their positions, our public servants and activists often explore the difficult question of when life begins. MacIntyre’s positions one and three above are forced to make logical but somewhat arbitrary demarcations. The first position, in its extreme form, argues that life begins at birth. Thus, abortion is acceptable at any point during pregnancy. The third position asserts that life begins at conception, making abortion
unacceptable at any point. A newly conceived zygote is given the same status as a fully formed fetus, despite the actual differences in development. In an attempt to simplify the situation for the purposes of public debate, both positions attempt to define the beginning of life at a precise point. In arguing over the moment at which life begins, the public debate simplifies abortion to imply that this is the essence of the debate. If we can determine when life begins, the debate implies that the issue of abortion will be resolved.

From MacIntyre's thesis, these arbitrary definitions of life and the positions which follow from them are assumed like masks, in order for a participant to proceed in the public debate. This "theatrical" public debate, however, only permits individuals qua citizens to participate. Private individuals, concerned with actual or particular implications of abortion in their lives, are closed out of this larger debate. MacIntyre believes the result is that "We could not safely infer what someone who uttered a moral judgment was doing merely by listening to what he said" (14). Because of the emotivist and histrionic tenor of the public debate, it has become too difficult for American citizens to recognize the legitimacy of positions not their own, without risking damage to the masks they have assumed. Thus, the public debate is not so much a rational dialogue but a dramatic event with points and counter-points being made by organizations like Operation Rescue and NOW. Even when the arguments are not as rational as they appear, participants must insist upon their validity in order to retain the safety provided by the public mask. To assume a mask in this public debate indicates that one has not resolved his or her private understanding of the matter, to which MacIntyre attributes the shrillness of the debate. Even when one has a private understanding, the rational voice is either unheard in a public debate or reduced to terms which understand only the rehearsed arguments of the point-counterpoint drama.

While it is often necessary to take a public position of "pro-life" or "pro-choice," the public debate has been distorted by these narrow interpretations of the two sides. The rhetoric of the two extremes fails to capture the
complexities of the issue. Nevertheless, there is the ambiguous second position, presented by MacIntyre, which recognizes abortion as morally wrong but legally permissible. MacIntyre’s second position may suffer in exactness because it often reflects innumerable understandings of the issue. For purposes of his argument, MacIntyre has simplified this ambiguous position, which is often presented as an attempt to compromise the two extremes. Many attempts to clarify this compromise of the two extremes have been accused of lacking the clarity and rationality of the other two positions.

Within the simplified second position that MacIntyre presents, there is a recognition that abortion is an issue which lies outside of the limited dichotomous choice between a fetus’s life and a woman’s autonomy. In this case, although a particular individual would not have an abortion, she does not recognize this as a reason to prohibit another woman from making that choice. Thus, an individual may tolerate abortion in general but want to recognize limits on its practice in specific circumstances. These limitations vary among agents and may include a mixture of possibilities, including requiring parental consent or mandatory counseling or considering the health of the mother, the circumstances of conception, the developmental stage of the fetus or the health of the fetus. This position understands the question of abortion to be too complicated to be resolved merely by the logical deduction of when life begins. In recognizing abortion as a brutal act, there is still the recognition of its being a choice someone has thought about and may be willing to make. Indeed, the legal parameters cannot account for all that is included in the moral question of abortion.

While MacIntyre has valid concerns, I believe an examination of his ambiguous second position will connect the public and private debate. I believe it can be compared to Carol Gilligan’s ethics of care and responsibility. I would assert that MacIntyre’s second position is actually a pragmatic attempt to bring together theoretical and private concerns. To do this, I am going to compare the concerns of women who have had abortions with the Japanese
tradition of *mizuko kuyo*. In this comparison, I hope to reveal the private complexities of the abortion issue, complexities that are strangely missing from the public debate. First, however, I would like to examine MacIntyre’s simplification and dismissal of the second position, which is also commonly done in the public debate.

This dismissal of the ambiguous second position by MacIntyre is comparable to Kohlberg’s readings of moral development, presented by Gilligan in *In a Different Voice*. In Gilligan’s reexamination of Kohlberg’s work, she argues that his scoring failed to understand the responses to hypothetical moral dilemmas provided by women and girls. As a result, “most of responses fall through the sieve of Kohlberg’s scoring system” (Gilligan 31). Similarly, MacIntyre’s second position in the abortion debate is figured in a vague manner which has difficulty acknowledging women’s responses. I would like to argue that his inability to fully articulate the varieties of moral thinking included in his second position in the public debate is similar to Kohlberg’s placing answers outside his stages of moral development. Women considering abortion find it difficult to accept the dichotomous parameters presupposed by the question presented to them. For both Kohlberg and MacIntyre, morality remains within masculine parameters which define ethics in terms of rights and principles. This neglects a feminine understanding of the issue.

While Kohlberg presented six stages to moral development, his accuracy is questionable because few people proceed past the third and fourth stage. According to Gilligan, Kohlberg’s analysis of moral development assumed a masculine model. His theory of developmental stages was established by the examination of boys; “females simply do not exist” in the study (Gilligan 18). Women in particular, according to Kohlberg, rarely proceeded past the third stage. At this third stage, “morality is conceived in interpersonal terms and goodness is equated with helping and pleasing” (Gilligan 18). Women are morally praised for their ability to help and please others, yet paradoxically
these traits become, according to the six stages of moral reasoning, indicative of women’s inability to develop fully their morality.

Gilligan asserts that women interpret and thus answer moral questions differently than suggested by Kohlberg’s examples. Gilligan then examines the moral reasoning of women to establish an ethics emphasizing care and responsibility. In her paradigm, a moral agent is aware of the consequences of her actions within her community. Another important characteristic of this approach is the consideration by an individual of her self-perception and of the perception of her by others as a morally good person. In this development of moral reasoning, social relationships are of central importance both to a woman’s identity and to her moral choices. For example, when a woman considers abortion, she may ask: What is best for the child? What is best for my friends and family? What is best for me? The answers to these questions often overlap with each other. Thus, an ethics of care does not keep the question within the paradigm of rights to determine whether a woman’s right to choose or a fetus’s right to live is more important.

MacIntyre’s second position, like Kohlberg’s third stage, recognizes a relationship between the fetus and the woman who has decided to have an abortion. This position, caught between the simplicity of “pro-choice” and “pro-life,” attempts to assert a complex moral understanding within a system, which often demands simplification for legal and political purposes.

Even when the fetus is considered a person, those sympathetic to abortion remain caught in discussing the issue in terms of principles. In Judith Jarvis Thomson’s and Jane English’s essays on abortion (1971, 1975), there is a recognition of the fetus as a human. Both essays provide examples in which society has determined it acceptable to kill an innocent life. As these arguments remain concerned with the paradigm of principles, their premises remain bound to the theoretical debate and its legal implications. While both essays offer good legal arguments, neither essay attempts to approach the private uncertainty of abortion’s moral implications. It is this emphasis on
legal implications and the corresponding avoidance of the private ones that keeps the public and private debates strangely separated.

As I understand it, MacIntyre’s second position is an attempt to articulate the concerns which led to the development of *mizuko kuyo*. While I have presented this as a particularly feminine understanding, MacIntyre’s second position is not limited to women. In an anonymous essay, a father presented his understanding of his daughter’s pregnancy, the result of a brutal gang-rape. His essay was directed at specific legislation passed in 1981, a law that restricts Medicaid from funding abortion even in cases of rape or incest. He describes the senators’ actions as emotivist:

They are not seeing the human beings involved. They’re not seeing the love. They’re not seeing affection. They’re not seeing goodness of heart. They’re not seeing family—they’re not seeing the care of a mother and a father. They’re not seeing anything except some batty feeling that the only thing that matters is the unborn. They have no concern for the born—that is my daughter, her mother, me.
(anonymous, qtd. Bonavoglia 183)

Unable to be fully comprehended in the public debate, there is great frustration for individuals in the second position. The *mizuko kuyo*, however, provides an example of (1) a therapeutic possibility for women who have had abortions and (2) an opening of the public debate to reflect better the private debate a pregnant woman undergoes. The *mizuko kuyo* is performed after a woman has had an abortion, when she makes an after-the-fact apology to the child through Jizo. This ritual was practiced covertly when abortion was illegal in Japan, but it had been a carefully maintained tradition for women as early as Japan’s medieval
period. While the American debate on abortion attempts to determine the beginning of life on a linear model, the Buddhist view of life as cyclical, which influences the Japanese ritual, has different implications for the abortion discussion. Life is not destroyed in abortion but becomes “recycled,” with the spirit sent back to nirvana (LaFleur, Liquid Life 35). Although this model is particularly prevalent in Eastern thought, it is also present in Western women who have chosen to have an abortion.

Several issues stated by American women who have chosen to abort their children are reflected in mizuko kuyo. As the Western understanding of abortion frames the debate, a woman who decides to have an abortion must believe abortion to be “right.” She must assert her choice as an unequivocal moral decision. This understanding then denies women a right to grieve for an aborted child. For if a woman grieves, she has in some way acknowledged her action as “wrong.” She must assume a “moral mask,” as described by MacIntyre. In the introduction of The Choices We Made, a book that features several people’s personal recollections on abortion, Angela Bonavoglia argues that, contrary to the claims of American “abortion-rights” activists, the request or demand for privacy has not been dissipated with the legalization of abortion. Nonetheless, several women came forward in the book to express feelings of guilt, shame and pain. I would like to explore some of the overlapping concerns expressed by women who have had abortions and mizuko kuyo. Because of personal sentiments in the wake of an abortion such as those expressed to Bonavoglia, Japanese women developed mizuko kuyo, a ritual to mourn the loss of the potential child.

While the public debate focuses on determining when life begins, semantics become an important mark of the division between the two sides, with the pro-choice side using “fetus” and the pro-life side using “child.” The public debate, in maintaining the security of a mask, must also depend upon maintaining the language of that mask. In contrast, women who have had abortions are often quite blunt in their understanding. In fact, actress Jill
Clayburgh says that “a fetus is alive from the moment of conception. I don’t think that we should say it isn’t alive until such and such a week or month... It’s always alive” (Clayburgh, qtd. Bonavoglia 56). She continues, “It’s alive, but that doesn’t make it your responsibility to sacrifice both your life and this child’s life. The position is not about whether or not it’s alive; it’s about whether or not someone wants to give birth and have the responsibility of another human being with them the rest of their life” (Claybourgh, qtd. Bonavoglia 56). While some women having abortions may consider the fetus to be alive, other women may only recognize the potential life. This is true of writer Nora Sayre, who in an interview stated, “I will add that I never felt the fetus was a person. I didn’t then; I don’t now. But naturally, you do think of the person who might have been” (Sayre, qtd. Bonavoglia 62). In the private question of abortion, language is not used to maintain a mask. Instead, language is used to explore the complicated understanding of what conception means.

Similarly, the word *mizuko* reflects a symbolic understanding, which is reminiscent of both Clayburgh’s and Sayre’s understanding. La Fleur translates *mizuko* as “child of the waters,” reflecting two understandings of the aborted fetus at once. First, water can refer to the actual fluidity of the fetus. Second, water can provide a symbolic mediation between life and death, through which the dead can be returned. La Fleur describes it as follows: “For generations the term has to many people seemed just right. It straddles and holds together both worlds; it is an acknowledgment of death and at the same time an expression of faith in some kind of rebirth” (La Fleur, Liquid 23). In *mizuko kuyo*, the fetus is accompanied by the Bodhisattva Jizo, who becomes its protector. If the life of the fetus travels from the fluids of the womb to the waters of our origin, the abortion may be understood as a journey, which reveals a complex understanding of life that goes beyond defining the moment of conception.

While this journey may also suggest “resurrection, rebirth [and]
reincarnation,” this metaphysical understanding, a significant concept in Eastern philosophy, is not an unfamiliar one to American women who have had abortions (LaFleur, Liquid 22). Anne Archer, an actress who had an illegal abortion, states, “the spirit of the child should wait and find another body, one that really wants the child to be there. It is better that the children come into the world with some strength around them” (Archer, qtd. Bonavoglia 108). Part of mizuko kuyo is asking the child to wait, and this is exactly what Archer includes in her understanding of her abortion. Indeed, the Japanese analogy is that the family, like a strong crop of rice, needs strong seeds and good care. The euphemism to refer to abortion is mabiki, a word used by rice farmers and which means “pulling the spaces.” There is little use in having weak children or having children at the risk of the mother’s life (LaFleur, Liquid 100). While Archer believes it is better for the child to wait, this analogy quickly extends that belief to assert that the choice is also better for the family and the mother. In this understanding, the concern for the “spirit of the child” reflects something like Gilligan’s ethics of care and responsibility, which emphasizes foresight, recognizes consequences, and takes a whole network of individuals into account.

As this understanding of what is best for the child becomes fuller, it quickly recognizes the child as an entity that will interact with a community. Thus, to understand abortion, it is important to recognize the actual particularities of the community in which the pregnant woman lives. It is the particularities of this environment that will be influential in her choice. For women in both America and Japan, the very process of considering an abortion seems to be accompanied by a process of self-assessment and community assessment. In describing her feelings about her abortion, Margot Kidder says, “In spite of the emotional confusion I lived through and the nightmares, I did not regret the abortion. I cried for the loss. I went through the grief. But I always knew I would not have been a good mother then “ (Kidder, qtd. Bonavoglia 99) It is clear that, with the decision to have
an abortion, these women are also very aware of the brutality of the act. Thus, without the public pressure to assume a false sense of reconciliation with the act, women who ultimately choose to have abortions must, in their self-assessment, make sense of their choice to do something brutal and confront their own humanity.

In The Choices We Made, there is the suggestion that “By and large, women were more afraid to reveal that they had had a legal than an illegal abortion” (Bonavoglia xxxii). Bonavoglia interprets this fear as indicating there is greater sympathy for women who have experienced illegal abortions. I would like to assert two additional reasons for this finding. One is that the present terms of the public debate prevent a woman from acknowledging her action. Despite abortion’s being legal, the woman who actually has an abortion fears the accusations of immorality that surround her choice. The second point relates to this, in that many of the women who had illegal abortions are now in a social position where their age gives them more freedom to present their stories. Similarly, when abortion was illegal in Japan, *mizuko-kuyo* had to be practiced in secrecy. In Japan today, however, a woman may make her apology to the unborn child publicly, which enables her to acknowledge the difficulty of her choice. This action then permits a means to express her feelings, rather than asking her to assume a mask as a defense of her choice. Despite legalization, American women do not have this vehicle for expression of their grief and confusion. Without a means to express one’s feelings of grief, abortion maintains a great deal of secrecy, contributing to the odd disassociation between the public and the private debate.

While *mizuko kuyo* has been a long-standing tradition in Japanese culture, one might wonder how applicable it would be in American culture. La Fleur shares my interest in resolving the American abortion debate, stating, “Gary Chamberlain, a theologian at a Jesuit university, argues that there is a way to approach abortion other than that taken by Rome and the American bishops
up to the present time. He suggests that Japanese Catholic bishops have shown much more compassion for women and the choices they face in real life” (La Fleur, Abortion 44). Although the full Buddhist acceptance of a soul’s transmigration may not be accepted into the Christian understanding, there is the indication that many in the Catholic church (in this case) may like to recognize the full complexities of abortion in a way that the mizuko kuyo provides. This demonstrates that we, who pose moral questions in a Judeo-Christian framework, are able to learn from the Buddhist example. While I believe the Judeo-Christian understanding of abortion permeates our discussion, the Buddhist understanding is a powerful ritual which has proven to be therapeutic for women having abortions, a practice that has kept Japan from becoming, like the United States, socially divided by public debate.

Works Cited


