

How the Abortion Option Can Make Women More Vulnerable to Exploitation and Abandonment

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Defenders of elective abortion usually point to two benefits for pregnant women, freedom as a value in itself and relief from significantly burdensome births. Anti-abortionists have countered by claiming that there are also costs to abortion, the termination of unborn lives and damage to women's physical and mental health. This essay does not enter into the debate over how to balance such benefits and costs. Rather, it seeks to show that there are other costs that neither side normally notices. The abortion option can actually make women less free and birth more burdensome. Whatever one's ultimate policy choice regarding abortion may be, these harms should be taken into account.

The key datum upon which we shall deliberate is that sex no longer causes birth. Given the availability of elective abortion, sexual intercourse can only cause choice. It is choice that causes birth.

President Obama has recently reiterated that we "need fathers to recognize that responsibility doesn't end at conception." ("President Delivers Exhortation to Fathers," *N. Y. Times*, June 20, 2009, p. A10.) His and our problem is that in a very real sense male responsibility does in fact end at conception. Men can now choose only sex, not fatherhood. Mothers alone determine whether children shall be allowed to exist.

This transfer of causal responsibility from sex act to choice act does more than increase pressure on women to give in to male desires for irresponsible sex, though it does do that. It also adds loneliness and guilt to the choice of birth, and abandonment after birth, since women are now solely to blame for any burdens (to themselves or to others) that are incurred with the arrival of a child. Some of these effects could be alleviated by greater empowerment for women, but others probably cannot be mitigated in any way, as we shall see.

Note that the words "elective abortion" and "abortion option" refer, in this essay, to actual access to abortion on request, not to its legality. Although legality may often be identical to availability, it is not always so. For example, abortion could be nominally fully legal but still not a real option for many because of moral, financial, or geographic constraints. Or abortion might be legally restricted to health reasons, but in fact be easily accessible for any reason. One more note: This essay focuses especially on young, unmarried women

because this group is among those most likely to make use of an open abortion option.

IF SEX LEADS ONLY TO CHOICE, WOMEN BECOME MORE VULNERABLE TO EXPLOITATION

Elective abortion was legalized in 1973 in the United States, in the famous *Roe v. Wade* case, as a defense of "privacy". One of the most critical voices responding to *Roe* came from the Left, that of radical feminist Catherine MacKinnon. In her essay "Privacy vs. Equality" (most easily accessible in *Feminism Unmodified* 93-102 (1987), MacKinnon explains that "abortion's proponents and opponents share a tacit assumption that women do significantly control sex. Feminist investigations suggest otherwise. Sexual intercourse... cannot simply be presumed co-equally determined." (94-95). She adds that "men control sexuality... *Roe* does not contradict this." (97).

MacKinnon continues her argument: "So long as women do not control access to our sexuality, abortion facilitates women's heterosexual availability. In other words, under conditions of gender inequality, sexual liberation ... does not liberate women; it frees male sexual aggression. The availability of abortion removes the one remaining legitimized reason that women have had for refusing sex besides the headache. ... The Playboy Foundation has supported abortion rights from day one ..." (99).

Referring specifically to the *Roe* court opinion, MacKinnon comes to the conclusion that: "[*Roe's*] right to privacy looks like an injury got up as a gift... Virtually every ounce of control that women won out of this legislation has gone directly into the hands of men..." (99-101).

Let us try to unpack the above claim that "male sexual aggression" has been released, in that "the availability of abortion removes the one remaining legitimized reason that women have had for refusing sex besides the headache." In the days before elective abortion, intercourse might lead to birth. So a woman might well legitimately refuse a man's sexual advances where neither of them were using birth control. Indeed, since no method of birth control is foolproof, even if a contraceptive (such as a condom) were being used, she might still refuse him, saying she just didn't want to take any chances. Abortion provides a failsafe: "Even if something goes wrong, there's a way out. So what's your problem?" he can now argue. In other words, males may no longer take "no" for an answer. Knowing that their partners have a way out of pregnancy, men may be less willing to make that risk acceptable to her by using birth control, or for that matter by the ancient method of promising love and marriage should pregnancy occur. This seems to be part, at least, of MacKinnon's argument.

I recall a law student who would admit when pressed: "I'm in favor of keeping abortion legal because I don't like using condoms". If abortion were unavailable, his fear of fatherhood would lead him to use a condom, in order to avoid begetting a child. But since abortion could now come between sex and birth, he saw no benefit to himself in missing any portion

of sexual pleasure, even though he thus imposed a risk of unwanted surgery on his partner. He may have assumed that a rational partner would choose abortion either freely or under pressure from him, in order to end an unwanted pregnancy. With less deliberate callousness, under the influence of passion almost any male may just think quite simply: "At least there's a way out if the unlikely happens and pregnancy occurs."

I've also met a clever female undergraduate, who was living with her boyfriend, who thought she had solved this problem. When I asked whether she was for or against abortion, she answered: "I'm pro-choice, but you can bet I tell him I'm pro-life!" She reasoned that, in light of her warning, he would be careful not to fool around in ways that could lead to pregnancy.

However, this white lie may still not provide protection for every young woman in her situation. A lover who thought abortion an option for his female partner might indeed take some risks with her. But if she says she is pro-life, so that he thinks abortion is not an option for her, he might just decide to keep her from getting pregnant by leaving her for another woman, someone more open to abortion, a woman who doesn't insist on him using a condom. Even though the undergrad I spoke to didn't want unprotected sex, the availability of abortion reduces her competitive sexual attractiveness if she rejects abortion as an option *ex ante*. Even though she's a tough and clever bargainer, the presence in the sexual marketplace of women willing to have an abortion reduces her bargaining power. As a result, in order not to lose her guy, she may be pressured into doing precisely what she doesn't want to do: have unprotected sex, then an unwanted pregnancy, then the "voluntary" abortion she had all along been trying to avoid.

Even though her abortion in this case is not literally "forced," or perhaps even done under great pressure from him, it is in an important sense imposed upon her. And far from alleviating her overall situation, it returns her to the same sexual pressures, perhaps made worse by a new assurance to her boyfriend that she is willing to take care of any new problem pregnancy.

Claims like those made above are fundamentally not empirical. They are founded on the inner logic of choice, and thus count at the least as tendencies to be watched for, even though they might not be noticeable if they were commonly drowned out by countervailing behavioral forces. But in fact economists have shown that such scenarios became common once abortion was legalized in the United States. Easy access to abortion has increased the expectation and frequency of sexual intercourse (including unprotected intercourse) among young people, making it more difficult for a young woman to deny herself to a man without losing him, thus increasing pregnancies and sexually transmitted infections. (Jonathan Klick and Thomas Stratmann, "The Effect of Abortion Legalization on Sexual Behavior: Evidence from Sexually Transmitted Diseases", 32 *Journal of Legal Studies* 407(2003).)

Furthermore, if she attempts to choose birth instead of abortion, she may well find him pushing the other way. Her boyfriend's fear of fatherhood would once have been focused on intercourse itself, and could have led him either to be careful to avoid conception or else (overcoming that fear) to commit himself beforehand to equal responsibility for the child in case of pregnancy. His fear now will turn to getting her to choose abortion. One investigator found that 64% of American women who abort feel pressed to do so by others. (Vincent M. Rue et al., "Induced abortion and traumatic stress: A preliminary comparison of American and Russian women" *Medical Science Monitor* (2004)10(10): SR5-16.) Another discovered that American women almost always abort to satisfy the desires of people who do not want to care for their children (Frederica Mathewes-Green, *Real Choices* (1994)).

Catherine MacKinnon preceded her insistence that the abortion option leads to greater male sexual aggression with a caveat, however. She said this occurs "under conditions of gender inequality." She seems to imply that more equality for women could reduce the male exploitation that the availability of abortion causes women. This makes sense. To the degree that individual women are economically, educationally, and in other ways empowered, they will be much more likely to stand up to male pressures to have unwanted sex (and to have unwanted abortions in order to give the guy still more unwanted sex). Concrete measures of assistance would also help this empowerment, would give women more negotiating strength. If campus housing for pregnant women and parents with children is available and treated as normal, for example, a male student will find it harder to pressure his girlfriend into abortion, or indeed to push her into sex under the assumption that she will choose abortion if pregnancy occurs.

Counteracting the negative forces of sexual competition is more difficult. Even if women were universally to agree to refuse sex without condoms, for example, enforcement of this agreement in such an intimate sphere would be nearly impossible. Certainly, the usual recourse of industries that want to stop competition on some matter, i.e. government regulation, would not easily work here. So women would always be tempted to increase their individual sexual competitiveness by consenting to sex without a condom, while relying on abortion as a backup, thus causing female solidarity and power to collapse. Only women strong enough to forgo boyfriends altogether, perhaps like Catherine MacKinnon herself, might be likely in the end to resist.

Notice, too, that just as involuntary sex and involuntary abortion may be less frequent in societies where women are relatively empowered, despite the legal availability of abortion, they will tend to more frequent where women remain relatively powerless, precisely as a result of abortion's availability. To the degree that a culture is built on *machismo*, the legalization of abortion will make women relatively worse off, by giving men another weapon to use to manipulate women as sex objects. To the degree that an economy employs only men, leaving women dependent on economic handouts, women will be much less likely to be able to resist male pressures to make use of of abortion if it becomes

available. Wherever men make women's decisions for them, the option of abortion will be a man's choice, regardless of how the law may label it.

This fact is fundamental for human rights activists in developing nations to consider. In those countries, only a thin, elite layer of truly independent and powerful women may be relatively unharmed by the availability of abortion, because only for them is the abortion option more nearly their own. Proclaiming a right to abortion in developing countries may mean just adopting the viewpoint of these well-to-do professionals. (No surprise here, for these elites are often the only voices for women heard in the transnational political arenas where abortion is debated.)

IF CHOICE IS WHAT CAUSES BIRTH, WOMEN BECOME MORE VULNERABLE TO ABANDONMENT

It has been argued that empowering women would help them to resist male pressures to risk pregnancies and have abortions. But, paradoxically, the option of abortion may make sympathy, solidarity, and consequent empowerment in fact less likely.

When birth was the result of passion and bad luck, parents and friends could easily sympathize with a young woman who was going to need help with her baby. If money or a larger place to live were going to be necessary for her to stay in school, a sense of solidarity would beckon. All the more so in the case of the boyfriend, for he was as responsible as she for the child. He might offer to get a second job or otherwise to shoulder a part of the heavy burdens she could anticipate.

But now that continuing a pregnancy to birth is the result neither of passion nor of luck, but rather of her deliberate choice, some of those who would have helped may have second thoughts. After all, she can avoid all her problems by just opting for abortion. So if she decides to take those difficulties on, she must think she can handle them. (Even if others offer to help, she may refuse. It is one thing to accept help when one is desperate and something quite different when one has an alternative. She may feel selfish letting her boyfriend take a second job when she can entirely avoid being in need by opting for abortion.)

Birth itself may be followed by blame rather than support. Since she was the only one with the right to decide whether to let the child be born, the responsibility of caring for the child can easily seem to the boyfriend likewise to be hers alone. Especially if he favored an abortion, and offered to pay for it, he will think that her choice not to abort is the sole cause of the child coming into this world. The baby is her fault.

It may also seem unfair to him that she is given a way to escape from motherhood (by not being legally required to give birth) while he is denied any way to escape from fatherhood (by still being legally required to pay child support). If consenting to sex does not entail consenting to act as a mother, why should it entail consenting to act as a father? Paternity

support may seem to him quite unjust, and he may resist compliance with his legal duties.

Prior to the legalization of abortion in the United States, it was commonly understood that a man should offer a woman marriage in case of pregnancy after intercourse, and many did so. But with the legalization of abortion, men started to feel that they are not responsible for the birth of such children, and consequently not under any obligation to marry a woman who refused to have an abortion. In gaining the option of abortion, many women have lost the option of marriage. The number of families that are headed by a single mother has thus grown considerably with abortion, resulting in what some economists call the "feminization of poverty". George A. Akerlof, Janet L. Yellen, and Michael L. Katz, "An Analysis of Out-of-Wedlock Childbearing in the United States", 111 *Quarterly Journal of Economics* 277 (1996).

The mother is even worse off if, during pregnancy, tests show that the child will have a disability: It is common for doctors to press for abortion, in order to be sure that she does not later blame and sue them for the costs of raising her special child. Some have suggested that healthcare plans should provide no post-birth coverage for a handicapped child whose mother knowingly refused a paid abortion. If she does not abort, after all, she will be causally responsible for the costs and the alleged burdens that this kind of child brings for the father and for society. Even her friends and neighbors may make her feel guilty or ashamed of not choosing to abort her child (Erika Bachiochi, ed., *The Cost of "Choice": Women Evaluate the Impact of Abortion* 46-47, (2004).

An employer may well likewise react negatively to maternal needs where abortion has been available. If he (or the State) pays for abortions, he may feel less obligated to shape his labor practices to the needs of pregnant women or women with child-care responsibilities. If maternity causes problems with work routines or job schedules, the employer may well consider these to be "private" or "personal" problems, ones female employees brought upon themselves by deliberately refusing to abort their children. The availability of abortion makes women's claims for better working conditions lose a measure of felt legitimacy.

On a theoretical level, it is easy to understand why the option of abortion, though at first sight seeming to many a simple liberation, in fact opens a Pandora's box. Throughout human history, children have been the inevitable consequence of natural sexual relations between men and women. Therefore, both sexes knew they were equally responsible for their children, and society had no choice but to respond by somehow facilitating their upbringing. Even the advent of contraception did not fundamentally change this dynamic, for all forms of birth control are fallible. Despite contraception, births still happen and children must be taken care of.

Elective abortion changes everything. Abortion absolutely prevents the birth of a child. Thus a woman's free choice for *or against* abortion breaks the causal link between

conception and birth. It matters little what or who caused conception. It matters little that the male involved may have insisted on having unprotected intercourse when she didn't want it. It is she and she alone who finally decides whether the child comes into the world. She is the responsible one. For the first time in history, the boyfriend and the doctor and the health insurance actuary can point a finger at her as the person who in the end allowed an "inconvenient" human being to come into the world.

The deepest tragedy may be that there is no way out. We face not a male chauvinism that can be overcome, not a pressure that can be reduced or countered, but an inconvenient truth that must be faced. By granting to the pregnant woman an unrestrained choice over who will be born, we make her alone ultimately to blame for how she exercises her power. Nothing can alter the solidarity-shattering impact of the abortion option.

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