

Activity 5: “What about Rape?”

Easily the Most Difficult Objection to the Pro-Life Position

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Valuable Input: JFA Trainers, Volunteers, and Audience Members from 2005 to the Present

ANALYZE

In conversations about abortion, the issue of rape comes up frequently. Many pro-life advocates, in their zeal to defend unborn humans, come across as not caring about women who have experienced rape. If we can't recognize the horror of rape, listeners won't just think we're uncaring. They'll also think our argument is incoherent. Here's why. Our concern about abortion is that it's an act of violence. Rape is also an act of violence. The principle undergirding our concern about abortion should also motivate us to be just as concerned about rape. So, when we respond to the question about abortion in the case of rape, we need to be careful to meet two distinct challenges: **relational** and **intellectual**.

Relational Challenge

When people ask about abortion in the case of rape, they are not concerned with whether or not the unborn is human. They are trying to determine if *we* (pro-life advocates) are human. Instead of immediately launching into arguments for the humanity of the unborn, start with expressing concern for the woman who was raped. Following are some specific ways to express concern, but note that they are only helpful if you are genuinely concerned. (If you are not very concerned for the woman who has been raped and you are only using these approaches in order to make your argument against abortion more persuasive, the person with whom you're speaking will likely know it. Worse yet, you will know it.)

Show sympathy.

- Sometimes silence is the best way to show sympathy.
- Express concern that we give the best possible care and help to the victim.
- Acknowledge the difficulty of the question because of how the evil of rape affects people.
- “Do you personally know anyone who has been raped? How is she doing?”
- “I’m not sure I can ever understand what that’s like. I can only imagine how hard it must be.”
- “I’m sorry that happened to your friend.” (Or, “I’m sorry that happened to you.”)
- “Was the rapist punished?” (Note that some victims of rape may find this question sensitive.)

Articulate the extreme horror of rape and the complexity of pregnancy in the case of rape:

- The woman who has been raped has been violently assaulted. This is both evil and traumatic, and for those of us who haven't been through the same thing, we can really only imagine how difficult it is.
- The woman also has to live with the memory of that experience. It's not only hard to talk about, but because of issues like abortion, others regularly talk about it casually or in political sound bites.
- If the woman gets pregnant, she then has to deal with the experience of pregnancy (sometimes her first!) in less-than-ideal circumstances. She may feel like a mother, but she has to grapple with the way in which she has entered into the experience of motherhood.
- Whatever happens with her pregnancy, she experiences difficult things which are hard for others to understand:
 - If she carries to term, she deals with all of the challenges of pregnancy, from morning sickness to bodily changes, and sometimes she has more serious health issues as a result

of pregnancy. All of these things are accompanied by a memory of how the pregnancy came about – these reminders may cause the woman to “re-live” that most painful experience in memory many times over.

- If the woman miscarries, she deals with all of the sorrows related to miscarriage, but with the added complexity of the memory of how the pregnancy came about.
- If the woman decides to get an abortion, she then deals with all of the difficulties and complexities related to abortion. No woman aspires to have an abortion, and in this case, the woman may have been strongly against abortion for herself but feels she has only two painful options before her.
- If the woman gives birth to the child, she experiences the pains related to labor and delivery.
- Once the child is born, then the woman is confronted with another decision with another set of options – a decision she may make with a feeling of being extremely alone: “Should I place my child in the care of a loving adoptive couple or should I care for him for the next 18 years? If I choose adoption, how will I deal with the sadness and the feeling of having little or no control over what happens to my child? If I choose to care for this child, how will I deal with being reminded so often of the rape? Will I be able to give this child a good life as a single mom? Will my child find out about the rape and be tormented by the way in which he came into existence?
- If the woman decides to give birth and care for the child as the child’s single parent, she will then likely be asked at some point, “Who is the father?” Others might ask what happened to cause her to be a single mom. In response, she either has to tell everyone about one of the most traumatic events that has ever happened to her, which is painful. This might also result in the story of the rape being more public than she intended, which in turn might result in her child learning the story before she was ready to share. When asked about the father, the woman could also lie or cover the truth with vague statements, both of which are uncomfortable. No one wants to lie or be put in a spot where he or she feels like the best of a set of bad options is to awkwardly evade a question. JFA trainer Grace Fontenot related a story of a woman she met who said that when she didn’t give a straight answer to a question like this, her church community ostracized her because it appeared to her church that she’d been immoral, when in fact she had been the victim of a crime.
- So, the woman who is raped and then finds herself pregnant has not just one difficult experience to process, but a whole set of experiences. This underscores how very evil the act of rape is, for it brought about all of these painful, difficult challenges in addition to the horrific act of violence itself. This woman deserves our best efforts to care for her.

Just Be Normal

To sum up, it’s important not to be so focused on the unborn that you forget the other human beings who deserve our best care and protection. The woman who has been raped has experienced a heinous crime. Unfortunately, it is very common for pro-life advocates to forget to express concern for her. When talking to a victim of rape, let’s be careful to do what any normal person would do when someone tells him about a painful experience. Say something like, “I’m so sorry this happened to you. How are you doing?” When talking to a person who is not a victim of rape but is simply asking about abortion in the case of rape, the same principle holds true: Express concern for the victim of rape.

About Punishment

Another way to show sympathy that many on our team have found helpful is to affirm our belief that the rapist should be punished to the fullest extent of the law. In a similar way to the bullet points above, we’ve elaborated how the crime of rape involves more than a violent assault, but also forcing the woman into all sorts of decisions and experiences which she did not consent to, and which she didn’t deserve to have to confront. This underscores how very evil the act of rape is.

Intellectual Challenge

While the pro-choice advocate will usually appreciate concern for the rape victim, she also generally is intending to ask us if we think abortion in the case of rape is *right or wrong* and whether or not it should be *legal*. In the same way that it would be a mistake to neglect the relational aspect of the challenge, it's also a mistake to ignore this **intellectual** challenge, especially if that's what the pro-choice advocate is most concerned about. If the unborn is a human being, then killing the unborn who came into existence through rape is morally equivalent to killing a two-year-old who came into being through rape (assuming all other factors being equal). In other words, just as it's wrong to kill already-born human beings because they were conceived through rape or because they remind us of a painful circumstance, it's wrong to kill unborn human beings for the same reasons.

It follows that abortion should not be legal in the case of rape, not because women who are victimized by rapists are less valuable, but because all women, whether *in the womb* or *in the crib* or standing *over the crib* are equally valuable. If this intellectual, moral, and legal assessment doesn't sit well with us emotionally, we can acknowledge that fact. Still, the conclusion is sound.

About “Forcing to Become a Mother”

One comment pro-lifers hear regularly is the idea that if we don't think abortion should be legal in the case of rape, we are forcing the woman to become a mother. But if what we've said above about the rapist is true, that he is responsible for the experiences he forced the woman to confront as a result of the rape, isn't the rapist himself the one who forced her to become a mother? It depends partly on when she becomes a mother. That in turn depends on the answer to the question, “When does the unborn become a human being with equal value – at fertilization or sometime later?”

The More Sophisticated Intellectual Challenge: “Right to Refuse” in the Case of Rape

One might acknowledge that the unborn who was conceived in rape is a human being who is equal in value to the already-born human being, but also claim that the woman carrying the unborn in her womb can kill the unborn because of her bodily rights. Various versions of this bodily rights argument will be described in Activity 6, but it's important for us to note here that the response to the intellectual challenge in the previous section may not meet the challenge at all if the person making the argument from rape is willing to grant that the unborn is an equally valuable human being. For the person who grants that the unborn is a human being but maintains that a woman's bodily rights justify abortion anyway, in the case of rape or also in other cases, you'll need to address those concerns with a different approach.

To understand and respond to these more complicated “bodily rights” versions of the intellectual challenge, see Steve Wagner's series, “It's Her Body” (www.jfaweb.org/blog/bodily-rights), which includes...

- “It's Her Body” – Series of Articles
- Activity 6: “My Body, My Choice” (pp. 24-27)
- “De Facto Guardian and Abortion: A Response to the Strongest Violinist” (www.jfaweb.org/DFG)

You can also find helpful material on JFA's website: www.jfaweb.org/bodily-rights.

IMITATE, PART I: RELATIONAL CHALLENGE

Pro-Choice: What if the woman was raped and became pregnant? Do you think in that case she should be able to have an abortion?

Pro-Life: [Pause] ... That is certainly a difficult question. Rape is a horrible crime. No one should ever have to go through that. [*Common Ground, Silence, Sympathy*]

C: Definitely.

L: Rape is evil. I don't think I can really understand how horrific it is. I don't think we usually take into account how many ways in which it affects the life of the person who was raped. She will deal with the memory of the rape for her whole life.

C: I know.

L: That's so hard. Then if she gets pregnant, that is very difficult, too, in a lot of ways. I imagine she may be reminded of the rape by the pregnancy itself.

C: That's why abortion seems to make sense at least in this case. It should be legal, shouldn't it?

L: I can see why you would say that. It seems like abortion would help, but can we agree there really isn't a simple solution here? After all, no woman wants to get an abortion, and the rapist forced this woman into a situation where now she may be considering abortion for the first time because she thinks all of her options are bad in some way.

C: I never thought about it that way. It's horrible to be forced into a situation where you feel like you have no good options – where every decision seems bad.

L: Even if the woman decides to carry the pregnancy to term, I don't think it's easy.

C: That's for sure. She'll have morning sickness. Her body will change.

L: I agree. Those things are difficult even for a woman who wants to be pregnant. Imagine not wanting to be pregnant and then dealing with them. I met a woman who said that she had gotten pregnant from rape but then she ended up miscarrying. That's another difficult aspect of this.

C: You're right. That is so difficult.

L: In some cases the woman feels like a mother, but this is surely not how she wanted to become a mother. If she carries the pregnancy to term, she deals with all of the pains of labor and delivery. She didn't even have anything to say about becoming pregnant, and if she doesn't want to have an abortion, then she has to go through labor. That's not all, though. She may not want to care for the child after birth because she doesn't feel like she can give the child the best life. Or she may feel like she'll reveal how the child came into existence, and she doesn't want the child to have to live with the knowledge of that evil act.

C: I wouldn't want that child to have to deal with that. Can you imagine what that's like?

L: No, I really can't. It's hard to imagine how hard this is, but we can *try* to sympathize with what this woman is dealing with, and what the child will deal with if he or she ever learns about the rape. Another thing that can help us sympathize is talking with people who understand these things from experience. If it's alright to ask, do you know someone who's had a personal experience with rape?

C: Well, not anyone close to me. But I think it's pretty common. Often the rapists aren't even punished.

L: I agree. And I think the woman many times feels alone. I don't think I can erase that feeling completely, but I do want to do all I can to make sure these women who have been victims of rape at least know someone cares.

C: I do, too. I think I've realized through our conversation that it's not as simple as just offering the woman a choice of abortion. The woman is confronting many difficult, painful things. It won't solve everything, but can you agree it should be one of her options to decide as she wishes? ...

(Continued in Part II...)

IMITATE, PART II: INTELLECTUAL CHALLENGE

Continued from Part I: The Pro-Life Advocate seeks to answer the intellectual question, “Should abortion be legal in the case of rape?” by Trotting out the Toddler.

Pro-Choice: ... Should the woman have the option of abortion at least in the case of rape?

Pro-Life: Again, I think that is a very difficult question. As we’ve already discussed, the woman who is pregnant from rape is confronting a very difficult situation and has difficult decisions to make, both if abortion is an option and if it is not. She needs our best efforts to care for her and support her through these decisions. I also can understand why you are suggesting abortion should be an option. Of all the activities that should require consent, sexual intimacy is probably the most important. And it also seems that forcing a child on someone through rape has something amiss about it – something wrong. [Agree] I think the question might be, though, “When was the child forced on her?” That question might be confusing, so here’s what I mean – did she have a child inside of her at fertilization or only at birth? If there is no child until birth, then of course abortion should be legal in the case of rape. If there is a child at fertilization, though, then isn’t the woman already a mother, and wasn’t the rapist the one who forced her to become a mother?

C: I’m not sure I understand what you’re getting at. No matter who forced her into it, doesn’t it make sense that she should be able to get out of it?

L: I agree that in many situations where we are forced into something, it makes sense that we should be able to get out. [Agree] The question is whether this is one of those cases. If abortion involves killing a human being, then doesn’t that change things?

C: Perhaps. The whole thing just seems so wrong.

L: I agree. And I think it’s important that we both keep emphasizing that. We can’t emphasize too much the wrong done to the woman in rape. Perhaps an illustration would help us as we think through this. I think you and I will agree, but I just want to make sure: Imagine a woman named Sarah is raped, gets pregnant, and gives birth to the child. Imagine her friend Karen visits her and the new baby the next day, then later that same night, Karen is raped. Karen also becomes pregnant. Sarah and Karen are on the phone one month later. Sarah is looking at her child in the crib and wondering if she can handle being the mother of her rapist’s child. Karen is rubbing her belly and wondering the same thing. Would you agree with me that the Sarah cannot kill the child in the crib? [Apply]

C: I agree. She can’t kill a child in a crib.

L: I know this may seem like an obvious question, but why is that so clearly wrong? [Ask Why]

C: Well, the one-month-old is a human being, just like you and me.

L: Do you believe that Karen, who is still pregnant, should be able to get an abortion?

C: Okay, well I see your point. If Karen, who’s still pregnant, has a child – a human being – just like Sarah, who already gave birth, then that limits the options we would give to Karen. If the unborn is a human being, we shouldn’t be allowed to kill a human being. [Ah!]

L: That’s right. So, what do you think about the unborn being a human being with equal rights?

C: I think we already agreed that the unborn is a human being with equal rights. But something about this bothers me. It just seems that, at least in this case, the woman has a right to do what she wants with her body...

IMPROVISE

Pro-Choice: What if the woman was raped? Do you think a woman should be forced to be a mother?

Pro-Life: ???

Activity 6: “My Body, My Choice!”

*Is abortion permissible even if the unborn **are** human beings?*

Writers: Steve Wagner, Tim Brahm, Catherine Wurts

Valuable Input: David Lee, Josh Brahm, Trent Horn

ANALYZE

A Word Before We Begin

The most important thing we can emphasize when considering how to respond to justifications of abortion based on the woman’s right to her body is that the woman does, in fact, have a real right to her body. We need to realize that many women, when they hear our belief that abortion should not be legal, feel some of the same feelings of violation we described in the section on rape. In the same way as with the topic of rape, then, when we discuss the woman’s right to her body and whether or not it includes the right to abortion, we are confronted by a **relational challenge** and an **intellectual challenge**.

The relational challenge could be summarized in this way: “Do we care about all of the acts that are uncontroversially violations of a woman’s right to her body (rape, abuse, domestic violence) which are still common in the US and around the world?”

The intellectual challenge could be summarized this way: “Women do have a right to do what they want with their bodies, generally speaking. We need to promote a woman’s right to safety from harm. But does that right to her body include the right to remove the unborn by abortion?”

We need to see every discussion of the intellectual challenge through the lens of the relational challenge, regularly punctuating the intellectual discussion with affirmations of common ground about a woman’s bodily rights. [See “It’s Her Body” for more on this (www.jfaweb.org/blog/bodily-rights).] What, then, do we make of this intellectual question?

A Third Type of Pro-Choice Statement

Let’s call back to mind what we learned in Activities 2-4: (2) *Focus on one central question, “What is the unborn?”* (3) *Make a case that the unborn is a living, human organism.* (4) *Make a case that if equal rights are best explained by humanness, and if the unborn has humanness, then the unborn has equal rights.* If we’re not careful, from that material, we’ll assume that every pro-choice statement falls into one of two categories:

1. Some pro-choice statements **assume** that the unborn are not fully human. These statements can only succeed in justifying abortion if the unborn is *not* a human being with an equal right to life to other humans. Justifications for abortion based on poverty and overpopulation are often examples of this type of statement.
2. Other pro-choice statements **argue** that the unborn is not fully human. Statements about the biology of the unborn or a lack of valuable functional abilities often fall into this category.

There is, however, at least one more broad category:

3. Some pro-choice statements **agree** that the unborn is a human being with an equal right to life to the rest of us, but claim that even still the woman’s right to her body justifies abortion.

In Activity 6 we will help you learn to identify this third category of “bodily rights arguments.”

Identifying Bodily Rights Arguments

Look at the following common pro-choice statements:

- “The unborn is a part of her body!”
- “It’s in her body!”
- “My body, my choice”
- “It’s totally dependent on the woman’s body!”
- “The woman has a right to her body!”

When people make the above statements that include the word “body,” you might be tempted to think they are always intending to make a bodily rights argument. We’ve found, however, that people can use the same or similar “body” language to make very different claims. Consider, for example, the phrase, “The unborn is a part of her body.” The person who makes this claim might be intending to argue that...

- (1) ...the unborn is not a living human organism biologically (because it’s not an organism at all)
- (2) ...the unborn is not a human with an equal right to life (because the unborn’s relationship to the woman’s body makes him less valuable), *or*
- (3) ...even though the unborn is a human being with an equal right to life, abortion is justified by some sort of appeal to the woman’s bodily rights.

(Indeed, the person also may not be very sure what he or she is intending to argue.)

Ask a Key Question

Discovering which type of argument the person is intending can be confusing at first, but it’s really just another exercise in learning to listen and ask the sorts of questions (think *Three Essential Skills*) that help the person clarify what they mean. (This is an especially helpful approach for the person who isn’t quite sure what she meant.) Specifically, we suggest asking the following question:

- Do you mean (1) that the unborn is **not** a valuable human being, because it’s a part of her body, or do you mean (2) that **even though it is** a valuable human being, that’s not the issue, because she just has the right to do what she wants with her body?

If the pro-choice advocate picks the first option, you’ll need to then return to a discussion of biology or equal rights. But if she picks the second option, claiming that abortion is justified even though the unborn has an equal right to life to you and me, recognize that she is making a bodily rights argument.

Two Types of Bodily Rights Arguments

Once you determine that the person is really intending to make a bodily rights argument, you may have to explore further to determine the precise character of the person’s argument. Otherwise, your response, though on the general topic of bodily rights, may fail to meet the challenge of the person’s argument altogether. Trent Horn identified at least two broad types of bodily rights argument when he was an intern with Justice For All (for more information about Trent’s current work, see www.trenthorn.com).

- **Sovereign Zone** arguments claim that the woman’s body is a sort of “sovereign zone” such that she can do anything she wants with anything within her body.
- **Right to Refuse** arguments make a more modest claim, that the woman simply can’t be forced to do something with her body (support the unborn) which she doesn’t want to do.

Identifying when a bodily rights argument is being made is the focus of the dialogue examples in rest of the *Analyze* section (Bad) and in the *Imitate* section (Good). The *Imitate* dialogue also gives one suggestion for responding to the Sovereign Zone argument, but see *Chapter 3* for more help.

Bad Dialogue Example 1: Missing it

The pro-life advocate “misses the argument” by assuming the pro-choice advocate is making an argument against the unborn’s value. This pro-choice advocate may very well be intending to make a bodily rights argument instead.

Pro-Life: It seems like the thing that makes us equal is that we’re human. So doesn’t that mean that it’s wrong to kill the unborn?

Pro-Choice: But it’s a part of her body!

L: It’s not a part of her body because if it were a part of her body, it would have the same DNA as her, and it doesn’t. And if it were a part of her body, then wouldn’t she have two heads and twenty toes?

C: But it’s in her body!

L: Well sure it’s in her body, but that’s not a good reason for it to not be a valuable human being. Why should our location determine our value?

C: But a woman can do what she wants with her body. It’s her choice. When people say “My body, my choice” I think that really makes a lot of sense.

L: I don’t think that makes any sense, because if you’re saying “my body my choice” then you’re assuming the unborn is not a human being because you wouldn’t say you should have the choice to kill another human being.

C: It’s totally dependent on the woman’s body!

L: Sure, I agree that it’s dependent on the woman’s body, but that’s not a good reason to think that the unborn is not a valuable human being. Infants are really dependent on their mothers. Are they not valuable human beings?

C: But the woman has a right to her body! *[etc]*

Bad Dialogue Example 2: Missing it Again

The pro-life advocate “misses the argument” by assuming the pro-choice advocate is making a bodily rights argument. This pro-choice advocate may very well be intending to make an argument against the unborn’s value.

Pro-Life: It seems like the thing that makes us equal is that we’re human. So doesn’t that mean it’s wrong to kill the unborn?

Pro-Choice: But it’s a part of her body!

L: Oh, it’s part of her body. So you think the unborn is a valuable human being, but that abortion is justified because a woman has a right to do what she wants with her body.

C: Um...I don’t think that’s what I said.

L: Well, you said that it’s a part of the woman’s body, but that’s a bodily rights argument and that’s the argument that says that the unborn is totally valuable and equal to us but it doesn’t matter that it’s a human being because she has a right to do what she wants with her body.

C: You’re saying that I think that it’s a human being, and that it’s okay to kill human beings. I don’t think that’s what I believe.

L: But of course that’s what you believe. You said it’s a part of the woman’s body, and that’s a bodily rights argument. *[etc.]*

IMITATE

Good Dialogue Example: Recognizing Bodily Rights Arguments

The pro-life advocate uses the Three Essential Skills, and especially the question in bold, to accurately understand the pro-choice advocate's argument as a bodily rights argument (the Sovereign Zone version). Then the pro-life advocate begins a response to that argument.

Pro-Life: It seems like the thing that makes us equal is that we're human. So doesn't that mean it's wrong to kill the unborn?

Pro-Choice: But it's a part of her body!

L: When you say that "it's part of her body," it seems you might mean one of a couple of different things. Help me figure out what you mean. **Do you mean that the unborn is *not* a valuable human being, because it's a part of her body? Or do you mean that *even though it is* a valuable human being, that's not the issue, because she just has the right to do what she wants with her body?**

C: I'm not sure. Let me think about that for a second...I think the right to her body is so important...I guess it doesn't really matter to me whether the unborn is valuable. She has the right to do what she wants with her body no matter what's true about the unborn.

L: So, are you saying that the unborn is a human being with an equal right to life but that she should be able to kill that human because of bodily rights? Or are you saying that you're not sure if the unborn is an equal human, and so her bodily rights trump any rights the unborn might have?

C: I guess I think the unborn is a human being with an equal right to life. That seems pretty clear. But her bodily rights seem to trump the right to life of the unborn.

L: With that view of the unborn in mind, that he is a human being with an equal right to life, let's focus then on this issue of bodily rights and see how far bodily rights go.

C: This may sound extreme to you, but I think the woman can do anything she wants with anything in her body. [Bodily Rights: Sovereign Zone]

L: That does sound a little extreme, but let's investigate that a bit. We certainly agree on one thing at least: I think bodily rights are really important, and generally speaking, we have lots of rights over our bodies. [Common Ground] I don't think I agree with you, though, about how far they extend.

C: Okay.

L: Let me ask you this question. Have you heard of a drug called thalidomide?

C: No.

L: Thalidomide is a drug that was given to pregnant women – mostly in Europe – in the 1950's and 60's to help reduce morning sickness. It was soon found to be the cause of very severe birth defects. As a result of women taking thalidomide while pregnant, many children were born with deformities. Sometimes they were born without arms or legs.

C: Wow, that's really sad.

L: Yes, it is. So, can we agree that it would be wrong for a pregnant woman to take thalidomide, knowing that it would likely cause her child to be deformed?

C: I think that would be wrong, but... as awful as it would be, I still believe she has the legal right to do so if she and her doctor decide that's the best thing for her.

L: I see. Let's take it a step further, then. Let's say that the pregnant woman has a two-year-old son with severe physical handicaps, and she has a desire for him to be able to grow up with a sibling who can really understand and relate to him. Should it be legal for this woman to take thalidomide during her pregnancy in order to *intentionally* cause birth defects in her child?

C: No way. That would be *so* wrong. I don't think that it should be legal.

L: So, it sounds like you *do* believe there should be some limits on what a woman is allowed to do with her body. Am I understanding what you believe?

C: I suppose my position isn't really that she can do *anything* she wants with *anything* that's in her body. But I still don't think she should be forced to use *her* body as life support for another human being...[Bodily Rights: Right to Refuse]

(See the resources below for more help in responding to both versions of Bodily Rights Argument: Sovereign Zone and Right to Refuse.)

IMPROVISE

Pro-Choice: The unborn is part of the woman's body!

Pro-Life: ???

RESOURCES ON BODILY RIGHTS ARGUMENTS

- *It's Her Body* – Series Written in 2018 by Steve Wagner (www.jfaweb.org/blog/bodily-rights)
- *De Facto Guardian and Abortion: A Response to the Strongest Violinist* (www.jfaweb.org/DFG)
- *Autumn in the Sovereign Zone* – Timothy Brahm (See www.jfaweb.org/AutumnSZ)