

A Good Conversation Is...a Window

What Changes People? (Part 2)

STEPHEN WAGNER'S MONTHLY UPDATE

NOVEMBER/DECEMBER 2013



Dear Friend,

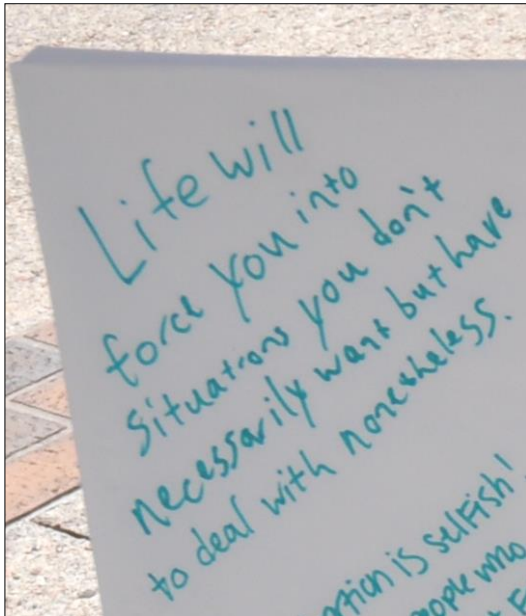
In my [July newsletter](#), I described how Jason in San Antonio (right) abandoned his belief that the unborn only become valuable at viability and then later in the conversation said I had convinced him that abortion should not be legal except in the case of a threat to the mother's life.

These two changes of mind were encouraging, but I sensed that our work was not finished. We hadn't yet discussed arguments claiming that even if the unborn is a human being, the woman's right to her body justifies abortion. I knew that if we didn't address these bodily rights arguments, especially compelling in the case of rape, Jason might be shaken when he encountered them.



In the first part of the conversation, Jason had been making the claims, and I had been functioning as a *mirror* to help him assess his own views about abortion. Now I set out to function more like a *window*, showing Jason other arguments out there that he hadn't considered yet.

I began by explaining what former JFA intern Trent Horn called the "Sovereign Zone" view: A woman can do anything she wants with anything in her body, and because the unborn is inside her body, the woman can kill the unborn. I pointed out that if a woman has the right to do *anything* with anything that is inside her body, then many things would be justified legally, including intentionally deforming the unborn by taking thalidomide and intentionally torturing the unborn late in the pregnancy through dismemberment abortion. (I borrowed this approach from an essay by my colleague Timothy Brahm; see www.jfaweb.org/AutumnSZ.)



As he and I began to talk, Jason clarified that he believed that abortion should generally be legal. Ninety minutes later he said, "Heck" and wrote this message on the Free Speech Board. He told me that he now thought abortion should not be legal even in the case of rape.

Seeing the implications of the Sovereign Zone view clearly through this window, Jason and I agreed it had to be abandoned. I knew that there was a stronger version of the bodily rights argument that was not so easily dismantled, though, and I went on to tell Jason about it.

Sure, it's obvious that a woman can't do *anything* to anything that is inside her body. But can she be forced to allow the unborn to do something *to her body* – to use her body to sustain its life? Or does she have a right to refuse? As Trent Horn has pointed out, unlike the Sovereign Zone argument, which is based on a very controversial premise, this "Right to Refuse" argument is based on a very *un*controversial premise: Generally speaking, you can't be forced to do something with your body you don't want to do.

It's not only pro-choice advocates who find this argument plausible. I find it plausible. If you find yourself hooked up to someone who needs your kidney to live, you can't be forced to stay hooked up. How then can a government force a woman to stay hooked up to her unborn child? And worse, what if the woman didn't consent to intimacy? Can a woman who is pregnant from rape be forced to continue to use her body to sustain the unborn's life? As Jason and I pondered



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these questions together, I noted how compelling this line of reasoning is. Even if it holds only in the case of rape and therefore applies to no more than 1.5% of abortions, it's troubling. (As an aside here, throughout this conversation I emphasized a genuine sympathy for those who have been raped. This is imperative in any conversation about rape and abortion, but especially when that conversation involves complicated intellectual arguments. We should never get so caught up in our ideas that we forget the people affected by them.)

Then I shared two parables with Jason that indicate there's something amiss with the Right to Refuse argument, even in the case of rape. I'll share just a snapshot of one of them here, and you can see a full treatment of the approach I used with Jason in a paper we published online in April called "De Facto Guardian and Abortion" (www.jfaweb.org/DFG).

In the movie *Up*, Carl sets his house free from the ground, flies thousands of feet in the air, and then hears a knock at the door. The young explorer Russell has stowed away on the porch and is about to fall off. Is Carl obligated to take him in? Should the law expect him to give Russell food and shelter? What if he has to use his body to pour water or cut bread for Russell? Does this change the obligation?

Jason agreed that Carl does have an obligation to use his body to support Russell's life. He also agreed this should be a legal obligation. One explanation of this obligation is that Carl just happens to be, for whatever reason, the only person in the vicinity who can care for Russell. We called Carl a "de facto guardian" because it seems he has the same obligations as that of a parent or guardian, though temporarily.



The woman pregnant from rape is similarly situated to Carl. She didn't ask to be in the situation where she would be the only person in the vicinity who could care for a child. But she is. If the *de facto guardian* principle holds, then, she has an obligation (and, as we argue, what should be a legal obligation) to give the child in her womb the food and shelter he needs. She has the obligation to care for the child even if she didn't consent to that obligation, and even if she doesn't feel like a parent. We, in turn, should surround her with support.

After discussing this strongest version of the Right to Refuse argument and how it fared in light of our intuitions about parables like the *Up* story, Jason said, "Heck" and wrote on the Free Speech Board, "Life will force you into situations you don't necessarily want but have to deal with nonetheless." He then verbalized to me that abortion should not be legal, even early in the pregnancy and even in the case of rape.

I saw this as more significant than Jason's previous changes of mind. Now I was satisfied that I had created a window so he could see clearly the very best arguments for legal abortion before rejecting them. Evidently I did a good job of presenting those arguments, because at one point Jason said I was making him start to waver and think abortion might be justified. As you can imagine, I created this window for Jason with some fear and trembling. Why risk someone wavering back toward the pro-choice position? Even worse, why risk someone becoming a more confident pro-choice advocate with better arguments?

There are two reasons my fears didn't keep me from creating a window for Jason. First, truth is not fragile. It will shine through if we ask the right questions and apply our minds to the study of sound reasoning. Second, Jason is a human being who is intrinsically valuable. He's not an opportunity to make a convert. He deserves my best efforts to create conversation that is both a mirror *and* a window.

Warmly,

Stephen Wagner