

# Nonviolence in Our Abortion Discourse? A Postelection Opening

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*Some believe that there is no hope for moving beyond the culture wars in the United States—especially when they are connected to the persistently difficult abortion debate. This article argues, however, that the situation is more hopeful than most realize. The imagined “choice” and “life” camps do not map onto the complex reality of public opinion, especially among the Millennials. This article contends that “nonviolence” is an important common value for different kinds of people who imagine themselves to be on very different sides in the abortion debate. When applied consistently to rhetoric, individual persons and bodies, and social structures, a commitment to nonviolence not only provides an opening for productive and authentic discussion but also highlights broad areas of agreement and common ground.*

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## Introduction

CONSISTENT public attention to particular ethical issues tends to run hot and cold, and many of these issues eventually fade from our social consciousness. There are those alive today,

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for instance, who remember a time when it would have been utterly absurd to have an African American president in the White House. Recycling, considered a countercultural act only a generation ago, is now part of the American mainstream. Even lesbian, gay, bisexual, and transgender (LGBT) marriage, used as a wedge issue in the 2000 and 2004 elections by conservatives trying to turn out their base, is becoming a socially acceptable practice—and at breakneck speed.<sup>1</sup>

Not so with abortion: in fact, one could argue that our public discourse on this issue is even more polarized today than it was two or three generations ago. But I want to argue that, especially in the wake of the 2012 election in the United States, there is an opening for political realignment that can unite the concerns of many (nonlibertarian) liberals and conservatives with respect to abortion. A commitment to energetic government support of nonviolence—something that can transcend our current political divisions—could be a first step in deconstructing our lazy liberal-conservative binary thinking on this issue. While I argue from the perspective of a Roman Catholic, the sources I will cite in doing so have “all people of good will” as their intended audience.<sup>2</sup> In addition to transcending politics, the commitment to nonviolence is shared by many faith traditions—whether secular or religious.

### 1. The Current State of Polarization

There are good reasons to think the abortion debate is intractable: there are deep metaphysical disagreements about the moral status of the fetus; wildly complex arguments about what it means to kill a fetus directly, to support a fetus with one’s body, and to remove a fetus from one’s body; a confused and complicated legal and political history surrounding the role of (and relationship between) autonomy and choice, justice, and the interest of the state; and a tragic and reprehensible history of women’s disempowerment, particularly with regard to the reproductive capacities of their bodies. When one combines these serial complexities with the emotional energy

1 <http://www.people-press.org/2012/05/23/changing-views-of-gay-marriage-a-deeper-analysis/> and Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides and Unites Us* (New York: Simon and Schuster, 2010), 403–4.

2 When I refer to “the Church”, however, I will most often mean the Roman Catholic Church. Some readers might find this problematic, but I use this merely as a shorthand way of referring to a particular approach to Christian ethics and not as part of a larger argument that, for example, other Christian churches do not count as real churches or that other Christians do not count as real Christians. Indeed, as giant intellectual figures like John Howard Yoder and Stanley Hauerwas have shown, Protestant thinkers have been far ahead of most Catholics on the issue of nonviolence.

behind beliefs about sexual and bodily liberty and the possibility of their being threatened, the possibility that the very moral standing of women is under attack, or that millions of the most vulnerable members of our community are being systematically killed by those who have power over them and find their lives inconvenient, it is not difficult to understand why abortion discourse in the United States has been such an unmitigated disaster.

And these conflicts have had consequences which go beyond even those already mentioned. Perhaps more than any other factor, they fuel the broader culture wars in the United States and dominate our society's political attention during elections, judicial appointments, and even debates over foreign aid—distracting from other important issues in the process. Sadly, it is through the lens of the abortion wars that many look at a host of other important ethical issues, including embryonic stem cell research, assisted suicide, removal of life-sustaining treatment, animal rights/welfare, and—as we have recently seen—health-care reform. But perhaps just as importantly, the abortion debate keeps many people of good will from cooperating toward common goods. Instead of trying to identify where ideas and public policy goals might overlap, many self-identify at a very core level over abortion, against their ideological and political opponents. Furthermore, many of those who have tried to move the debate forward are now suffering from “abortion fatigue.” The vast majority of public policy intellectuals and think tanks now generally refuse to touch the issue. Abortion is used by certain academic ethicists as a prime example of the failure of the Enlightenment project, their argument being that no matter how reasonable or open-minded we claim to be, the different social and historical contextualities of the various positions on abortion produce incommensurable principles that preclude rational debate. For instance, I have colleagues who, despite abortion's profound influence on many other issues, quite understandably choose not to take up the issue in their classrooms. The debate is then generally left to activists, bloggers, and cable news pundits. It should not come as any surprise, then, that abortion has become the most painful thorn in the side of US bioethics, and even in that of our domestic politics more generally.

### *The 2012 Election and Aftermath*

In some ways, the 2012 election campaign began with the debate over the Affordable Care Act. The legislation was Obama's crowning first-term achievement, and it was the primary issue against which Romney and other GOP candidates ran. We will look at specific aspects of this debate in more detail below, but many will remember that abortion funding served as the most important wedge issue, and that pro-life Democrats essentially held

the bill hostage until they were satisfied that the bill did not use federal tax money to support abortion. Abortion issues took center stage once again when the Obama administration ruled that the Affordable Care Act would force even Catholic hospitals to cover abortifacients like Ella for their employees. Resistance to this mandate led the Obama campaign (and Democrat candidates and talking heads more generally) to push the narrative that the GOP was engaging in a “war on women”—a narrative into which conservative candidates entered multiple times with inexplicitly insensitive comments about abortion in the case of rape. Emboldened, Democrats used their convention to highlight their support from the most extreme supporters of abortion, including the head of NARAL Pro-Choice America (formerly the National Abortion and Reproductive Rights League)—an approach Americans had not seen since the early 1990s.<sup>3</sup>

The presidential candidates themselves, however, said little about abortion. Romney, a former pro-choice governor of Massachusetts, did pick the pro-life congressman Paul Ryan as his running mate but otherwise was virtually nowhere to be found on abortion-related issues. If anything, he sent a pro-choice message when he told the *Des Moines Register* that “there’s no legislation with regards to abortion that I’m familiar with that would become part of my agenda.”<sup>4</sup> Even in victory, and despite huge pro-life legislative gains across the country in recent years, Obama and Democrats in general have sent no signals that they have any intention of advancing a pro-choice agenda in our current political climate.

Somewhat ironically, the same cannot be said of Republicans. CNN’s Alex Castellanos, in an election postmortem, chided his fellow conservatives for foolishly embracing big government on “social issues.”<sup>5</sup> Asked for his post-election analysis, John McCain said that conservatives should “leave [abortion] alone.”<sup>6</sup> In a recent *Washington Post* op-ed, a former member of the Reagan administration said that “as for morality, our party should live it,

3 Paul Bedard, “Dem Convention Becomes Anti-Akin Affair,” *Washington Examiner*, August 22, 2012, <http://washingtonexaminer.com/dem-convention-becomes-anti-akin-affair/article/2505601#.UDT2cqMySZR> It is also worth noting that a new 2013 Pew poll (<http://www.pewforum.org/Abortion/roe-v-wade-at-40.aspx>) found that a significantly higher percentage of women oppose abortion than do men.

4 Jennifer Jacobs, “Romney Says Abortion Legislation Isn’t Part of His Agenda,” *The Des Moines Register*, October 9, 2012, <http://blogs.desmoinesregister.com/dmr/index.php/2012/10/09/romney-says-abortion-legislation-isnt-part-of-his-agenda>.

5 <http://transcripts.cnn.com/TRANSCRIPTS/121107/acd.02.html>.

6 Connor Simpson, “Republicans Move Away From Grover,” *The Atlantic Wire*, November 25, 2012, <http://news.yahoo.com/mccain-wants-leave-abortion-alone-republicans-move-away-200053520.html>.

not legislate it.”<sup>7</sup> But it isn’t only the pundits who are trying to pull the GOP away from pro-life concerns. The sentiment is picking up momentum more broadly, with groups such as “GOP Choice” getting more attention. In applying conservative principles to abortion-related issues, GOP Choice makes the following assertions, for instance:

- Individuals and families have the right to unfettered access to reproductive choices, from education to abstinence, contraception, motherhood, adoption, and safe legal abortion.
- There is nothing more fiscally conservative than the proven cost-savings of preventative health policies and initiatives.
- Choice is not a political issue and the government should not be in the business of legislating private behavior or personal medical decisions.<sup>8</sup>

This kind of group might be infuriating to pro-lifers who have hitched their wagon to the GOP star, but it is difficult to deny the consistency of this group’s reasoning. It is baffling that Republicans, the party that claims to want government to stay out of the private lives of individuals, have taken such an energetic stand for big government regulation of some of the most personal choices that one can imagine.

On the other hand, it is equally mystifying that Democrats, the party that claims to advocate the use of governmental power in the interest of justice for the most vulnerable, have so energetically engaged in sloganeering about “choice”—along with suspicion of government intervention into our private lives—without examining the power structures that inform and shape supposedly autonomous choices. Perhaps not surprisingly in light of these tensions, a 2011 Gallup poll found that 27 percent of Democrats describe themselves as pro-life, and 44 percent even claimed that abortion should be legal in “few or no circumstances.” This while 28 percent of Republicans describe themselves a pro-choice, with 63 percent claiming that abortion should remain legal.<sup>9</sup>

### *Reasons for Hope*

Though frustrating, the incoherency of our American abortion discourse also provides reason for hope. If we take the time to dig deeper, the simple binary

7 Victoria Toensing, “Pro-Choice Republicans Go Public, *Washington Post*, November 29, 2012, [http://www.washingtonpost.com/opinions/pro-choice-republicans-have-a-place-in-the-party/2012/11/29/4ab72106-332e-11e2-bfd5-e202b6d7b501\\_story.html](http://www.washingtonpost.com/opinions/pro-choice-republicans-have-a-place-in-the-party/2012/11/29/4ab72106-332e-11e2-bfd5-e202b6d7b501_story.html).

8 <http://www.gopchoice.org/about/>.

9 Lydia Saad, “Americans Still Split along “Pro-Choice,” “Pro-Life” Lines,” *Gallup Politics*, May 23, 2011, <http://www.gallup.com/poll/147734/americans-split-along-pro-choice-pro-life-lines.aspx>.

of “conservative red states are pro-life” and “liberal blue states are pro-choice” does not come close to capturing our complex and shifting political discourse. Indeed, a third “magenta” option is not only present in the electorate (which now has the highest percentage of “independent” voters: 40 percent<sup>10</sup>) but also represented in the four pro-life Democrats recently elected to the US Senate: Joe Donnelly (Indiana), Robert Casey (Pennsylvania), Tim Kaine (Virginia), and Joe Manchin (West Virginia). Pro-life Democrats, remarkably, have had a track record of actually affecting policy—especially during the health-care reform debates. Former representative Bart Stupak of Michigan offered an amendment designed to supplement the Hyde Amendment in prohibiting federal funding of abortion in the new health-care system. And despite outrage from pro-choice interest groups, the amendment passed with a coalition of pro-life Democrats and Republicans—indeed, a full quarter of the Democratic Caucus voted for it.<sup>11</sup> However, the Senate responded by passing a version of health-care reform that did not include Stupak’s amendment and gave no impression that it would ever include the amendment. Stupak, along with twelve like-minded liberals (whose votes were required for the House version to pass), stubbornly negotiated for their pro-life principles against the Senate version. And after months of back-and-forth politics, Stupak and other pro-life Democrats managed to work a compromise that produced a health-care reform bill that contained a remarkable number of pro-life provisions:<sup>12</sup>

- Coverage for abortion is specifically excluded from the standard package of benefits that all insurers would be required by law to offer.
- Existing restrictions on the use of federal funds appropriated via the HHS appropriations bill (the Hyde Amendment) are maintained.
- The federal government, acting in its capacity as both a civilian and military employer, continues to exclude abortion coverage from the policies it offers to its employees.
- The new exchanges of private health-care companies are required to offer at least one policy that does not cover abortion, something not available in the individual policy market in many places.
- States have the option of preventing insurers in their state from offering plans through the exchange that cover abortion.

10 <http://www.gallup.com/poll/151943/record-high-americans-identify-independents.aspx>.

11 Clerk of the US House of Representatives, “Final Vote Results for Roll Call 884” (November 7, 2009), <http://clerk.house.gov/evs/2009/roll884.xml>. That such a large number of pro-life Democrats could vote for such a pro-life bill was the first sign that something was different this time around.

12 J. Peter Nixon, “A Pro-Life Victory?” *DotCommonweal*, March 22, 2010, <http://www.commonwealmagazine.org/blog/?p=7442>.

- Federal premium subsidies cannot be used to purchase insurance coverage for abortion.
- While individuals purchasing coverage through the exchange have the option to use their own funds to purchase abortion coverage, they have to make a separate premium payment to do so.
- All of these elements are reaffirmed by the President of the United States in a high profile executive order issued hours before the legislation's passage.

Several Republicans who describe themselves as pro-life tried to claim that, in compromising with his opponents in negotiating the final deal, Stupak had simply sold out his pro-life credentials—one even shouted out “Baby killer!” as the veteran lawmaker addressed the House a final time to assure passage of health-care reform. But much of the pro-choice lobby stood strongly against not only this kind of regulation of private insurance companies who participate in the health exchanges (because of the significant worry that insurance companies would drop abortion coverage altogether), but also against the Hyde Amendment itself. Indeed, despite campaigning for president as a candidate who was against the Hyde Amendment, as president, Obama promulgated an executive order that effectively gave it legal status, given that it now no longer needs to be renewed with each budget.<sup>13</sup> This was a substantial victory for pro-life Democrats.

The complexity of the Stupak affair mirrors the complexity of the American public's views about abortion more generally. Though generally supportive of abortion remaining legal, a majority of Americans now describe themselves as pro-life according to recent polls. And the pro-life trend appears to be gaining momentum. In 1995, for instance, when Gallup asked whether abortion should be legal in “many or all” circumstances or “few or no” circumstances, 51 percent of those polled said “many or all,” and 46 percent said “few or no.” The 2011 Gallup poll, however, found that the numbers have changed dramatically: 61 percent of those polled now say that abortion should be illegal in “many or all” cases, and 37 percent said in “few or no” cases.<sup>14</sup> And this complex and shifting trend should become even more interesting when the virtually unboxable Millennial generation comes into its own. A 2010 Gallup poll found that, unlike older generations, the Millennials generally support gay

13 Jodi Jacobson, “Nelson Restrictions Most Likely Outcome of Reconciliation Process,” *RH Reality Check*, March 3, 2010, <http://www.rhrealitycheck.org/blog/2010/03/03/health-reform-lumbers-forward-stupak-allies-ratchet-efforts-deny-basic-health-coverage-women>; and Jacobson, “White House Crafting Deal with Stupak on Executive Order,” *RH Reality Check*, March 22, 2010, <http://www.rhrealitycheck.org/blog/2010/03/21/update-correction-white-house-crafting-deal-stupak-executive-order>.

14 Saad, “Americans Still Split.”

rights, but also that they are “trending anti-abortion” at the very same level as seniors.<sup>15</sup> This is a radical shift from the 1970s, when the 18–29 age group was the one most supportive of abortion rights.

### *An Abortion Realignment?*

All this shifting and complexity should give us hope that doing something other than defining the other by means of simplistic binary categories can help us overcome polarization, carefully sift through the complex issues that divide us, find where the disagreement lies, and even move forward on issues where a substantial number of Democrats and Republicans can actually agree. Indeed, with so much complexity present in each of the parties, it may be time to conclude that the most important disagreement about abortion is not between Republicans and Democrats, but between libertarians and nonlibertarians. Pro-choicers who identify as Democrats and pro-choicers who identify as Republicans often take a similar line on abortion: the government has no business telling individuals what they can or can’t do when making autonomous choices about sex and reproduction. Social justice for vulnerable populations (both for our prenatal children, and for women who are actually hurt by social structures coercing their “choice”) is trumped by a suspicion of government and a valorization of the autonomous individual.

Nonlibertarians on abortion (whether pro-life or pro-choice) can have a very different kind of conversation. Furthermore, nonlibertarian pro-lifers have the advantage of a strong and growing majority—and they have young people on their side as well. But because they do not have the support of the heart of either party, they must find a way of building coalitions between (so-called) liberals and (so-called) conservatives in ways that transcend our simplistic political framework. In the remainder of this article I will argue that “consistent nonviolence” is precisely what is needed to build such a coalition—though, as I show below, it will force more traditional pro-lifers to acknowledge the many important mistakes (with regard to both ideas and rhetoric/tactics) that have been made by the mainstream movement to this point.

## **2. Consistent Nonviolence**

People on multiple sides of the abortion debate are convinced of the value of nonviolence and even use it as a major focus of their arguments. Because of the nonviolent example of Jesus, it is a principle and way of life

15 Lydia Saad, “Generational Differences on Abortion Narrow,” *Gallup Politics*, March 12, 2010, <http://www.gallup.com/poll/126581/generational-differences-abortion-narrow.aspx>.



to which both pro-choice and pro-life Christians should be particularly committed. Indeed, the leadership of the Roman Catholic Church makes very strong claims about the incompatibility of violence with a Christian life, even going so far as to say that “where there is violence, God cannot be present,” and that violence is “never a proper response.”<sup>16</sup> But because the concept of “violence” is used in so many ways in so many contexts, it can sometimes be difficult to nail down. While we are most familiar with violence resulting from the explicit actions of individuals that directly (and especially *physically*) harm others, it may also be the result of how groups of people structure themselves. Consider this powerful warning:

*Authority must enact just laws, that is, laws that correspond to the dignity of the human person and to what is required by right reason. “Human law is law insofar as it corresponds to right reason and therefore is derived from the eternal law. When, however, a law is contrary to reason, it is called an unjust law; in such a case it ceases to be law and becomes instead an act of violence.”*<sup>17</sup>

An important example would be laws that exploit child labor. Such laws, according to the Church, constitute “a kind of violence that is less obvious than others but it is not for this reason any less terrible.”<sup>18</sup>

Thus violence, both individual and structural, should be a matter of utter seriousness for Christians. But it is also a concern for secularists, many of whom, somewhat ironically, are driven to be skeptical of the violence supposedly spurred by Christianity. Whatever one thinks of such a historical narrative,<sup>19</sup> an appeal to nonviolence is capable of crossing not only the pro-choice/pro-life divide within Christianity itself, but also the Christian/secular divide (an important one in the abortion debate) as well.

Do these considerations point toward a working *definition* of nonviolence? Given that this article tries to speak broadly about a phenomenon that can be viewed in diverse ways, working with a definition that goes into too much detail may undermine its central goal. At the very least we can say that many kinds of liberals and conservatives, along with religionists and secularists, share a *prima facie* suspicion of individual, physical, and structural

16 Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html), nos. 488 and 496.

17 *Ibid.*, no. 398, citing Thomas Aquinas, *Summa theologiae* I-II, q. 93, a. 2, ad 2um.

18 *Ibid.*, no. 296.

19 For those interested in a recent argument problematizing such criticisms, see William Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (Oxford: Oxford University Press, 2009).

violence. Let us examine the impact of this shared value on various aspects of the abortion debate—both now and looking to the future.

### *Activist Violence*

Perhaps the first kind of violence that comes to mind when thinking about abortion-related issues is that perpetrated by some who call themselves pro-life. Indeed, it is virtually impossible to follow the news on a regular basis without learning about awful cases in which elements of the pro-life movement have committed heinous acts of violence. Far more common, of course, are situations where pro-lifers have used violent *rhetoric*, which may or may not incite the fringe to violent acts. One recent example was the much talked-about relationship between the rhetoric of Fox News personality Bill O'Reilly and Scott Roeder's shooting of the late-term abortion provider George Tiller.<sup>20</sup> Pro-choice groups have strategically documented this kind of violence and have used various media to paint successfully the pro-life movement as by its very nature somehow associated with violence or extremism.<sup>21</sup> *Reality Check*, for instance, issued an article and podcast soon after the Arizona shootings detailing how "the right" was using the "anti-choice playbook" in engaging in violent rhetoric to encourage violent acts.<sup>22</sup>

Sometimes, however, pro-choice activists will themselves engage in violent actions and threats in a further attempt to link pro-life activists to violence. According to the *Los Angeles Times*, for example, Frank Mendiola called in several false pro-life threats to a newspaper, women's groups, and police over several months, saying that "he would plant bombs in abortion clinics and offices and homes of people who ran them."<sup>23</sup> The actual number of violent acts perpetrated by pro-life activists is disputed, but according to sociologist Ziad Munson, even at the peak of such violence, in the 1990s, there were about three "murders or attempted murders" of physicians who

20 Robin Abcarian, "Scott Roeder Convicted of Murder in Shooting of Abortion Provider George Tiller," *Los Angeles Times*, January 30, 2010, <http://articles.latimes.com/2010/jan/30/nation/la-na-tiller-trial30-2010jan30>.

21 Salon's Stephen Singular, for instance, tries to connect O'Reilly and other more mainstream pro-lifers to Tiller's murder: Singular, "Revisiting the Murder of George Tiller," *Salon*, April 17, 2011, [http://mobile.salon.com/politics/war\\_room/2011/04/17/the\\_murder\\_of\\_dr\\_george\\_tiller/index.html](http://mobile.salon.com/politics/war_room/2011/04/17/the_murder_of_dr_george_tiller/index.html).

22 Amanda Marcotte, "Anti-Choice Post-Violence Tactics Go Mainstream," *RH Reality Check*, January 17, 2011, <http://www.rhrealitycheck.org/blog/2011/01/17/anti-choice-postviolence-tactics-mainstream>.

23 Patt Morrison, "Zealot's Tale: Pro-Choice Activist Faces Sentencing in Bomb Threats to Stir Sympathy for Cause," *Los Angeles Times*, December 10, 1989, [http://articles.latimes.com/1987-12-10/local/me-27935\\_1\\_bomb-threats](http://articles.latimes.com/1987-12-10/local/me-27935_1_bomb-threats).

performed abortions or abortion clinic staff per year. But it is also important to note the following for context: “Although the incidence of violence against abortion clinics has declined in recent years, the amount of pro-life picketing has steadily increased. There were more than 10,000 cases of picketing in front of clinics in 2007.”<sup>24</sup> Let us postulate for the sake of argument that each picket had about 2.5 people attending, and that the violence rate dropped by only one point. We would then conclude that for every murder or murder attempt by a pro-life activist, there are about 12,500 instances each year of a pro-life activist protesting without such violence taking place. This should hardly be surprising given that virtually all serious pro-life activist organizations are explicitly nonviolent. These include the National Right to Life Committee, Family Research Council, Americans United for Life, Concerned Women for America, Susan B. Anthony List, American Life League, Students for Life of America, 40 Days for Life, among others—all of which issued statements condemning the murder of George Tiller. Nor was this a new position: many years before Tiller’s murder, American Life League joined many other pro-life groups in issuing a “Pro-life Proclamation Against Violence.”<sup>25</sup>

Admittedly, this message of nonviolence flies in the face of a culture that sees violence as a legitimate and sometimes necessary option to solve problems. Consider what the pro-choice journalist William Saletan wrote after Tiller’s murder:

Is it wrong to defend the life of an unborn child as you would defend the life of a born child? Because that’s the question this murder poses. Peaceful pro-lifers have already tried to prosecute Tiller for doing late-term abortions they claimed were against the law. They failed to convict him. If unborn children are morally equal to born children, then Tiller’s assassin has just succeeded where the legal system failed: He has stopped a mass murderer from killing again.

So is Roeder getting support from the nation’s leading pro-life groups? Not a bit. They have roundly denounced the murder.

I applaud these statements. They affirm the value of life and nonviolence, two principles that should unite us. But they don’t square with what these organizations purport to espouse: a strict moral equation between the unborn and the born. If a doctor in Kansas were butchering hundreds of old or disabled people, and legal authorities failed to intervene, I doubt

24 Ziad W. Munson, *The Making of Pro-Life Activists: How Social Movement Mobilization Works* (Chicago: University of Chicago Press, 2008), 88 and 90. The statistics come from the National Abortion Federation.

25 American Life League, “Pro-Life Proclamation Against Violence,” January 1, 1999, <http://www.all.org/article/index/id/MjYzNA>.

most members of the National Right to Life Committee would stand by waiting for “educational and legislative activities” to stop him. Somebody would use force.

The reason these pro-life groups have held their fire, both rhetorically and literally, is that they don’t really equate fetuses with old or disabled people. They oppose abortion, as most of us do. But they don’t treat abortionists the way they’d treat mass murderers of the old or disabled. And this self-restraint can’t simply be chalked up to nonviolence or respect for the law. Look up the bills these organizations have written, pushed, or passed to restrict abortions. I challenge you to find a single bill that treats a woman who procures an abortion as a murderer. They don’t even propose that she go to jail.<sup>26</sup>

It is apparently inconceivable to Saletan (and to several of my pro-choice friends who privately have said something similar) that pro-life activists could believe that abortion was the killing of a person, and yet the response of the overwhelming majority of them is one of nonviolence. It should be noted that some people who call themselves pro-life and invoke the Christian just war tradition in fact do try to defend deadly violence in defense of prenatal life.<sup>27</sup> But because violence, even for many secularists, is simply the de facto response to severe and overwhelming injustice, the fact that *so few* pro-life advocates make this case serves as evidence that the pro-life movement cannot simply be reduced to this particular position.

And just as pro-choice groups have documented violence done by pro-life extremists, the reverse is also the case. A simple Google search can produce hundreds of documented examples of a kind of violent act that rarely makes the national news: those perpetrated by pro-choice activists against pro-lifers. From attacks of various kinds on clinic protesters,<sup>28</sup> to the murder of pro-life activists,<sup>29</sup> to death threats (one pro-choice activist was convicted of this—ironically, under a law design to deter pro-life activists<sup>30</sup>), violent extremism

26 William Saletan, “Is It Wrong to Murder an Abortionist?” *Slate*, June 1, 2009, <http://www.slate.com/id/2219537/>.

27 Neil A. Lewis, “At the Bar; A Law Review Article on Abortion Comes Face to Face with Real Life – and Death,” *The New York Times*, August 26, 1994, <http://www.nytimes.com/1994/08/26/us/bar-law-review-article-abortion-comes-face-face-with-real-life-death.html>.

28 Several incidents are documented on the YouTube video available at <http://www.pro-choiceviolence.com/videos>.

29 Deacon Keith Fournier, “Anti-abortion Activist Shot in Front of High School,” *Catholic Online* (blog), September 11, 2009, [http://www.catholic.org/national/national\\_story.php?id=34409](http://www.catholic.org/national/national_story.php?id=34409).

30 *From Tribune News Services*, “Abortion Foe Uses The Protection Law,” *Chicago Tribune*, March 1, 1998, [http://articles.chicagotribune.com/1998-03-01/news/9803010335\\_1-abortion-clinics-anti-abortion-clinic-entrances-act](http://articles.chicagotribune.com/1998-03-01/news/9803010335_1-abortion-clinics-anti-abortion-clinic-entrances-act).

is not the exclusive preserve of pro-life activists. Those who are pro-choice rightly call out the extremist elements of the pro-life movement for their violence, but an honest accounting means that violence of any kind should be identified and condemned—even if it doesn't fit the current narrative.

### *Violence in the Act of Abortion Itself*

There is also the violence directed at the prenatal child. Most people, including most pro-choice advocates, do not think abortion is like removing a tumor or mere tissue. Rather, they know that on some level that it is a violent act that snuffs out a life of significant value. Indeed, the 2011 Gallup poll found that although 78 percent of those polled think abortion should be legal, 51 percent describe abortion as “morally wrong.”<sup>31</sup> Many also make an important distinction between abortions for serious or emergent reasons and those done for trivial reasons such as mere birth control. The idea that abortion is the killing of a life with some significant value, then, is one that transcends the pro-life/pro-choice divide.

Some, including President Obama, claim that abortion is never undertaken casually. But this flies in the face of Planned Parenthood's own statistics, which show that most abortions are not the result of the extreme situations typically mentioned (e.g., when serious health issues are involved or when a rape has occurred). Indeed, though many give complex and multiple reasons for having an abortion, 38 percent of those surveyed by Planned Parenthood gave as a reason for their abortion that “having a child would interfere with their education.” Interestingly—and important for what will be shown below—more than half listed “being a single mother” or “having relationship problems” as a reason.<sup>32</sup> Furthermore, about half of all women who have abortions have *already had at least one abortion*. And of those prenatal children diagnosed with Down syndrome, over 90 percent are killed by means of abortion. That such a violent act, directed against what a majority believe is a life of value, can be done multiple times for reasons of mere birth control is cause for serious concern across the abortion divide.

### *Violence Perpetuated by Abortion Public Policy*

One aspect of violence in the abortion debate that does not get enough attention from traditional or mainstream pro-life advocates is the violent history of men controlling women's bodies and reproductive capacities, as

31 Saad, “Americans Still Split.”

32 Lawrence B. Finer et al., “Reasons U.S. Women Have Abortion: Quantitative and Qualitative Perspectives” (September 2005), <http://www.guttmacher.org/pubs/journals/3711005.pdf>.

well as the violence that could return for women if abortion is made illegal. While there are extremely important questions to be raised about the reliability of data gathered about abortion practices in the early to mid-twentieth century, it was certainly the case that many women of that era were driven by desperate circumstances into horrible situations in order to obtain abortions. Many died, and many others were maimed. And while advances in medical technology and other factors, such as relative ease of travel to places where abortion is legal, would make the rate of abortions much lower today, it is still the case that many women in desperate circumstances (often not of their own making) would be killed and maimed by illegal abortions. And this kind of violence is something about which we should see far more concern on the part of pro-life advocates when they engage in abortion discourse—especially when the complicated move is made from ethical principle to installation of a legal public policy.

The specter of this kind of violence hung over the recent events surrounding Kermit Gosnell's Philadelphia abortion clinic. According to the report of the grand jury that indicted Gosnell and other clinic workers,<sup>33</sup> the "Women's Medical Society" was not in the business of women's health, but rather profit:

The only question that really mattered was whether you had the cash. Too young? No problem. Didn't want to wait [for the 24-hour waiting period mandated by law]? Gosnell provided same day service. The real key to the business model, though, was this: Gosnell catered to the women who couldn't get abortions elsewhere—because they were too pregnant. Most doctors won't perform late second-trimester abortions, from approximately the 20th week of pregnancy, because of the risks involved. And late-term abortions after the 24th week of pregnancy are flatly illegal. But for Dr. Gosnell, they were an opportunity. The bigger the baby, the more he charged.

Gosnell's patients would come in during the day, pay, and then take labor-inducing drugs. He would then show up later at night to see if any were ready to deliver. Some would already have fully delivered by the time he got there, and he would simply kill these infants without a second thought. He was also a deadly threat to mothers, and the indictment identifies dozens of examples of women he had butchered and even killed as a result of his practices. On one occasion, Gosnell simply sent a patient home, after keeping her mother waiting for hours, without telling either of them that

33 Report of the Grand Jury, First District of Pennsylvania, January 2011, <http://www.phila.gov/districtattorney/PDFs/GrandJuryWomensMedical.pdf>. This grand jury testimony is also quoted twice in the next paragraph.

she still had fetal parts inside her. As infection set in over the next several days, Gosnell insisted that she was fine, but her mother was later forced to rush her daughter to a hospital emergency room, unconscious and near death.

Even when one of Gosnell's patients actually died, he was able to escape detection. However, he ended up being discovered—by accident—by those who were investigating him, not for violating abortion laws but for illegally selling prescription drugs. The grand jury noted that the Pennsylvania Department of Health, for political reasons, had stopped inspecting abortion clinics at all. Indeed, this shift happened when the pro-life Democratic administration of Governor Casey was replaced by the pro-choice Republican administration of Governor Ridge, the latter concluding that such inspections “put up a barrier” to women seeking abortions. Indeed, the grand jury concluded that, despite numerous warnings about this clinic, no one acted, “because the women in question were poor and of color, because the victims were infants without identities, and because the subject was the political football of abortion.”

Some say that this is precisely why we should *not* make any abortion illegal—we force less privileged women into these kinds of horrible circumstances to be preyed on by people who want only their money. But in commenting on the Gosnell case, the *Washington Post's* Melinda Henneberger made this point:

The kind of regulation that *if enforced* might have prevented this atrocity is in all cases seen as an infringement by abortion rights advocates, and thus is strenuously opposed. In Evansville, Indiana, for instance, the pro-choice community was outraged in 2008 after county commissioners passed an ordinance requiring abortion clinic doctors to have hospital admitting privileges. As an Evansville Courier editorial decrying the ordinance put it, “Abortion rights groups see it as an attempt to harass abortion providers and to limit women's access to legal abortions.” But wouldn't such a requirement also provide a degree of protection to women—particularly the poor, immigrant population Gosnell preyed upon? Not surprisingly, Gosnell had no such hospital admitting privileges, though he was well known to local hospital doctors who, the report says, regularly had to clean up after him, and treat patients like the 19-year-old who had to have a hysterectomy after Gosnell punctured her uterus.

Abortion-rights activists call such regulations “TRAP laws”—short for Targeted Regulation of Abortion Providers; these laws attempt to regulate abortion clinics at the same level of other outpatient surgical centers, for instance by requiring that hallways be wide enough to get a gurney through if something goes wrong. What difference could that possibly make? Well, it took Emergency Medical Service workers 20 minutes to get Karnamaya Mongar out of Gosnell's clinic and into an ambulance

because the hallways were blocked and the emergency exit padlocked. (Tarina Keene, the executive director of NARAL Pro-Choice Virginia, registered the standard complaint that such regulation is too costly and is “really just designed to shut these places down. It has nothing to do with medical care.”)<sup>34</sup>

For those who care about violence done to women, especially desperate and poor women on the margins, this cannot be a satisfactory approach to regulation of abortion clinics. Use of easy euphemisms like “choice” and “trusting women and their doctors” as a primary way of approaching these issues simply allows this kind of violence to continue to exist and even flourish. Indeed, New Jersey, Florida, and New York have had cases of a similar nature come to light over the past two decades. At the same time, pro-life advocates should be prepared to respond to the argument that this kind of violence could return with even greater frequency if abortion is made flatly illegal.

### *Concern for the Agent*

Those who pay attention to virtue ethics will be concerned about the effect a violent act has on the agent. Perhaps Gosnell himself gave an indication of how his violent acts affected him when he said, “I understand the one count [of murder], because a patient died, but I didn’t understand the seven counts.”<sup>35</sup> He had become so desensitized to the violence that he couldn’t see what was wrong with killing those seven newborn infants. The pacifist scholar and activist Rachel MacNair has done interesting research on posttraumatic stress disorder (PTSD) in the context of war and has recently turned her attention to how it functions for abortion clinic staff. In *Achieving Peace in the Abortion War*,<sup>36</sup> though admitting more research needs to be done, MacNair argues that much of what happens to those who experience PTSD from having been in a war zone also happens to abortion clinic staff. Virtually no attention is given to the needs of such staff who, especially if one thinks abortion is morally or legally justified, deserve the serious attention and concern that something approaching PTSD demands. The fact that

34 Melinda Benneberger, “Hermit Gosnell’s Pro-Choice Enablers,” February, 2011, <http://www.politicsdaily.com/2011/01/23/kermit-gosnells-pro-choice-enablers-how-clinics-become-death-t/>.

35 Ibid.

36 Rachel MacNair, *Achieving Peace in the Abortion War* (January 2009, iUniverse), <http://www.fnsa.org/apaw/index.html>. Her data are taken from publications such as the *Journal of Social Science and Medicine*, the *American Journal of Obstetrics and Gynecology*, and even the 1978 meeting of the Association of Planned Parenthood Physicians.



doctors who will perform abortions are getting much older, and are not being replaced at anywhere close to the same level by the younger generation, is of interest in light of these concerns.<sup>37</sup> This trend was identified by the *New York Times* back in 1998,<sup>38</sup> and groups like Medical Students for Choice are alarmed by the fact that present-day physicians are not choosing to be trained to do abortions, at an even higher rate.<sup>39</sup>

More frequently studied, however, is the effect abortions have on women. This is a hotly contested matter, and it goes well beyond the scope of this article to make an argument about the complexities involved. But at the very least one can say the following: those who support choice, along with those who support life, should be taking seriously and doing everything to help the large number of women who claim to be suffering trauma as a result of having an abortion. Abortion politics should never be a barrier to helping women who are suffering as a result of having an abortion.

### *Structural Violence*

As we saw above, the Church shows a strong concern for instances of individual (and often physical) violence, as well as the structures that give rise to it. As those who study structural problems in ethics are aware, where there is systematic or regular individual, physical violence, there is almost always structural violence and injustice as well. A hyperautonomous and consumerist culture exists in the developed West that is run by privileged people who lord power over vulnerable populations who lack such privilege. When those who would prefer to see abortion in terms of “autonomy” and “choice” and “privacy” win legislative and other public policy victories, those injustices are allowed to flourish in ways that make many different kinds of people uncomfortable, regardless of their positions on abortion. That prenatal human beings are in just this kind of vulnerable position is surely the case, but their moral status is perhaps the foundational issue of the debate itself—and one must be careful not to beg the question when speaking of the fetus as “vulnerable.”<sup>40</sup> Here it is worth mentioning that

37 Though it must be admitted that the reasons for this probably go beyond the effect that doing abortions has on these physicians. The public stigma of doing abortions, along with the strong criticism that many of them get from protesters, also likely plays a role.

38 Jack Hitt, “Who Will Do Abortions Here?,” *New York Times*, January 18, 1998, <http://www.nytimes.com/1998/01/18/magazine/who-will-do-abortions-here.html>.

39 Medical Students for Choice, “Fact Sheet: Lack of Abortion Training,” <http://www.medicalstudentsforchoice.org/uploads/lack%20of%20training%20-%20fact%20sheet.pdf>.

40 I have argued elsewhere that all human fetuses should have the moral status of persons in light of their active or natural potential (as opposed to their passive potential or the mere probability for certain traits). See Charles Camosy, “Common Ground on

classist, racist, sexist, and other unjust power structures continue to depersonalize the poor, females, people of color, and those with disabilities, especially when these populations are destroyed via abortion far more frequently than prenatal humans who are rich, male, white, and healthy. Certainly, when abortion is accepted (and at times even encouraged) because the prenatal child will be poor, female, a person of color, or of an undesired mental capacity, people who disagree about the moral status of the fetus can nevertheless agree that this demeans the value of these vulnerable populations in their postnatal lives.

What is *not* open to serious debate is the moral value of many women who are being driven to have abortions because of the unjust social structures wrought of the West's idolatrous worship of privacy and consumerism. These structures, while putting multiple serious obstacles in the way of women balancing motherhood with participating fully in professional society, at the same time create social expectations dependent on two-income families. This leaves many women disproportionately dependent on their partners, who therefore have de facto power to coerce abortion choices. These social structures simultaneously tell women (via a "hook-up" culture<sup>41</sup>) that their primary value is as a sexual object for the pleasure of men, while also sending the message that pregnancy and single motherhood (especially during college) is a practical impossibility. They loudly and systematically promote the myth of "safe" sex but are silent when that myth is exposed to be devastatingly false—leaving women (and girls) to deal with the consequences of unplanned pregnancies and sexually transmitted diseases.<sup>42</sup> The concurrent myth that merely giving women "reproductive choice" leads to their flourishing, without interrogation of the violent social structures that frame and even coerce such choice, can and should be deconstructed by people with diverse views about abortion. Indeed, giving women "choice" in a context where that choice is coerced by violent, unjust social structures is itself an act of coercive violence against women.

Surgical Abortion?—Engaging Peter Singer on the Moral Status of Potential Persons," *Journal of Medicine and Philosophy* 33.6 (2009): 577–93, and Camosy, *Peter Singer and Christian Ethics: Beyond Polarization* (New York: Cambridge University Press, 2012), chap. 1.

41 Kari Shane Davis Zimmerman, "Hooking Up: Sex, Theology, and Today's 'Unhooked' Dating Practices," *Horizons: The Journal of the College Theology Society* 37.1 (2010): 72–91.

42 Indeed, even as promotion of "safe sex" continues, the STD infection rate continues to rise at a rapid pace. One in four American teenage girls has an STD, and 40 percent of all American teenagers who admit to having sex have an STD. [http://www.huffingtonpost.com/2008/03/11/study-finds-1-in-4-us-tee\\_n\\_90977.html](http://www.huffingtonpost.com/2008/03/11/study-finds-1-in-4-us-tee_n_90977.html).

If both pro-choice advocates and pro-life advocates are concerned about the physical violence highlighted in this article, both should also be equally concerned about the violence present in the social structures that give rise to it. And if we are taking a nonlibertarian approach, then we should be prepared to support candidates who are willing to enact changes in policy to help change these structures. Examples might include, but are not be limited to, the following: formal implementation of a nondiscriminatory script that OB-GYNs use when explaining to a parent that their prenatal child has a mental disability; honest discussion of the structural racism present in the disproportionate placement of abortion clinics in African American neighborhoods; direct acknowledgment of the role that broad access to abortion plays in the 160 million “missing girls” in India and China; structural supports (such as equal pay for equal work, mandatory paid parental leave, strict enforcement of child support payments, etc.) for the choices of women to be both full members of the professional class and mothers of prenatal and postnatal children.

### Conclusion

First steps toward common ground on seemingly intractable issues like abortion can be (often understandably) dismissed as too easy or merely rhetorical. What I am proposing is neither. Focusing on a principle that transcends our polarized divisions on abortion takes us out of our comfortable categories and forces each of us to take a hard look at our positions and how they relate to violence. Looking at the abortion debate through the lens of nonviolence can cut through divides and force people with diverse and complex positions to confront the difficult issues in a new way.<sup>43</sup>

If they were to decide to be consistently nonviolent, many pro-life activists would be forced to examine both their rhetoric and their tactics and see the extent to which both contribute to both physical and structural violence. Many pro-life activists would also need to take a fuller account of the important concern that women will undergo unacceptable violence if abortion is legally banned. Pro-life advocates should never forget the violent history of women having their bodies and reproductive capacities controlled by men, but pro-choice advocates (looking through the same nonviolent lens) should also understand that such violence is *still present* and even flourishing today with abortion being broadly legal. It is allowed to flourish, at least in

43 Perhaps there is an analogy to be drawn here with the lens of “just peacemaking,” which is designed to bring pacifists and just war proponents together to cooperate toward common goals.

part, because of pro-choice appeals to autonomy and choice, which cause many structures of violence to be ignored. Furthermore, pro-choicers should come to grips with the violence present in the act of abortion itself (which, as we saw, is done far more casually than our public rhetoric allows us to imagine), and the effect that it has not only on our prenatal children, but also on women and abortion providers.

The nonviolent lens that I am proposing takes the focus away from the binary oppositions of life/choice, liberal/conservative, legal/illegal, woman/fetus and instead focuses our attention in a new way, allowing us to see both the issue itself and the discourse surrounding it quite differently. Despite the fact that so many of us define ourselves over against our opponents, those who support choice and those who support life are *simply not* moral strangers to one another more generally. Many of us share essential values, including a commitment to nonviolence. I believe this shared commitment can be an organizing principle for our culture as it (1) shifts with a new generation and welcomes new voices to the discourse and (2) reacts to a political realignment driven by the rise of (both “conservative” and “liberal”) libertarianism. Perhaps the abortion debates of the future will be between a consumerist, hyper-autonomist culture with an interest in keeping violent power structures in place, and a counterculture that interrogates and challenges those structures by promoting nonviolent practices and social structures in their place.