



Abortion, the Sexual Revolution, and the Question of Reproductive Justice

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The Impossibility of a Humane World?

I vividly remember the first time I read Ursula le Guinn's *The Ones Who Walk Away From Omelas*. In this fantasy short story, le Guinn describes a heavenly city. Beautiful scenery surrounds it: clear skies, abundant fields, mountains, and a harbor. The inhabitants of Omelas, young to old, live full, flourishing lives. Pleasure, art, health, prosperity, kindly relationships, and intellectual depth all seem to coexist in perfect balance in the world le Guinn paints.

Le Guinn anticipates the reader's suspicion: surely this world is too good to be believable? Surely there must be a catch?

And then we are told. Somewhere underneath an old state building in the city, a child wallows in solitary confinement, locked up in a dark cellar. Day after day, the child sits there, in its own excrement, away from human company, cold, terrified, and alone. The authorities in charge visit to throw the child scraps of food, and deliver the occasional beating.

In order for Omelas to prosper and be blessed, the child has to suffer. We aren't told why. All we know is that the city's flourishing must come at this cost. Were anyone in the city to show the child a shred of kindness, the city's harvests would fail, the happiness would cease, or some other disaster would befall it.

The citizens of Omelas know about the child. In fact, it is a rite of passage for young citizens to be taken to see the child. On first discovering the awful truth, most of the young citizens feel angry, guilty, or enraged. For a while, there is a blight on their happiness. But as they mature, most of them learn to accept the state of affairs.

Some - a small minority - do not recover from the guilt. Unable to participate in a way of life that is built on such dehumanising treatment of an innocent, they choose to leave the city.

When I first read *The Ones who walk Away from Omelas*, my interpretation of its moral message was this: don't accept the unfairness of "the system". If the wealth of a society, economy, or culture relies on the suffering of innocents, refuse to be a part of it. Be like the ones who walk away from Omelas.



Now, when I read the story, with a closer eye, and a greater awareness of details of le Guinn's personal life, I detect a message that is less idealistic, more sinister, more self-protective. Le Guinn begins by describing this heavenly state of affairs, and naturally assumes that we, the readers, will find the world unbelievable and unconvincing, until the cellar child is introduced. After the harrowing description, le Guinn confidently addresses the reader: "Now, do you believe?" We are not told exactly what the connection is between the child's suffering and the prosperity of the city, but the point, as I take it, is that we don't need to know; we don't need an explanation. All we do know - a reality which le Guinn assumes is part of all believable possible worlds - is that prosperity cannot come without someone suffering. There can be no such thing as a state of affairs that is kind to all.

There is a pointlessness, then, in asking whether the cellar child's suffering is unjust, and most of the citizens of Omelas proceed with their lives on this basis. What cannot be otherwise needs to be accepted. In fact, the truly enlightened citizens of Omelas come to not merely accept the child's suffering, but to find even greater appreciation for their happy lives because of it.

The cellar child's treatment cannot, ought not, be moralised about. Guilt, we are told by le Guinn, has no place in *Omelas*. For this reason, the few who do feel guilt have no choice but to walk away.

This more considered interpretation of le Guinn's story bears discomfiting resemblances to the pro-abortion narrative of the real world - another narrative le Guinn played a part in creating.



We live in a world which finally takes the equality of women seriously. Previous generations of women – oppressed slaves of biology – could have only dreamed of what we now have. Whether it is the pursuit of adventure, high status in the public sphere, “real-world” impact, or simply the pursuit of sexual satisfaction unencumbered by potential parenthood, the full buffet of human experience is now available to all.

Of course, there is a child in the cellar. There has to be, doesn't there? This state of affairs would hardly be believable if there wasn't. Somewhere, in a suburb near you, a life is being cut short. While the outside world bustles with its heady rhythms, the clinicians' rooms hide the casualties of “the system” from everyday view. As with the cellar-child, there is no way to describe the scene nicely. A little one is being sucked apart, torn apart, or scalded. Once the “procedure” is over, all the parts of her are laid out on a table, to make sure none of her has been left behind. If, on the rare occasion, she happens to survive, she is thrown into a bin and left to die, never to see the sun. And yes, the humanity of this innocent is beyond doubt. That much, we know, is not up for debate.

But equally undeniable, it would seem, is the fact that women need abortion. A woman's freedom, her equal participation as a citizen, indeed, her potential for full human flourishing depends, we are told, on the easy availability of abortion.

There is, then, a pointlessness in asking whether the abortions of unborn children are unjust. This kind of question is unhelpful, traumatic, even. What cannot be otherwise needs to be accepted. The fetus's death cannot - ought not - be moralised about.

In fact, the truly enlightened among us are grateful for the lives we have as a result of abortion.¹ Far from accepting the necessity of abortion with a sorrowful nod or the aspiration that it be “safe, legal, and rare” (quite a passe slogan now), we must all affirm abortion as a positive social good.²

If you object to this story, you must either be silent, or walk away. You must not get in the way of life in Omelas. This is a guilt-free zone.

1 Valenti, “The Life Abortion Gave Me”.

2 Tarico, “Why I am Pro-Abortion and Not Just Pro Choice”.

Sexual Ethics and the Pro-Life Feminist Tradition

This is the pro-abortion narrative that has reverberated around the world since the era of *Roe v. Wade*: women need abortion. The recent, news-making overturn of *Roe* gives Australia a timely opportunity to take a closer look at this narrative, which we have all too uncritically come to accept. Until recently, this was a narrative that much of America had accepted, and which America's judiciary, through *Roe* and subsequent cases, enshrined in law. As most states in Australia have liberalised our own abortion laws in recent years, we ought to ask ourselves what kind of culture we are affirming through our belief in the idea that women need easily available abortion.

First, a warning. Many of the ideas I am about to lay out are not ideas we are used to hearing anymore. But bear with me, follow these arguments, and judge them on their merits. In what follows, I defend many ideals that are "traditional", but I encourage you not to dismiss them on account of this. As the saying goes, traditions are solutions to forgotten problems. If we are willing to recover from our cultural amnesia, such solutions may yet provide us with an alternative to self-protective resignation toward the plight of our child in the cellar. Without further ado, I will begin to unpack the thesis of this book.

In her classic essay "Abortion and the Sexual Agenda", pro-life feminist Sidney Callahan wrote this:

"Women can only play the erotic game successfully when, like the "Cosmopolitan Woman," they are young, physically attractive, economically powerful, and fulfilled enough in a career to be willing to sacrifice family life. Abortion is also required. As our society increasingly endorses this male-orientated, permissive view of sexuality, it is all too ready to give women abortion on demand... In pro-choice feminism, a permissive, erotic view of sexuality is assumed to be the only option. Sexual intercourse with a variety of partners is seen as "inevitable" from a young age and as a positive growth experience to be managed by contraception and abortion. Responsibly choosing an abortion supposedly ensures that a young woman will take charge of her own life, make her own decisions, and carefully practice contraception. But the social dynamics of a permissive, erotic model of sexuality, coupled with permissive laws, work toward repeat abortions. Instead of being empowered by their abortion choices, young women having abortions are confronting the debilitating reality of not bringing a baby into the world; not being able to count on a committed male partner; not accounting oneself strong enough, or the master of enough resources, to avoid killing the fetus."³

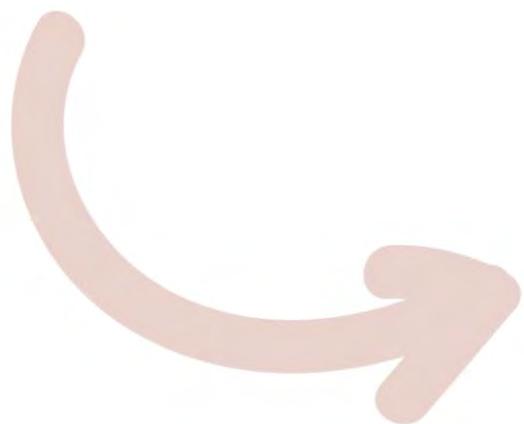
3 Callahan, "Abortion and the Sexual Agenda", 176-77.

Let us consider the central claim of the pro-abortion narrative: *women need easily available abortion*. A crucial question Callahan raises, like many pro-life feminists before her, is: women need easily available abortion...*assuming what*, exactly? Under what social and cultural conditions does widespread, easily available abortion seem necessary? According to what assumptions about “the way life is” does widespread, easily available abortion seem necessary? In her essay, Callahan mentions a range of social ills, including a lack of creativity in providing women real alternatives to abortion, or real assistance in navigating work and family life. But the most memorable element of Callahan’s famous essay is her claim that the sexual revolution is the main driver for the idea that women need abortion. Over several decades now, a growing number of legal scholars, economists, and social commentators have come to agree with and corroborate Callahan’s thesis. It is time Australia knew more about this conversation and considered its ethical implications.

When I use the term “sexual revolution”, I am referring to that time in history where the practice of reserving sex for marriage ceased to be culturally normative. Although some authors would date the philosophies and causes behind the sexual revolution far further back,⁴ I am roughly talking about that period in the 1960s and 1970s (coinciding with the advent of hormonal contraception) in which the habit of restricting sex to marriage ceased to be widely regarded as morally required. Previously, sex had been viewed as an activity with the closely related purposes of expressing love, cementing the marital union, and procreation. This was soon replaced with what legal scholar Helen Alvaré calls “sexualityism”: the idea that “expression of human sexuality is in and of itself a positive good and limitations on that expression are in and of themselves bad.”⁵

Callahan’s thesis, roughly, is as follows. Back in the days of what she calls “the idealised Victorian version of the Christian sexual ethic, culturally endorsed and maintained by women”⁶ sex is expected to take place within life-long pair bonds. Such relationships are socially sanctioned as the only appropriate context for sex, for good reason: since it takes the joint activity of a man and woman to create a new life, such activity ought to take place in a committed relationship which ensures, in advance, that responsibility for such life can be jointly shared. In such a cultural context, in which the humanity of the unborn child is recognised and in which this ethic of monogamy is dominant, the idea that women “need” easily available abortion (“on demand, without apology, for any reason”) did not gain broad acceptance. But when the ethic of monogamy is replaced by the individualistic ideals of sexualityism, “equality” for women comes to mean something else. It comes to mean having the same freedom as men to walk away from the unintended consequences of sex. In this social setting, and given the all-too-frequent failure of contraception, “women need abortion”.

I once explained Callahan’s thesis this way, to a group of high school girls:



4 See, for instance, Trueman, *The Rise and Triumph of the Modern Self*.

5 Alvaré, “Abortion, Sexual Markets, and the Law,” 262.

6 Callahan, “Abortion and the sexual agenda,” 175.

“Imagine that you’re living in the 1940s or 1950s. This is before the sexual revolution. Imagine that you’re in a relationship with a boyfriend. After declaring love for you, he has persuaded you to have sex, and you find yourself pregnant. Unless you have a life-threatening medical condition, you know that abortion is illegal, and this knowledge reinforces the personal reservations you have about getting one. So you go and tell your parents you are pregnant. They are loving parents, worried for you, so they ask you if you were forced to have sex. You answer honestly - no.

What do you think your 1950s parents would advise you to do?”

After a few tries, one of the girls got it:

“Get married.”

“Exactly. They’d tell you to marry your boyfriend and raise the child you’d conceived. Why?”

“They’d think you shouldn’t be in a sexual relationship with a guy unless it’s a serious relationship, so they’d assume you’d be getting married soon anyway.”

“Exactly right. And if you *weren’t* intending to marry the guy, well... They would still be reluctant to advise an abortion. Why, after all, should the baby suffer as a result of what they would have regarded as an imprudent sexual mistake of yours? Fairness and duty would demand that you and your boyfriend take responsibility for the life you had created together. The boy’s parents would likely say the same to him.”

I paused, let it sink in, then continued...

“But what if you and your parents believed that the unmarried sex wasn’t a mistake? And what if that belief that ‘you shouldn’t be in a sexual relationship with a guy unless it’s a serious relationship’ was absent? What if they believed that it was your right, and his, to have the sex you want, whether or not it was ever going to lead to marriage?”

“Then the *baby* is the mistake, not the sex.”

“Exactly. Abortion is no longer an unjust imposition on the baby. Rather, the baby is an unjust imposition on you. This is why easily available abortion became more widely accepted as non-marital and non-relationship sex became more widely accepted. It’s no accident that Roe v. Wade enshrined in law the ‘right’ to abortion in 1973 - just as the sexual revolution was in full swing.”



It is a misleading half-truth to say that a feminist respect for women's equality demands support for abortion. Whether or not a feminist respect for equality entails "abortion rights" depends on further, additional assumptions about sexual ethics and one's vision of how sexual relationships between men and women are supposed to unfold in society.

All feminists acknowledge the existence of what legal scholar Erika Bachiochi calls *reproductive asymmetry*.⁷ the fact that, in "the state of nature," sex is more costly for women than it is for men. Women get pregnant, men do not. What feminists also agree on is that, in a just society, reproductive asymmetry requires a solution. It is the differing assumptions about sexual ethics which lead to different conclusions, among feminists, about what that solution should be.

Under the traditional sexual ethic, from which pro-life feminism originally came, there was the insistence that men be held responsible for pregnancy just as women are. Although marriage does not ameliorate *all* the burdens of childbearing uniquely experienced by women, it certainly allows for some very obvious burdens to be addressed. Being

married prevents one from having to make the heart-wrenching choice between giving up a baby for adoption after nine months of pregnancy, or facing life as a single mother. Being married also provides more flexibility to pursue outside work and interests while raising a child. And being married makes possible that life-long, every-day, close-at-hand support of a second caregiver. Under the traditional sexual ethic, the requirement that sex be reserved for marriage was the preemptive, systemic response to sexual asymmetry. The obligation of marriage was society's way of tying a man to his biological offspring, even though his body did not.

This is why many pioneers of women's rights in the eighteenth and nineteenth centuries ardently fought against the ugly underbelly of society's attitudes toward sex: the old "sexual double standard" according to which it was assumed to be "normal" for women to be monogamous and abstinent outside of marriage, but not men. Also passionately opposed to abortion, these early feminists knew that marriage was a humane solution to sexual asymmetry that had the potential to be both pro-woman and pro-life. But only, of course, if men upheld in private the monogamous sexual ethic that was lauded in public. Thus, amongst their

other causes, the suffragists campaigned for sexual integrity. They championed the monogamous sexual ethic, and they railed against the behaviour of entitled, elite men who sought to find exploitative ways around it through adultery or prostitution. “Votes for women, chastity for men!” actually became a feminist slogan of the suffragist era.⁸

One can find these glowing attitudes toward the traditional sexual ethic throughout written work of the pioneers of women’s rights. It is a major theme of Mary Wollstonecraft’s 1792 treatise *A Vindication of the Rights of Woman*. The details of Wollstonecraft’s personal life often distract us from taking seriously the moral philosophy she explicitly expounded. Though critical of the unjust marriage laws of her day, Wollstonecraft believed marriage to be a most necessary institution in principle: “The long and helpless state of infancy seems to point [humans] out as particularly impelled to pair,” she wrote.⁹ She viewed promiscuity as a corruption of sexual relations between men and women, and the objectification inherent in it as detrimental to one’s ability to form the more tender kind of sexual love that a life-long marriage between equals requires.

And what of abortion? Wollstonecraft condemned those who would “either destroy the embryo in the womb or cast it off when born”.¹⁰

Wollstonecraft’s vision, thoroughly feminist, thoroughly pro-life, and thoroughly pro-family all at once, went on to capture the hearts of nineteenth-century American women, many of whom were instrumental in the campaigns against slavery.

As abortion methods became more sophisticated in the nineteenth century, and

the practice caught the public eye, leaders of women’s movements saw abortion as a grave crime against humanity in need of attention. Victoria Woodhull, the first female U.S. presidential nominee, argued that abortion was morally equivalent to infanticide:

“If there is any difference in the actual crime we should be glad to have those who practice the latter, point it out. The truth of the matter is that it is just as much a murder to destroy life in its embryonic condition, as it is to destroy it after the fully developed form is attained, for it is the self-same life that is taken.”¹¹

This generation of feminists viewed abortion, for the most part, as a desperate last resort that women were driven to, most often, as a result of men having failed to do what, to their mind, decent human beings ought to do: engage in sex with a mind for commitment, responsibility for offspring, and the promise of marriage. It is for this reason, perhaps, that Equal Rights Amendment author Alice Paul referred to abortion as “The ultimate exploitation of women.”¹²

Within marriage, too, the suffragists recognised the unequal burdens that frequent childbearing placed on women. Once again, however, their recommended solution was not abortion (nor, interestingly, artificial contraception), but rather, sexual self-mastery. Suffragist women began to popularise the concept of “voluntary motherhood”: the idea that women, newly educated and armed with the latest available knowledge about female fertility,

7 See, generally, Bachiochi, *The Rights of Women: Reclaiming a Lost Vision*.

8 Bachiochi, *Rights of Women*, 16.

9 Ibid, 52.

10 Foster, “The Feminist case Against Abortion”.

11 Bachiochi, *Rights of Women*, 111-12.

12 Foster, “The Feminist Case Against Abortion”.

could legitimately demand and expect periodic abstinence from husbands in order to achieve respite from perpetual childbearing.¹³

Appreciating the mindset of the original feminists requires us to dispense with some of the false dichotomies that “sexualityism” has left us with. A particularly unhelpful one is the sex-positive/sex-negative dichotomy. One is “sex-negative” or “prudish” if one believes that there ought to be boundaries around sexual activity beyond mere consent. One is “sex-positive” and affirming of female sexuality if one has no such “hang ups”. The early feminists were not “prudish” - they saw sex as a wonderful, life-giving power, and as a fitting expression of romantic love. They opposed promiscuity not because they disliked sex, but because they believed promiscuity failed to do justice to the specialness of sex. Promiscuity also, they recognised, created situations in which the interests of women and the interests of the unborn were maximally put at odds with each other (while the men involved went on their merry way).

The early feminists opposed abortion not because they were “anti-woman”, but because they recognised that “The rights of children... as individuals, begin while they yet remain the fetus,” as Woodhull put it.¹⁴ For the first feminists, a concern for justice and the betterment of humanity drove them to fight for a world in which women - *and* men - were fully enabled, within a well-organised system of loving sexual pair-bonds, to undertake the ennobling vocation of cultivating new humans; a vocation which, they believed, begins at conception. They did not see such a vocation as being at odds with a balanced enjoyment of one’s intellectual, vocational, or leisurely pursuits, either for women or for men.

The vision of the early feminists was ambitious, inclusive, and humanising. It is a long way from where we find ourselves today. As we now witness versions of feminism characterised by pussy hats on display in the Annual March for Women, and protest signs that read “parasites don’t have rights”, it is worth asking whether we have come to a place we really want to be.



13 Bachiochi, *Rights of Women*, 108-111, 114-115.
14 Ibid, 111.

Sexualityism takes over the Women's Movement

In her memoir, *Subverted: How I helped the Sexual Revolution Hijack the Women's Movement*, journalist Sue-Ellen Browder recounts her time as a writer at *Cosmopolitan* magazine in the 1960s and 1970s under editor-in-chief Helen Gurly Brown. A successful businesswoman, and the author of 1962 book *Sex and the Single Girl* (the original inspiration for *Sex and the City*), Brown was for females what Hugh Hefner was for males: a figure who made sexual permissiveness look glamorous. Browder recounts that a big part of her mission as a staff writer under Brown was the normalisation of sexual revolutionary lifestyles, of which abortion was a necessary ingredient:

*"If you'd entrusted yourself to Helen's lifestyle teachings (as many young women did and still do), you'd soon come to believe the way for a smart woman to be free and to succeed in her career and her life was to 1) work hard; 2) take the Pill or use some other contraceptive; and 3) if the contraceptive failed, get an abortion...The Cosmo Girl was not a real person but a persona, a mask the single girl lonely and alone in the world could put on to turn herself into the object of a man's sexual fantasies... We urged the lonely single woman to let go of her "guilt" (moral concerns) and to sleep with any man she pleased, even if he was married... Over time, readers who regarded the fantasy as real began to live out the Cosmo lifestyle... As we invisibly pretended to set women sexually free from their biology (via the Pill and abortion), we were invisibly catering to, and even helping to create, millions of sexually troubled, insecure, confused women, who were likely to attract equally confused, insecure men."*¹⁵

By the time the Helen Gurley Browns and the Hugh Hefners were shaping culture, sexualityism had taken root in the world of ideas many decades prior, even as the efforts of the early feminists were making headway. It was Sigmund Freud, arguably, who first replaced what the first-wave feminists would have called "sexual self-mastery" with the concept of "sexual repression" in the public consciousness. Freud gave the latter concept a scientific-sounding air, laying the groundwork for the myth that abstinence is unhealthy. Wilhelm Reich and Alfred Kinsey (now notorious for his perverse sexual experiments on children and methodologically unsound "findings" on human sexual behaviour) took Freud's ideas further, arguing that uninhibited sexual expression was the key to a free, harmonious society. Many second wave feminist authors bought into these ideas, with the result being that "women's liberation" and

15 Browder, *Subverted: How I Helped the Sexual Revolution Hijack the Women's Movement*, 36-40.

“sexual liberation” came to be seen as inextricably linked. It could be said that, where the first wave feminist vision for equality demanded that men step in line with the behaviour traditionally expected of women, second wave feminist “equality” urged women to mimic the behaviour of traditionally “bad” men. While the solution to reproductive asymmetry championed by the early feminists was marriage between equals, sexual self-discipline, and joint responsibility for life, the solution to reproductive asymmetry built on second-wave individualism and sexualityism was abortion.

By the 1970s, these sexual revolutionary notions were setting the direction of the academic philosophical debate about the ethics of abortion. Under the surface of Judith Jarvis Thomson’s famous 1971 “bodily autonomy” defence of abortion lies the idea that “the right to decide what happens in and to one’s body” entails a right to pregnancy-free sex (a right which “nature” evidently violates if one becomes accidentally pregnant).¹⁶ Later defenders of Thomson would argue the same way, on the basis that it is too burdensome to expect anybody to make the choice either to forgo sex or be prepared to assume responsibility for new life, even if only for nine months of pregnancy. And as academia and popular culture began to succumb to sexualityism, the elite male’s relentless pursuit of responsibility-free sex had the law in its sights.

“If we’re going to move abortion out of the books and into the streets, we’re going to have to recruit the feminists... Friedan has got to put her troops into this thing.”¹⁷

These were the words of Lawrence “Larry” Lader, to abortionist Bernard Nathanson, during a drive down to Bucks County, Pennsylvania, on an October afternoon in 1967. Lader was co-founder and strategist of the National Association for the Repeal of Abortion Laws (NARAL). According to Browder, Lader had a long-time obsession with abortion as the ticket to sexual freedom, viewing pregnancy as “the ultimate punishment of sex”, and abortion as the ultimate way for “a man and woman to enjoy sex for its own sake”.¹⁸ Lader was also a long-time friend of Betty Friedan, then leader of the National Organisation for Women (NOW). In the 1960s, Lader had made it his mission to convince Friedan that abortion was a woman’s ticket to equality.

He didn’t succeed right away. Abortion was not originally an ideological priority for Friedan, who disapproved of the *Cosmo Girl* version of feminism that was gaining ascendancy. The author of *The Feminine Mystique* had argued that what women needed was meaningful, creative work that could coexist alongside motherhood and family life. In an America where women could still be fired for being pregnant, Lader sensed that the time was right to put pressure on Friedan, as he was determined to give the abortion cause a more female face: “We’ve got to keep the women out in front. You know what I mean... and some blacks. Black women especially. Why are they so damn slow to see the importance of this whole movement to themselves?” Lader said at a later NARAL strategy meeting.¹⁹ It is telling that, while the “right to abortion” was enshrined in American law in 1973, the Pregnancy Discrimination Act was not passed by Congress until 1978.²⁰ Campaigning for a world in which women do not have to choose between losing their job or losing their baby was not a priority for Lader and his ilk.

16 See, generally John Wilcox’s insightful paper “Nature as Demonic” for commentary on this, and see also Emma Wood, “Rethinking Bodily Autonomy”.

17 Browder, *Subverted*, 52.

18 *Ibid*, 48-9.

19 *Ibid*, 53.

20 *Ibid*, 101.

To their credit, some pro-choice radical feminists would eventually come to recognise the link between the sexual selfishness of powerful men and the push for easily available abortion. Catherine Mackinnon solemnly noted, in 1987, that “The Playboy Foundation has supported abortion rights from day one”.²¹ Andrea Dworkin put it even more bluntly:

“It was the brake that pregnancy put on fucking that made abortion a high-priority political issue for men in the 1960s...The sexual revolution, in order to work, required that abortion be available to women on demand. If it were not, fucking would not be available to men on demand. Getting laid was at stake. Not just getting laid, but getting laid the way great numbers of boys and men had always wanted - lots of girls who wanted it all the time outside marriage, free, giving it away. The male-dominated Left...was militant on the issue.”²²

Next time you encounter “bro-choice” abortion activism, raise an eyebrow.

With the help of Bernard Nathanson and New York law professor Cyril Means Jr., Lader published his 1966 book (now out of print): *Abortion: The First Authoritative and Documented Report on the Laws and Practices Governing Abortion in the U.S. and Around the World, and how - for the Sake of Women Everywhere - they can and Must be Reformed*. It was a propagandist’s masterpiece. Means helped Lader fabricate a false history of U.S. Abortion laws, while

Nathanson (who turned pro-life toward the end of his life), helped Lader fabricate false statistics about abortion in America. Lader and Nathanson claimed that 5000-10,000 American women at the time were dying annually from “back-alley” abortions as a result of restrictive laws. The facts of the matter are somewhat different. In 1940, the National Center for Health had recorded just 1,313 deaths from illegal abortions, most of them due to infection. Most illegal abortions prior to Roe were being done by licensed physicians, and by 1966 annual abortion-related deaths had dropped to 159, largely as a result of antibiotic use.²³ In 1972, the year before abortion was legalised, 39 women had died from illegal abortions (along with an additional 24 from legal abortion, in states that had weakened their abortion laws prior to Roe).²⁴

Propaganda though it was, the NARAL narrative created by Lader, Nathanson, and Means would have two devastating impacts on American history. Firstly, Lader’s book had finally convinced Betty Friedan to make the repeal of abortion laws one of NOW’s priorities. It was a decision that nearly tore NOW apart, and saw the exodus of many pro-life women.²⁵ And secondly, the NARAL narrative would become a major source of information relied upon by Justice Harry Blackmun, author of the majority opinion of *Roe v. Wade*.

21 Bachiochi, “The Uniqueness of Woman: Church Teaching on Abortion”, 49.

22 Dworkin, *Right Wing Women*, 94-95.

23 Crandall, “Three Decades of Empty Promises”, 17.

24 Bachiochi, “The Uniqueness of Woman”, 48.

25 Browder, *Subverted*, 65-70.

Sexual Revolutionary Values Become Law: Roe v. Wade and Beyond

Although the general public remains largely unaware of this fact, *Roe v. Wade* is widely regarded as one of the poorest pieces of legal reasoning in American history. As legal scholars Mary Ann Glendon and O. Carter Snead note:

*“Until Roe, no serious legal authority had suggested that the 14th Amendment created a right to abortion. Neither the framers of the Amendment, the states that ratified it, nor any member of the American public at that time with knowledge of its contents could have thought that the amendment precluded states from protecting unborn children or otherwise legally proscribing abortion... Given the flaws in its legal and historical rationales, it’s not surprising that commentators of all ideological stripes have criticized Roe as uniquely ill-reasoned.”*²⁶

To find a right to abortion in the U.S. Constitution, the Court’s opinion in *Roe* relied on the 14th Amendment’s Due Process clause, the purpose of which is to protect from government interference a person’s right to life, liberty, and property. The *Roe* Court invoked the controversial notion of “substantive due process”: the idea that the Due Process clause also protects rights not explicitly stated in the Constitution, including a right to privacy.²⁷ One reason why the notion of “substantive due process” is controversial is because, essentially, it opens the door for judges to decide, in accordance with their own personal values and worldview, what rights a person has - and what those rights amount to - unmoored from the original intent of the authors of the Constitution.

And this is what the *Roe* Court did. Substantive due process had been invoked in previous cases which had ruled that a right to privacy entailed a right to birth control (first for married couples, then for individuals regardless of marital status).²⁸

²⁶ Glendon & Snead, “The Case for Overturning *Roe*”.

²⁷ *Ibid.*

²⁸ Beckwith, “Defending Life”, 24.





Freedom from government interference came to mean the freedom, for an individual, to have the sexual relationships he or she saw fit. Blackmun took this right to privacy further, to extend to abortion.

As Blackmun himself noted, this interpretation of the law depended on the assumption that unborn babies were not persons under the Fourteenth Amendment (if they are, then the Amendment's protection of the right to life extends to them). A related obstacle Blackmun had to overcome to push through his interpretation was the fact that, at the very time the Fourteenth Amendment was ratified, 30 out of 37 of the existing states in the U.S. had laws prohibiting abortion, and yet none of these laws were viewed as unconstitutional.²⁹

Blackmun's argument, which relied heavily on the abortion law history handed to him by NARAL, Lader, and Means, was that the purpose behind the prohibition of abortion in nineteenth century laws had nothing to do with protecting the unborn, but only to protect the interests of women. Such "history" has long been debunked, writes law professor James S. Witherspoon:

"That the primary purpose of the nineteenth-century antiabortion statutes was to protect the lives of unborn children is clearly shown by the terms of the statutes themselves. This primary purpose, or legislative recognition of the personhood of the unborn child... are manifested in ... the designation of attempted abortion and other acts killing the unborn child as "manslaughter"; ... the prohibition of all abortions except those necessary to save the life of the mother;... the reference to the fetus as a "child";... the use of the term "person" in reference to the unborn child... In short, the Supreme Court's analysis in Roe v. Wade of the development, purposes, and the understandings underlying the nineteenth century antiabortion statutes, was fundamentally erroneous."³⁰

29 Glendon & Snead, "The Case for Overturning Roe".
30 Witherspoon, "Reexamining Roe", 70.

Another dubious line of reasoning Blackmun fell back on was the apparently “controversial” nature of when life begins. “When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate.”³¹ Thus, Blackmun reasoned, the state cannot take a “pro-life” view of personhood and impose it on a pregnant woman who does not share this view of personhood. But, as Bachiochi argues, such reasoning amounts to an effective denial that the unborn are persons under the law in any meaningful sense:

“While the law does not expressly state that any particular class of persons has a right to end the life of a person in any other class, the law does hold that a particular class of persons, pregnant women, has the right to decide whether those in another class, the unborn, are to be considered persons at all... The power in the statement “right to choose”... means not only the right to terminate a pregnancy... it also gives the pregnant woman a prior, more powerful right that is deceptively unstated. That is the right to create one’s own reality, to push aside reason and science in order to say - backed by the authority of the U.S. Supreme Court - “I will that this fetus is not a human being, is not endowed with the rights of a person, and therefore should not be protected by law.”³²

Initially, the Court’s opinion in *Roe* appeared to many to strike a sensible balance between the so-called “reproductive autonomy” of the pregnant woman, and compelling state interests to limit the access to abortion. In the first trimester, Blackmun argued, the state had no compelling interest in restricting abortion or interfering with a woman’s “right to privacy”. During the second trimester, Blackmun argued that the state had an interest in limiting abortion, but only for the sake of protecting maternal health. For the third trimester, Blackmun argued that the state had a compelling reason to protect the life of the unborn, and thus outlaw abortion.³³

However, Blackmun qualified that even third trimester abortion bans had to admit of exceptions for cases in which the life or health of the mother was threatened. And it was Blackmun’s broad definition of “health” which, for all practical purposes, resulted in abortion on demand. In the judgments of *Roe*, and a companion case, *Doe v. Bolton*, Blackmun includes the following as being among the “health” considerations to be taken into account: the prospect of a distressing life or future, the mentally and physically taxing nature of raising a child, unwillingness to care for an unwanted child, familial concerns, and the woman’s age.³⁴ Unsurprisingly, the 1983 U.S. Senate Judiciary Committee concluded that “no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy.”³⁵

To sum up, *Roe v. Wade* is one of the most blatant examples to date of sexual revolutionary values becoming enshrined in law. The Fourteenth

31 *Roe v. Wade*, 410 U.S. 160 (1973).

32 Bachiochi, “Coming of Age in a Culture of Choice,” 25-6.

33 *Roe*, 410 U.S. at 164-5.

34 Beckwith, “Defending Life”, 21.

35 *Ibid*, 21.

Amendment declares that the liberty of individuals must be protected from arbitrary government interference. It was then decided that “liberty” includes “privacy”, and that “privacy” includes the right of an individual to have the sex they want, with the consequences they want, without state interference. This interpretation of what liberty amounts to is based entirely on the judges’ late 20th Century personal values, for no such ideals are hinted at by the authors of the Constitution and the Fourteenth Amendment itself.

Matters got worse before they got better. In 1992, when the Supreme Court was presented with *Casey v. Pennsylvania*, a key case that presented an opportunity to overturn *Roe*, the Court dug its heels in. Even as the *Casey* Court acknowledged that the original “right to privacy” justification behind *Roe* was dubious, the Court maintained that the conclusion of *Roe* needed to be upheld. The reason? Because the post-sexual revolution culture had come to rely on abortion:

“For two decades of economic and social developments, [people] have organised intimate relationships and made choices... in reliance on the availability of abortion in the event that contraception should fail.”³⁶

The first wave of feminists, surely, would have asked us these questions: if a culture’s sexual practices require abortion, might this be a sign that there is something wrong with that culture’s sexual practices in the first place? Is it right that the law defends and enables such a way of life?



Abortion, Technology Shock, and Mating Markets

In the mid-1990s, Michael Katz, Nobel Prize-winning economist George Akerlof, and his wife, Janet Yellen set out to solve a puzzle.³⁷ In the lead up to Roe, contraception became more easily available, and abortion laws had begun to be liberalised in America. But, contrary to predictions at the time, contraception and easily available abortion had done little to eliminate poverty in the decades following. What had happened instead is that marriage rates dropped, out-of-wedlock births had increased, *and* abortion had also increased. Why?

The conclusion Akerlof, Yellen, and Katz came to was that the “reproductive technology shock” of contraception and abortion had effectively severed the connection, in peoples’ minds, between sex, reproduction, and marriage. The number of pregnancies prevented by contraception had seemed to be offset by the fact that a greater number of people were engaging in less committed sexual relationships, which were therefore ill-prepared for children. Others since have come to agree with Katz, Akerlof, and Yellen’s fundamental thesis.³⁸

Before the liberalisation of abortion laws, Akerlof and Yellen tell us, the custom of “shotgun” marriage was common: “If a girl gets pregnant, you married her. There wasn’t no choice.”³⁹ A woman was able, then, to rely on the promise of marriage in the event of pregnancy, and the man was likely to cooperate, given that he was unlikely to encounter another woman who would not make the same demand. To borrow a phrase from sociologist Mark Regnerus, women were in the driver’s seat of the mating market in the pre-sexual revolutionary world. But, as contraception and abortion became more widely available, women began to perceive premarital sex to be less risky. Premarital sex became more common, and men, over time, began to realise that they did not have to signal any commitment in return for sex. The power dynamics of the mating market flipped. If a girlfriend was not willing to have an abortion in the event of unwanted pregnancy, a man was now able to more easily find a woman who was, and the demand for marriage in the event of pregnancy was no longer ubiquitous. Akerlof and Yellen summarise the situation thus:

37 For the full research paper, see Akerlof, Yellen, and Katz, “An Analysis of Out-of-Wedlock Childbearing in the United States”.

38 Levine, *Sex and Consequences*.

39 Akerlof and Yellen, “New Mothers, Not Married”.



“Women feared, correctly, that if they refused sexual relations, they risked losing their partners. Sexual activity without commitment was increasingly expected in premarital relationships... Today women are more free to choose, but men have afforded themselves the comparable option. If she is not willing to have an abortion or use contraception, the man can reason, why should I sacrifice myself to get married? By making the birth of the child the physical choice of the mother, the sexual revolution has made marriage and child support a social choice of the father.”⁴⁰

The numbers add up. From 1965-1969, Akerlof, Yellen, and Katz report that the number of 16-year-old American women with sexual experience averaged 13.8%. From 1970-1974, the figure was 23.2%, and by the early 1980s, the figure was 32.8%.⁴¹ Helen Alvaré reports: “While from 1958 to

1960, only 27% of 18-year-old women had sex (and many of these were married), by 1999 only 25% of women and 20% of men remained virgins through their teen years.”⁴²

Out-of-wedlock births in the US followed dramatic upward trends. So too, did abortion increase dramatically following *Roe v. Wade*, before stabilising in the 1990s. The figures for the average number of annual abortions on unmarried women given by Akerlof, Yellen, and Katz are 88,000 from 1965-1969. Between 1970-1974, the number of annual abortions on unmarried women had jumped up to 561,000, then up to 985,000 from 1975-1979 (shortly after *Roe*). By the early 1980s, the number of annual abortions on unmarried American women had reached 1,271,000.⁴³

The reproductive technology shock thesis is occasionally surprising to people when they first encounter it, probably because it poses a challenge to our popular assumption about the inelasticity of abortion demand. It is common for us to assume that cultural, social, and legal changes cannot alter the demand for abortion (widespread abortion is

40 Ibid.

41 Ibid.

42 Alvaré, “Abortion, Sexual Markets, and the Law”, 260.

43 Akerlof & Yellen “New Mothers, Not Married”.

just an inevitable reality of human existence, remember). The technological shock thesis is also significant then, because it makes possible a challenge to this fatalistic way of thinking. It tells us that abortion is the fruit of life patterns that could, in principle, be otherwise.

Our assumption that the demand for abortion is inelastic is manifested in an oft-repeated claim about abortion: the “back-alley” argument that legal restrictions on abortion do not make a difference to the numbers (“If you try to restrict abortion, you’ll just drive it underground”). However, America’s falling abortion rates since the 1990s suggest that even modest pro-life efforts to restrict abortion have an impact. These include informed consent laws, parental involvement laws (also correlated with reduced teen sexual activity), and restrictions on state funding for abortion. Since 1990, the abortion rate in the U.S. has dropped by more than a third, and this coincides, unsurprisingly, with the fact that around two-thirds of abortion clinics in the country have since closed.⁴⁴ Data on Eastern European countries shows a similar pattern to the U.S., of increasing abortion rates following liberalisation.⁴⁵ And recent data from Ireland suggests the same. In 2018, abortion rates had been steadily decreasing in the country over the previous ten years. But that year, Ireland fully legalised abortion, and their rates increased by 142% in one year.⁴⁶

The technology shock thesis poses a challenge to a second oft-repeated claim about abortion: that contraception use – more of it, by more people – is the most obvious way of reducing abortion. One does not have to be morally opposed to contraception in and of itself in order to see, also, some thinly-veiled sexual revolutionary assumptions behind this claim: sexual activity, from an early age, is inevitable, and the best we can do is

manage this inevitability with technology – solutions involving behavior modification, or the uptake of a different sexual ethic are just “off-limits”. The technology shock thesis suggests that such assumptions may be self-fulfilling prophecies, and so does personal testimony. Patricia Sandoval, an international pro-life speaker, recounts the story of her own sexual education:

“When I was twelve years old, I remember that Planned Parenthood came into my school... I remember that morning, when we got into class, on our desks, there were bananas and condoms... They said, ‘Ok, kids, 90% of people do not know how to apply a condom properly. So we are going to show you how to properly apply a condom on these bananas.’ And I had never thought about the man’s genital parts. I’d never even thought about sex... They made safe sex sound amazing... And they talked about protecting your genital area, but they never talked about protecting your heart.”⁴⁷

Sandoval’s practice of “safe sex” landed her in an abortion clinic three times. Reflecting on the emotional scars of her experiences now motivates Sandoval to spread a message she wished she’d heard as a young person: that delayed gratification is a genuine option. Ex-Planned Parenthood worker turned pro-lifer Abby Johnson goes further, claiming that Planned Parenthood’s “safe sex” curriculum is part of their business plan – one which she once helped to execute. The occasionally graphic sex-ed, Johnson reports, is an exercise in inception designed to break down a child’s natural modesty. Meanwhile, Planned Parenthood

44 Alvaré, “Abortion, Sexual Markets, and the Law”, 261.

45 See, for instance, Levine and Staiger, “Abortion Policy and Fertility Outcomes: the Eastern European Experience”.

46 Spielman, “It Turns Out Abortion Laws Do Matter”.

47 Sandoval, https://www.youtube.com/watch?v=_qJR-IAe8&t=427s

happily promotes contraception, knowing that it has an inbuilt failure rate.

“See, Planned Parenthood knows that we actually don’t need more birth control,” says Johnson. “What we need is more self-control. But self-control doesn’t make them any money.”⁴⁸ She appears to be right. A 2019 Guttmacher Institute fact sheet stated that,⁴⁹ though 2017 had seen the lowest abortion rates in America since *Roe*, a full 51% of women who obtained abortions had been using some form of contraception the month they got pregnant - a figure consistent with various earlier findings in which higher abortion rates are recorded.⁵⁰ A better possible explanation for the low abortion rates by 2017 were the successes of the pro-life movement in restricting abortion, which had been gathering pace in 1990s and 2000s in America. Indeed, the very same Guttmacher report noted that, by 2017, 29 American states were now considered to be “hostile to abortion rights”. This all aligns with a central tenet of the reproductive technology shock thesis: the legal availability of abortion promotes a mating market in which sex becomes more casual, which in turn leads to more abortion. But we may also conclude, with caution, that legal restrictions can play a part in reversing such trends, even if other tactics are also needed.

The most telling set of statistics in favour of the reproductive technology shock thesis come out when one considers the following question: what major feature are aborting women most likely to have in common? The answer is not that they are experiencing life-threatening medical

complications, or have been victims of rape (it is now well known that such “hard cases” make up around less than 2% of all abortions).⁵¹ The answer is: *marital status*. Findings from the Guttmacher Institute reveal that the overwhelming majority of women who seek abortion are unmarried: 85%, including 29% who are cohabiting.⁵² Not only do unmarried women have a higher abortion rate (number of women per 1000 who have abortions), they have seven times the abortion ratio (number of abortions per 100 pregnancies) when compared with married women.⁵³ Other studies reveal that a woman’s perception of a pregnancy as either “wanted” or “unwanted” has far more to do with level of partner commitment than does contraception failure or pregnancy intendedness in the strict sense.⁵⁴ This is not at all surprising. Commonly stated reasons for abortion: “inability to cope with raising children”, ‘pressure on finances’, ‘fear of being a single mother’,⁵⁵ are all, common sense tells us, mitigated by being in a healthy marriage.

When sexual mores become more permissive, unmarried sexual activity, out-of-wedlock birth, and abortion all rise in tandem. Fully legalised abortion then ingrains this new status quo, driving a vicious cycle. The intuitions of those early feminists have been resoundingly vindicated: widespread abortion and a casual attitude toward sex are fruit from the same tree.

48 Johnson, https://www.youtube.com/watch?v=775VuhHFCyE&t=910s&ab_channel=naturalwomanhood

49 Guttmacher Institute, Fact Sheet: Induced abortion in the United States, 1.

50 Alvaré, “Abortion, Sexual Markets, and the Law”, 262.

51 See, for instance, Torres and Forrest, “Why do Women have Abortions?”

52 Jones, Finer, & Singh, “Characteristics of U.S. Abortion Patients, 2008”.

53 Alvaré, “Abortion, Sexual Markets, and the Law”, 260.

54 C.D. Kroelinger and K.S. Oaths, “Partner Support and Pregnancy Wantedness”,

55 See Ewing, “Abortion: An Evidence-Based Review”.

The Sexual Revolution as a Systemic Injustice Against the Unborn... and Women

Of course, if you do not believe that the unborn have any right to life, none of this will worry you. If the unborn are just “clumps of cells” with the same moral status as a mole on your arm, the relationship between the sexual revolution and abortion is rather unremarkable.

But if there *is* reason to doubt this – if unborn humans are entitled to the same right to life as you and me – then this reveals the pro-abortion narrative of contemporary culture to be a collective exercise of self-justification similar to many other great injustices of history. The American and British civilizations whose economies were built on slave labour were systems that perpetually protected and justified themselves through what we now recognise as twisted lines of reasoning. Our contemporary society, whose sexual economy relies on the negative externality of abortion is likewise a system that protects and justifies itself through equally twisted logic. As someone who has surveyed the arguments on both sides of the abortion ethics debate for many years, I am left with the following, overwhelming, conviction: one can only maintain a “pro-choice” position if one wants to; if one has a vested interest in doing so. If one approaches the issue from a disinterested perspective, reason is on the side of the pro-life position. One need only ask the question: do human beings like you and me have an inalienable right to life? If the answer is “yes”; if we have this right, then we have such a right at all moments of our existence in which we are ourselves. And if we are the same individual continuous with our fetal selves, then it follows that we had this inalienable right to life while we were still unborn.

The common argument that the unborn are not persons due to the fact that they are not conscious in all the ways that we are is a line of reasoning that also supports the killing of newborns, toddlers, and coma patients (including the killing of coma patients who would otherwise soon wake up). Suppose, as the thought experiment goes, you have a human being who wakes up from a coma after, say, nine months. According to this personhood-is-consciousness argument, there would have been no morally significant harm inflicted on that coma patient, now lively and awake, had you switched off that life-support system at any point in the prior nine months. Are we really prepared to accept this?



Such arguments fly in the face of our long-held assumptions that life is an inalienable right for all humans. The whole point about a right's being *inalienable* is that *you don't earn it*. It is a right you have because of *the kind of being you are*, rather than because of the abilities you can exhibit at any point in time. If we abandon these egalitarian assumptions, we confront some difficult implications. It becomes difficult to explain why, for instance, the right to life of the eight-year-old is equal to that of the three-year-old, or, for that matter, why adults with great intellectual abilities have a right to life that is equal to those of lesser abilities.

Many real-life scenarios reveal other, suppressed inconsistencies in our moral attitudes about abortion: when we hear of a pregnant woman who is killed in a car accident, we are typically saddened by the fact that two lives, not one, have been ended. When life-saving surgery is performed on a fetus (with the help of fetal anesthesia, to shield the child from pain), we rejoice at the marvels of modern medicine. And yet, in the very same day, a more developed child, more sensitive to pain, can be brutally torn apart limb from limb in the name of "choice".

I recall the time in my life when I first began to take the pro-life cause seriously. I was a postgraduate philosophy student, and had been given the job of lecturing on the ethics of abortion to second-years. In the course of my teaching, I came across the *potentiality argument* of secular philosopher Don Marquis – an argument I found compelling. The reason why it is wrong to kill you or me, Marquis argues, is because killing you or me takes away a future of human experiences. No other reason, whether loss of consciousness, or pain caused to the victim's loved ones, can fully account for

the wrongness of killing a human, or rule out various counterintuitive implications. But, if it is wrong to kill you or me on this basis, the undeniable conclusion is that it is also wrong, in the vast majority of circumstances, to end the life of a human fetus or embryo. When you are killed, the future you would have had is taken away, and this is why murder is wrong. When a fetus is aborted, the future she would have had is taken away. And hers is a future like ours.

A year or so after encountering Marquis's argument, I made myself look, for the first time, at an image of an aborted fetus. What I saw rammed home the conclusion of Marquis's argument in a new, visceral, way (a picture is worth a thousand words). I felt, for the first time, the injustice of what had been done to this baby as if it could have been done to me: I, after all, am an ex-fetus. *This baby was "one of us"*.

What intrigued me about pro-life philosophical arguments, when I first became familiar with them, was how "non-religious" they were. Before this point, I was a Christian who was timid in my pro-life leanings. I was unfamiliar with pro-life arguments that could persuade people across worldview divides, so I saw abortion as one of those areas in life of insurmountable disagreement best left alone. It was Marquis's argument, among others, that first gave me the confidence to be vocally pro-life. But even after I became familiar with the philosophical pro-life case, something still puzzled me. If philosophical pro-life arguments did not have to rely on theological premises, why was it that most pro-lifers I knew were religious, and most pro-choicers were secular?

It wasn't until I learned about the connection between abortion and the sexual revolution that I figured out



a possible explanation. Because many subcultures of religious people still uphold the traditional sexual ethic (at least in theory), abortion is less likely to be viewed by religious people as a legitimate form of backup contraception, which non-marital and non-relationship sex typically relies on. Religious people are less likely, in other words, to believe in a “need” for abortion. They are more likely to have the mindset of that 1950s parent who reasons that one has no right to inflict harm on an innocent if one’s voluntary choice to engage in extra-marital sex results in unintended consequences. But for the person who does not adopt such a sexual ethic, and who sees “sexual liberation” as an unqualified human good, there is going to be more of a vested interest in the “pro-choice” position, whether it is, or is not, more reasonable than a pro-life position. Just as the CEO of a coal-mining company is more likely than the average person to find the arguments of the climate change sceptic convincing, so are the stakeholders of “abortion rights” more likely to find “pro-choice” arguments convincing.

Nowadays, the pro-choice movement makes fewer and fewer attempts to hide this anymore. As Judith Levine recently wrote, in an article for *Boston Review*: “Abortion is essential to sexual happiness, and that is enough of a reason to defend it.” It appears we no longer need to make up false statistics about maternal deaths.⁵⁶

If the philosophical case for the pro-life position is sound, we have a grim reality to confront. That is that we have, for generations now, been perpetuating the greatest systemic injustice to date, largely for the sake of sexual “freedom”.

I am not saying that all abortions are equal. There are many circumstances which call for empathy for a woman seeking an abortion: her having been the victim of rape, or a victim of a violent partner who insists on abortion, or a victim of misleading information from a medical practitioner. But none of these scenarios explain why abortion is now an *industry* rather than a marginal medical procedure. None of these scenarios are the reason why abortion is

56 Levine, “Abortion is a Public Good”.

now lauded as a *positive social good* rather than a regrettable necessary evil. None of these scenarios account for why abortion is no longer rare (approximately one in four women will have an abortion in her lifetime).⁵⁷

Nor have I been making the simplistic argument that abortions happen because individual women make “bad choices”. As I have been careful to note, the sexual revolution is what one might call a *systemic* injustice. The sexual choices of individuals do contribute to abortion, but such choices are made in a social context now unfavourable to choosing otherwise. This is certainly the case as one considers the predicament that contemporary women are in with respect to the ‘mating market’ of today. Girls approach adulthood knowing that, unless they make themselves sexually available, they risk missing out on the world of relationships all together: men have come to expect cheap sex, and enough women are willing to give it. In theory, there is a way out of this: but it would require all women (or most women) to collectively agree to raise the relational price of sex. If an individual sets out to set higher-than-normal standards, she soon perceives that she will lose out if others do not do likewise. She settles for an outcome that is better than what she perceives to be the worst, even if it is less than what she ideally wants or would want in more favourable circumstances. Such is the prisoner’s dilemma that today’s woman is in.

This only adds to the case for rethinking the pro-abortion narrative. I’ve lost count of the number of laments I’ve heard of the difficulty of finding men who will commit, or of stories of a sexual experience a woman has regretted but felt compelled to go along with. And, of course, only women suffer the emotional, psychological, and physical scars of abortion, which include increased

risk of complications in future pregnancies, increased risk of breast cancer, and increased risk of anxiety, depression, and suicide.⁵⁸ Women can never really walk away from the consequences of sex in the way that men can. Abortion does not solve the injustices that can arise from reproductive asymmetry; it ingrains them.

Furthermore, when abortion is viewed as a morally legitimate “choice” in a marketplace of lifestyle choices of individuals, the corollary assumption is that the benefits or costs of such choice must be primarily borne by the individual who makes them. Thus, motherhood, too, is now seen as a “lifestyle choice” - if a woman can choose to have an abortion, then motherhood becomes the morally neutral “option” to not have an abortion. And such a morally neutral “choice” not to have an abortion must be treated as every other choice in the market - as something that the individual woman primarily bears the benefit and cost of. And this is completely at odds with the notion that motherhood warrants special collective support.

And we see the impact of this on women. Women still struggle with work-life balance. Societal assumptions with regard to education and career paths continue to favor the reproductive life cycles of men, rather than women. Although motherhood remains an important goal for most women, we face the pressure to spend the most fertile years of our lives sterile. As the “choices” of women compete with the “choices” of men in a world that, thanks to easily available abortion, assumes reproductive sameness, and as the pervasiveness of cheap sex pushes the average age of first marriage to historic heights,⁵⁹ the net result of this is that motherhood is increasingly missed out on by women altogether. The IVF industry may be profiting from this state of affairs, but women are losing.

57 Jones & Jerman, “Population Group Abortion Rates and Lifetime Incidence of Abortion, United States 2008-2014”.
58 Bachiochi, “The uniqueness of woman”, 45-6
59 See Regnerus, *Cheap Sex*, for an in-depth analysis of sexual economic theory and its relationship to marriage trends.

All of this put together – the depressing state of contemporary female-male relationships, the impact of abortion on women’s health, and the ongoing battle to achieve motherhood and vocational fulfillment alongside each other – this accounts well for the well-noted paradox of declining female happiness observed from the 1970s to the late 2000s. Not only is the sexual revolution a systemic injustice against the unborn. It is also a systemic injustice against women. If the original pioneers of women’s rights were with us today, surveying the current state of affairs, they would surely say the same.

Rather than jumping on our usual bandwagon - “America is so messed up, thank goodness we know better here in Australia” - we ought to humble ourselves in the face of the overturn of *Roe v. Wade*. Yes; the Supreme Court judges who overturned *Roe* were nominated by a man whose sexual behaviour is part of the very problem I have been discussing. Yes; if America cared about life, they should also address their gun laws. Truths like these are embarrassments for thoughtful pro-lifers. But, given the dubious ethical premises of the pro-abortion narrative, the proverb that even a broken clock is right twice a day ought to be heeded.

By overturning *Roe*, the Supreme Court did not strike down a right to abortion; it finally admitted that no such right ever existed. When a court case enshrines in law the idea that sexual “freedom” comes first, and human lives come second, any decent person has to see some good in it when such a decision is undone.

Legal restrictions on abortion will not be enough, by themselves, to achieve true reproductive justice. The collective inculcation of new values (or rather, old ones) are also needed. As new commentators continue to add their voices to the literature of sexual revolution critique, there is some hope to be had that this idea might catch on.

The world might just be ready for a sexual counterrevolution.

Law changes can make powerful symbolic statements that such goals are worth undertaking. Rather than sneer at the overturn of *Roe v. Wade*, we ought to hope that it may be the start of a truly pro-woman, truly pro-life culture that the first feminists always hoped for.

As with many other instances of moral progress throughout history, I hope that the overturn of *Roe v Wade* will remind us that we are not doomed to live in Omelas. We do not need a child in the cellar. Widespread abortion is not some inevitable, non-negotiable part of human life that we must be fatalistic about. It is a practice intrinsic to a way of life that could be otherwise if we so choose. Rebuilding a culture of pro-life sexual integrity will take work. But a more welcoming world for the most vulnerable amongst us will be worth it.

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Thank you for reading *Abortion, the Sexual Revolution and the Question of Reproductive Justice*. If you enjoyed this publication and would like to help make it available to more Australians, **please consider supporting our work**. Together, we can bring about a world that loves and supports women and their children so well, that abortion is both unnecessary and unthinkable.

