

Abortion and the Argument from Convenience

As the era of constitutionally guaranteed abortion rights enters its third decade in the United States, the war against abortion mounted by its opponents has grown ever fiercer. Enraged by the failure of peaceful protest to end legal access to abortion altogether,¹ and encouraged by Republican administrations hostile to abortion rights, protestors have moved on to ever more violent approaches, picketing abortion clinics, threatening abortion providers, and finally committing murder. Disagreement about abortion is an ongoing disruptive theme in local and national politics.

Is there a middle ground where reasonable people of good will might meet? A number of writers have been exploring this possibility recently.² And it might seem that there is already consensus among all but extremists about the desirability of access to abortion in cases of rape, incest, fetal deformity, and threat to the life or health of the pregnant woman. Unfortunately, this approach fails to satisfy those who believe that abortion truly is murder. Nor does it satisfy some feminists who believe that this apparently reasonable compromise leaves women as second-class citizens.

My aim here is to explore further this feminist contention that nothing short of full access to abortion services, the so-called abortion on demand,

¹ Despite the very real victories in limiting access, such as reducing public funding for poor women, tacking burdensome restrictions on state abortion laws, and reducing the accessibility of abortion by intimidating abortion providers.

² Most notably, Nancy (Ann) Davis, "The Abortion Debate: The Search for Common Ground, part 1," *Ethics* 103 (April 1993): 516-39 and part 2, *Ethics* 103 (July 1993): 731-78; and Ronald Dworkin, *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* (New York: Knopf, 1993).

suffices. For if that is true, then compromise on abortion is incompatible with equality for women.

The particular issue I examine here is whether most abortions would be unjustifiable if they were carried out just for women's "convenience," as opponents of abortion often assert. Is this a reasonable inference? To test it, let us suppose that one were to concede for the sake of argument the first claim that many abortions are a matter of convenience. Would it follow that these abortions are immoral and ought to be prohibited?

No. Consistent social policy requires us first to determine whether society condones similar deaths in other contexts. If it does, then abortion cannot justifiably be prohibited unless some other morally relevant difference can be found between these cases.

The argument against convenience is reminiscent of Judith Thomson's strategy in "A Defense of Abortion,"³ and is subject to the same problem: both cases rest on the view that promoting other values can be more important than preserving human life. My formulation, like hers, can be dealt with in two ways. One approach is to face its implications and resolve to treat these convenience-based deaths consistently. Thus society could retain its nonchalance about convenience-based deaths, but only if it sanctioned convenience-based abortions. Or, it could mend its ways with respect to other convenience-based deaths, at the cost of denying women many of the abortions they want. The alternative approach would be to question the comparison between common societal practices that lead to human deaths and fetal deaths caused by these allegedly convenience-based abortions. Those who oppose such abortions would tend to argue that killing fetuses is more wicked than, say, adopting transportation policies known to cause many deaths. Those who want to defend them could either attempt to show that fetal deaths are less wicked than traffic fatalities, other things being equal, or that these abortions are not a matter of convenience.

As we all know, there is a voluminous literature on the question of the moral status of fetuses, and I do not propose to recapitulate it here. I believe that allegedly convenience-based abortions would be justifiable at present even if fetuses were full-fledged moral persons. This position is supported in part by the fact that it is obviously absurd to define women's desire to control such a fundamental aspect of their lives as a matter of convenience,⁴ and in part by the disregard for human life displayed ever more frequently

³ See Judith Jarvis Thomson, "A Defense of Abortion," in *The Problem of Abortion*, ed. Joel Feinberg (Belmont, Calif.: Wadsworth, 1973). She argues that we have no duty to exert ourselves to save the lives of others when we have no special relationship with them.

⁴ I go on to defend this position in Chapter 8, "Abortion, Forced Labor, and War."

by both institutions and individuals in this society.⁵ However, I do not want to argue that case here. Instead, let us go forward with a moderate understanding of fetuses as neither moral persons nor mere excisable tissue, but as objects of serious moral concern. It follows that fetuses may be killed, but only for good reason.

Why is this conception of fetuses a reasonable one for the purposes of this article? Ronald Dworkin has recently argued quite convincingly that our understanding of the debate about abortion erroneously assumes that the opponents have contradictory beliefs about fetal interests and rights. He contends instead that the real disagreement is about how to respect a widely shared belief that human life is sacred or inviolable. His conclusion explains the otherwise puzzling inconsistencies in attitudes about abortion repeatedly unearthed by polls, particularly with respect to whether abortion should be legal or not. His case is shored up by both the willingness of many conservatives to countenance some abortions and the ambivalence about abortion often expressed by those who situate themselves firmly in the pro-choice camp.⁶ If Dworkin's analysis of the abortion debate is accurate, my claims about the argument from convenience should be all the more convincing.

CONVENIENCE AND DEATH

Convenience, according to *Merriam Webster's Collegiate Dictionary, Tenth Edition*, is an appliance, device, or service conducive to comfort, or easy performance. The emphasis is on ease and comfort. So, if *x* is convenient, *x* makes it possible to do easily and without discomfort something that could otherwise be done, but only with more difficulty. The implication is that convenience is nice, but optional; thus it would seem to be immoral to pursue convenience if others are seriously harmed.

It is evident, however, that society tolerates, indeed, encourages, a wide variety of practices that trade well-being and, quite often, life itself, for convenience. One might argue, for example, that most wars are undertaken for the convenience of some segments of society, yet wars are notoriously

⁵ A large part of the population must now live with daily threats of deadly violence from other individuals. Government organizations and businesses also knowingly make decisions that threaten the lives of citizens. A less sinister, but no less frightening, manifestation of the disregard for human life is reckless driving: people routinely endanger the lives of others in order to spare themselves the trouble of hitting the brake pedal, changing lanes, or to save themselves a few moments' driving time. The recent rescinding of the 55-mile-per-hour speed limit may result in six thousand to nine thousand more deaths a year.

⁶ See Dworkin, *Life's Dominion*, esp. chaps. 1 and 2.

bloody. But I will not use war as an example here, because discussion of the causes and motivations of war inevitably raises fundamental political questions too tangled to consider now.⁷

There are less controversial ways of making the same point. Take, for example, the automobile-based transportation system. We know that trams, buses, trains, and even airplanes are far safer per passenger mile traveled than are cars.⁸ In addition, automobiles cause serious pollution that damages human health and the environment.⁹ The alternatives to automobiles have side effects, too. However, in every category, they are smaller than the ones associated with cars.¹⁰

Many lives would undoubtedly be saved if excellent public transportation systems replaced the automobile-based system now existing in the United States.¹¹ However, at its best, this system is wonderfully convenient—more convenient than any existing public transportation system I am familiar with.¹²

⁷ It would probably be quite easy to show how unfounded were the claims used to justify many lesser wars initiated by the United States, together with how the actions undertaken furthered certain business interests.

⁸ For further information, see Steve Nadis and James J. MacKenzie, *Car Trouble* (Boston: Beacon Press, 1993), esp. chap. 1. Particularly troubling is the intersection of two social problems, problem drinking and unsafe driving. See H. Laurence Ross, *Confronting Drunk Driving* (New Haven: Yale University Press, 1992). Ross argues for a wide variety of ways to reduce the toll of drunk driving. They include alcohol policies that reduce dangerous drinking, transportation policies that reduce dangerous driving, and ways to save lives in spite of drunk driving.

⁹ See Nadis and MacKenzie, *Car Trouble*, esp. chaps. 1 and 2. They go into the true costs of an automobile-based transportation system at some length. In addition to the aforementioned damage to human health it causes, air pollution also leads to a variety of problems, including ozone depletion and the emission of greenhouse gases. Manufacturing cars also consumes enormous natural resources, and disposing of them creates enormous quantities of hazardous junk. Using cars encourages us to pave over good land and to create living spaces that undermine community. Our dependence on cars also influences foreign policy in undesirable ways. Many of these outcomes lead to additional deaths, quite apart from the more obvious ones caused by traffic accidents.

¹⁰ Not only are other forms of public transportation safer than cars, but they outperform cars in both pollution control and fuel efficiency. Buses emit 25 percent less nitrogen oxide, 80 percent less carbon monoxide, and 90 fewer hydrocarbons than cars. Trains do still better: they emit 77 percent less nitrogen oxide, and 99 percent less carbon monoxide and hydrocarbons. As Nadis and MacKenzie point out in *Car Trouble*, "a transit train with 22 persons per car consumes 43 percent less energy than an automobile with a single driver; a transit bus with 11 riders on board takes 45 percent less energy" (p. 120). Subways, surface trains, and buses also carry far more people than a highway lane full of single-occupant cars.

¹¹ I ignore here for simplicity's sake morbidity and concentrate on mortality.

¹² It hardly needs saying that much of the time the automobile-based system does not function at its best and that if the full costs of the system were taken into account, people would be much less enthusiastic about it. Some of the best European public transportation systems are quite good; putting together still better ones is surely feasible.

As a person who lived many years without a car, I am intensely aware of the guilty pleasures of having my own car. I no longer have to wait endlessly at frozen bus stops, scramble for alternative transportation during off hours or strikes, align my schedule with that of the system. Now my arms never ache from the ever weightier bags and parcels that accumulate in shopping expeditions, because I can stow them in the car and walk unencumbered into each new shop. Having a car means that I can live out in nature, in a forested rural neighborhood not well served by public transportation. And, I can go to a health club anytime for a stress-reducing workout. In short, because I live in a small town where there are few traffic jams and more or less adequate parking, having a car adds enormously to the comfort and convenience of my life.

But does the car add any fundamentally important value to my life? No. I could do the things I want to do most without it. It wouldn't be as convenient, I wouldn't be as comfortable, I couldn't accomplish quite as much. But the extras, although I enjoy them a lot, are just that: extras. And although I am not prepared to give up my car under the present circumstances, it seems clear that most people would be far better off if we could reduce our dependence on cars.

In fact, it is arguable that doing so is a matter of justice. Living with the current system requires us to put up with a lottery that kills at least 40,000 people a year. If those lives were as valuable as sanctity-of-life rhetoric suggests, the appeal to convenience would be unceremoniously rejected.

Society tolerates other enterprises that promise convenience for some, despite the risk of death for others. Consider, for example, the tobacco industry. The government continues to subsidize the tobacco industry and to permit widespread advertising for a product that has been estimated to kill 400,000 people a year in the United States alone.¹³ Or what about guns? We, as a society, tolerate nearly universal access to extremely efficient means of killing: the number of deaths attributable to guns now rivals those from traffic fatalities. No doubt some would occur by other means if guns were less available; however, it is plausible to believe that many would not. Yet even the feeblest attempts at gun control have been rejected until recently.¹⁴

¹³ And the bad news keeps coming in. For example, recently a newspaper reported that smokers increase their risk for colorectal cancer, a risk that stays with them even if they later quit smoking. "Studies Link Cigarette Smoking to Colon, Rectal Cancer," *Ithaca Journal*, February 2, 1994, p. 5A.

¹⁴ For an interesting consideration of the Second Amendment, see Sanford Levinson, "The Embarrassing Second Amendment," and Wendy Brown, "Guns, Cowboys, Philadelphia Mayors, and Civic Republicanism: On Sanford Levinson's *The Embarrassing Second Amendment*," both in *Yale Law Journal* 99, no. 1 (December 1989): 637-59 and 661-67, respectively.

What, too, of the practice—common both in business and state enterprises—of lax safety practices that maim or kill,¹⁵ or of letting products known to be dangerous into the marketplace? One example of the latter is the notorious Pinto case, where Ford decided against spending an extra \$11 per car to remedy a serious hazard.¹⁶ Another is the story of the automobile industry's footdragging on safety measures such as airbags.¹⁷

One could go on and on in this vein. What about the excess mortality in groups ill-served by the health care system? What about famine deaths abroad caused by self-serving foreign policy? But the basic point should be clear: if life is as priceless a good as some would have us believe, why do we, as a society, tolerate such cavalier waste in these kinds of circumstances?

Putting together a watertight argument in each of these cases would take more space than is available here. Such examples may involve economics, constitutional rights, or issues of paternalism. Each also involves factual determinations and discussion of mid-level moral principles. Nonetheless, the point that should be emerging is that if these matters were treated analogously with abortion, the argument would be that none of these competing values trumps the value of the deaths that could be averted by undertaking new policies.

Some of these deaths might even be averted at no extra expense by changing attitudes. For example, education might encourage people to choose public transportation where possible. It might also help them to find satisfaction in exercise rather than cigarettes. People could be taught to channel their violent impulses into constructive pursuits, too. And education could help us labor cooperatively for safer workplaces.

However, reducing many of these dangers would require us to allocate resources differently. For example, society might increase its support of Amtrak while reducing highway subsidies. It could train tobacco farmers to grow other crops instead of giving them subsidies. It could subsidize

¹⁵ For a helpful introduction to some of these issues, see Anthony Bale, "Women's Toxic Experience," in *Women, Health, and Medicine in America*, ed. Rima D. Apple (New Brunswick, N.J.: Rutgers University Press, 1992).

¹⁶ For a short account, see Richard T. De George, *Business Ethics*, 3d ed. (New York: Macmillan, 1990), pp. 193-95.

¹⁷ See Nadis and MacKenzie, *Car Trouble*, p. 54. They point out that the provision of airbags in cars was delayed twenty years by the auto industry, which spent more than twenty million dollars fighting against them. Certainly, some ten years ago when I was car hunting, the only car equipped with airbags was the Mercedes Benz, which is out of the range most people can afford. In general, it is estimated that by 1982, vehicle safety standards introduced since 1968 had saved some 80,000 lives in the United States. Joan Claybrooke, Jacqueline Gillan, and Ann Strainchamps, *Reagan on the Road: The Crash of the U.S. Auto Safety Program* (Washington, D.C.: Public Citizen, 1982), p. i.

vocational education and create government job programs to provide a living wage to those who would otherwise turn to a life of crime. It could enforce existing safety regulations by hiring more inspectors, and so forth.

Many people will also want to argue that in addition to the specific differences between each of these particular cases and fetal abortion deaths, there are more generally applicable morally relevant differences. First, and most obvious, the former usually involve *statistical* deaths. Statistical deaths are those that we know from experience are likely to occur if we pursue a given course of action. But such statistical deaths are morally different from the killing of a particular fetus. Second, most of these deaths occur in the pursuit of other goals, and so nobody intends them. With abortion, however, the death of the fetus is intended and actively pursued. Third, statistical deaths, unlike abortion deaths, occur with some degree of consent on the part of those at risk. Fourth, these deaths, unlike fetal deaths, do not involve one individual making decisions that harm others. And fifth, unlike fetal deaths, these deaths are not killings, but rather instances of letting die.

These are all debatable assumptions there is no space to explore fully here. But the following brief considerations should raise serious questions about their worth. First, is the fact that a given death is "merely" statistical morally relevant? One might try to argue that since the death is less certain than one caused directly by an abortion, those who make the decisions leading to it are less morally responsible. Perhaps. But often enough there is sufficient evidence to be quite certain that a given course of action will have fatal consequences for some people. For example, by now, we know that if no changes are made in transportation, at least 40,000 more people will be dead a year from now. That knowledge would certainly be central for any consequentialist moral theory, and it's hard to see how a nonconsequentialist theory that recognizes the sanctity of life could discount it: it is hard to imagine what consideration could bear the moral weight of such a large number of deaths. And, when we look carefully at the facts, the fetal deaths that result from setting a particular abortion policy are more like these statistical deaths than is at first evident. We don't know which fetuses will die, and our knowledge of any particular fetus that is to die is, in any case, extremely limited: we know only that it is the fetus inside a given woman.

And although it is true that no one wants those who die in traffic accidents dead, the same could justifiably be said of aborted fetuses. In the first case, society wants a convenient transportation system, one that happens, in fact, to lead to a large number of deaths. In the second, women aim at freedom from pregnancy and motherhood. In both cases, people would no doubt gladly change these undesirable consequences if the desired ends could be achieved without them.

Can doubt be as easily cast on the objection based on consent? Fetuses do not consent to being aborted, of course, whereas those anonymous indi-

viduals who die as a result of social policies may be thought to have consented both to the relevant policies and the specific situations that led to their deaths.

Naturally, fetuses do not consent to their deaths. What is in question here is the extent to which participants in other risky practices are informed and consenting. This disagreement can quite reliably be correlated with the traditional split between political conservatives and progressives. Conservatives tend to see individuals as egoistic rational calculators, making most decisions on the basis of their own perceived self-interest. Progressives are more likely to notice how decision making is molded by circumstances that cause people to make choices that are really neither in their self-interest nor in that of society as a whole. There is no space here to analyze any case fully, but it is clear that the latter outlook is, in at least some important cases, more accurate.¹⁸

For example, conservatives tend to stress that the dangerous transportation system has developed as a result of individual choices by people who knowingly incur its risks. However, a look at the history of its development and the choices that face those now currently participating in it would suggest otherwise. On the one hand, there is reason to believe that the system did not emerge from informed, democratic public debate but, rather, as a result of pressures created by those who stood to benefit financially from the reliance on cars.¹⁹ On the other, given the existing alternatives, those who now participate have very limited choices. As H. Laurence Ross comments:

The dependence of Americans on the private automobile is extreme, and in some situations virtually total. Except in the largest cities, alternatives to

¹⁸ As Ross points out, "to 'see' events as outgrowths of more complex social institutions requires a particular way of understanding, a paradigm less individualistic than the psychological. It is less reassuring than the tacit belief that accidents are the outcome of immoral people rather than of complex, morally ambiguous, even morally acceptable actions and persons" (*Confronting Drunk Driving*, p. xii). He goes on to point out that the more individualistic paradigms are not only "intuitive" in American culture, but they also cost less: "by placing all responsibility on individuals we avoid the political and economic conflicts attendant on examining our institutions, our culture, and our technological assumptions. While punishment and law enforcement are expensive, they avoid the trauma of changing our social system" (p. xii).

¹⁹ See Nadis and MacKenzie, *Car Trouble*, p. 5. They point out that "starting in the 1930s, National City Lines, a company backed by General Motors, Standard Oil, Phillips Petroleum, Firestone Tire and Rubber, Mack Truck, and other auto interests, systematically bought up and closed down more than 100 electric trolley lines in 45 cities across the country. In 1949, a federal jury convicted GM and the other companies of conspiring to replace electric transportation systems with buses and to monopolize the sale of buses. (These corporations were fined a trifling \$5,000 each for their actions.) But the long-term damage had already been done. In 1947, when the destruction of mass transit was just beginning, 40 percent of U.S. workers relied on public transportation to get to their jobs. In 1963, only 14 percent did. . . [T]oday less than 5 percent of the working population commutes by way of public transportation."

automobile transportation are inconvenient, expensive, unpleasant, dangerous, or nonexistent. . . . The extent of our automobile dependence is suggested by the fact that the possession of a driver's license is nearly universal. Indeed, it can be said that the license serves as a kind of national identity card. Moreover, the availability of cars has transformed even the physical structure of American society so that driving has become to all intents and purposes a necessity.²⁰

These claims square with my own experiences, as well as my observations of others who are unable, for various reasons, to drive: it would be no exaggeration to say that they are, in many ways, as limited in their choices as are the wheelchair bound. Under these circumstances, it is dubious whether the choice to drive can often be truly voluntary.

The same might reasonably be said of those insecure young people who, seduced by Joe Camel, have been exposed to 200 puffs of nicotine by the time they have finished their first pack of cigarettes.²¹ Nicotine now turns out to be so addictive that there is some talk of the FDA banning it.²² Nicotine affects the brain's pleasure centers in a positive way and improves alertness, efficiency, reaction times, and learning.²³

Can the decision to start smoking truly be described as informed? Most people start early in life at a time when they are ill-prepared to undertake the appropriate cost-benefit analysis. The probability that their decision is uninformed is increased by ubiquitous tobacco ads, as well as the virtual media blackout on the dangers of smoking.²⁴ Yet smoking is implicated in more than 400,000 deaths a year in the United States alone.

These are, of course, just two cases, albeit important ones. Others must be evaluated on an individual basis. But what they suggest is that, despite popular beliefs, there is good reason for thinking that many convenience-based deaths are not informed, and/or not voluntary. They are thus more

²⁰ Ross, *Confronting Drunk Driving*, p. 5.

²¹ Ruth Winter, *The Scientific Case against Smoking* (New York: Crown, 1980), p. 5.

²² See, for example, "Fighting and Switching," *Newsweek*, March 21, 1994, pp. 52-53.

²³ Winter, *The Scientific Case against Smoking*, pp. 2-3.

²⁴ For information about the risks of smoking, see G. E. Shelton, "Smoking Cessation Modalities: A Comparison for Healthcare Professionals," *Cancer Practice* 1, no. 1 (May-June 1993): 49-55. Both the absolute number of deaths and the percentage of deaths related to smoking are impressive: one enormous study found half of all deaths to be associated with cigarette smoking. L. H. Kuller, J. K. Ockhene, E. Meilahn, D. N. Wentworth, K. H. Svendsen, and J. D. Neaton, "Cigarette Smoking and Mortality. MRFIT Research Group," *Preventive Medicine* 20, no. 5 (September 1991): 638-54. Another study found that 30 percent of all cancers could be prevented if no one smoked and that for some cancers (oral cavity, esophagus, lung, and bronchi), 90 percent could be eliminated. P. A. Newcomb and P. P. Carbone, "The Health Consequences of Smoking. Cancer," *The Medical Clinics of North America* 76, no. 2 (March 1992): 305-31.

comparable to the allegedly convenience-based fetal deaths caused by abortion than they may at first seem. For if individuals' participation in activities or situations is not informed or voluntary, they are being put at risk of death by the decisions of others who benefit from those constrained choices.

The question is, what follows? It seems to me many such issues fall properly in the province of democratic decision making. Perhaps then some societies will decide that having a given bridge is worth the probable loss of three construction workers or that getting chicken for 2 cents a pound cheaper is worth the risks inherent in antibiotic-laced chicken feed. However, such decisions are morally dubious unless all the relevant issues are fully aired and the resulting burdens are shared as equally as possible. These conditions often fail to be met in our society.

Decision-making contexts that fail to meet these criteria devalue human life. Facing them squarely shows that society's rhetoric about its value has some meaning. Many in our society have wanted it both ways. Where it costs them nothing, they are all for the sanctity of human life (and other "mom and apple pie" values), but when the steps necessary to protect life reduce their profits or violate their conception of proper social arrangements, they seem quite willing to risk the lives of others. As a society, we tolerate such behavior, excusing it with a variety of subterfuges that keep us psychologically comfortable in the face of practices that do devalue life and other allegedly valued goods.²⁵

One source of comfort is a philosophical establishment that often seems unable or unwilling to notice or challenge the moral status quo. One escape route is to disappear into the thickets of abstraction, disparaging or downgrading the kind of work that risks threatening fundamental social assumptions. Another is to focus on fine distinctions without ever subjecting the big picture to the same careful analysis.

I believe that much of the philosophical effort engaged in the killing/letting die discussion falls into the second category: the emphasis has been on ferreting out subtle distinctions between cases rather than on showing where they are irrelevant or overshadowed by other considerations.²⁶ In the kinds of cases we are discussing here, those distinctions may have little, if

²⁵ For an illuminating discussion of this issue, see Guido Calabresi and Philip Bobbitt, *Tragic Choices* (New York: Norton, 1978), as well as Calabresi's "Reflections on Medical Experimentation in Humans," in *Experimentation with Human Subjects*, ed. Paul A. Freund (New York: George Braziller, The Daedalus Library, 1969), pp. 178-96.

²⁶ For an excellent recent discussion of these issues, see Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 4th ed. (New York: Oxford University Press, 1994), chap. 4. For additional argument, see Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon, 1989).

any, force. For instance, the line between killing and letting die may be unreliable, shifting according to the context within which the decision is examined. So when a company deliberately chooses to omit a safety feature from a product in order to save money, do we focus on the fact that the deaths arise from an omission or on the fact that the moving force here was an active decision? Surely *that* difference is not what determines whether a death is more or less blameworthy. Nor does the fact (important in some cases) that in letting die, responsibility for the death is spread to an outside agent. So if a company knowingly exposes its employees to carcinogens, could it really mitigate its responsibility by saying that the benzene is the killer, not the policy?²⁷ These kinds of distinctions seem especially questionable where those at risk are, unlike fetuses, paradigm cases of full-fledged moral persons.

My suspicion that philosophers are guilty of neglecting the overall picture is reinforced by the fact that the convenience-based deaths I have discussed are at first blush more obviously worrisome than fetal deaths. After all, they involve fully self-conscious individuals who are embedded in a web of social relationships. Not only are victims often unhappily aware that their lives are ending prematurely, but also their deaths may well involve serious suffering on the part of those who love them. So one would think that there would be at least as many attempts to show that these deaths are as culpable as those of fetuses, than of the contrary thesis. Yet that is not the case. Furthermore, any attempt such as mine to argue for the seriousness of these other convenience-based deaths is likely to be dismissed as "politically motivated," whereas the case that is more comfortable for the status quo proceeds without any such comment.²⁸

Philosophy is guilty on another related count. I have objected to its tendency to focus on details at the expense of the big picture. Both popular and philosophical discussion has a way of focusing on dead fetuses rather than the overall context of abortion decisions. Feminist treatments of abortion have raised this issue again and again.²⁹ Yet the point rarely seems to stick.

²⁷ For a wonderful discussion of these issues, see W. K. Clifford, "The Ethics of Belief," in *Lectures and Essays* (London: Macmillan, 1879). The law is also, naturally, a particularly rich source of food for thought about them.

²⁸ Not only are these accusations inconsistently applied, but they often confuse moral claims for political ones. Doing good ethics requires us to take account of all aspects of the situation, including existing power relationships. See "Good Bioethics Must Be Feminist Bioethics," reprinted as part of Chapter 1. A still further point to ponder here is the tendency on the part of moral philosophers to prefer a moral theory that can be applied consistently, no matter how unattractive its daily demands, over serviceable theories even if they falter in desert-island cases. I am inclined to believe that this attitude constitutes a kind of intellectual elitism that subordinates welfare to neatness.

²⁹ For a helpful discussion, see Susan Sherwin, *No Longer Patient* (Philadelphia: Temple University Press, 1992), chap. 5.

One central feminist point is that women are expected to accomplish the impossible. In general, women have fewer resources than men of the same class, yet they are expected to do far more with them because of their primary responsibility for childrearing. So many women seek abortions because they would otherwise be unable to cope with these conditions.³⁰ Because even these powerful defenses of abortion (abortion from desperation, we might call them) tend to be rejected by a society that does not wish to acknowledge its own unreasonable demands, women have been kept on the defensive, and even feminist discussions of abortion have reflected that fact by emphasizing the altruism motivating many abortions.³¹ In particular, they have emphasized women's reluctance to bear babies whose care will undermine their ability to care for others.

This is a real concern, especially at a time when more or less severe forms of child neglect are widespread. It is crucial for women to insist on, and society to take seriously, what solemn undertakings childbearing and child-rearing are. Many children are not getting either the material resources they need or enough time with responsible adults. There is not always room for one more in a family, not if people care about being good parents.

Attention to this kind of context would begin to bring our society's conception of abortion more in line with its views about other death-producing activities. So why does the discussion continue to focus monomaniacally on dead fetuses? If the defense of convenience-based deaths in general is to point to a justifying context, why is the same strategy considered suspect or ignored altogether in much of the abortion debate?

This point is relevant in another way, too. Opponents of abortion often sound as if their only concern is the welfare of fetuses. But that is untrue in most cases. Those who favor women's access to abortion have pointed out ad nauseam that if abortion opponents truly cared about fetuses, they would support a variety of social measures designed to ensure both that fewer unwanted fetuses were conceived in the first place and the welfare of born individuals.

There is a still stronger way to put this point. Moral positions on particular issues come in packages. It is not possible just to hold the isolated belief that killing fetuses is unjustifiable; what is really believed is some view about killing fetuses *plus* a set of beliefs about the appropriate trade-offs involved in acting on that belief. In short, inextricably bound up with the

³⁰ Perhaps it bears saying once again that women often have, in any case, little say over when they will have sexual intercourse. Yet they are held responsible for any resulting child.

³¹ Even Caroline Whitbeck's excellent "The Moral Implications of Regarding Women as People: New Perspectives on Pregnancy and Personhood" has some tendencies in this direction. In *Abortion and the Status of the Fetus*, ed. William B. Bondeson et al. (Dordrecht: D. Reidel Publishing Company, 1983).

evaluation of killing fetuses is an evaluation of how the costs of stopping such killing should be borne.

Reducing the need for abortions would be expensive, both financially and, for some people, in terms of losing valued social arrangements. For example, reducing unwanted conception in teenagers would probably include setting up excellent sex education programs, universal access to contraception, and the kind of gender equality that empowers girls to say no to sex they don't want and to make sure that contraception is used in sexual encounters they do want. These are changes incompatible with the value systems of many anti-abortion activists. Likewise, reducing pregnancies due to contraceptive failure requires making the development of safe, convenient, effective, and universally available contraception a priority. And, to reduce the number of abortions necessary for women's health, it would be necessary to take expensive measures to improve women's health in the first place. To address the need for abortion for fetal defect would require society to provide universal pre-conception counseling and care for impaired children and adults. Providing the financial and social support women need to raise more children well would require enormous social changes.

Although such measures would not altogether eradicate women's desire for access to abortion, they would lead to vastly fewer abortions. If reducing the number of abortions is the highest priority of opponents of abortion, why do so few fight for them?

My suspicion is that relatively few anti-abortion activists expect to suffer personally from a ban on abortions. If they are women, they may see themselves primarily as nurturers and are, in any case, prepared to assign this role to all other women, regardless of their own life plans. Members of either sex may adhere to moral and political views that cause them to see with equanimity the financial or other inequities that caring for additional children thrusts on women. In the most general terms, restricting legal abortion now is consonant with their other values, such as the belief that premarital sex is wrong, whereas contributing to the effort to spread the burden of such a restriction does violate those values. But this understanding of the situation is much different—and much less appealing—than the position they profess to hold.

In short, unwillingness to share the burden of abortion restrictions implicitly says that reducing the slaughter of fetuses is *not, after all*, the primary value here. The overriding value is, on the contrary, shifting the cost of restrictive policies to others. Recognizing that fact changes the complexion of the abortion debate drastically.

I started out by asking whether conceding that many abortions are desired for the sake of convenience would require us to conclude that they are im-

moral and thus ought to be prohibited. I have argued that society tolerates many deaths that can be attributed to convenience, deaths that are at least as culpable as fetal deaths in abortions allegedly desired for the sake of convenience. However, the moral similarity of in these deaths is obscured by a variety of powerful social mechanisms. So at present it would be inconsistent to call for prohibiting convenience-based abortions.

But it is also obvious from what I have said so far that many of these other convenience-based deaths are morally suspect. What then of abortions that appear to fall into the same category? At the beginning of this article I said that I wanted to see what would follow from granting the premise that many abortions are performed for the sake of convenience. I think I have shown that it is by no means clear that allegedly convenience-based abortions should be prohibited. Of course, I conceded that most abortions are based on convenience only for the sake of argument. It is, on the contrary, extraordinarily bizarre to think that continuing an unwanted pregnancy and giving birth against one's will constitute mere inconveniences. Indeed, the values preserved by full access to abortion are jealously guarded in other contexts. However, that is an argument for another day.