

# **Abortion and the Meaning of Parenthood**

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Consider the following three "cases" and what we might want to say about them:

(1) A pregnant woman undergoes amniocentesis to test for genetic abnormalities in the fetus she is carrying and is told that she will give birth to a normal male child. It turns out, however, that she has a baby girl who is afflicted with Down's Syndrome. The woman, contending that she would have aborted the fetus if she had been given accurate prenatal diagnosis, sues the hospital that administered the test. She sues on behalf of her child, arguing that the child is entitled to damages for "wrongful life."

(2) A 36-year old woman gives birth to a child with Down's Syndrome and related physical abnormalities. While pregnant, this woman had been offered amniocentesis by her physician, but she had declined it. The child's father, acting on behalf of the child, sues the mother, seeking damages for wrongful life.

(3) A pregnant woman has placenta previa—a serious condition in which part of the cervix is blocked by the placenta, leading to a risk of hemorrhage and oxygen deprivation for the fetus. The woman has been advised by her physician that while pregnant she should not use amphetamines, should not have sexual intercourse, and should go to the hospital at once if she begins to bleed. Her child is born with severe brain damage and dies within weeks. It turns out, however, that the woman had delayed going to the hospital for a number of hours after beginning to bleed, had been using amphetamines (indeed, had taken them as recently as the day she went into labor), and on that same day had sexual relations with her husband. The woman is charged with a misdemeanor under child abuse laws.

The first and third of these are versions of cases that have actually occurred and made their way into our courts. The second is a not unlikely scenario for the future. Taken together, they raise a number of important and provocative questions, some of them having to do with the very meaning of the vocation of parents.

## **Abortion and Parenthood**

We can begin by thinking about the last of these cases. It could, of course, have many different variants. The pregnant woman could be a heavy smoker or drinker, or a narcotic drug user. She could need to use a very restrictive diet throughout pregnancy in order to avoid damage to the fetus (e.g., from PKU). The fetus could need surgery while still *in utero*—a kind of science fiction possibility gradually-becoming reality, a possibility that must also, of course, mean surgery on the pregnant woman. What should the responsibilities of such a woman be? Should she be not just encouraged but also required to alter her behavior and way of life for the sake of

the fetus? To submit to restrictions or hazards for its sake? If, because of her unwillingness to alter her behavior, her child is born with harms that could have been avoided, should she be penalized?

Although courts have, in fact, sometimes enforced such restrictions, we might well worry about attempts at legal restriction. It is one thing to argue that a pregnant woman (or any parent of any child) should not be permitted to take action that aims at her child's death (as abortion in most circumstances does). It is harder to argue that she must avoid behavior that may harm her child, or that the law should make significant restrictions on her way of life with that end in view. Yet, it might be persuasively argued in some instances. After all, the law does punish both child abuse and neglect that occurs after birth. And even if a woman is free to abort a fetus and thereby end a pregnancy, we might hold that she is not free to carry it to term while engaging in behavior that carries serious risk of harm for that child.

Suppose we were considering a law that would require a pregnant woman who intended to carry the pregnancy to term to alter her behavior in significant ways (or even undergo surgical procedures) for the well-being of the child. We can begin to appreciate the meaning of abortion for the parental vocation if we consider one argument that might be offered against such a law. One might say: "That sort of law treats the fetus as if it were an independent entity, physically separate from the woman. It ignores the fact that the woman cannot simply walk away from the fetus."

*Except* that, abortion being legal, she can walk away from it. Abortion makes that possible. Notice what this means. The possibility of abortion has a peculiar effect on the relation of mother and fetus. The "natural" connection is no longer tight. She can walk away. This might seem to give her greater freedom—the freedom to see herself and her child as separate entities. The freedom to affirm the connection of these two entities if she wishes . . . or to reject the connection. But if the law we are hypothetically considering were to be passed, this way of thinking would lead to less freedom for the woman who chooses not to abort. Since she hasn't walked away, she has taken on some pretty stringent obligations. This is what happens when we cease to think of the fetus as the "fruit of the womb" and think instead of the mother/fetus connection as a chosen, willed one. If the woman chooses, she must be in control. But then, perhaps, some will begin to think we must hold her responsible (even legally liable) in new ways.

An argument analogous to this one is central to the important and provocative book by Barbara Katz Rothman titled *The Tentative Pregnancy*.<sup>1</sup> Although she favors the legal right to abortion, Rothman worries about how that right—and especially the prenatal diagnosis that so often accompanies it—may alter our understanding of what it means to be a parent and, in particular, a mother. The technology that appears to confer new freedom ultimately controls and reshapes the way we think. It encourages us to think in terms of separation and individuation, of the mother as simply the environment of the fetus. More traditionally, we might have pictured mother and child as beginning with complete, inseparable attachment—and moving from that beginning point through a separation that begins at birth and continues thereafter. But the technology of prenatal diagnosis and abortion that encourages us to picture pregnancy as a willed, chosen relation between two wholly separate individuals reverses this way of thought.

We learn to think of birth as the moment of “bonding,” of pregnancy as moving from separation to attachment (pp. 114f).

The “tentative pregnancy” is one, therefore, in which a mother cannot really acknowledge the presence of her child until it has been given a clean bill of health. Only then can she choose to bond with it. The irony, of course, as Rothman notes, is that even our technology can never guarantee a perfect baby—or that the perfect baby will remain that way after birth. She writes:

The possibility of spending the rest of one’s life caring for a sick or disabled child can *never* be eliminated by prenatal testing . . . Motherhood is, among other things, one more chance for a speeding truck to ruin your life (pp. 252f.).

To think of the bond between a parent and child as chiefly a chosen and willed one—quite different, for example, from thinking of the child as God’s gift or of the parents’ role simply as that of co-creators with God—turns out to undermine the kind of unconditional commitment so central to the vocation of parenthood. It happens simply to be a fact that children need from their parents such unconditional commitment if they are to flourish. They need to know that they can be and are loved with an acceptance that does not depend on any qualifications or merits they may bring. They need, that is, to know that their parents love them in precisely the way we all need to know that God loves us.

### **Freedom and Responsibility**

When, however, parents love more tentatively, the result is that—forsaking the call to try to love as God does—they end up having to try to be godlike. What they get in place of unconditional commitment is a new, and more stringent, sort of responsibility. They take on the role of creator with respect of their children. And they must, in turn, bear an equivalent responsibility. No longer need children hold God responsible for the cruel joke life has played on them. The culprit will be nearer to hand. The old problem of theodicy—justifying the ways of God in our world—will have to be applied to parents. The child whose life of pain or disability might have been avoided by abortion might learn to reason thus: “If my parents have the power to keep me from living such a life, and if they really loved me, they would not let me endure this. But I am enduring it, and they had it within their power to abort me. They must not really love me.” To exercise godlike control over one’s child—to learn to think of the bond as purely chosen and willed—is to risk becoming the object of such reasoning. That is what happens when the child becomes a product for whose quality parents are responsible.

This brings us back to the other two cases with which I began, cases of “wrongful life” as they have begun to be called, if parents have a nearly godlike responsibility for the nature and well-being of their children, if children have become a kind of commodity, then it only makes sense that we should ask of parents some “quality control.” Indeed, in a nice turn of phrase, Rothman calls wrong life suits “a form of product liability litigation” (p. 92). And in fact, wrongful life suits are a good prism through which to view the meaning of parenthood. In the past courts have been reluctant to permit such suits—reluctant, in large part, to grant that existence itself could be an evil on the basis of which one had standing to sue. But a few such suits have been successful in recent years, and it would probably be foolish to wager that the day

will not come when a child wins such a suit not just against hospital or physician but against parent(s).

We may be uneasy about such possibilities but it is harder to say why. Having taken on a greater responsibility for the very nature of children, we may find ourselves wanting to step back and abdicate at least some measure of the newly acquired responsibility. Thus, for example, Rothman counsels women who undergo prenatal diagnosis not even to seek to know whether the fetus is male or female; for, having such knowledge, we may be tempted to take control not only of what clearly seems to be a defect, but of the child's person more generally. The techniques that offered freedom begin to control us. They are in the driver's seat, and we end with a responsibility too awesome for human beings to accept. Sensing that, we wisely draw back from some portion of that responsibility, but we may no longer be able to say why.

### **Freedom and Finitude**

It would be a mistake to turn my argument into one that denies all human responsibility for shaping the world in which we live and, even, the children whom we beget and rear. We are not simply gods, we are not simply our freedom to shape and reshape the world. We are not to think of the world—and, in particular, other people and our children—as infinitely plastic to our desire for control. Nevertheless, if we are not simply freedom, we *are* called to exercise our freedom in responsible ways—as co-creators, though not as gods. Human beings are made from the dust of the ground and are, therefore, finite beings who should respect the limits of our human condition; for in respecting such limits we recognize that we are not God, and we acknowledge the Creator. But made from the dust of the ground, we also have within us the God-breathed spirit that rightly seeks to exercise an appropriately benevolent dominion within the creation. We seek to cure illness, to overcome disability, to discover new ways to enrich human life. In short, if we are not simply free to be as gods, we are not simply finite animals either. We quite rightly exercise many kinds of control every day of our lives.

If wrongful life suits make us uneasy, it is because they force us to think about the line that is so hard to draw: between our freedom and our finitude, between the exercise of freedom that is rightful dominion and the exercise of freedom that gives in to the temptation to be as gods. This is not a line that can always be clearly drawn in advance, but to see the issue in these terms is to appreciate that our uneasiness takes root in some of the most basic questions—religious questions—about the world in which we live.

Who finally is the lifegiver? Parents? Physician? Both together? Or are they only cooperators in and with a power greater than their own? Does the natural tie of mother and child (or, more broadly, parents and child) itself have any moral claim upon us apart from our own willing and choosing? And, are there possible exercises of freedom which we *ought* to reject or kinds of responsibility which we *ought* to view as inappropriate for human beings? Such issues, which can only be termed religious issues, lie deep within our public uneasiness about developments like the wrongful life suit.

We can press the issue yet a bit further if we consider a world in which God (and even nature) has faded from consciousness, but a world in which we remain morally serious. If God is no longer around to bear responsibility for bringing good out of evil—out of, for example, the

suffering of an infant born with serious disabilities—then we must look elsewhere for someone to shoulder the burden of responsibility. If an avoidable evil has been permitted to occur and God cannot be blamed, then who is the most likely candidate for such responsibility and blame? Surely it is we ourselves. To see our situation in this light is to see what it might mean really to learn to think of ourselves not just as co-creators with a power greater than our own but, instead, simply as creators.

Our public debates about abortion have tended to shy away from such seemingly metaphysical issues. Thus, for example, even when we oppose abortion done on grounds of “fetal defect,” we usually oppose it on the ground that we ought not make judgments about the comparative worth of human lives. And that is a perfectly respectable argument to which I, at least, am quite ready to assent. Perhaps, however, we also need to think about some other issues—fuzzier ones and harder to clarify, but very important. How we think about a child, and the relation of mother, father and child, is not simply a given. It can change over time, and it is the very possibility of abortion that brings about some of those changes and teaches us to think in new and different ways about the “nature of human nature” and the meaning of being a parent or a child.

If (to use some old-fashioned language) the essence of our humanity consists in our freedom, in taking control, we will have to think of parenthood in a corresponding way. But that may mean the loss of much humane wisdom—the wisdom that sees a parent as one who stands before the child as God’s representative but certainly not as God, the wisdom which knows that to accept full responsibility for what our children are and become is to cut the root that will nourish them as children, the root that is the unconditional love of a parent. Concerns such as these are at stake in our public debate about abortion, and we do well to pay them some heed.

<sup>1</sup> Barbara Katz Rothman, *The Tentative Pregnancy: Prenatal Diagnosis and the Future of Motherhood* (New York: Penguin Books, 1987). Page references are given in parentheses within the body of the text.