

# Uncivil Liberties

## A Descendant of Slaves Thinks About Abortion

*Alan L. Keyes*

SINCE THE SUPREME Court's decision in the *Webster* case, the abortion issue has moved to the center stage of politics at the state level. It dominated the Virginia gubernatorial race between Marshall Coleman and Douglas Wilder. In that race, as well as others around the country, those who favor abortion on demand have presented it as a question of a woman's right to choose, based upon her inherent right to control her own body—the right that is, according to seminal liberal theorists such as John Locke, the most fundamental of all property rights. Opponents of the so-called “pro-choice” position are being portrayed as self-righteous, intolerant religious zealots. They are accused of seeking to use the law to impose their moral views in a fashion that contradicts both individual rights and the principle of separation between church and state.

Many politicians who oppose abortion on demand as a matter of personal conviction appear to be embarrassed by these arguments. They don't want to appear willing to use the law to impose their personal religious or moral views on others. They therefore fear the political consequences of opposing the pro-choice position. They also fear the political consequences of failing to support the pro-life position. They waffle. They try to find formulations that will offend no one. They complain that the issue should somehow be removed from center stage so that politicians can get on with the business of discussing important problems like fighting drugs or improving education.

This complaint is clear evidence that they are unfit

to deal with either, since it exhibits the same moral obtuseness that underlies both the drug plague and the poor results being produced by most of our public schools. Our politicians today seem unable to understand that not all moral questions are religious questions. There is such a thing as civic morality, the moral principles that must guide and determine the choices that people make, and the obligations they have, as citizens. Issues of civic morality are, in fact, the most basic issues a society has to deal with, for they determine the moral identity that makes it possible for a community to exist. This is especially true in the United States, where the citizens do not have a universally shared race, religion, language, or other extrinsic bond. If, as Americans, we have no shared moral identity, then who and what are we as a people?

BECAUSE ISSUES of civic morality are so fundamental, they are also potentially the most dangerous issues we face. That's why, when our republic began, most of its founders feared the issue of slavery. They knew that eventually a crisis that threatened the nation's existence would have to be passed in order to clarify the nation's moral identity once and for all. In the years before the Civil War, not every politician understood the fundamental importance of the slavery issue. Many sought to ignore it or to defuse it through compromise with the demands of the slave states. In the end, however, a choice had to be

made between slavery and freedom, in order for Americans to understand themselves without contradiction as a people committed to human freedom.

America chose freedom. The divided union emerged as a renewed community based on the principle that slavery is wrong, that one human being cannot have property in the life of another human being, cannot dispose of the life and labor of another human being according to his own choice and convenience. For decades, the slaveholders had successfully contended that respect for their constitutionally protected property rights as individuals required that slavery be respected and enforced with national laws. As a consequence of the Civil War crisis, the American people rejected this contention. We held instead to the doctrine, implied by the terms of our Declaration of Independence, that human beings as such—and apart from any property or powers they possess—are entitled to be respected in their persons and that this right supercedes any property claims made by others. The right to property gives way before the dignity of human life as such.

The notion that slavery is wrong, that one human being cannot have property in the life of another, is today a fundamental tenet of the moral creed from which we Americans derive our shared identity as a people. It is therefore a basic tenet of our civic morality. If we abandon it, we abandon ourselves. If we assert our freedom in a way that violates it, we undermine the very doctrine that allows us to legitimate that assertion. In short, we return to the state of fundamental self-contradiction that made the Civil War a tragic inevitability.

This is the danger that we face from the abortion issue. The pro-choice advocates contend that a wo-

---

*Once a person is convinced that the life of the fetus is a human life, he cannot accept the pro-choice position without accepting the view that, in this case, one human being can have property in the life of another. This violates the anti-slavery principle.*

---

man's body belongs to her, is her property; that the fetus is part of her body, and therefore also her property.

But once a person is convinced that the life of the fetus is a human life, he cannot accept the pro-choice position without accepting the view that, in this case, one human being can have property in the life of another. This violates the anti-slavery principle.

Unless the anti-slavery principle holds true absolutely, other exceptions to it will also be possible. If, for instance, we argue that the exception in this case is justified because the fetus cannot survive independently of the mother, then independence (rather than simple humanity) becomes the criterion for deciding whether slavery is justified or not. If someone comes along who can prove that there is another case in which one human being is as dependent upon another as the fetus is upon the mother, that case, too, must be excluded from the anti-slavery principle. Slavery then ceases to be a matter of fundamental human rights and becomes instead a subject for intellectual debate. Someone could cleverly manipulate the concept of independence to prove that human beings may justly be deprived of their freedom if they use it irrationally, in a way that violates the doctrine that establishes their right to be free. After all, ancient philosophers such as Aristotle held that irrational beings are, by nature, wholly dependent upon rational ones and can, therefore, justly be enslaved.

**F**ROM THE perspective of our civic morality, therefore, the pro-choice position is untenable if one believes that the fetus is a human life. That is the only relevant moral issue. Arguments that make use of the personal suffering, pain, or inconvenience of the individual woman involved appeal to our compassion. Yet it has long been recognized that inconvenience, suffering, pain, and even the risk of death, can justly be demanded of individuals in our society in the defense of its moral identity. In every one of our nation's wars, people, especially men, have been compelled to make such sacrifices. If in order to maintain the principles of freedom basic to our moral identity we require such sacrifice from the women in our society, why is this unjust?

Of course, our reasoning permits us to demand this sacrifice only if we assume that the fetus is a human life. The nub of the issue is that this determination may ultimately be a matter of religious conviction. In our community there can be no established religion. We

may, therefore, never be able to reach sufficient agreement to permit us to declare with certainty, as a community, that the fetus is, or is not, a human life. For instance, some Americans hold to the belief that there is a non-material essence, independent of the body, that constitutes each human personality. They believe that this essence is present in each of us, from the moment of conception. No amount of scientific research will ever be able to verify or disprove this belief, since it deals with matters beyond the reach of our science's empirical logic.

If our science cannot settle the issue with certainty, and if we cannot agree on any religious or philosophic standard by which to determine it, the issue is permanently moot. As individuals we may decide one way or another, depending on our personal convictions. As a community we cannot decide one way or another. As a people we are, in principle, forever doomed to uncertainty on this point.

On some issues, such uncertainty has no bearing on our shared moral identity. Whether Christ was the Messiah; whether the bread received by Christians at communion is the symbol or substance of Christ's body; whether people should pray toward the East or wash five times a day—these are matters of indifference for our civic morality. But whether a life is a human life, entitled to respect for all the basic, inviolable rights of humanity—this is a critically important judgment. The enslavement of black Americans was in part sustained by the conviction that black people were like cattle, and therefore not entitled to the inherent rights of human beings. Where the most basic rights are concerned, we cannot be indifferent to the claims of any human beings, however inferior, deform-



*Alan L. Keyes*

ed, or imperfect we may consider them to be. Such indifference could involve us in the kind of moral lapse that led many in previous generations to stand by while black men, women, and children were auctioned off as beasts; that allowed "good Germans" to cling to ignorance and inactivity while millions of Jews were slaughtered.

**T**ODAY, many of us claim to be the kind of people who joined the abolitionists or risked their lives to hide Jewish compatriots from the Nazis. Yet if the fetus is a human life, the only thing that distinguishes the

practice of abortion from slavery or the Holocaust is that the victims are utterly innocent, helpless, voiceless, and dependent upon our aid. If the fetus is not a human life, then our consciences are clear. If it is, then we are accomplices in daily crimes as heinous as those our memories condemn.

Moreover, if our condemnation of the passive accomplices of slavery and the Holocaust is not facile hypocrisy, it is morally necessary that we decide this question, and act upon our decision. True morality imposes a duty upon those who have the power to stop the violation of human life. That means that if the fetus is a human life, people who wish to act morally have a duty to intervene in its defense. The issue is, therefore, not only an issue of the fetus's rights, but of our moral obligations.

It appears that, as a community, we cannot decide with any certainty a question crucially important to our moral identity and our civic obligations. We cannot ignore it, and we cannot resolve it. If the law remains silent or neutral, and leaves the decision to individuals, then some people will feel free to commit an act that others feel they are morally obliged to prevent, if possible. This is clearly a recipe for civil conflict, for a return to the climate of religious warfare the theorists of our civic morality sought to dispel. If, as is presently the case, the law defends the commis-

---

*Our politicians seem unable to understand that not all moral questions are religious questions. There is such a thing as civic morality that must guide the choices people make as citizens.*

---

sion of the act, and punishes those who strive to prevent it, we risk a struggle that could someday intensify into large scale civil unrest and even violence.

**W**HAT can we do? Since our philosophic and religious differences prevent us from deciding the issue with certainty as a community, perhaps we should rely instead upon the common sense of each individual citizen. Before they make up their minds about the abortion issue, let's ask all Americans to

consider what they would do in the following situations:

- You are involved in the demolition phase of a construction project that requires that several houses be destroyed. Just prior to detonating the explosive charges for one of the houses, a worker catches a glimpse of what he thinks is movement in the house. It may be a tattered curtain fluttering in the breeze, or a stray cat. It may be a fellow worker completing some final check, or a child who has strayed onto the site. Would you proceed with detonation while faced with this uncertainty about whether your action will take a human life?

- You are a juror in a murder case where the victim's partial remains were discovered years after the killing. If convicted, the defendant faces a mandatory death sentence. The prosecution has proven that he committed the act. However, the defense has presented important, though inconclusive evidence that raises serious doubt about whether the charred, decomposed, and incomplete remains of the victim are in fact those of a human being. Try as they might, you and your fellow jurors cannot decide with certainty whether the victim was a human being or not. Would you send the defendant to his death?

Anyone who would say no in these cases is saying that: (1) he would not destroy something when he is not sure whether or not, by doing so, he would be taking a human life. (2) he would spare the life of someone he is convinced is guilty if there is uncertainty about the humanity of the victim of this crime. Would he then, faced with the same uncertainties, agree to allow anyone to take life of some other victim?

Our legal practice requires, in fact, that before an accused person can be convicted his judges must ascertain, beyond a reasonable doubt, that a crime has been committed and that the accused is the perpetrator. Re-consider the second hypothetical situation above. Before we allow someone we believe guilty of murder to get away with the crime, should we not also give his apparent victim the benefit of the doubt?

If we grant the same benefit of the doubt to a fetus, then we must spare its life. We must act on the assumption that it is a human life. Once we adopt this assumption, the basic principles of our civic morality require that we respect the fetus's inviolable dignity as a human being. This means that no other human being can claim the fetus as her property or assert the right to dispose of it as such.

This conclusion has profound implications not only for the issue of abortion, but for our attitude toward the whole subject of human sexual relations. If we assume that the fetus is a human being, any person who acts in such a way as to bring a fetus into existence is, by that act, taking responsibility for the life of this human being. When a man and woman engage in sexual intercourse, they not only have responsibilities toward one another, but toward the human life that is the possible consequence of their act. Because respect for human rights is a basic tenet of our civic morality, society has an obligation to formulate its laws in a way that assures that, should a life be conceived, it is treated as a human person, not as disposable property. It has an obligation as well to educate its citizens so that they understand the inescapable responsibilities and obligations involved in their sexual relations.

SINCE the so-called sexual revolution of the 1960s, America has been dominated by a concept of human sexual relations that emphasizes sexual freedom and ignores sexual responsibility. The controversy over abortion challenges us all to think again about the implications of the civic morality that is the basis of

our common national identity. We are a free people, which is to say a people dedicated to the idea that human beings cannot justly be treated as property. They cannot justly be enslaved. Our freedom has

---

*Society has an obligation to educate its citizens so that they understand the inescapable responsibilities and obligations involved in their sexual relations. Should a life be conceived, it must be treated as a human person, not as disposable property.*

---

meant wealth, power, and broad scope for human choice and creativity. But it also means responsibility for respecting and maintaining the principles that make us free. Whether as voters and politicians, or as men and women faced with the burdens and temptations of our all-too-human relationships, we cannot escape this responsibility.

---

*Alan L. Keyes is chairman of Citizens for America.*

## How to Subscribe to CRISIS

Mail this form, or call Toll Free  
1-800-CRISISS

**CRISIS**  
P.O. Box 1006  
Notre Dame, IN 46556

Special Bonus: Send payment  
in with your order & get an  
extra issue of *Crisis* FREE!

Sep88

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

- 1 Year (11 Issues) \$25.00\*
- 2 Years (22 Issues) \$45.00\*
- 3 Years (33 Issues) \$61.00\*

\*Bonus! If you enclose payment or credit card number we will extend your subscription period ONE EXTRA MONTH, FREE! (Add \$11 per year for foreign subscriptions.)

### PAYMENT PREFERRED

- Check Enclosed\*
- MasterCard/VISA\*
- Please bill me

Name on Card \_\_\_\_\_

Account # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_