

The Audacity of Abortion

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NOTRE DAME'S decision to confer an honorary law degree on President Barack Obama has revealed and exacerbated divisions within American Catholicism. Some have defended the university by arguing that, despite his voting record, his endorsements from Planned Parenthood, and his presidential actions to date, Obama is, deep down, pro-life after all. His policies to help poor Americans, Douglas Kmiec has argued, prevent more abortions than anti-abortion legislation, which makes Obama more pro-life than most pro-lifers. Obama's stance on abortion, though, is clear, and it is deeply rooted in his political outlook, as shown by his *The Audacity of Hope: Thoughts on Reclaiming the American Dream* (New York: Random House, 2006).

Obama begins *The Audacity of Hope* by invoking an American political tradition that, he thinks, has characterized the best of American politics from the Founders through Lincoln to the Civil Rights movement, a tradition "based on the simple idea that we have a stake in one another, and that what binds us together is greater than what drives us apart" (2). This is the tradition enshrined in the U.S. Constitution, which, in Obama's reading, presents an "idea of ordered liberty" that involves "a rejection of absolute truth, the infallibility of any idea or ideology or theology or 'ism,' any tyrannical consistency that might lock future generations into a single, unalterable course, or drive both majorities and minorities into the cruelties of the Inquisition, the pogrom, the gulag, or the jihad" (93).

Obama argues that all Americans support "the basic set of individual liberties identified by the Founders" (86), and this fundamental agreement should shape the public square more profoundly than sharp disagreements

over, say, “personal decisions involving abortion” (86). No matter how often “we get in a tussle about abortion or flag burning” (89), we should all recognize that constitutional law is complex and open-ended. In Obama’s view, the Constitution simply “won’t tell us whether abortion is good or bad, a decision for a woman to make or a decision for a legislature” (92). In this respect Obama fears that pro-life activists, in their absolute religious certainty, undermine the “fundamental humility” (94) of “the Constitution and our democratic process” (94).

For Obama, Lincoln is the greatest exemplar of the pragmatic tradition, and the model for Obama’s own political methods and aspirations. Lincoln fascinates Obama for a number of reasons: Illinois politics, his rapid rise from political obscurity to the presidency, his stand against the Mexican war, his support for a robust national government and public works projects, his gift for public speaking. Lincoln and Obama even share a physical resemblance (tall and gangly). Above all, Obama admires Lincoln for his struggle against slavery and for the pragmatic but determined tenacity with which he waged that battle.

In Obama’s view, abstraction is the great enemy of the tradition represented by Lincoln—abstraction and the moral absolutism that Obama associates with it. To maintain his political bearings, Obama aims to rid his thinking of all “abstraction” (93) and to follow the Founders’ “realism, their practicality and flexibility and curiosity, that ensured the Union’s survival” (94). Appealing to the example of his own mother, an empathetic sixties liberal, Obama endorses “the pragmatic, non-ideological attitude of the majority of Americans” (34).

If Obama understands himself as Lincoln, Alan Keyes—erstwhile presidential candidate and Obama’s Republican opponent for the 2004 Senate seat—is the Stephen Douglas of Obama’s narrative. Seemingly arrogant, bombastic, and absolutist, Keyes represents everything that Obama wants to correct in American politics. And Keyes is no aberration; rather, he embodies “the essential vision of the religious right in this country, shorn of all caveat, compromise, or apology” (212). Obama is irritated at Keyes for the “implicit accusation” that “I was not a true Christian” (212).

Faced with a fire-breather like Keyes, what is a pragmatist to do? At the outset of his chapter on “Faith,” Obama describes how empathy informs his interactions with pro-lifers. He feels “a pang of shame” (196) when a pro-life doctor at the University of Chicago calls his attention to a post on Obama’s own website that promises to “fight ‘right-wing ideologues who want to take away a woman’s right to choose’ ” (195). While empathy has its limits—there are some “in the antiabortion movement

for whom I had no sympathy” (196)—Obama suggests that most pro-life activists are regular folks who deserve a sympathetic hearing. To drive home his point, he describes a conversation he had with a pro-life protester at a campaign event. He disagrees with the protester’s contention that abortion is “murdering babies” (197), and he tries to arouse the protester’s empathy by explaining “that few women made the decision to terminate a pregnancy casually” (197) and “that any pregnant woman felt the full force of the moral issues involved and wrestled with her conscience when making that heart-wrenching decision” (197). What are “the moral issues involved” in the decision to abort a human life? Obama does not say. Rather, focusing upon the woman’s difficult decision, he warns that turning the matter into a public issue will result in further suffering due to unsafe abortions.

Obama extends a “presumption of good faith” to pro-lifers, and he expects pro-lifers to do the same for him. He lays out a three-step process for restoring mutual respect and, possibly, achieving consensus. First, we should all grant that those with whom we disagree have reached their conclusions in good faith. Second, he challenges all of us to be consistent in our views, rather than focus our outrage upon a few wedge issues. Third, he points out that disagreement often emerges not at the level of what is right and wrong, but on the level of “whether we need the coercive arm of the state to enforce our values, or whether the subject is one best left to individual conscience and evolving norms” (221).

With somewhat backhanded praise, Obama observes that pro-life citizens have shown their willingness to compromise by supporting laws banning abortion with the exception of rape and incest. This exception, he argues, reveals that pro-life and pro-choice citizens have more in common than might at first appear, since he imagines that “even the most ardent pro-choice advocates” are willing “to accept some restrictions on late-term abortion” (222). Both sides, then, can agree in some sense that “a fetus is more than a body part and that society has some interest in its development” (222). Everyone should therefore devote their energies to seeking ways of avoiding unwanted pregnancy.

But things are not so simple. Pragmatists keeps bumping into absolutes, not just absolutists, and the problem this poses for Obama is especially evident in his efforts to sort through the abortion debate. Abortion appears over twenty-five times in Obama’s book, and he returns to the issue in six of the book’s nine chapters. He finds to be “undeniably difficult” (37), and adds, “In Illinois, as is true everywhere, abortion vexes” (51). Among other things, it is vexing because it forces Obama to ask whether, in some cases, “uncompromising commitments” are necessary.

He recognizes that “it has not always been the pragmatist, the voice of reason, or the force of compromise, that has created the conditions for liberty.” While the pragmatist Lincoln finally eliminated slavery, “the hard, cold facts remind me that it was unbending idealists like William Lloyd Garrison who first sounded the clarion call for justice” (97).

This puts Obama in a bind. He remains open to the possibility that pro-life activists (or, he adds, animal rights activists) might be right, despite his deep disagreement with their belief. In the controversy over slavery, after all, absolutists were right—and so “I am robbed even of the certainty of uncertainty—for sometimes absolute truths may well be absolute” (97). Even as he admits the possibility of absolute truths, he gives way as regards his opposition to abstraction. He argues that facts drawn from “the science of fetal development” (127) won’t settle the abortion debate, since in his view the abortion debate turns on abstractions, especially on the question of “personhood.” Those who believe that life begins at conception will not be able to agree with those who, with Obama, “consider the fetus an extension of the woman’s body until birth” (222). Against Obama’s appeal to fact-reliant pragmatism elsewhere, the science of fetal development does not indicate that the fetus in the womb can be described as “an extension of the woman’s body.” Obama is presumably referring to the *dependence* of the fetus upon the woman’s body, a dependence that takes us back to “abstract” questions of what constitutes “personhood” and “reproductive freedom.”

As Obama recognizes, such abstract definitions of personhood were at the heart of the debate over slavery. The Founders’ Constitution gave slaves a 3/5 personhood and privileged the freedom of slaveowners vis-à-vis their property. Obama can’t help remembering that the anti-slavery absolutists were right. Pro-abortion arguments sound suspiciously like the pro-slavery arguments that treated some human beings as semi-persons and as extensions of their owners.

No wonder, then, that Obama admits that Keyes got “under my skin in a way that few people ever have” (211). It isn’t only Keyes’s charge that Obama adopted “a ‘slaveholder’s position’ in my defense of abortion rights” (210). It is that Keyes, and the pro-life position he advocates, challenges Obama to recognize that a politics sheared of abstractions and absolutes will end up establishing injustice by decree.

Indeed, Obama fancies himself a Lincoln, but *The Audacity of Hope* is finally haunted by the opposite possibility. In returning over and over again to the topic of abortion, Obama ends up sounding more like Stephen Douglas, who argued for national healing based on reducing human persons to extensions of their masters. This leaves Obama’s arch-

enemy Keyes with the role of Lincoln, who defended the humanity of the enslaved person. Keyes is right: at the heart of *The Audacity of Hope*, we find a Douglas-like “slaveholder’s position.” Herein lies the tragic irony of the University of Notre Dame’s decision to bestow upon President Obama an honorary doctorate in law. **N V**