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ENFORCED PREGNANCY, RAPE, AND THE
IMAGE OF WOMAN

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Most philosophical discussions of abortion focus on the harms and rights of the individual women and fetuses directly involved. They concentrate on the questions of whether the fetus is a person, or whether it is a being sufficiently like persons to deserve a right to life, and whether the rights of the fetus are counterbalanced by the woman's right to privacy or freedom from interference.¹ These are undoubtedly important questions, yet there is another important argument, sometimes employed by the pro-choice political community, which has been left out of philosophical debate. The argument is that women as a group are harmed when they are not permitted to control their reproduction. The claim is that the availability of abortion on demand affects the image of woman, as perceived by women themselves, by men, and in social institutions. When the image of woman is degraded all women are harmed, and not just those who become pregnant against their will.

In this paper I shall make the argument that the image of woman is seriously degraded by enforced pregnancies, by which I mean any pregnancy which a woman is forced to endure without her consent, and that all women, not only those who become pregnant and must carry a fetus to term against their will, are harmed. An argument along this line has been made for rape, namely, that rape harms all women and depicts women as primarily sexual servants of men. Rape, as we shall see, has many important analogies to enforced pregnancy in other ways as well. In order to make the argument, I will need to examine the notion of group harm, especially group harms which degrade the defining image of that group. I will then reconstruct the argument that rape harms all women and seriously degrades the image of woman, and construct the analogous argument for enforced pregnancy. Finally, I will draw out the implications of this discussion for the abortion debate.

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I. GROUP HARM

The harm which I will argue all women suffer as a result of rape or enforced pregnancy has special political and social significance because of the nature of the group and the harm. Harm suffered by a group may or may not have any political or moral significance, depending on the identity conditions of the group and the way the harm is inflicted. For example, the harm to a group of otherwise unrelated airline passengers in a crash normally has no particular political significance. To distinguish those cases in which there is some particular political or moral significance to both the group and the harm, I shall call these harms 'group harms'. Group harms are harms suffered by the members of a group, by virtue of their membership in that group, which is identifiable independently of any particular harm, and the harm is inflicted by a social practice.

Three aspects of this definition are worth highlighting. First, in order for a group harm to occur, the identity of the group must be definable independently of the situation in which they are harmed. If the passengers in our example are only identifiable as a group because they are passengers, they suffer harm as a group, but not group harm. Second, the members of a group have to suffer harms because they belong to that group. In the airline example, if the passengers are from a national or ethnic group which is the target of terrorism, then they suffer group harm. Finally, group harms must be embodied and structured in a social practice. Group harms, to have moral or political significance, must have a social origin and meaning. That is, they must be a part of the social order in some regular way. Natural disasters do not cause group harms, though they harm groups which are identifiable independently of the harms.²

This definition is sufficient to pick out those harms which have political significance, but not to pick out those harms which degrade³ the very image of a group. By 'image of a group' I shall refer to the cluster of stereotypic features by which members of a group are identified. This degradation is the very deep and subtle harm which I claim that rape and enforced pregnancy cause. Returning to the airline terrorism example, let us suppose that the passengers were all from country A which has some significant power over the group with which

the terrorists identify. It is not likely that the surviving compatriots of the passengers feel degradation as citizens of country A. Some of them may feel fear, but not degradation. For a group harm to degrade the image of the group itself, all members of the group must suffer the group harm, and the group must be identified by some features which are sufficiently essential to its members' self-identity. Furthermore, it must be a group which lacks power vis-à-vis at least some other group in society, in particular any group perpetuating the harm or gaining by it. The group at the top cannot suffer group harm which degrades them at the hands of others.

Various social structures may cause degrading group harms. Stereotypes of blacks as lazy or violent harms all individual blacks. A practice of discrimination against the elderly in employment harms all elderly persons. In both cases the group is in a relatively powerless position. These structures reinforce a negative stereotype about these groups, degrading the social perception of their groups in a downward spiral. Blacks who cannot work because they are seen as lazy appear to be lazy because they don't work. The elderly who cannot work because of discrimination appear to themselves and their peers to be unable to work.

Some group harms are more subtle than others. There is nothing subtle about an airline crash, but general fear, lowered expectations, and institutionalized discrimination are often hidden from the casual or unwilling observer and sometimes even from the victims themselves. Friedman and May, in "Harming Women as a Group" (1985), identify three kinds of evidence which together, they argue, points to degrading group harm: (1) direct harms suffered by some members of the group; (2) evidence of interrelationships among group members which transmits harm to the other members of the group consequent on the direct harms; (3) evidence of a culturally pervasive negative stereotype of the members of the group.⁴ I will show that this kind of evidence is available in the cases of rape and enforced pregnancy.

Degrading group harms are social or political problems which require solutions more extensive than mere compensation to individuals who are directly harmed. Since the entire group is harmed, the entire group is owed compensation. Since the harm is inflicted by a social practice, it is more deeply entrenched than individual instances of

criminal behavior, passionate transgressions, or momentary lapses. And because of the downward spiral effect on the perception of these groups, the effects are long lasting, pervasive, and sometimes subtle.

II. RAPE

Rape is a crime against women. Individual men may also be raped, but the crime is seen as directed especially against women. The victims of rape are considered womanish — weak, passive, available. Men are victims only in situations in which others have power over them and in a situation in which there is little chance for them to get help quickly, or to take revenge on the assailant.⁵ And their attackers are almost always men. In such situations they are, in the relevant ways, women.⁶

Rape constitutes a practice in our society.⁷ A practice is structured by a system of rules, and given its meaning by those rules. The rules which structure rape are popular sexist morality, and the dominant ideology of sexuality. According to the dominant attitudes, men are aggressive and initiate sex, while women are passive and (at least initially) resist. Men are supposed to be sexually excited by the idea of forced intercourse, and women are supposed to secretly long for it. Intercourse is spontaneous; no good sex is sex which one has the time to consent to. In an interesting inconsistency, though, it is also a popular view that when women say ‘no’ they mean ‘yes’, and thus no sex is sex to which a woman didn’t really consent. Rape turns out to be impossible! In popular culture the practice of sexuality, structured by our understanding of “normal” sexuality of men and women, is the practice of rape. That is not to say that every act of intercourse is rape, but rather, that the norm of sexuality includes nonconsensual sex, i.e. rape. Rape by a stranger falls outside that norm, of course, but it is not a wide conceptual leap from the ‘norm’ of forcing intercourse on the first date to the crime of raping a stranger.

Popular sexist morality considers rape to be, if not the just desert, then certainly a predictable result, for women who dare to be as free as men. Women who walk alone through dark streets, who go out alone at night, who dress in a certain way, or who are friendly to strangers are often chastised as somehow partly to blame if they are raped. Women may not do what men may.

Rape is also a practice in less subtle ways. Among some men rape is an expected rite of manhood, which is required for group membership or even self-respect. Fraternity parties, bachelor parties, and “wilding” incidents like the one that ended in the rape of a jogger in Central Park are situations in which men find it necessary to rape to maintain self-respect and group membership.⁸

The evidence that rape presents group harm to women can now be compiled in the terms Friedman and May laid out. First it is clear that many women are directly harmed by rape. Second, women have close relationships with other women which transmits that harm in the form of mutual fear and reproach. Women constantly warn each other about what they cannot do if they want not to be raped, they speculate about the transgressions of those who are raped, and in these and other ways further promulgate the stereotypes of women and sexuality which structure the practice of rape. Third, the fact that only women are raped reinforces the negative stereotypes of women as weak, vulnerable, passive, and sexual.

The result of rape is that women are not as free as men. They cannot go out alone, or with men they don't know, or even with men they do know without fearing for their safety. Baber, in “How Bad is Rape” (1987), claims that what is bad about rape is what happens to the individual victims, and this is not as bad as many other things which can befall someone. But this article misses the group harms which rape causes all women: their lack of freedom in movement, and their need to constantly beware of all men as potential rapists.

Even worse than the group harms alone is the degradation that women collectively suffer as a result of rape. Since women are the beings who are harmed in this way, they come to be seen as in need of protection, as weak and passive, and available to all men. Men and women alike see women as potential rape victims. People interfere in women's lives as one would in a child's life. Women are scolded for behavior which, in a man, would never be questioned. But women are also, if they are to have a “normal sexuality”, supposed to attract the spontaneous lust of men. Thus women, whether as victims or as attractors, are seen as primarily sexual beings, who have no power of consent in that sexuality.

III. ENFORCED PREGNANCY

An enforced pregnancy is any pregnancy during which a woman is forced to continue the pregnancy against her will, or for which she has lost control of her care and maintenance to someone else against her will. Enforced pregnancies occur whenever safe and effective abortion is illegal or unavailable. They also occur when the state or a state appointed agency wrests control for a pregnant woman's maintenance and care from the woman herself without her consent. Thus enforced pregnancy happens wherever women are too far from clinics, or are unaware of their options, or haven't the necessary funds to obtain an abortion, or are manipulated by persons with enough power over them to carry an unwanted pregnancy to term. It also happens when a woman is jailed to prevent her from using alcohol or drugs during a pregnancy, or when a woman is forced to undergo a Cesarean section or to lie quietly in bed for the duration of her pregnancy.⁹

Some will object to my notion of enforced pregnancy by pushing back the point of choice to the act of intercourse. Women who abstain from intercourse they will say, do not become pregnant. Women make their choice for pregnancy when they consent to intercourse. There are two responses to be made here. First, I have argued that women do not control sexuality, so (normally) they cannot choose to abstain, they can only do their best to avoid all situations in which they might be physically overpowered or emotionally coerced, though this is no guarantee against rape. Second, there are of course cases in which women are largely responsible for their unwanted pregnancy, but it cannot be denied that there are ways of ending pregnancies before birth — women have been doing it for thousands of years. So there is the possibility and it must be actively denied to take it away from women. Any pregnancy which the woman is not allowed to end is thus an enforced one.¹⁰ One may want to argue that the enforcement of pregnancy is justifiable, but one cannot deny that the denial of abortion services to women is enforced pregnancy.

Enforced pregnancy is a practice which is structured by two sets of rules. One is the popular notion of sexuality discussed above, which demands that men be the initiators, but that women be responsible for contraception. But contraception, in its least intrusive and most popular

forms, requires forethought, i.e. planning. If sex must “just happen”, then contraception, most likely won’t be used.

The other set of rules are those concerning pregnancy and motherhood. Pregnancy is seen as something “natural” and expected for women. And though there is some grain of truth to these things — it is indeed biologically possible for women to have children, (a sense of “natural” shared with death, for instance), and most women do — the unwarranted inference is made from pregnancy’s naturalness to the claim that it is not harmful, that it is good for women. A woman who has not had children is seen as incomplete; a woman who does not want to be pregnant doesn’t quite know what is good for her.

Pregnancy is a dangerous and onerous task for a person. She may feel that she loses bodily integrity, freedom of movement, suffers physical pain and discomfort, and risks serious illness or death. If she is relatively wealthy she must either submit herself to the frequent, often intrusive examinations by physicians and their restrictive instructions, or risk an alternative, less socially acceptable, kind of care. And if she is poor then she may not be able to afford the necessary care to lessen the risks of pregnancy. In any case she is likely to be discriminated against in employment and education, find it more difficult to be taken seriously, and be given unsolicited advice from all directions. All this suggests outstanding heroism, but pregnant women are not accorded heroic status because it is expected of them, and what they really want anyway.

Enforced pregnancy causes group harm to women. The women who are forced to be pregnant against their will are directly harmed by it. These harms transmit more subtle and indirect ones through women’s identification with each other as potential victims. Finally, there is a pervasive negative stereotype of women as breeders, as potential mothers. This stereotype must be seen as negative because it is limiting. Women are discriminated against in employment, for instance, because of their capacity to be pregnant, and even more so when they can be forced to take any pregnancy to term.

As rape makes women sexual objects for men, so enforced pregnancy makes them the breeding stock of men and the state. There are other important analogies and interconnections between the two cases. Rape and unwanted pregnancy divides women into two groups: “good

women” who stay out of the streets and seek the protection of men, who are chaste except in the confines of a secure relationship, and “bad women” who dare to be as free as men. The sexual double standard requires that good women be careful and passive, but accepting of the sexual aggression of their men and any resulting pregnancy. And it requires that women take responsibility for contraception, and accept the greater burden in case it fails. Forced intercourse is natural and all women secretly long to be forced; pregnancy is natural and all women long to give birth. Rape and enforced pregnancy deny women respect by denying them their power of consent.¹¹

It will be argued that an important disanalogy exists between rape and enforced pregnancy, in that with the former case there is an identifiable oppressor, the rapist, while in the latter case neither the fetus nor any particular person can be said to be the oppressor. Enforced pregnancy is not an act but a condition, and in this sense it must differ from rape. But in both cases the group harm is caused by social practices which benefit men. Some men, and virtually no women, have the economic and political control to see to it that abortions are difficult or impossible to obtain. And men control sexuality in this society. MacKinnon writes: “abortion policy has never been explicitly approached in the context of how women get pregnant, that is, as a consequence of intercourse under conditions of gender inequality; that is, as an issue of forced sex.”¹²

The degrading group harm of enforced pregnancy is the social acceptance of the image of woman as breeding stock, as available to serve the interests of others in reproduction, without her consent. And reinforcing the negative image of woman that rape causes, woman is seen as primarily sexual being. Jeffner Allen has argued that this harm is the result of our practice of motherhood itself within patriarchy, and that therefore even freely chosen pregnancy harms all women.¹³ But it is not the very possibility of women being mothers that makes it a presumption that they will be, or at least that they will be whenever a man, or the state, wants them to be. If it were the case that women could not be forced to have children, then whether or not they are parents or potential would be less significant, as it is for men. Truly voluntary pregnancy would not harm women by causing them to be perceived as the breeders under the control of others. At least they

would not be breeding for others; much more than free abortions would have to be available for women to be no more the breeders of society than men are.

Some women today feel that pregnancy should be enforced, especially in cases where the pregnancy resulted from consensual sex. Is it correct to say, then, that women are wronged by enforced pregnancy? Even though these women do not feel the subjective degradation, they may well be objectively degraded, i.e. lowered in worth relative to men. The response of these women can be explained in one of two ways. They may recognize the degradation and feel that they *deserve* to be degraded. But this judgment cannot be correct, since all women are degraded when only some could, on any reasonable moral or legal theory, be said to deserve to be degraded. Or they may overlook the degradation of enforced pregnancy, mistaking that treatment for equal treatment under the law or for a natural and unavoidable circumstance. In any case, it doesn't really matter how women feel about their degradation — subjugated peoples have often felt that their bonds are natural or deserved — they may still be objectively degraded unjustly, and hence wronged.

Though pregnancy harms individual women, and burdens them much more than any reproductive task burdens men, it does not follow that women would never choose to do it in a situation of freedom and equality of the sexes. It would be seen by those who do not enjoy the experience of the pregnancy itself as an investment for the future, or a foregoing of pleasure today in order to have something of value later. And it is central to the concept of the moral capacity of free persons to be able to make these kinds of choices. Pregnancy which could not be enforced would turn out to reaffirm women's capacity for free moral personhood, rather than deny it.

IV. THE IMAGE OF WOMAN

Ideally, I suppose, the image of woman would differ little from that of person, other than the addition of specific biological capacities. Essentially, women would be seen as persons, capable of moral agency, of freedom of choice, of moral heroism as well as failure, just as men are. In our society, however, in which women are raped and pregnancy

enforced, the image of woman is to be primarily the sexual property and breeding stock of men. Women who are raped or who are pregnant against their will are alternatively seen as transgressors of the social order, as bad women, or as victims. Both of these judgments have degrading consequences for the image of woman; woman is either motivated primarily by sexual and maternal urges, or she is the weak and vulnerable victim who cannot care for herself. Rape and enforced pregnancy deny to women the freedom of person and of decision that men have, since women can be forced to reproduce and to fear for their safety. But such freedom is part of our conception of full moral agency. Furthermore, freedom of person and decision is required for one to be a political being. Thus women cannot be, at least not fully, political persons or citizens. And in this way enforced pregnancy and rape make women, all women, even those who are never raped or never pregnant, lesser persons than men.

V. IMPLICATIONS OF THIS ARGUMENT

If enforced pregnancy harms all women in this deep and degrading sense as I have argued, it is a serious harm. As long as women get pregnant and others are allowed to decide whether those women will remain pregnant, enforced pregnancy and its attendant harm continues. Thus any discussion of abortion which ignores this degradation of women fails to take into account the most pervasive harm caused by the denial of abortion on demand. But how are we to weigh this wrong against the alleged wrong of denying fetuses their supposed right to life? Let us suppose for the moment that fetuses have a right to life, and that killing them is the killing of innocent persons. If killing them is immoral, does it follow that enforcing pregnancy cannot be wrong, and hence not degrading? A practice can degrade without being wrong if the degradation is warranted, though a practice which degrades a group may be said to be *prima facie* wrong. Thus enforced pregnancy is degrading whether or not it is immoral to kill fetuses, though the question remains whether the degradation is justified. In deciding that issue it is important to see that to enforce pregnancy is to degrade all women, even those who never become pregnant. Although it is *prima facie* wrong to kill an innocent, there are sometimes circumstances in

which it is justified. For example, our society has justified the killing of innocents in the name of upholding the creed “all men are created equal”. In the case of pregnancy there are normally two parties who are responsible, though sometimes to different degrees. Yet the woman is the one who bears the whole burden of the pregnancy, who must give up her body to a foreign object. So we are faced with a vicious tradeoff: either enforced pregnancy is to be required and women are then made to be morally, legally, and socially unequal, or the innocents will be killed. So the understanding of who counts as the “men” in our founding creed is contested in the decision to enforce pregnancy or to guarantee reproductive rights to women.

Since it would take us to far afield to examine criteria of personhood and the details of individual rights and duties to others, a full defense of abortion rights is beyond the scope of this paper. I want to conclude, however, by drawing out the moral and political implications for women if enforced pregnancy continues. We have seen that enforced pregnancy denies equal political freedom to women as a group, and sacrifices women for other groups. In denying abortion on demand, then, the state denies equal protection to half of its people. But equal protection arguably underlies the state’s claim to political legitimacy. Thus, there remains no obligation on the part of women to continue to support that state, and resistance or disobedience is morally justified, if not required.

NOTES

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¹ See for example Thomson (1971), Tooley (1972), Warren (1973), Engelhardt (1974), Devine (1978), Noonan (1979), Feinberg (1986), and Marquis (1989).

² AIDS in the gay male population might be an exception to this, because of the social meanings which stigmatize the victims. I thank Rich King for pointing this out to me.

³ My concept of degradation owes much to that of Murphy and Hampton (1988), especially ch. 2. I provide an account of degradation in an extended version of this paper.

⁴ Friedman and May (1985), p. 221.

⁵ Brownmiller (1975), p. 258.

⁶ Frye and Shafer (1977) make this point, as well. See p. 334.

⁷ Peterson (1977), p. 361. She goes on to argue that through rape the state is like a coercive protection racket, which denies women the protection necessary for them to be full members of the society, and for the state to have legitimacy. We shall make a similar argument for the illegitimacy of the state which enforces pregnancy.

⁸ Ehrhart and Sandler (1986).

⁹ LaCroix (1989) reports that: "hospitals have sought and obtained court orders for Caesarean sections, intrauterine transfusions and hospital detention of pregnant women against their will. Court order for Caesareans were granted in all but one of fifteen instances." (p. 586) One of these Caesareans was performed on Angela Carder, a leukemia victim who died on the operating table. Duke (1987) reports the state's position in this case: "Appeals Court Judge Frank Q. Nebeker wrote that 'with an unborn child, the state's interest in preserving the health of the unborn child may run squarely against the mother's interest in her bodily integrity.'" (p. 1)

¹⁰ I am distinguishing 'forced' pregnancy, which results from forced sexual intercourse, from 'enforced' pregnancy, which means that the woman is prevented from ending the pregnancy completely apart from the circumstances of the intercourse.

¹¹ Shafer and Frye (1977) make this point in the case of rape, see p. 340.

¹² MacKinnon (1987), p. 96.

¹³ Allen (1986), see esp. p. 96.

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