OPINION

Are Human Rights Merely a Matter of Perception? | Opinion

JAMES MUMFORD
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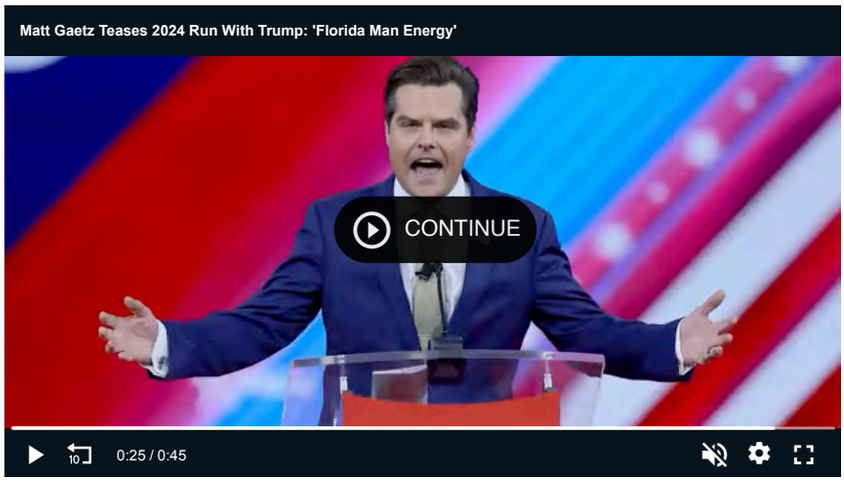

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When does life begin? It's one of those questions which, as Keats put it, "tease us out of thought, as doth eternity." From the bar to the pulpit, the metaphysics are difficult, the argument is interminable, and the stakes are high. That's because "when does life begin?" is a charged question: its unstated premise is that "life" warrants protection.

For many who are pro-choice, there is a difference between answering the question of when life begins scientifically and answering it morally. No one seriously doubts that the newone (my hopefully less ideologically loaded term for the "fetus" or "unborn child" or "prenatal human organism") is, biologically, alive and human—science tells us that. The issue for many pro-choice advocates is that "being merely biologically alive isn't what matters: it's having a story, a biography, a 'life' in that sense." In other words, the newone is certainly a "living body." But it is not a "someone." Not a "person." And when does biographical life begin? When may we speak of the presence of a person? When does a "something" become a "someone?" Answer: biographical life begins with consciousness, so these pro-choice advocates contend, and consciousness begins with sentience—something which can be determined scientifically (sometime during the second trimester). Sentience thus becomes the recommended threshold for abortion, and a justification for the 90 percent of abortions that take place in the first trimester.

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This hunt for timeless, qualitative criteria like sentience is what we might call the "objective" approach to abortion. It's the approach taken by medicine and law, and it's where our vitriolic public debate on abortion remains stuck. Yet, in reality, when it comes to parents agonizing over whether to terminate a pregnancy, it's vital to acknowledge that no one really believes any of it. No one really buys into the timeless criteria. No one, deep down, accepts the objective approach. No one actually believes a human being becomes a person when they become sentient, or indeed viable. Under *Roe v. Wade*, which of course enshrined viability as the legal criterion, overjoyed expecting parents didn't wait 24 weeks to call their newone a "baby" or to refer to themselves as "mother" and "father." Long before viability they celebrated the newone's arrival, calling around family and friends, sticking grainy ultrasound images on the fridge.

No, in our culture, what we say and what we do betray our core beliefs. And our language and our practices suggest that, even though we might not admit it, what we truly believe is that the newone is a person when he or she is desired. Wanted, it's a baby with rights. Unwanted, it's a fetus without.

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What else explains the varied terminology we use to designate the newone? "Smoking harms unborn babies," we are told. Why is this more humanizing signifier employed? Because it's assumed the tempted pregnant smoker wants their pregnancy and would therefore do anything to protect their newone. Overjoyed pregnant women do not break the news to family members by saying, "I am expecting a fetus!" In routine obstetric care, doctors and nurses looking after mothers excited to give birth tend to use the designation "baby."

People argue as a group of anti-abortion protesters crashes the Women's March Action Rally for Reproductive Rights at Mariachi Plaza in Los Angeles, California, on October 8, 2022.
DAVID MCNEW / AFP/GETTY IMAGES

If the newone is unwanted, however, we employ very different language. Consider this description of one particular abortion procedure: "A surgery called multifetal reduction

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lowers the number of fetuses and improves your chances for a healthy pregnancy." Because a sibling in the womb is unwanted, the noun "fetuses" and the verb "reduction" are licensed—"reduction" being a formal, abstract, bloodless Latinate noun which distances us from the reality to which it refers. "Such phraseology is needed if one wants to name things without calling up mental pictures of them," as Orwell writes in *Politics and the English Language*. (The formulation "lower the number" is coldly bureaucratic as well). The medicine, we are then told, "stops the fetus's heart." To say the medicine stops the baby's heart would be disconcerting.

Or take the preferred nomenclature of this patient website: "As the uterine tissue is removed, the uterus will contract." Because the newone is unwanted it is described as merely "uterine tissue." Sometimes the subject disappears altogether, as in this description of chemical abortion: "the pregnancy is passed through the vagina." Here the process (pregnancy) is made to stand in for the subject (the newone). Or, finally, there's the linguistic choice of Susan Wicklund, an abortion doctor, in her memoir, *This Common Secret*: "We always examine the products of conception (POC), both to confirm the stage of pregnancy and to look for any abnormal tissue."

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What do the differing choices of words reveal? They reveal that in our culture we take not the objective but the subjective approach to abortion. We believe humanity is *conferred*. Which means that ultimately what is happening is that some human beings are ascribing rights to other human beings on the basis of their wanting them to be alive.

The subjective approach to abortion marks, I believe, a significant cultural regression. In Roman culture, on the *dies lustricus*, which usually occurred on day eight or nine after a child's birth, the paterfamilias would choose whether to accept his child as his own or to "expose" it—to abandon it on a hillside or in the city dump, left either to the mercy of wild animals or, if lucky, to be conscripted into slavery. Day nine of the human being's life after birth was therefore day one of that human being's existence as a person. All we have done in the 21st-century West is make that moment earlier. Now the *dies lustricus* is celebrated (if at all) during pregnancy. Each parent may pick a different *dies lustricus* —a different point in pregnancy to call themselves "mother" or "father," paint the nursery, select clothes, buy the stroller, call round the relatives. But the phenomenon is the same.

The defense of the right to choose implies a defense of the idea that humanity is conferred, rather than recognized, in the words of ethicist Oliver O'Donovan, as "something independent of my recognition, a datum of existence...which remains true whether I know it to be true or not."

Dr. James Mumford is the author of Vexed: Ethics Beyond Political Tribes *(Bloomsbury), and fellow at the University of Virginia's Institute for Advanced Studies in Culture*

The views expressed in this article are the writer's own.

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Well written and insightful this should give everyone pause for consideration of what's really being argued when abortion is discussed.

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14th Amendment starts "All those born, or naturalized"
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Toxteth O'Grady
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The central problem with James Mumford's sophistical argument is that its presumptive claim that human personhood is biologically self-evident and linguistically conferred is itself a subjective argument. Contra Mumford's scientistic view, the meaning of human personhood is similar to how anthropol...**See more** *(Edited)*

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whosonfirst
25 October, 2022

"When does life begin?"

Technically, life began many millions of years ago. Both all the sper(m) and the egg are alive. At present, life can not begin again due to changes in the environment.

But ask a hunter if that life has the same value as an adult human, then ask a DA. Is every sper(m) sacred? ...**See more**

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Your Other Left
25 October, 2022

There's little doubt. From Oxford Dictionary:

"Conception: the action of conceiving a child or of a child being conceived."

Notice the language. A "child" is conceived. Not an amorphous blob of cells. A person....**See more**

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whosonfirst
25 October, 2022

people that write dictionaries should not practice medicine.

14th Amendment starts "All those born, or naturalized"
Evidently the "founding fathers" or whom ever the "originalists" study, were specific on when they thought "human rights" began. *(Edited)*

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Military mama
26 October, 2022

Trump said today that the reason people didn't speak out more about the 2020 election was because people got spooked with all the lawsuit threats being thrown around. Lawfare!

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