

The Partial-Birth Abortion Ban Act of 2003: Republicans drum up support from religious right

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Legislators in the Senate voted Tuesday to impose the first federal restriction on the practice of abortion since the 1973 *Roe vs. Wade* Supreme Court decision, which affirmed the right to abortion for all women in the United States. The *Partial-Birth Abortion Ban Act of 2003* (PBABA) makes illegal the medical procedure known as dilation and extraction (D&X), during which the fetal skull is penetrated and the contents removed as it exits the uterus. The House passed the measure by a vote of 281 to 142 on October 2 and George W. Bush has pledged to sign the legislation.

While the PBABA allows exceptions for potential mothers for whom delivering a child would present a lethal risk, with the PBABA the decision whether or not to use the D&X procedure has been made illegal and is not an option for potential mothers and their doctors. Appealing to pity and superstition, the Congress has also passed the bill with no consideration given to the circumstances under which a D&X procedure is normally undertaken.

Statistically speaking, only .004 percent of abortions in the US are D&X abortions (also known in the medical profession as “intact D&E” abortions and “intrauterine cranial decompression” abortions), and in each case the abortion is performed under extreme circumstances. The American Medical Association (AMA) policy forbids performing D&X unless there are abnormalities in the fetus incompatible with life, and when D&X is considered safer than all other methods (AMA Policy H-5.982). For that matter, most medical associations forbid performing an abortion at all following the 21st week, except in cases where the fetus is already dead or where the mother’s life is clearly endangered by the pregnancy.

Most of the D&X “abortions” the Republicans in the Senate (and their allies in the religious right) have been referring to in their graphic descriptions in Congress involved fetuses with massive cranial abnormalities, and the doctors were forced to destroy the head of the fetus to allow it to be extracted without damaging the mother. In these cases, the fetus had developed hydrocephalus—a condition that can result in the fetal head reaching a diameter of 50 centimeters, or about 20 inches! The average adult human head, by comparison, has a diameter of about 7 to 8 inches. Because approximately one in two thousand fetuses develops hydrocephalus, as many as five thousand fetuses in the US each year are diagnosed with the condition. Because hydrocephalus is hard to detect before late in the second trimester, around 500 women in the US are forced to undergo the D&X procedure each year or be killed by attempting to deliver a

hydrocephalic fetus. In these cases, given the desperate conditions, it is more understandable that the doctor could be required to drain the head of the fetus while it was in the uterus in order to save the mother.

Where caesarean sections have been attempted to try to save hydrocephalic fetuses, the fetus has almost always died following the surgery, and in the rare case of a fetus surviving, it has exhibited severe mental retardation. The mothers who survive the caesarean section can be rendered infertile, and the risk of infection is very high. It is unclear as of the writing of this article what the fate of women bearing hydrocephalic fetuses will be under the PBABA.

However, these facts are conveniently left out of the Republican description of the D&X procedure. There is no mention of hydrocephalus in the act passed Tuesday, merely a gruesome account of what is meant by “partial-birth abortion.” Also, because most states do not have strict reporting regulations, and because of the haziness surrounding what exactly constitutes a “partial-birth abortion” (a term invented by the Republican Party), the exact number of procedures carried out annually that may be affected by the PBABA is unknown. Apparently this did not concern the legislature.

Most of the testimony read in the Senate hearings was graphic descriptions of the process of D&X and religious invocations. Frankly, *any* medical procedure, described in vivid enough detail, can sound like an atrocity—especially if the extreme circumstances surrounding its undertaking and the rarity with which the procedure is performed are suppressed. The arguments against D&X are directed towards queasy stomachs and superstitions, and represent a deliberate distortion of the practice for political ends.

The Republican Party has timed its push for PBABA with the approach of the 2004 elections, in which it plans to focus on the so-called “family values” issues: “compassionate conservatism” and the “sanctity of human life”—issues for which the PBABA will provide ripe material. These same forces who are “compassionately” concerned with the “sanctity of human life” simultaneously endorse state-sanctioned executions—including of those members of society who are mentally handicapped, or are accused of crimes committed when they were juveniles.

Although this particular act restricts one particular seldom-used method of abortion, the PBABA must be understood within the context of a sustained effort by the Republican right to deny all American women their fundamental democratic right to abortion. Republican leaders have always considered a ban on “partial-birth abortion” (D&X) only the first step towards outlawing all possible abortion procedures; it is the tip of a wedge being driven into the

politics of abortion. Consider the following statements made by high-ranking opponents of abortion:

“The partial-birth abortion strategy was designed to: a) emphasize the horror of partial-birth abortion to the general public by, b) introducing legislation to outlaw it, thus c) exposing pro abortion legislators who would oppose the legislation for the brutes that they are, causing them to be unseated. This was a sure win (so we were told), and once partial-birth abortion was outlawed, then we could move on to outlawing other forms of abortion.”—Matt Trehwella (director of Missionaries to the Preborn, Milwaukee), *Life Advocate*, January/February 1998

“By going after partial-birth abortions, we’re trying to show the extreme radical view of the pro-abortion lobby. But no, that procedure isn’t what we care most about. Our goal is to stop the killing of unborn children at any stage of development...”—John Jakubczyk (general counsel, Arizona Right to Life) *The Arizona Republic*, September 27, 1996

“Dr [John C.] Willke suggests that the [pro-life] movement has three goals: *Ultimate*. Amending the Constitution to give equal protection under the law for all living humans at time of conception. *Intermediate*. Reversing *Roe v. Wade*; returning power to the states to legislate. *Current*. Defunding abortion; obtaining parental notification and consent; passing a woman’s right-to-know bill; *outlawing partial-birth abortions* [emphasis added]; preventing marketing of RU-486; stopping fetal transplantation.”—*Family Voice, Whatever happened on the way to the Clinic?* August, 1995.

Working class women will carry the heaviest burden of federal restrictions on abortion. For wealthy women, access to effective birth control, pregnancy tests, and sound medical advice by good doctors will ensure they are seldom faced with an unwanted or dangerous late-term fetus—and if they should, they will still be able to afford a high-priced illegal procedure or obtain an abortion overseas. However, working class women denied the right to abortion would be forced to try to abort the child illegally through dangerous means or carry the child and hope that someone will adopt and care for it. The refusal of the government to provide health care resources for women seeking abortion, the expensive nature of the procedures, the moratoriums on abortion in many states, and long queues for appointments with doctors already mean that for many working class women, abortion is already not an option.

The drive to deny women this right is characteristic of the Republican Bush administration, which has slashed nearly all government programs for mothers—from pre-natal care to welfare to tuition grants. At the same time, the offensive against abortion is carried out while many Republican leaders oppose contraceptives and refuse to endorse sex education in schools. In the end, however, a ban on abortion and the de facto relegation of women to motherhood fit nicely with Republican-Christian ideals of patriarchy in the family and the subordination of women.

Opponents of abortion argue that at some stage during human reproduction the fetus becomes alive, and from that point on ought not to be killed; most religious dogma places that moment at conception. This is a mistaken understanding of human reproduction.

Engels addresses this problem as a microcosm of a larger problem in *Socialism: Utopian and Scientific*, during a discussion of the necessity of dialectics. The universe is constantly in motion, he writes, and the universe must be understood on those terms. A snapshot of the universe at any point would seem to suggest that objects in it are fixed, and exhibit certain definite properties. However, observing the

universe over time reveals that objects have location while they move through space and that they exhibit certain properties sometimes only insofar as they move from one state to the next—they are “constantly the same and not the same.” Likewise, life and death are qualities one can ascribe only to stable snapshots of the universe, but which break down when applied to certain dynamic situations.

“For everyday purposes, we know and can say, e.g., whether an animal is alive or not. But, upon closer inquiry, we find that this is, in many cases, a very complex question, as the jurists know very well. They have cudgelled their brains in vain to discover a rational limit beyond which the killing of the child in its mother’s womb is murder. It is just as impossible to determine absolutely the moment of death, for physiology proves that death is not an instantaneous, momentary phenomenon, but a very protracted process.”

That is, there is no point at which a soul or spirit inhabits the body, rendering it alive, as the superstitious would have it. The process of human reproduction occurs on a continuum, with the fetus finally acquiring physical autonomy and independence when it leaves the mother’s body and the life-supporting systems therein. How precisely consciousness arises in a human child is a complex and separate question, however, and will not be resolved here. Regardless, the bull-headedness of the American political and religious establishments in the face of the failure of the superstitious paradigm to account for the “gray area” between life and its absence reveals the deeply rooted ignorance and religious backwardness at the core of these institutions.

An abortion can be a tragic event, often surrounded by tragic circumstances. Women in the US who have undergone abortions report increased levels of depression, and the operations themselves can be extraordinarily stressful. However, these women select abortion when faced with a set of options that are all unpleasant—they see abortion as the least damaging of the options. The Republican drive to abolish abortion—underscored by the PBABA—is an attempt to remove that option from consideration.

It must be added that the Democratic Party—despite all its “pro-choice” pretensions—was complicit in passing the PBABA, which directly undermines the democratic right to abortion due each and every woman. The Senate vote was 64 to 33, with 16 Democrats and 48 Republicans supporting the PBABA. This is just one more instance of the inability of the Democratic Party to defend the democratic interests of the working class.

The PBABA highlights the fact that what is needed in the US is not an appeal to the “moral” elements of each of the two big-business parties—which have consistently passed act after act assaulting the well-being of working people—but an independent political movement organized around the defense and advancement of working-class interests.

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