

Eighth Amendment

## Ireland & reproductive rights : Abortion Love

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**Ireland's wildly successful movement to repeal the Eighth Amendment has given us a new way to frame reproductive rights.**

"There must be a way to make abortion rights be about love," the journalist Anthea McTeirnan said to me when we met in Dublin in 2015, just before Ireland's referendum on marriage equality. Same-sex marriage was going to win big, she believed, because the campaign was all about love and compassion and inclusion, not just abstract legal rights. People could see that their friends and neighbors and relatives simply wanted to express their commitment to their partners the way straight people do. The campaign reflected that spirit, full of joy and humor ; its guiding spirit was the sweet and popular drag queen and bar owner Panti Bliss. And, as it turned out, McTeirnan was right : That May, the referendum won by 62 to 38 percent, making Ireland the first country in the world to legalize same-sex marriage through a popular vote.

Can abortion rights be framed as a story about love ? I've been thinking about McTeirnan's words in the wake of the May 25 referendum on repealing the Irish Constitution's Eighth Amendment, which equated the life of a pregnant woman with that of "the unborn" and banned abortion under almost every circumstance. Everyone I spoke with thought that the results of the referendum would be close. Thus, the magnitude of support for repealing the Eighth Amendment—66 to 34 percent—came as a huge surprise. It was almost an exact reversal of the results in the 1983 referendum that passed the Eighth Amendment in the first place.

It's easy to talk about marriage equality in terms of love ; abortion and love is a harder connection to make. The right to end a pregnancy is about many things : saving women's lives and health and even their fertility, for example. US Supreme Court Justice Harry Blackmun's decision in *Roe v. Wade* was very concerned with the rights of doctors to care for their patients and the ways that the United States' strict abortion laws put sick women at risk. Most people—including seven elderly Supreme Court justices, five of them nominated by Republican presidents—could see that.

But, at bottom, abortion is about a woman's individual freedom, her (cold word) autonomy—her right, you might say, to love herself. Autonomy may be the prime quality we value and reward in men—our archetypal heroes, whether cowboys or entrepreneurs, don't let anyone get in their way—but in women, it looks to many people like selfishness. Women are supposed to sacrifice for others, especially for children, even children who do not, properly speaking, exist. Putting others first is what we tell women love is. What, you had an abortion so that you could go to school on a scholarship, accept a promotion, move away from your hometown, leave your boyfriend, wait until you "felt ready" ? You had an abortion because you just don't want children ? Monster. Next you'll be saying you had an abortion so that you could go on a fancy trip to Europe or fit into your prom dress.

Viewed through the lens of rights, abortion doesn't appear a promising candidate for a love

makeover. It's more like freedom of speech, a bedrock individual right that says to the government : You can't tell me what to do—my reasons are my reasons, and that's enough. That understanding is why Roe connects abortion to the right to privacy, even though, as abortion opponents often remark, no such right is explicitly enumerated in the Constitution. We just feel, maybe more so in the United States than in some other places, that society can only push us around so much. The legalization of abortion marks a major extension of this privilege to women, and 45 years after Roe, it's obvious that many people think that was a huge mistake.

The legal right to abortion may be grounded in individualism—and unless you think the state should be able to conscript women's bodies for its population policies, as in China or Nicolae Ceausescu's Romania, that's a good thing. But is the decision to have an abortion itself such a solitary one ? In Ireland, as in the United States, most women seeking abortions are not isolated individuals. Most are either married or in relationships ; around 60 percent are already mothers. (This fact always blows people away, so deeply ingrained is the stereotype of women who choose abortion as either promiscuous teens or child-hating "career women.") The decision to end a pregnancy involves thinking about what's best for a range of people other than oneself : What will the effect of a new baby be on the kids you already have, on your partner, on your own parents ? It means thinking about what it means to be a good mother : Is it fair to bring a child into a chaotic household, a loveless relationship, to give it a bad father or no father, to have a child when you're stretched to the limit by the children you already have ?

For pro-choicers, abortion can thus be about love in the sense that we respect women and trust them to know themselves, their lives, their relationships, and their communities. If you love someone, you acknowledge their freedom, even if you think they are making a mistake. For abortion opponents, by contrast, women are not trustworthy or wise. No matter the circumstances, there's only one right answer : If a woman wants to end a pregnancy, she's either "confused" or murderous. In Ireland, those on the No side of the referendum adopted the slogan "Love Both"—but it's hard to see the love in their picture of women. What they call love is a tactic, like the baby clothes and strollers on offer at crisis-pregnancy centers, intended to get them to produce that baby.

Another way of connecting abortion with love is through solidarity with the pregnant woman. Over and over, campaigners on both sides of the referendum told me that the Irish are a caring and compassionate people. Yet here they were, virtually disowning their own pregnant women, offloading them onto the British, their former colonizers, so that they could preserve a false image of their own country as abortion-free. Many women I met who had "travelled"—that is, gone to the United Kingdom to get an abortion—spoke not just of the stress of having to come up with the money and make the arrangements, but also of the loneliness, fear, and pain they felt because their country had rejected them when they most needed its support. The Yes campaign asked : Could the Irish not take care of their own at home ? "Women in crisis pregnancy have been told : take the plane or take the boat," said Health Minister Simon Harris, a strong Yes supporter. "Today we tell them : take our hand."

How is this relevant to the United States ? Today, several states have only a single abortion clinic, and those providers are often hedged about by restrictions : long waiting periods requiring repeated visits, government-mandated scripts intended to frighten women with falsehoods that doctors must read to patients. States are competing to pass flagrantly unconstitutional laws decreasing the time window for a legal termination, in some cases to as little as 15 weeks. A judge just stayed Iowa's new ban on abortion after a fetal heartbeat can be detected (about six weeks). Meanwhile, Arkansas has banned abortion by pill, although it's not only safe but has been used, legally and illegally, by millions of women in the US and around the world. In most states, including New York, women who need a post-24-week termination for nonfatal medical conditions have to make their way to a handful of distant clinics.

In effect, many states abandon pregnant women just as Ireland did under the Eighth Amendment. For women in the Rio Grande Valley or the Upper Midwest or the Mountain States, getting to the nearest clinic may be a longer, harder, more expensive journey than the flight from Dublin to Liverpool. Can Mississippians and Texans and Arkansans be persuaded to see providing straightforward, honest abortion care in their states as a form of compassion ? Right now, I have to admit, it doesn't seem too likely—baby-killers ought to suffer, seems to be the thinking. But 10 years ago, one might have said the same about Ireland. Not so long ago, after all, it was commonplace to portray traveling as a sensible “Irish solution.” No one says that now.

What changed ? Hearts changed. The spark that lit the call for repeal was the agonizing death of Savita Halappanavar in 2012, after doctors at University Hospital Galway refused to complete her ongoing miscarriage as long as the unviable, doomed 17-week-old fetus had a heartbeat. Abortion opponents claimed that Savita died from a hospital snafu, but clearly this tragedy was the inevitable result of the Eighth Amendment's equation of pregnant mother and fetus. During the referendum campaign, posters of Savita, healthy and beautiful and smiling in a brightly colored sari, were everywhere. The message was obvious to all but the most deluded : If not for the Eighth, she would be alive today.

Savita's death did something else : Women began talking and writing about their abortions as never before. After all, since the passage of the Eighth Amendment, some 170,000 women had traveled to the UK for an abortion. In recent years, despite the risk of a 14-year prison sentence, thousands have taken abortion pills ordered over the Internet. But until a few years ago, no one talked about it. Now, women began telling their stories—to their friends and families, and in public too. Amy Walsh and Amy Callahan described having to end their desired pregnancies in the UK after a fatal fetal-anomaly diagnosis. Journalist Róisín Ingle wrote about her abortion in *The Irish Times*. The brilliant comic Tara Flynn did a one-woman show called *Not a Funny Word* that began with her describing the most awkward date ever, moved through the weirdness of abortion travel, and ended with her waving an Irish flag while singing a raunchy song in praise of sex.

The effect of this personal storytelling was to humanize and complicate the image of women who had abortions and to make it clear that abortion (like sex) was already part of Irish life ; only women's silence had made it possible for abortion opponents to make it seem rare and deviant. Storytelling is also a big part of pro-choice activism in the United States, but there's a difference, says law professor Joanna Erdman : “American women tend to say, ‘It's my choice and none of your business,’ and tell their stories in a context of self-expression and freedom. Irish women tell their stories explicitly to ask for compassion and understanding.”

A third way that abortion is about love is through the provision of abortion itself. I remember when, some years ago, pro-choicers started using the term “abortion care,” a small way of reminding the world that abortion is health care and that it is also about caring in the sense of concern : both “I take care of you” and “I care about you.” Because we have chosen to stigmatize abortion and everything connected with it, we don't look closely at how anti-abortion laws affect the experience of being a provider or a patient. What happens when waiting periods push procedures from one week to the next ? What is it like to deal with patients who are stressed and exhausted from driving all day and sleeping in their car ? Ironically, while pointless regulations have forced many clinics to become less comfortable and pleasant—no plush chairs to recuperate in, only the hard plastic kind—some crisis-pregnancy centers, flush with government funding, are looking more and more like cozy old-time women's centers. What is the effect on patients and staff when protesters accost women on their way into the clinic, when they scream and shout through bullhorns so that the people inside can't help but hear them ? In Dublin, the anti-repeal No campaigners held up enormous posters of bloody fetuses in front of maternity hospitals and schools. Radqueers for Yes blocked the sight with even bigger rainbow banners, and Angels for Yes—a group dressed, yes, as angels, complete with

magnificent feathered wings—arrayed themselves in front. One side sought to frighten and shame, the other to protect. Which showed love ?

With the Eighth Amendment out of the way, the Irish government is proposing to make abortion legal on request throughout the first 12 weeks of pregnancy. There is talk of covering it under the national health-care system as well. That not only places Ireland well within the normal range of European abortion laws ; it puts the country well ahead of many American states, to say nothing of federal policies like the Hyde Amendment, which bans funding for women on Medicaid.

Yes campaigners have a name for the new draft legislation : Savita's Law.

**Katha Pollitt**

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\* Katha Pollitt is a columnist for The Nation.