

# **Enforced Pregnancy, Rape, and the Image of Woman**

**Ann E. Cudd<sup>1</sup>**

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 women's right to privacy or freedom from interference.<sup>2</sup> These are undoubtedly important questions, yet there is another important argument, employed by the pro-choice political community, which has been left out of the philosophical debate. The argument claims to show that women as a group are harmed when they are not permitted to control their reproduction. The claim is that enforcing pregnancy degrades women in such a way that all women are harmed, and not just those who become pregnant against their will.

How are we to conceive of women? Is their capacity for bearing children to be their most essential feature, or is it to be, like that of men, their capacity for free moral choice and the prima facie obligation of respect owed them? What is the worth of women relative to men? Are women in this society to be the breeding stock at the whim of men or the state or other women, or are they to be autonomous with respect to their reproduction? These questions force us to examine the consequences of enforced pregnancy, or any pregnancy which a woman is forced to endure without her consent, and hence abortion.

In this paper I shall make the argument that the image of woman is seriously degraded by enforcing pregnancy, and that because of this degradation all women, not only those who become pregnant and must carry a fetus to term against their will, are wronged. An argument along this line has been made for rape, namely, that rape robs all women of essential human rights and depicts women as primarily sexual servants of men. And rape, as we shall see, has 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.

## **I. Group harm and degradation**

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. To suffer harm as a group is to be a member of a group which is harmed. This harm may or may

---

<sup>1</sup> I would like to thank Neal Becker, Debra DeBruin, Bill Martin, Joan McGregor, Carol Mickett, Lynne Tirrell, and Anita Superson for helpful comments.

<sup>2</sup> See for example Thomson (1971), Tooley (1972), Warren (1973), Engelhardt (1974), Devine (1978), Noonan (1979), Feinberg (1986), and Marquis (1989).

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 has no particular political significance, unless the crash was caused by international terrorism, or the plane was shot down because of its nationality. 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 inflicted by social practices, suffered by the members of a group by virtue of their membership in that group, which is identifiable independently of any particular harm.

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 social practices. Group harms, to have moral or political significance, must have a social origin and meaning. The harms must be a part of the social order in some regular way, so that the harms are a part of the group's normal social activities, and not accidents unrelated to the group's social position. Natural disasters, for example, do not cause group harms, though they harm groups which are identifiable independently of the harms.<sup>3</sup>

This definition is sufficient to pick out those harms that have political significance, but not to pick out those harms that degrade the group. To degrade someone is to lower that person in worth or dignity relative to others.<sup>4</sup> Degradation can be either an objective or a subjective injury. It is objective when the person's worth is actually lowered, when the person is made or shown to be less valuable. Degradation is a subjective injury when the victim is made to feel less worthy, or treated in a way that the victim believes is beneath her dignity. Degrading injuries can thus involve either or both objective and subjective degradation. One can feel degraded when one is treated in a way that is in fact appropriate, and one can fail to feel degraded when one is treated in a demeaning inappropriate way believing that the treatment is deserved and appropriate to one's status.

Since it involves the worth and especially the relative worth of persons, an understanding of degradation involves a conception of human worth. There are many ways human worth has been defined and compared in the history of social thought. My interest here is in the conceptions of human worth that are prevalent and justifiable in modern western democratic societies. Different aspects of social life involve different conceptions of human worth. The American legal conception of worth is deeply egalitarian, as the founding creed states in the Declaration of Independence that "all men are created equal". The worth of men on this account is determined by their intrinsic value as human beings, qualities "endowed by their creator". The equality guaranteed by the U.S. Constitution is equality of rights under the law. As long as one is

---

3. 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.

4. My discussion of degradation owes much to that of Murphy and Hampton (1988), especially ch.2.

granted these rights one is treated with equal respect<sup>5</sup>; to degrade one is on this account to deny one legal rights as set out in the Constitution or by legislative bodies in the U.S.. But who counts as "men" has changed over time, and this has only been clarified somewhat by amendments to the Constitution. It is not clear to what extent women are included, since the major attempt to make their inclusion explicit with the Equal Rights Amendment was defeated. I shall argue that the struggle over enforced pregnancy is a part of the struggle over whether women are indeed part of the class called "men" in our founding creed.

Our common understanding of moral worth has egalitarian and inegalitarian aspects. On most moral theories the moral worth of a person depends on some more or less exercised capacity for moral choice and moral responsibility. Kant, for example, holds that practical rationality is required for one to be worthy of the respect owed to persons, but one must have a good will, that is, guide one's actions according to duty (i.e. in accordance with the moral law) for the sake of duty to be morally good. Similarly, Christians distinguish the faithful from the faithless holding that only those who have faith will receive the ultimate moral prize of eternal life. They also distinguish saints from sinners, though, according to how well they live up to the teachings of Christ. Though some Christian sects believe that any human being can choose to have faith, Calvinists held that one had to be predestined by God to be the faithful. Virtue theories distinguish the virtuous from the vicious, the intemperate from the incontinent. It is best, morally speaking to be virtuous and continent, and vice and incontinence are reasons for one to feel shame. A common thread in these moral theories is that while humans are rarely if ever morally perfect, there is a clear line distinguishing those who can always choose morality and those who cannot, those who can make moral choices for themselves and those for whom choices have to be made by the ones morally more worthy, those who have free will and those who are so controlled by unworthy, instinctual urges that they may not be said to make responsible choices. This points to an intrinsic feature of human worth separating moral adults from lesser beings, and defining an egalitarian sense of worth for the moral adults. For Kant it is the capacity for rationality. For Calvin it is being chosen by God. In our modern secular conception of morality, it is the capacity for moral agency.

A third sphere of life in which a theory of human worth plays an important role is the socio-economic sphere. Here a person's worth, to paraphrase Hobbes, is her price, or the economic value of her labor and her property. This is a non-egalitarian theory of instrumental worth, since the value of a person's property depends on the ability she has to satisfy others' ends with her labor or wealth. The labor of the steelworker is valuable because it makes something that people will buy, that they will use in turn to serve some other end.

There are different senses of degradation which correspond to these different conceptions of human worth. On inegalitarian conceptions, one is degraded when one is judged to be of lower value or rank. On egalitarian conceptions, though, one can only be degraded by being excluded from the set of equals. Degradation wrongs someone only if it causes undeserved pain or loss of self worth or social worth. If one's actions warrant a lowering of esteem, though, because they are illegal, immoral, or inefficient, then the corresponding legal, moral, or economic degradation does not do one wrong.

---

5.Of course, much more can be said about what "equal respect" means, as Dworkin (1978) points out.

The discussion of degradation has so far concentrated on individuals, but it may be extended to groups through the concepts of group harm and group image. A group is degraded when their image is lowered in worth relative to that of other groups. By 'image of a group' I shall refer to the cluster of stereotypic features with which members of a group are identified. Degradation of the image of women is the very deep and subtle harm which I will claim that rape and enforced pregnancy cause. Returning to the airline terrorism example, let us suppose that the passengers were all from, say, 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-a-vis at least some other group in society, in particular any group perpetrating the harm or gaining by it. The group at the top cannot suffer group harm which degrades them at the hands of others, though they may (objectively, relative to some moral conceptions of human worth) degrade themselves by being an oppressor group.<sup>6</sup>

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 others 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 (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.<sup>7</sup> Their specific interest is the harm suffered by women as a result of sex discrimination in employment and education, but it can be shown 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. Countering degradation requires that the worth of the group be raised, and though this may not be difficult to do in law, it is difficult to change the minds of people who have degraded or been degraded that the judgment of relative worth was wrong. 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.

---

6.Frye (1983) provides a useful discussion of oppression, which I had in mind while writing this section.

7.Friedman and May (1985), p.221.

And because of the downward spiral effect on the perception of these groups, the effects are long lasting, pervasive, and often 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 -- they are smaller than their attackers on average, and in a situation in which there is little chance for them to get help quickly, or to take revenge on the assailant.<sup>8</sup> And their attackers are almost always men. In such situations they are, in the relevant ways, women.<sup>9</sup>

Rape constitutes a practice in our society.<sup>10</sup> 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.<sup>11</sup> Rape turns out to be impossible! In popular culture the practice of sexuality, structured by our understanding of the sexuality of men and women and what constitutes normal sexual behavior, 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 assert their rights 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, who run in quiet deserted parks, or who are friendly to strangers are often chastised as somehow partly to blame if they are raped. Rapists have been found innocent by juries who judged that the victim was too loose, or was asking for it.<sup>12</sup> Women may not do things that men take for granted.

---

8.Brownmiller (1975), p.258.

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

10.Peterson (1977), p.361. She goes on to argue that through rape the state is a like 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.

11.Meuhlenhard and Hollabaugh (1988) provides evidence that some women in fact do say 'no' when they mean 'yes', and that this phenomenon is linked to the sexual double standard that it is okay for men to have sex outside of marriage, but not for women. They cite a figure of about 37% of women have at one time said 'no' when they meant 'yes', but the all-important figure for what percentage of the time women say 'no' meaning 'yes' is not available.

12.In a recent rape case the jury acquitted the accused rapist on the grounds that the woman "asked for it by the way she dressed." See Boston Globe, "Jury Stirs Furor by Citing Dress in

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.<sup>13</sup> For some male victims of oppression, rape is seen as a way of getting revenge or of recovering lost masculinity. Eldridge Cleaver (1968) writes of how he once saw rape of white women as a way of getting revenge on white men, and of restoring his self-esteem lost through racial discrimination. "Rape was an insurrectionary act. It delighted me that I was defying and trampling upon the white man's law, upon his system of values, and that I was defiling his women." (p.14)

The evidence that rape presents group harm to women can now be summarized 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. In an article entitled "How Bad is Rape?" H.E. Baber (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 constantly to beware of all men as potential rapists.

But 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 or a dependent'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 of a pregnant woman's care and maintenance from the woman herself without her consent. Thus enforced pregnancy happens today in this country wherever women are too far from a clinic, or are unaware of their options, or haven't the necessary funds to obtain an

---

Rape Acquittal", Oct. 6, 1989, p.12, col.1.

13.Ehrhart and Sandler (1986).

abortion, or are manipulated by persons with enough power over them to carry an unwanted pregnancy to term. It also happens, although more rarely, when a woman is jailed to prevent her from using alcohol or drugs during a pregnancy, or when a woman is compelled to undergo a Cesarean section or to lie quietly in bed for the duration of her pregnancy.<sup>14</sup>

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 several responses to be made here. First, I have argued that women do not control sexuality, so often 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 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, and strenuously at that, to take it away from women. Any pregnancy which the woman is prevented from ending is thus an enforced one.<sup>15</sup> 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 (heterosexual) 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 or 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.<sup>16</sup> And though there is some grain of truth to these things -- it is indeed biologically possible, and in that sense natural, for women to have children, (a sense of "natural" shared with death, for instance), and most women do -- the unwar-

---

14.LaCroix (1989) reports that: "hospitals have sought and obtained court orders for Cesarean 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)

15.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.

16.I have heard it commented that pregnancy is an "ordinary" not an "extraordinary" occurrence for women today. This is the same sort of claim that it is natural for women. If it means that it happens all the time to women like breathing or eating then it is false. And if it means that it is not onerous or dangerous, again it is false. More likely it means that most women don't die from pregnancy today. That is true for women who can rely on decent emergency medical care, but then most people with similar access to care don't die from severing their spines, but that can hardly be called an ordinary occurrence.

ranted inference is made from pregnancy's naturalness to the claim that it is not harmful, even 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 often onerous task for a person. She may feel that she loses bodily integrity and freedom of movement, she suffers physical pain and discomfort, and may risk serious illness or death. If she is wealthy or well-insured she either must submit herself to the frequent, often intrusive, examinations by physicians and their restrictive instructions, or risk taking an alternative and less socially acceptable route with her care. And if she is poor then she may not be able to afford the care necessary to lessen the risks of pregnancy for herself or the fetus. 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.<sup>17</sup>

Enforced pregnancy causes group harm to all women. The women who are forced to continue a pregnancy 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. In this way enforced pregnancy degrades women economically.

As rape makes women sexual objects for men, so enforced pregnancy makes them the breeding stock of men and the state. A group of persons who are available to be used by others is degraded morally, since they are not, in themselves, worthy of dignity and respect. There are other important analogies and interconnections between the two cases. Rape and unwanted pregnancy divide 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, as Carolyn Shafer and Marilyn Frye (1977) write, "the ultimate disrespect is

---

17. Pregnant women do tend to be treated differently from non-pregnant adults, but often more like sick people or people to be pitied. Elshtain (1987) and Dinnerstein (1976) discuss psychological reasons why mothers are not honored for their heroism. Foot (1984) likens the obligations of enforced pregnancy (my term, not hers) to those of the military draft for men. This analogy seems apt in many ways. But one significant way in which the analogy does not hold is that mothers are not accorded the benefits or honors that veterans are. Furthermore, while veteran status raises the worth of individual men, the capacity of women to be mothers lowers the worth of women economically and, if the argument of this paper is right, morally and socially as well.

the exercise of the power of consent over another person. And this is exactly what rape is."<sup>18</sup> They might easily have added that this is enforced pregnancy as well.

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. Simply put, when women are degraded relative to men, men are raised in worth relative to women. These benefits are gained in the legal and socio-economic spheres. Men gain by being shown to be more equal than women legally, and by being "more employable", and as a result having the economic power to demand less domestic responsibility, and worse, to demand that women be their servants sexually and their willing victims of abuse. Women are more vulnerable to men when they cannot control their reproduction. 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. As Catherine 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."<sup>19</sup>

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.<sup>20</sup> 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. I think that if it were the case that women could not be forced to have children, then whether or not they are parents or potential parents would be less significant, as it is for men. But this counterfactual is somewhat difficult to assess; women are now, as ever, forced to continue unwanted pregnancies, and those pregnancies are often the result of forced sex. My claim is that if pregnancy were truly voluntary then it would not result in the group harm of 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? Recall the distinction we drew between objective and subjective degradation. Even though these women do not feel the subjective degradation, they may well be objectively degraded, and are so if the argument here is right. 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

---

18.Shafer and Frye (1977), p.340.

19.MacKinnon (1987), p.96.

20.Allen (1986), see esp. p.96.

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**

In social life it is well known that image plays a huge role in determining how others will react to one's actions and words. A person who is perceived as cool under pressure, intelligent, and energetic is likely to have many more and better career and educational opportunities than one who is perceived as easily tired and concerned by minor distractions. The image of individuals depends largely on the image of the social groups to which they are seen as belonging. Ugly stereotypes form the image of many groups, while other groups attach mainly to images of competence, hard work, moral sensitivity, or authority. Any group which can be named has what I have called a 'defining image', by which I mean the common, stereotypical, default perception that is normally conjured in one's mind when one classifies another as a member of that group. I mean to distinguish this sense of "image" from the terms "essence" and "nature" insofar as the latter terms refer to something fixed transhistorically, perhaps even biologically.<sup>21</sup> A group's image may have some grain of truth, but the important thing about the image is what about the group it singles out as significant, as defining. The image is shaped by the beliefs about most of the members of the group which distinguish the group from other groups, but these beliefs are themselves shaped by the relative power of the groups who are being defined, and those doing the defining. Any way in which one group is singled out may form part of their image.

Ideally, I suppose, the image of woman would differ little from that of person, other than the addition of specific biological capacities. Most importantly, women would be seen as persons, capable of moral agency, of freedom of choice, of moral heroism and failure, just as men are. In our society, however, in which women are raped and pregnancy enforced, the image of woman is that they are, among other things, the sexual property and breeding stock of men, lacking the power of consent in the most intimate and consequential aspects of their lives.

---

21. Holmstrom (1986) discusses the term "nature" and argues that women and men can only be seen as having distinct natures in a socially defined way. My term "image" is meant to avoid this ambiguity, as well as to suggest manipulability and connections to image-makers such as pornography.

Women who are raped or who are pregnant against their will must often deal with the consequences alone. They 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 choose or care for herself. In this way the image of woman is morally degraded.

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. The image of woman as vulnerable and weak makes it difficult for women to be taken seriously as candidates, and forces them to attempt to project a counter-image of extreme toughness and strength. Thus women find it much more difficult to be political candidates or fully involved citizens. And in this way enforced pregnancy and rape make women, all women, even those who are never raped or never pregnant, lesser legal 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? On the analysis of degradation presented here 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 too 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.

## References

- Allen, Jeffner, "Motherhood: The Annihilation of Women", in *Women and Values*, Marilyn Pearsall, ed., (Belmont, Ca.: Wadsworth, 1986).
- Baber, H. E., "How Bad is Rape?", *Hypatia*, 2, 2(1987): 125-138.
- Blackmun, Justice Harry, "Roe v. Wade Majority Opinion", reprinted in *Abortion*, Jay Garfield and Patricia Hennessey, eds., (Amherst: University of Massachusetts Press, 1984), 11-31.
- Brownmiller, Susan, *Against Our Will*, (New York: Simon and Schuster, 1975).
- Cleaver, Eldridge, *Soul on Ice*, (New York: McGraw Hill, 1968).
- Devine, Phillip E., *The Ethics of Homicide*, (Ithaca: Cornell, 1978).
- Duke, Lynne, "ACLU Asks Court to Rehear Case of Forced Cesarean Birth", *The Washington Post*, Nov. 25, (1987): 1.
- Ehrhart, Julie K. and Sandler, Bernice R., "Party Rape", *Responses to the Victimization of Women and Children*, 9, 1(1987): 2-5.
- Engelhardt, H. Tristram, Jr., "The Ontology of Abortion," *Ethics*, LXXXIV, 3 (1974): 217-234.
- Feinberg, Joel, "Abortion," in *Matters of Life and Death: New Introductory Essays in Moral Philosophy*, Tom Regan, ed. (New York: Random House, 1986), 256-293.
- Frye, Marilyn, *The Politics of Reality*, (Trumansburg, N.Y.: The Crossing Press, 1983).
- Garfield, Jay and Hennessey, Patricia, eds., *Abortion*, (Amherst: University of Massachusetts Press, 1984).
- Friedman, Marilyn, and Larry May, "Harming Women as a Group", *Social Theory and Practice*, 11, 2(1985): 208-234.
- Griffin, Susan, *Rape: The Power of Consciousness*, (San Francisco: Harper and Row, 1979).
- LaCroix, Susan, "Jailing Mothers for Drug Abuse", *The Nation*, May 1, (1989): 585- 588.
- MacKinnon, Catherine, "Privacy v. Equality: Beyond Roe v. Wade", in *Feminism Unmodified*, (Cambridge: Harvard University Press, 1987).
- Marquis, Don, "Why Abortion is Immoral," *Journal of Philosophy*, LXXXVI, 4(1989): 183-202.
- Murphy, Jeffrie and Hampton, Jean, *Forgiveness and Mercy*, (New York: Cambridge University Press, 1988).
- Noonan, John T., *Private Choice*, (New York: The Free Press, 1979).
- Peterson, Susan Rae, "Coercion and Rape: The State as a Male Protection Racket", in *Feminism and Philosophy*, Vetterling-Braggin, et. al., eds., (Totowa, N.J.: Littlefield, Adams & Co., 1977), 360-371.
- Shafer, Carolyn M., and Marilyn Frye, "Rape and Respect", in *Feminism and Philosophy*, Vetterling-Braggin, et. al., eds., (Totowa, N.J.: Littlefield, Adams & Co., 1977), 333-346.
- Thomson, Judith Jarvis, "A Defense of Abortion," *Philosophy and Public Affairs*, I, 1(1971): 47-66.
- Tooley, Michael, "Abortion and Infanticide," *Philosophy and Public Affairs*, II, 1(1972): 37-65.
- Warren, Mary Anne, "On the Moral and Legal Status of Abortion," *The Monist*, LVII, 1(1973): 43-61. Department of Philosophy University of Kansas Lawrence, KS 66045 USA