

## FIXING THE LAW

Removing abortion from the American landscape will require two things: changing public opinion and changing public policy. Abort73 focuses squarely on the first ingredient, changing public opinion, and we are not out to educate people into a new morality. We're simply pushing for a more consistent application of their existing morality (one which already holds that it is wrong to kill innocent human beings). Despite the fact that we have no specific involvement in lobbying Congress or petitioning the government, we do not want to minimize the importance of dealing with abortion on a legislative level. Laws are not only a reflection of public-opinion, they also help shape public opinion. On the one hand, abortion laws will not change until a majority of voting citizens are convinced that abortion is a horrible injustice (that's why we do what we do), but on the other hand, there are plenty of women (and the men who pressure them) who will not be deterred from having an abortion by anything less than legal prohibition. Education is crucial, education starts the process, but without just laws, the victim class (in this case unwanted, unborn children) is left vulnerable and unprotected.

Dr. Martin Luther King Jr. once said, "It may be true that the law cannot make a man love me, but it can stop him from lynching me." Dr. King understood that his own protection, and the protection of his people, was very much wrapped up in law. We could translate his quote into the language of abortion and say it this way, "It may be true that the law cannot make a woman pro-life, but it can stop her from killing her unborn baby." Dr. King provided similar sentiment on page 33 of his 1963 book, *Strength to Love*: "Morality cannot be legislated, but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless." At the end of the day, judicial decrees exist to restrain those who will not restrain themselves.

From a historical perspective, it is easy to measure the influence that abortion legislation has had on the moral perception of the average citizen. In 1970, when abortion laws were first liberalized in 14 states (3 years prior to *Roe v. Wade*), there were roughly 200,000 abortions performed in the U.S. Twenty years later, the annual abortion rate peaked at more than 1.6 million a year. The legal "normalization" of abortion drove the annual abortion rate up by 700%. Daniel Callahan predicted this sad phenomenon in an article he wrote for the January 8, 1973 issue of *Christianity and Crisis*.

A change in abortion laws, from restrictive to permissive, appears— from all data and in every country—to bring forward a whole class of women who would otherwise not have wanted an abortion or felt the need for one.<sup>1</sup>

Along the same lines, The Elliot Institute, which has been researching the impact of abortion since the 1980's, notes that 72% of women who report post-abortion problems would never have sought an abortion if abortion had not been legal. Only 4% of those surveyed indicated that they would have definitely sought an abortion even if it *were* illegal. While the results of this survey come from an admittedly narrow sample group (252 women across 42 states who all reported some type of post-abortion problem) the results are consistent both with the historical data and with plain common sense. It is reasonable to believe that the willingness of most people to participate in a certain activity is greatly influenced by the legality of that activity, and is probably proportionate to the penalty associated with the activity.

It is true that the law cannot physically prevent someone from breaking that law (unless law enforcement catches them in the act and is able to intervene). What the law can do, however, is impose punishment upon those who break the law (in this case, abortion providers), and thereby deter both that individual and others from breaking that law in the future. The threat of punishment is a very real and appropriate deterrent. The other important function of the law, as mentioned above, is its ability to shape the perceptions of society. When African-Americans were given equal standing under the law, and when the laws requiring such equality were finally enforced, perceptions began to change. The relentless efforts of Dr. King and many others to prompt the enforcement of just laws, did much more than just establish legal barriers to racism. The laws which emerged helped reform the way an entire nation thought, moving us from a society that was steeped in racism into a society that is, at least, much less steeped in racism.

On the abortion front, we must not neglect either the importance of education or the importance of enacting just laws. Randy Alcorn, referring to Marvin Olasky's excellent treatise on abortion history, *Abortion Rites*, makes this observation: "Olasky recounts how various groups in the nineteenth and early twentieth century provided abortion alternatives without dealing with the issue of laws." Their approach demonstrates that "it is inaccurate to suppose abortion [can] be fought, and alternatives to it effectively offered, without changing the law."<sup>2</sup> Reducing abortion to its lowest possible frequency will require both an educational and a legislative component (in addition to the necessary compassion of those willing to help support women through their pregnancies). We believe the process must start with education, but it certainly can't end there. The way we think about abortion must carry over into the way we vote about abortion.

1. Daniel Callahan, "Abortion: Thinking and Experiencing," *Christianity and Crisis*, 8 January 1973, 296.
2. Randy Alcorn, *ProLife Answers to ProChoice Arguments* (Sisters, Oregon: Multnomah, 2000), 158.