

Rape/Incest Abortion: The Exception that Proves the Rule

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ABSTRACT: In the current public square, one finds at times certain attempts to allow “limited exceptions” for abortions. Perhaps the most notorious of these exceptions are incest and rape. Without in any way downplaying the evil of these means, this paper suggests that the rape/incest exception for abortion in fact proves the rule of life. In order to substantiate this claim, the article offers a brief introduction to the anthropology of René Girard so as to situate the abortion crisis in its properly “world-sacrificial” context. Then, in presenting some ways in which a political rhetoric can engage the dialogue of abortion and win the case for pro-life by speaking to a common ground, the case is made for a call to re-situate the discussion in terms of the Western defense of scapegoats.

THE PROBLEM OF PREGNANCY resulting from rape or incest hangs about in abortion debate and politics like an elephant in the living room. Although the cases are relatively rare, few hypothetical situations better bring out the problem of compassion for the mother when set against concern for the life of the child. Surely, it is argued, a woman would not have to become the mother of a child conceived by a rapist! The rebuttal is often presented as if it invariably involves dedication to an abstract principle: the child’s life is of ultimate importance. It could seem that there is a real “debate” here: Pro-Choice vs. Pro-life.

I propose, however, that the anthropological discoveries of René Girard allow us to put this discussion in an entirely new light. The rape-incest exception proves the rule of life rather than challenges it. Nothing represents the logic of archaic infant sacrifice better than the case of an abortion that seeks to “cancel” the rape or incest. What is at stake in this type of abortion is the worldview of the primitive sacred: in expelling the surrogate victim, the community finds the peace that it otherwise could not achieve on account of its internal rivalries.

A certain curious use of theological language, perhaps, could be even more precise, for it would allow us to say that such an abortion is seeking to “atone” for the sins of the rapist or incest-monger. Nevertheless, since political dialogue rests on shaky ground when it resorts to theological discourse, the anthropology of scapegoat violence has a much greater chance of “being heard” in the public square.

The philosophical language of the natural law tradition is, in my opinion, sufficient for this question. After all, the law of nature demands that we recognize the primordial law of “preservation of being.”¹ However, given that even Thomas Aquinas allows for certain situations to change our understanding of the object of an act,² we could reasonably find ourselves in a difficult situation when trying to secure the inviolable right to life of a totally innocent child in such a “gravely tragic” situation.³

Thus, in the ever-urgent and pressing situation of social provision of political, economic, and social backing for human murder, it can help to seek new and more effective language and analysis to try to save an innocent life. The Girardian anthropological approach allows us to see that the entire “culture of death” analysis (made famous by Pope John Paul II) unfolds as a proper reading of the modern rejection of the Judeo-Christian anthropology in favor not simply of a calculated utilitarianism but also of a new morality at the service of a worldview-generating lie. The culture of death is much more of a return to what Girard calls the archaic sacred than some new version of atheism.

The goal of this paper is to show that a new political rhetoric that is grounded in reason alone may be able to reverse the rape-incest “exception to the rule” and help us to see it instead as the “exception that proves the rule.”

¹ See, e.g., Thomas Aquinas, *Summa theologiae* I-II, q.94, a.2.

² See, e.g., *Summa theologiae* I-II, q.94, a.4.

³ I am *not* arguing that circumstances can *ever* make the direct killing of innocent life a good thing. But, given that the moral assessment of different acts with similar “physical dimensions” (i.e., returning a borrowed gun to a friend who is either an insurrectionist or not) can lead to different moral objects of human acts, the rape-incest exception can seem (at least in debate) to fall under this aspect of moral philosophy (however false the pro-abortion conclusion may be).

Relevant Background Information

Historically speaking, the rape/incest exception in abortion legislation was part of the “fuel for the fire” that led up to *Roe v. Wade*. Mississippi was the first to change its laws in favor of allowing abortion in cases of rape. The American Right to Life account of this legislation is compelling here: “Far from the rape exception being a concession toward ending abortion, the state of Mississippi actually began America’s holocaust with this policy, by decriminalizing abortion for rape.”⁴ The National Right to Life Committee explains the historical background by noting that, as early as 1959, the American Legal Institute (ALI) had proposed “a model penal code for State abortion laws. The code advocate[d] legalizing abortion for reasons including the mental or physical health of the mother, pregnancy due to rape and incest, and fetal deformity.”⁵ By 1972, thirteen States had “ALI-type law.”⁶

The Typical Dialogue

In critiquing an op-ed piece by Eugene Robinson in *The Washington Post*, the American Right to Life Committee’s website explained that personhood is the key to the whole question. A fetus is a person; a person has rights. Even if conceived in rape or incest, the child has a right to life. “Sometimes the crime of rape results in the conception of a child. Yet of course it is wrong to kill a baby for the crime of his father.” Further, “abortion for incest is cruel.”⁷

In steps the other side. In the conclusion of a diatribe on a gaffe by Todd Akin, then the legislative assistant to Paul Ryan, Eugene Robinson asserts:

⁴ American Right to Life Committee, “The So-Called Abortion ‘Exception’ of Rape,” accessed June 15, 2013, <http://americanrtl.org/abortion-rape-exception>.

⁵ National Right to Life Committee, “Abortion History Timeline,” accessed June 17, 2013, <http://www.nrlc.org/abortion/facts/abortiontimeline.html#1959>.

⁶ Ibid.

⁷ American Right to Life Committee, June 17, 2013, available at: <http://americanrtl.org/abortion-rape-exception>.

Now let's see, we've accounted for how we should treat the rapist, and we've accounted for how we should treat the product of the rape – the fetus or unborn child, depending on how you see abortion – and I guess that's it. But wait, wasn't there someone else involved? Oh yes, the woman. The person who had to endure the rape, who is suspected of not having suffered a "legitimate" rape and who now, according to Akin, should be legally obliged to bring the rapist's baby to term. Akin's stupid, sexist remarks were immediately denounced by Romney and other prominent Republicans. But the GOP refused to do the one thing that would have neutralized the "war on women" issue: "Stop the misogynistic attacks. Stop them now."⁸

Both sides accuse the other side of the most hideous form of cruelty. It's either cruelty towards children or cruelty toward women, but the rhetoric does not seem to allow any other way out. Or does it? I hope that a consideration of the anthropology of René Girard may offer us a hermeneutic lens through which we can find our way out.

Girardian Anthropology: Projecting Crimes onto the Scapegoat

According to Girard, the history of human culture is the history of surviving catastrophic violence. Through spontaneous acts of collective violence against arbitrary victims (and the consequent religious sacrifices that attempt to justify collective violence as the "will of the gods"), cultures have attempted to survive the otherwise apocalyptic dimensions of runaway violence.

How does Girard make such claims? There are two good ways to answer this question. On the one hand, we could juxtapose the Judeo-Christian Scriptures (and in particular the Gospels) with other archaic religious myths of human origins and draw forth a key distinction in the way foundational violence is represented. This method is certainly open

⁸ Eugene Robinson, "Todd Akin's Comment brings 'War on Women' Back to Prominence," *The Washington Post* (August 20, 2012), accessed June 15, 2013, http://www.washingtonpost.com/opinions/eugene-robinson-todd-akin-comment-brings-war-on-women-back-to-prominence/2012/08/20/c4570fae-eafd-11e1-9ddc-340d5efb1e9c_story.html. See also Jeff Zeleny and Jim Rutenberg, "Biden and Ryan Quarrel Aggressively in Debate, Offering Contrasts," *The New York Times* (October 11, 2012), accessed June 15, 2013, available at: <http://www.nytimes.com/2012/10/12/us/politics/biden-and-ryan-quarrel-aggressively-in-debate-offering-contrasts.html>.

to the eyes of biblical “faith seeking understanding” and, possibly, accessible to the disinterested secular mind as well.

On the other hand, we could begin with a much more immediate, tangible principle knowable by unaided reason: the reality of “mimetic desire.” What is mimetic desire? Girard has adopted this phrase to suggest a continuity between his work and the ancient Greek exploration of theater. In his *Poetics* Aristotle points out that man is the most mimetic of the animals. Girard suggests that man is the one who imitates *desire*. We desire what other people desire or appear to desire.

What is the evidence for this claim? The easiest proof of mimesis comes from watching little children. They want to do what their parents do. Education into language, manners, culture as a whole is fueled by the child’s carefree imitation of his parents and other models.

When we turn to the countless marketing strategies in contemporary commercials, we see that this mimesis is tied to things beyond what we simply need in order to live in society: we also imitate *unnecessary* desires. Billions of dollars are spent to allow you to see a famous person desire the product that the advertising product wishes you to buy. If desire were not mimetic, why would these companies pay so much money to celebrities to portray a desire for the product?

It can be all fun and games until someone gets hurt. Let us return to the children in the playroom. Little Johnny and little Billy are playing in a room with ten toy trucks. Johnny reaches to play with the one and only green truck. Will Billy adapt a social contract with Johnny and agree to let green go to Johnny while Billy plays with red? Hardly. Anyone who works with children knows what is about to happen. Billy will also want the green truck. Conflict ensues.

In this way we discover one of the most important anthropological insights from Girard: mimetic desire is often a source of conflict. The desire to “become the other” can simultaneously be the desire to “overcome the other.” The model becomes the rival if the object desired cannot be shared. At its core, mimetic desire is a desire to become the role model: we seek to obtain the other person’s prestige, aura, or “being” by striving for what that person strives for. This relation to the model can be one of humble and patient waiting to receive through sharing (if the object of desire can be shared), or it can be a proud and aggressive attempt to acquire through stealing from the other (especially

if the object of desire *cannot* be shared).

Where is this best represented? For Girard, it is in literature, especially Shakespeare. Let us take the plot summary of one of Shakespeare's early plays, *Two Gentlemen of Verona*. To avoid bias, I will let the current "Online Sparknotes" speak. In particular, consider the website's description of a scene in Act II:

When Proteus arrives, Valentine introduces him to Silvia. Silvia and Thurio exit promptly. Valentine admits to Proteus that he has fallen in love, despite his past criticism of Proteus for succumbing to a woman's sweet ways. Valentine presses his friend to admit that Silvia's beauty is divine and exceeds that of any living woman, but Proteus refuses to concede. Valentine confesses that he and Silvia are betrothed and that they plan to elope that night; he has a ladder made of cords and plans to climb to Silvia's window and ferry her away. Valentine asks Proteus to advise him about the plan, but Proteus weakly invents some pressing business. After Valentine exits, Proteus admits that he, too, has fallen in love with Silvia, having all but forgotten Julia in the face of this more beautiful competitor. Proteus ominously says that because he loves Silvia so much, he cannot love Valentine at all.⁹

The storyline is obvious – even trite. The skeptic will argue that Proteus has really become physically attracted to Sylvia for her own beauty. In fact, Sparknotes seems to suggest that this is the cause: "having all but forgotten Julia (his former love) in the face of this more beautiful competitor." But Proteus clearly knows that Sylvia is "just as fair" as Julia (II.4.861). Shakespeare is drawing attention to the fact that Valentine's desire for Sylvia is what stirs up Proteus's desire (just like Proteus's desire for love stirred up his). A general perusal of Girard's *A Theater of Envy* should convince anyone that this plot is *all over* Shakespeare's comedies and tragedies. Two men desire the same women because they imitate each other's desires. According to Girard, *A Midsummer Night's Dream* sums up the whole process by the line: "O hell! to choose love by another's eyes."¹⁰

Whereas mimetic conflict can be staged theatrically in line with

⁹ Sparknotes, "The Two Gentlemen of Verona Act II, Scenes iii-iv," accessed June 17, 2013, <http://www.sparknotes.com/shakespeare/twogentlemen/section4.html>.

¹⁰ See René Girard, *A Theater of Envy* (South Bend IN: St. Augustine's Press, 2004), pp. 72-80.

comic effects, the most realistic end of this type of human interaction is tragic: mimetic conflict quickly leads to violence. The love that draws a man (or woman) to imitate his (or her) model can easily become hatred when that imitation ends in conflict over an object that cannot be shared (like a romantic or sexual mate).

Girard has also been able to show that the great writers (Cervantes, Flaubert, Proust, Dostoevsky, and so on) are suggesting something deep and profound about human nature that goes beyond their need to entertain their audience. These writers are holding a mirror up to life more accurately than others, for they reveal the “conflictual” nature of mimesis and the ultimate groundlessness of the violence and hate that ensues.¹¹

For the purposes of this paper, there is one more point to make. We must unpack the *phenomenology* of mimetic rivalry: What does the world *seem* to be for one who is under the throes of mimetic conflict? There are two things that need to be stressed. First, for the “mimetic subject,” the model/rival *appears* to be the source of conflict. Second, the model (although admired and imitated) *appears* to be more and more “other” from the self. These two points are, of course, based on (self)-deception. The reality, to be sure, is that the personal subject of the desire was the one originally drawn to imitate (and, thus, more significantly, he is the primary source of the problem). As rivalry develops (and perhaps the model begins to imitate the subject’s desire too), the two look more and more alike from the outside.

Girard spent several years in academia working with this idea. Had he only discovered mimetic desire and mimetic rivalry, he would have been a worthy intellectual for all time. In fact, he had already found the anthropological teaching of Jesus Christ. Christ offers a message of the Kingdom of God that entails following, abiding, imitating Him as the Good Shepherd whose desire for the heavenly Father is one that leads to life free from conflict. Girard explains:

Why does Jesus regard the Father and himself as the best model for humans?

¹¹ See René Girard, *Deceit, Desire & The Novel: Self and Other in Literary Structure*, trans. Yvonne Freccero (Baltimore MD: The Johns Hopkins Univ. Press, 1965).

Because neither the Father nor the Son desires greedily, egotistically. God “makes his sun rise on the evil and on the good, and he sends his rain on the just and on the unjust.” God gives to us without counting, without marking the least difference between us. He lets the weeds grow with the wheat until the time of harvest. If we imitate the detached generosity of God, then the trap of mimetic rivalries will never close over us. This is why Jesus says also, “Ask, and it will be given to you.”¹²

In this way Girard developed a crucial hermeneutical tool for Christian living. Yet, it could be argued that his insights into mimetic desire were already known by many of the great saints of the Church. Augustine’s *Confessions*, for example, involves a tremendous display of mimetic desire at work in the life of the pilgrim’s journey to God.¹³

In examining the value of mimetic desire as an explanatory matrix for interpreting human nature and culture, Girard was also able to discover the secret and hidden explanation of the origin of religion and culture. Taking mimetic rivalry and its phenomenological elements to the study of myth, archaic rituals, and practices, he discovered a whole world of mimetic conflict and representation that was at once brilliant and imperfect. Myths of cultural origin, he realized, were the expressions of groups trying to recount their experience of group mimetic violence and its resolution.¹⁴

Following the trail of such phenomena as strange prohibitions against twins, bizarre myths recounting both the awesomeness and evil in the gods, and rituals entailing carefully ordered violence in animal and human sacrifice, Girard saw that archaic man was constantly concerned with the effects of mimetic desire in its most extreme form: reciprocal violence.

If desire is mimetic and sometimes conflictual, then conflict is at

¹² René Girard, *I See Satan Fall Like Lightning*, trans. James G. Williams (Maryknoll NY: Orbis Books, 2001), p. 14.

¹³ See, e.g., Wolfgang Palaver, *René Girard’s Mimetic Theory*, trans. Gabriel Borrud (Lansing MI: Michigan State Univ. Press, 2013), pp. 88-90.

¹⁴ The primary source for understanding Girard’s discovery of the scapegoat hypothesis is *Violence and the Sacred*. However, *Things Hidden since the Foundation of the World* and *I See Satan Fall Like Lightning* are also very helpful summaries of Girard’s overall approach. The rest of this section is my summary of some of the insights from those books.

the heart of all human relations. Moreover, in ancient societies with limited external justice systems (often regulated only by blood feuds), the appearance of any violence on the scene would be tantamount to a threat of total annihilation. Violence, like a plague, always had the chance of spreading totally through a tribe or set of tribes and eliminating all within in it.

Given this reality, it seems impossible that any group of early humans could survive runaway reciprocal mimetic violence when it spread within a clan. Here, Girard realized, was the importance of sacrifice from an anthropological level. Sacrifice was the clan's arena through which collective violence could be channeled onto a surrogate victim so that internal rivalries could be healed at the expense of another. Regardless of the nature of the sacrificial object, such ritual seemed designed to allow mimetic violence to build up and then find catharsis through the violent immolation of the victim (or offering). The object, in a sense, was less important than the collective expulsion (experienced by all – or by key figures – of the group).

But what caused the group to learn about such a method in the first place? Girard saw that, in order for man to develop sacrifice, there had to be a source and model for the collective action. Only something given and almost unconsciously experienced could explain it. The myths and strange prohibitions were the key. The myths showed some memory of chaotic violence and resolution and a god who was both guilty of the violence and capable of bringing about the peace. The prohibitions showed bizarre irrational fear of twins, menstrual blood, “taboos,” and so on. What must have been behind the emergence of sacrificial culture was an event that was not fully understood but seemed to be divine in origin. Girard posited the scapegoat mechanism.

For Girard, early man would not have been able to sit down at the United Nations and draft a charter for avoiding collective violence against victims. Rather, everything would have been given over to a collective experience that the world had come to exist out of chaos – violent chaos – and the god (or gods) were to blame – and to thank for this. What the mimetic hypothesis demands is that runaway violence often ensued in archaic clans, tribes, and cultures. But at the zero point of culture-disintegrating violence the mimesis allowed the mob to find a surrogate in an arbitrarily chosen victim on which to hurl and polarize

the violence. In the mind of the group, the victim was the cause of the peace, but because of the deceptions wrought by rivalry this victim was also remembered as the one guilty of causing the violence in the first place.

In the phenomenology of mimetic rivalry, the nature of rivalry is one that distorts reality in the mind of the imitating rival. The model who once appeared as good, loveable, and imitable now appears as hateful – the “other” – and the cause of all trouble. Imagine this on a collective and extreme scale. Is it hard to imagine that groups given over to imitating each other’s violence will see each other as hateful, the source and cause of all the evil in their midst? If in the collective urge of mob violence they all descend on the same victim (for mimesis demands as much), is it hard to imagine that they will collectively remember that victim as the one who brought the violence in the first place? After all, killing him brought us such peace.

So, at the dawn of culture, for Girard, is the reality of collective violence channeled “miraculously” onto a victim who is remembered as both guilty of the ills of the people and the one who brought the peace. The victim is remembered as a god. This is why Girard’s first work in anthropology was entitled *Violence and the Sacred*.¹⁵ Violence, he saw, was the secret heart and soul of the primitive sacred.

And yet, it was not fully understood! The group that returns from its cathartic collective violence against the victim at the end of a near catastrophic scene of runaway internal collective violence has scattered and distorted memories. The memories themselves have been distorted by the throes of rivalry experienced by each member. Perhaps there is a pile of rocks, a dismembered corpse, a cliff. These are all the fragments that enter into myth.

The Scapegoat

The word in English that sums up this entire process is *scapegoat*. To understand and meditate on this word is enough to get the entire project of Girard – everything he has written from his first plunge into anthropology to the present. The *Merriam-Webster Online Dictionary*

¹⁵ René Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore MD: The Johns Hopkins Univ. Press, 1977).

defines the word as follows:

1: a goat upon whose head are symbolically placed the sins of the people after which he is sent into the wilderness in the biblical ceremony for Yom Kippur. 2a : one that bears the blame for others, b : one that is the object of irrational hostility.¹⁶

This definition tells us something very important about the use of this word and its etymology. First, the very existence of the word “scapegoat” tells us that our world is aware of collective acts of persecution in which one “bears the blame for others.” Second, this word exists only because of the Bible. From Leviticus, ch. 16, we learn that the word has its origins in the ancient Israelite Yom Kippur ritual. In the Christian West the word has come to mean more of a general process of spontaneous or calculated victimage: the “blame game.” For Girard, the biblical texts and tradition are unique in world religious history, for they take the side of the victim against the crowd and ultimately reveal the whole scapegoat mechanism in the Gospels. Girard explains further:

According to the Japanese anthropologist, Masao Yamaguchi, there is no word in Japanese to translate the modern meaning of “scapegoat.” The merit of this conjunction is that it reveals a very widespread intuition that ethnology and the sciences of man have never officially recognized: there is a relation between the forms of ritual and the universal tendency to transfer anxiety and conflict on to arbitrary victims.¹⁷

At the risk of distorting the full message of Girard and the radical centrality of the biblical texts in the unfolding of this awareness, let us pause and note the importance of our very awareness of scapegoating. Who was crying scapegoat at the scene of the human sacrifice in ancient Aztec-land? Who cried scapegoat in any human sacrificial ritual of antiquity (Greek *pharmakos*, Tupinamba cannibalized victim, and so on)? Who ever began to cry scapegoat until the emergence of the

¹⁶ <http://www.merriam-webster.com/dictionary/scapegoat>.

¹⁷ René Girard, *Things Hidden since the Foundation of the World*, trans. Stephen Bann and Michael Metteer (Stanford CA: Stanford Univ. Press, 1987), p. 131.

enlightenment or the emergence of the rights of man? Girard explains:

The double meaning of the English term “scapegoat” is found in the French *bouc emissaire*, the German *Sundenbock*, and in all modern Western languages. Ultimately everything we say here is an attempt to understand the semantic evolution of the word and evaluate its impact. Our whole hypothesis has existed silently in common language since the emergence of what is called rationalism.¹⁸

This is a huge clue with which to approach our own times. We live in a culture that has gained awareness of the scapegoating phenomena and the “voice of the victim” in a way that no other in human history has. Indeed, this is the essence of the Enlightenment’s greatest truth: the rights of man are felt, proposed, proclaimed at the moment that witchcraft and religious persecutions are being demythologized by the European and American intellectuals analyzing them. Nothing is more hideous to the Enlightenment mind than irrational scapegoating: the projection of one’s own ills onto an innocent victim. Euan Cameron makes the following important observation:

The Enlightenment critique of “superstition” drew on, and consciously echoed, much of what had already been said about the wrongs of traditional Catholicism by Protestant theologians and by Renaissance humanists before them. However, Enlightenment thinkers did not confine their criticism to “superstitious” priestcraft. They balanced that critique with censure of dogmatic militancy in all its forms, including those of doctrinaire or sectarian Protestantism. The various follies of religion gone wrong shared the same basic vice: they led to partisanship, violence, and a neglect of basic ethics. Honoring God could not justify dishonoring the human being. Consequently wrong belief was necessarily located in human folly and ignorance, absolutely not – as for the developed Reformation critique – in demonic deception. It was not just philosophes, but many clergy of whatever stamp, who embraced such views, and therefore in a sense suspended much of their confessional identities in the interests of “rational” religion.¹⁹

¹⁸ Girard, *Things Hidden*, p. 132.

¹⁹ Euan Cameron, *Enchanted Europe: Superstition, Reason and Religion 1250-1750* (Oxford UK: Oxford Univ. Press, 2010), Part IV: introduction, Google books, accessed June 24, 2013, <http://books.google.com/books?id=roMIOGYH7SAC&printsec=frontcover&dq=euan+cameron+enchanted+europe&hl=en&sa=X&ei=36TIUbXuL6aO0QH2t4CYCA&ved=0CC8Q6AEwAA>.

Let us also listen to Girard on this one, lest we see the Enlightenment only in decoding religious violence:

In France humanism developed in opposition, of course, to the Christianity of the prerevolutionary regime, which was accused of complicity with those in power, and quite rightly so. From one country to the other the sudden turns of fortune are different, but they cannot conceal the true origin of our modern concern for victims; it is quite obviously Christian. Humanism and humanitarianism develop first on Christian soil.²⁰

Thus modernity is both anti-Christian and anti-scapegoat. Girard suggests that this is implicitly a contradiction, for Christianity IS anti-scapegoat. As the Gospels put it, “whatever you did for one of the least of these brothers and sisters of mine, you did for me” (Mt 25:40). Christianity is the condition for the possibility of our ability to proclaim and denounce scapegoats. The word is biblical; the culture developing the concept is Judeo-Christian.

Yet, it matters little what label one takes in the modern world (from atheist to Christian) in the game of scapegoating. Anyone can do it, and anyone can be freed from it. Judeo-Christianity posits a unique relationship with a source of divine power (in word and gift) that can help this process of living free from scapegoating, but our culture itself also has means of generating the “compassion for victims” in the hearts of anyone. Thus, Ghandi can look more anti-scapegoating than all of his so-called Christian adversaries.

Abortion and Scapegoating

Where does abortion fit in here? First of all, we need to choose a method for examining abortion in light of Girard’s discovery of the origin of religions. I propose a concession-assertion method designed to tease out agreement and disagreement between the two realities.

Let us begin asking the question: in what sense is abortion *not* an act of scapegoating? Abortion is not scapegoating in the sense that it is usually the act of an individual (or a very small number of

²⁰ René Girard, *I See Satan Fall Like Lightning*, trans. James G. Williams (Maryknoll NY: Orbis Books, 2001), p. 163; see also pp. 166-68.

collaborators). Moreover, abortion is usually calculated. It requires trained professionals, a chosen day of operation, deliberation, and so on. Thus, it is – or at least can be – a free act, with conscious awareness. Finally, there is a complex set of reasons and situations that moves people to justify the abortion.

In what sense *is* it scapegoating? It is so in the sense that abortions always entail an innocent victim who becomes “worthy of death” for various reasons. In the rape/incest situation the only reason given is the sins of the father projected onto the baby. In some cases the reason given is that the mother will suffer psychologically if she brings to term a rape-induced baby. But this amounts to the same thing. The source of psychological ill at the reality of a rape-induced baby is precisely the rape. It has nothing to do with the baby.

This analysis suggests that abortion fits more in line with what Girard would call sacrifice: the ritualized repetition of an original act of violence. But to what extent, then, is it such a ritual? Again, on the one hand, it is *not* a repetition of any particular “founding murder.” In fact, each abortion seems to exist in an isolated world of individual choices and circumstances, divorced from any culturally enhancing ritualized effects. Moreover, there is no necessary public or divinized quality to this act. It is private. It is culturally unknown.

At the same time, many aspects of the abortion culture look ritualized. Here, it seems best to follow the lead of Bernadette Waterman Ward and of Paul Swope. Ward’s essay in the 2000 edition of *Contagion* makes a very strong case for the thoroughgoing sacrificial quality of the abortion culture (from a Girardian perspective). At the core of her analysis is the following:

However, such support of “choice” is for the theoreticians of the movement. Most mothers who actually abort do so because they feel they have no free choice. They are under a terrible compulsion, and the compulsion is not physical. Paul Swope’s brilliant article in *First Things* described how, although aborting women may know that it is irrational to think so, motherhood seems “equivalent to a ‘death of self’ ..., a complete loss of control over their present and future selves. It shatters their sense of who they are and will become.... The choice of abortion becomes one of self- preservation” (Swope, p. 32). Almost 90% of women who abort do so because they seek the approval of someone else – “to please or protect someone else” – because they feel that in order to have a self they must comply with some other human being’s desire (Mathewes-

Green). All of the pro-choice women in Swope's cited study believed that abortion was killing, but "that is a price a woman in that situation is willing to pay in her desperate struggle for what she believes to be her very survival" (Swope, p. 33). Abortion appeases mysterious forces that threaten a woman not physically but spiritually, with the extinction of her being. If she just accepts a few minutes with a knife or a suction machine, no worse fate can pursue her.²¹

If the Swope/Ward approach is correct, abortion is often chosen in a fully sacrificial mindset. Yes, it is killing. But the sun must rise tomorrow. If the child lives, my world will die: that is the logic of abortion, and it is the logic of archaic sacrifice. Paul Swope's point seems to cement this claim:

Unplanned motherhood, according to the study, represents a threat so great to modern women that it is perceived as equivalent to a "death of self." ... This is because many young women of today have developed a self-identity that simply does not include being a mother. It may include going through college, getting a degree, obtaining a good job, even getting married someday; but the sudden intrusion of motherhood is perceived as a complete loss of control over their present and future selves. It shatters their sense of who they are and will become, and thereby paralyzes their ability to think more rationally or realistically.²²

But let us turn to an important caveat in Swope's analysis. He concludes: "the means shown here for developing an effective strategy to reach women are not necessarily transferable to strategies intending to effect political and legislative change."²³ It is to these considerations, then, that this essay turns.

The Political Rhetoric

In order to begin a new type of political rhetoric (rather than the one that is commonly used), I would like to consider a thought experiment. Consider the case of a pro-choice politician who accuses his

²¹ Bernadette Waterman Ward, "Abortion as a Sacrament: Mimetic Desire and Sacrifice in Sexual Politics," *Contagion: Journal of Violence, Mimesis, and Culture* 7 (2000): 26.

²² Paul Swope, "Abortion: A Failure to Communicate," *First Things* (April 1998), accessed June 18, 2013, <http://www.firstthings.com/article/2008/11/004-abortion-a-failure-to-communicate-49>.

²³ *Ibid.*

pro-life opponent of inhumanity for not even wanting the rape/incest exception. At this point, the pro-life advocate asks whether the law can allow scapegoating, discrimination, racism, sexism and homophobia?

If the floor is still open, so might be the door to new discourse. All of the above examples entail unfairly blaming an innocent person for a crime he/she has not committed, or worse, hating a person for no crime at all! But the reply, if effective, could lead toward a connection that is more definitive than rights-language can give us. The platform might be open to suggest the question: Can we hate a child because his father is a rapist? In these abortions, after all, our hatred of children is based on the same mechanism that generates racism, sexism, and so on.

In an ideal situation, the pro-life politician would be able to grab onto an “-ism” word as effective as racism or sexism to describe the scapegoating inherent in abortion. Baby-ism? Fetus-ism? Unborn-ism? I don’t know. This needs more time and development, but the Girardian hypothesis explains why the critique of sexism, racism, and homophobia have worked in our world. The same should be the case for the victims of abortion.

To be sure, I am not sure how frequently this approach could work. Yet it seems to put the rhetoric on a much more sound playing field for the pro-life table. Once the words like discrimination, scapegoating, victimage, sexism, racism, and the like are out there, people have to respond to what they know is fundamentally true. The word “rights” does not do that as well, perhaps – especially if the “choice” appears to be between two (or more) types of rights.

Let us unpack this situation a little more. The person who proposes the rape/incest exception must assume at least two things. First, one must hold that the fact that a woman has been raped makes barring her from abortion *less* reasonable. Second, such a person must think that rape and incest are *more* significant reasons to allow access to abortion.

It follows from these two assumptions that the political platform in favor of abortion links the cause of the pregnancy to the cause of its termination. More precisely, the cause of the pregnancy “has something to do with” whether or not the child should live or die. And the more hideous the cause, the more likely it is that the child should die.

If we were to bracket out “rights language” for a moment, this analysis of the cause of pregnancy and its presumed link to killing the

child is still undeniable. Moreover, the *a fortiori* aspect of the rape/incest exception proves that the thinking through of this connection (cause of pregnancy and killing of child) is a connection that undergirds the entire premise (or at least a huge amount) of pro-abortion platforms.

If this can be stated in political rhetoric, one opens up the possibility of positioning *abortion itself* as sexist, racist, homophobic violence, for it stems from the same source as all scapegoating: the desire to kill a victim to bring “worldly” peace to a situation.

Do we believe that children should be punished for their parent’s crimes? Can the killing of an innocent person cancel out the guilt of another? Can we hurl our problems onto scapegoats? In many other examples of our culture we say emphatically “no!” to this. Who today supports lynch mobs that persecute either black people or the Matthew Shepherds of the world? Who condones domestic violence against innocent women? Who is looking to rebuild Auschwitz?

A Girardian rhetoric allows us to consider the problem of abortion from the standpoint of the victim and allows for taking the rape-incest exception as proof that abortion is always about killing a child for a crime he or she has not committed. Whereas many people feel uncomfortable challenging a rhetoric of “women’s rights,” no one wants to stand up in defense of the “rights of the scapegoater” (or the rights of a sexist, racist, homophobe, and so on).

The Girardian approach here allows us to see that rights language in this case can easily go astray. In fact, one almost senses that, if it only comes down to rights, the battle will be little more than a glorified mimetic rivalry in the public square. But if the natural law arguments for intrinsically evil acts (regardless of circumstances) seems to wane while pundits bring out more and more difficult cases, why not try turning the table on those who elevate the exceptional cases? The movement to exceptional cases will always have the logic of sacrifice in it. The child will always be asked to atone for the sins of the community.

Let’s take this discussion – or thought experiment – one step further. If Girard is correct, much of the very ground of rights language – much of the ethos of Western civilization as we know it – is based on the unmasking of the illusions of scapegoating, the gradual process of speaking out for innocent victims who previously were believed to be guilty (or “worthy” of expulsion/death).

The second goal of political abortion rhetoric, then, is to find ways to bring out this dimension of history into the dialogue. For those who challenge the claims to scapegoating in abortion, one can offer the point that modern society – at least from the Enlightenment on – rests on the critique of irrational religious persecution and witch trials. The spirit of the eighteenth-century “Age of Reason” gave birth to various declarations of rights: our most famous being the Declaration of Independence prologue and the Bill of Rights. Here the opportunity presents itself to reflect on the very meaning of American discourse, a space deeper than the rights presented in “strict constructionist” arguments of our time (however logically sound and valid these may be).

At the core, the American polis stands to hear that something else is at work than just a few *philosophes*, deists, and clever colonists. The birth of American freedom is not an isolated event; it stands in the line of a long process of European development of culture ever more free from various forms of scapegoating. To legalize scapegoating is not simply contrary to most American jurisprudence. Rather, it goes against the very fundamental force at work in bringing the idea of America into existence at all. To legalize rape/incest abortion for the sake of its hideousness is to legalize the killing of innocents for the crimes of others. It is to legalize the very process of victimization that Europe and America worked so hard to end over the centuries.

Consider this dialogue: The proclamation is made that at least the woman who has been raped should be allowed to abort. A response could be: “Well, in the witch trials at Salem, they had a legal process of discernment. If we put the baby on trial, would that baby deserve death?” This is a risky and, perhaps, even crude response. But it might get the ball rolling toward a link between the scapegoating that everyone condemns (i.e., burning so-called witches) and the current type that only some condemn (i.e., abortion).

In this light, we see a couple possible approaches to responding to the rape/incest exception that could turn the tables on the whole entire abortion project. This could amount to a Girardian “deconstruction” of abortion rhetoric from the standpoint of the innocent victim.

Objections and Replies

A few objections remain. What if the dialogue is reduced to purely utilitarian categories: I do not want this baby because I do not want this baby. I calculate more happiness in my life without a baby than with one right now. The response here might be: why the rape/incest *exception*? If everything is purely subjectivized pleasure, there is no ground for exceptions. Everything is, in a sense, “up for grabs,” and no one killing can be seen as more *objectively* beneficial than another. Moreover, if laws about life and death are simply based on people’s pleasure, then we have reached a space more hideous than Aztec human sacrifice. Surely there is no one who will at the end of the day agree to killing innocent children *because it feels good!*

A more challenging objection is the psychological one. Easily one can see that suffering rape or incest or other forms of sexually deviant behavior can result in deep-seated psychological trauma. This suffering can in fact be exacerbated by the presence of the child who reminds the mother of her assailant.

But what kind of psychology is it that seeks “catharsis” through the killing of an innocent victim? Here Girard is undeniably more effective than the object-centered rights theorists. To speak of a positive psychology that arises from the hurling of one’s problems onto an innocent baby and, through killing the baby, experiencing catharsis is the epitome of bad psychology. Nothing could be worse for a person than to do so, for now the victim herself has become a murderer. The crime itself remains un-assuaged with a new one piled on. If there is any value in common decency we must speak out against a psychology of the scapegoater. Nothing presents itself as more evil than these words: “Here, kill this innocent baby, and you will feel more at peace with the crimes around and within you.”

A “traditional” objection might come from the violinist example in Judith Jarvis Thompson’s famous 1971 article:

You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist’s circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. [If he is unplugged from

you now, he will die; but] in nine months he will have recovered from his ailment, and can safely be unplugged from you.²⁴

In this situation abortion is seen as a “letting-the-patient-die” rather than killing him. This is like the case when one has foregone excessive means for preservation of life and, thus, dies licitly without euthanasia. More precisely, it is an attempt to use the principle of double effect (which *is* legitimate and appropriate in, say, ectopic pregnancy) to justify direct killing of the innocent (which is never licit).

What has taken over in this objection? Although the most immediate answer within the moral philosophical context is that there is a difference between directly killing and letting someone die, one might also point out that there is a difference between undoing an unnatural medical life-saving device and mutilating the internal organs of a human mother and/or child. Finally, though, one is hard-pressed to imagine a more vilified and inhumane view of motherhood and pregnancy than this one.

But there are currently in our world more hideous views of pregnancy than this one. The baby, to some, is seen (in more grandiose proclamations of pro-abortion rhetoric) as a *parasite*. Peter Baklinski writes, “A standard pro-abortion argument hinges on the premise that a baby inside his mom’s womb attacks her bodily integrity. The developing baby is seen in this light as an intruder, a parasite, a threat to the woman’s autonomy. From this perspective the pregnant woman is viewed as being occupied. The only way she can continue to exercise her interest in bodily integrity, the argument goes, is to be liberated through the termination and expulsion of the invader.”²⁵

An appeal to science can be helpful here, as we find a much more enriching and positive symbiosis in pregnancy than in, say, tuberculosis infection.²⁶ Nevertheless, the *telos* of this particular argument (from

²⁴ Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy & Public Affairs* 1/1 (1971): 48-49.

²⁵ Peter Baklinski, “Unborn Child Just a ‘Parasite’? Cutting Edge Science Shows Fetal Cells Heal Mother for Life,” *LifeSiteNews*, accessed June 18, 2013, <http://www.lifesitenews.com/news/unborn-child-just-a-parasite-cutting-edge-science-shows-fetal-cells-heal-mo/>).

²⁶ *Ibid.*

violinist to parasite) is entirely predictable within the Girardian framework. Of course the abortionists have landed here: their scapegoat must be demonized. Did slave-holders like thinking that Africans were fully human? Did Nazis like thinking that Jews were fully human? Everyone is aware of the demonizing cartoons and portrayals of these groups during their persecutions. The same holds for the unborn today. They are scapegoats, and scapegoats can only be victimized if their persecutors hold them as monstrous others.

The response here, then, is obvious. What kind of a mother sees her child as a monster? What society treats its babies as monsters? How can we continue to allow people to kill children just because they convince themselves that people are parasites? In fact, one of the pamphlets under Nazi propaganda was entitled: “*Der Jude als Weltparasit*” (The Jew as World-Parasite).²⁷ It is precisely at the moment when we begin calling humans parasites that we have descended to the most obvious form of scapegoating (ill-)logic.

A final objection, it seems, might be one in which the pro-choice position claims that the woman herself is a scapegoat. Indeed, as victim of a crime, she in many ways is. Moreover, to deprive her of a “choice to abort” can seem to be hurling stones at her. This can be a difficult objection because it entails much truth. How to respond?

First, it cannot be said that a victim of scapegoating can find real peace through scapegoating another. This is like letting the bullied child at school take a free punch at a shorter and smaller innocent kid in order to “feel better.” Thus, the fact that the woman is a victim of a crime that led to the pregnancy is a fact different from the existence of the human being in her womb. A politician *must* be prepared to distinguish rhetorically between crimes that can result in pregnancy and the crime of ending pregnancy through abortion.

Second, it is simply false to claim that a woman who gives birth to a child is a victim of scapegoating. If we land here, then we have completely lost our grip on logic and the meaning of terms. To give life and support life is the complete opposite of scapegoating!

²⁷ Calvin College, “German Propaganda Archive,” accessed June 18, 2013, <http://www.calvin.edu/academic/cas/gpa/weltparasit.htm>.

Conclusion

With Girard, we find ourselves at the door of a sea-change in prolife rhetoric. Rather than argue incessantly to defend the right to life of a full human being when called upon to challenge “reproductive rights,” “right to choice,” and so on, the rhetoric of abortion plants its own seeds of self-destruction if read from the standpoint of Girard’s anthropology. The rhetoric of abortion is the rhetoric of the scapegoater. This best of all explains why the rape-incest case is an exception that proves the rule and why the whole project of demonizing babies is a flawed venture from the beginning. Abortion is completely at odds with American ideals as well as the good aspects of the Enlightenment because it returns us to the same warped thinking that killed innocent women as witches. Without abandoning its conviction in the inviolable right to life of every innocent human being from conception to natural death, the prolife movement can gain greater ground by seizing on the rhetorical options opened up by the Girardian discoveries of scapegoating at the origin of sacrifice and archaic religion.

Because those who would argue that there should be an exception to the illegality of abortion in the cases of rape or incest are actually arguing that an innocent child should be allowed to be killed for the crime of his father, the Western Judeo-Christian tradition (and still very-American language) of defending the scapegoat should be developed more here. It is not simply the case that the child has a right to life that trumps the mother’s right to choose! Instead, the child is a gift who can either be scapegoated by a culture of death in an act of archaic sacrifice or embraced by a culture of life willing to open itself up to self-sacrificial love.