

## ADVOCACY FOR "THE RIGHTS OF....":

## THE CASE OF HUMAN FERTILITY

ELLIOTT THINKSHEETS

309 L.Eliz.Dr., Craigville, MA 02636

Phone 508.775.8008

Noncommercial reproduction permitted

Consider two expressions in one sentence: *Look at it this way and everything will fall into place.* The first expression invites you to take a "stance" (ie, stand in a certain position so you're seeing things from that angle of vision, that coign of vantage, point of view, **viewpoint**). Now what are we into? Depending on your trade, you may describe it as the **psychology of perception** or, if you're a planner, as **situation definition**. The bio-base of this fact about humanity is that human vision, unlike that of certain multi-eyed insects, is (with a modest amount of peripheral vision) **unidirectional**: we see in one direction at a time, & grow in our **attentional power** (our self-discipline as to what direction we choose to look, increasingly aware that what gets our attention gets us & that we are responsible for our attending). (Techno-model: the astronomical telescope, which can be set to "follow," keep focused on, any "field," any area, any point in the sky.) Further, unlike insects, whose eyes are fixed-focus, our seeing is **varifocal**: within the area we choose to direct our attention to, we choose (again, with increasing power as self-discipline increases) what we focus on, on a continuum from wide to narrow. (Techno-model: the zoom lens, which does optically what we can do only by moving our skinbag forward or backward: it changes the **linear position** & thus, in effect, both the field-size & the object-size.) ....Why all this skinbag talk? So that in seeing we are less free than we thought, we can be more free. In seeing that **anatomy is destiny** (that our minds "see" on the model of our eyes), we can be more modest about our "ideas" (a Greek word for a "seeing," in this case of something invisible); & so that, in consequence, we can be "kinder, gentler" in discourse, in how we treat those who have the effrontery to disagree with us. Not wimps! Not copouts! We must be relentless against (1) those who, like Khomeini, the present tyrant of Iran, claim to speak for God absolutely instead of only relative to (a) their anatomy & (b) their self-positioning, their stance; & (2) those who, like Hindu & other mystics, claim access to a realm of experience that so transcends "lesser" experiencing, including thinking, as to render it irrelevant to "the truth." Watch out when folks go pontifical or mystical on you! Let them know how you "see" them!....The hotter the issue, the harder it is to practice what so far in this Thinksheet I've been preaching. Currently, the hottest issue is signaled by the word "abortion," a word too narrowly defining the issue, which most broadly put is "human fertility." In the terms of the anatomy of seeing, "human fertility" is the direction & field, & "abortion" is one, only one, only one tiny focal point within the field. Words have cost/benefit: the benefit of the word "abortion" is that it focuses decisionally on a single action within the field of human reproduction; the cost is that the sharp & narrow beam of this flashlight-word may seduce us (1) into exaggerating the importance of the act of abortion & (2) into being inattentive to other factors & to the concentric contexts of ethical decision-making....(Techno-model: the kaleidoscope, which delights by suddenly, as you slowly turn it, revealing a whole new mandala: at a certain point in the slow turning, gravity pulls the pieces of glass, as it were, over the cliff, & they fall into a new **pattern**, Gestalt. This, by reflex, tells us one additional fact about our seeing of visibles & invisibles, viz that it's patterned, & that both by what may be called a grammar of vision, a given essential structure [comparable, for our ears, to Noam Chomsky's grammar of grammar, the essential structure underneath & within all languages] & by our own personal perceptual history [we "see," "get," what we've seen before & through what we've seen before].)....Finally, thinking (= inner "seeing" by "theory" [another Greek word for seeing] + observation + testing + theory-revision) occurs within the limits of **metaphor** & **socio-model**. In this Thinksheet, the metaphor is the inferential extension of the notion of "rights," a notion that RHD2 says goes back only to 1895-1900. And the socio-model is the courtroom, in which various advocates present various "cases," "make a case for" various plaintiffs & defendants from the pertinent points of view using the weightiest arguments they can lay the hands of their minds on.

1. The lexicon of the current abortion debate includes the **jurisprudential** terms "advocacy" & "the rights of....": the courtroom model is a given. So let's look at it....The **philosophy of law** distinguishes right & rights, & also absolute ("unalienable," divine) rights and relative (alienable & negotiable) rights. Though pertinent to our issue, I only touch on them here. What I'm concerned to do now is to detail **courtroom rights**, viz those of: (a) society (to order for the sake of freedom); (b) the laws (to be obeyed as court-interpreted); (c) the judge (to "Order in the court!"); (d) the accuser (to press his/her case within the limits of the law); (e) the accused (to freedom from self-accusation [Miranda et al] & from torture, & to a fair trial); & (f) the court (that its sentences be observed by the litigants &, as may be necessary, effectuated by the police/military). Our Anglo-Saxon legal system processes **advocacy** on the playingboard or matrix of these interlocking rights. Evenhanded: no privileged advocacy or special pleading.

2. Jurisprudence being the social sphere of **ethics + power**, human fertility is legally processable only when persons (1) differ on an issue & (2) want to use legal force, rather than personal violence, to get their way. Since Christianity's fundamental way is persuasion rather than coercion, the NT tries to shame Christians against resorting to legal process against one another. But sometimes one is convinced one must go to court against some law (eg, M.L.King, Jr., those who won/lost Roe v. Wade) or in hope of legal precedent toward legislation. Note the ethical ambiguity of "abortion" in court: truth-right-goodness, instead of speaking to power, is the prize in the power-struggle: one side gets to force its definition of truth-right-goodness! Sisters & brothers, is there no better, "kinder, gentler" way?

3. Now let's transpose from the earthly to the heavenly court & ask **whose rights are at issue?** Obviously first the rights of **God the Judge**, the right to be adored-praised-glorified-worshiped & the right to our cooperation in the creation & maintenance of the maximum of sustainable human good within the biosphere. That description of God's rights entails that the second in rights-importance is the **biosphere**, our home & the home of all other known creatures, flora & fauna. Among all the creatures, the biosphere has claims only against homo sapiens, its only earthly threat & enemy. Within our powers, we are divinely commanded (Gn.2<sup>5-15</sup>) to cultivate it sustainably, leaving it not only undeteriorated but improved for our children's children. Third in rights order is **humanity**. In the 1960s, some of us were pressing to change hierarchies from God-church-world to God-world-church so that the church would understand itself as servant (roughly on the pattern of sequential love of God-neighbor-self). Updating that to the new environment-sensitive paradigm, we get God-biosphere-humanity-church as the ethical context for all human-fertility decision-making.

3. Politically, "rights" are selfstanding entitlements. Ethically, they are correlates of "responsibilities." When the focus is political, the issue is power-force-coercion, an essential but irresponsible reality. But in ethical focus one may & must speak, eg, of irresponsible breeding: procreation must be an increasingly limited right--in need increasingly of bioethical & biotheological definition. A gloomy prospect, in light of the fact that reason is so feeble up against the sentimental narcissism of our species. Will Christianity be more help or hindrance to biosphere-saving progress?

4. In our rights analysis we've come to the **individual/group** split. What are "the rights of **nations**" vis-a-vis procreation? The rights of **ir/responsible individuals** (the latter having more rights than the former)? The rights of the **pregnant** (proclaimed by the "pro-choice" advocates)? The rights of the **impregnator**? of the **grandparents** of the fetus? of the **ancestors** who are invested in this particular flow of flesh? of the **genome** or **genotype** (the fetus, which some claim to have rights)? the **genes** (whose pressure to reproduce themselves some are saying is the biological essence of the sex drive)?

5. Let all\* the advocates speak their pieces! CBS/TV's "Ethics in America" panel on whether a dying woman has the right to refuse surgery to give birth (led by Harv.Law's Arthur Miller) was a **slim doughnut**. Nothing about either the inner contexts or concentric circles (God, biosphere). Nothing about the ancestors or the genes. We just must do better than that, & I hope the church will help.