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Egg Initiatives Crack Open the Case Against Women

By Gloria Feldt
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Activists in a handful of states are mustering ballot initiatives to give legal rights to fertilized eggs. Gloria Feldt says it's a golden opportunity to rally voters in the ongoing battle over women's right to their own childbearing decisions.

(WOMENSENEWS)--Every sperm is sacred when it has fertilized an egg, to paraphrase Monty Python's satirical lyric from "The Meaning of Life."

But all joking aside, the meaning of a woman's life will likely be before voters next year in states where efforts to grant legal personhood to fertilized eggs are on the ballots.

Colorado's proposed initiative extends the state's constitutional protections to "any human being from the moment of fertilization." The Colorado Supreme Court has approved that wording and it will appear on the ballot if it garners just 76,000 signatures.

Similar initiatives and referenda are in various stages of development in Michigan, Mississippi and Montana. And it's highly likely the wave will extend far beyond states that begin with "M."

If passed, women would become less than second-class citizens. Our status as persons would become legally subordinate to fertilized eggs even before a pregnancy is established.



Gloria Feldt

According to the Center for Reproductive Rights, the U.S. Supreme Court's *Gonzales v. Carhart* decision last April--for the first time giving more value to potential fetal life than to the pregnant woman's life and health--demonstrates that threats to federal protection for reproductive rights are real. The center's attorneys predict at least 30 states--including Colorado, Mississippi and Michigan--would outlaw abortion in a nanosecond absent federal restraints.

But I'm not ringing alarm bells.

Opportunity Knocks

I'm sounding the gong of opportunity. Fetal personhood initiatives could be the best thing since *Roe v. Wade* legalized abortion in 1973. Maybe even since *Griswold v. Connecticut* made birth control legal in 1965.

That's if, and only if, the pro-choice movement confronts the challenge head on and goes boldly toward a new moral rhetoric and legal agenda rooted in human rights.

Roe and *Griswold* based their expansion of women's rights on a presumed constitutional right to privacy which, though valuable and necessary, doesn't speak to higher-order ethics. So privacy isn't always sufficient to protect women's bodily integrity and moral standing in the law.

Let's face it: Weigh the moral scales of privacy against life and there is no contest. That's precisely why a woman's right to her own life in full, not just physical survival, must be given sufficient weight to tip the scales of justice to a human rights framework for reproductive self-determination.

The reason reproductive rights, including the right to choose abortion, are advancing in many--even unlikely and more religious--parts of the world like Mexico, Ethiopia and Portugal is because proponents of these advances are grounding their jurisprudence and rhetoric in human rights agendas.

Human rights also pack a more compelling moral punch than does the concept of choice. To me, "choice" means nothing less than the basis for all morality. But "choice" has been used for so long in a commercial sense (e.g., you get to choose the color of your lipstick) that its usefulness in arguing the meaning of life has been compromised.

U.S. women--once at the vanguard and now in danger of full retreat--must demand that our childbearing decisions are honored as ours--and ours alone--to make. The brazen clarity of the motivation of the egg-first push gives us a golden opportunity to affirm women's human rights and be resolute in expecting our society to display a sense of justice toward us.

Controversy Is Good

Having been in this battle for many years, I understand why the thought of fighting it out vote by vote over a subject many Americans would as soon not think about strikes fear into the hearts of veteran activists for a woman's right to choose.

There's no question such campaigns consume vast financial and human resources better spent providing reproductive health care and education. And it's always risky to pit the idea of "baby," to which people respond with unconditional love, against the idea of "woman," which they may say they value in the abstract but on a case-by-case basis judge rather harshly.

But controversy grabs public attention. It creates a platform for messages otherwise lost in media overload.

When an ambivalent electorate has had to grapple with such fundamental issues, time after time they have come down on the side of common sense, provided they have adequate information and courageous leadership willing to take a clear stand.

I learned this firsthand when anti-choice forces in Arizona (where I was then CEO of a Planned Parenthood affiliate) announced they were launching a 1992 ballot initiative to outlaw almost all abortions, "The Preborn Child Protection Amendment." Pro-choice hand-wringing was rampant. I predicted it would be the best organizing vehicle we could possibly have. Despite being outspent 4-to-1, we defeated the initiative 2-to-1 in a typically red state.

Last year South Dakota voters turned back their state legislature's draconian abortion ban, though by a much smaller margin, smaller in my view because the debate centered on circumstances justifying abortion rather than principles of women's self-determination.

Voters Reject Anti-Choice Measures

In between, almost every anti-choice ballot measure has been defeated by a vote of the people.

The same can happen in Colorado and the M-states and beyond, but only if the pro-choice movement embraces the opportunity and truly becomes the reproductive justice movement advocating for the human rights of women.

So far, reactions have been disappointingly mired in the ruts of old thinking.

"All fertilized eggs could use the courts, and that lays the foundation for a potential onslaught," a Colorado NARAL representative said.

Yes, a court quagmire could result. But the legal minutiae are not what matter most.

Nor should we give in to the very real temptations to treat the whole thing as a hoot. Yes, it's absurd to wonder about our new egg-dated birthdays and to point out that pregnant women

travelling overseas might have to get passports for their fetuses. It's somewhat more compelling to speculate that hormonal or intrauterine birth control would be criminalized.

Those approaches might win short-term victories, but over time they will push our rights to the vanishing point like Mum and Dad's 63 children in the Python spoof. The kids were eventually sold for medical experimentation because their parents, whose religious ideology deemed every sperm sacred, couldn't afford to care for them once born.

The newest ballot measures put the core question of the relative value of women and fetuses front and center. It's a public debate that, if engaged fully and courageously, will write a new refrain: Every woman's life is sacred.

Gloria Feldt is the co-author with Kathleen Turner of the forthcoming book "Send Yourself Roses," a political commentator, and former president of Planned Parenthood Federation of America.

For more information:

Hot Flash Report, "When is an egg not an egg," by Warren M. Hern, M.D.:

<http://www.hotflashreport.com/story/2007/12/4/2010/39288>

RH Reality Check, "Unsafe, Illegal and On a Prayer" by Cristina Page:

<http://www.rhrealitycheck.org/blog/2007/12/04/unsafe-illegal-and-on-a-prayer-the-no-ro-e-plan>

Center for Reproductive Rights Report: "What if Roe Fell":

http://www.reproductiverights.org/pub_bo_whatifroefell2e.html