

The Alienable Rights of Women

Reproductive freedom is on my mind. How could it not be? I'm a woman of reproductive age, and depending on where I live, my reproductive choices are limited.

Often, when I read the news, I have to make sure I am not, in fact, reading *The Onion*. We continue to have national and state debates about abortion, birth control, and reproductive freedom, and men, mostly, are directing that debate. That is the stuff of satire.

The politicians and their ilk who are hell-bent on reintroducing reproductive freedom as a "campaign issue" have short memories. Of course they have short memories. They only care about what is politically convenient or expedient.

Women do not have short memories. We cannot afford that luxury as our choices dwindle.

Politicians and their ilk forget that women, and to a certain extent men, have always done what they needed to do to protect

female bodies from unwanted pregnancy. During ancient times, women used jellies, gums, and plants both for contraception and to abort unwanted pregnancies. These practices continued even into the 1300s, when Europe needed to repopulate and started to hunt “witches” and midwives who shared their valuable knowledge about these contraceptive methods.

Whenever governments wanted to achieve some end, often involving population growth, they restricted access to birth control and/or criminalized birth control unless, of course, the population growth concerned the poor, in which case, contraception was enthusiastically promoted. Historically, society has only wanted the “right kind of people” to have a right to life. We shouldn’t forget that fact.

Here’s the thing about history—it repeats itself over and over and over. The witch hunts, and the demonization of contraception and abortion and the women who provided these services from the fourteenth and fifteenth centuries, are happening all over again. This time, though, the witch hunt is a cynical ploy to distract the populace from some of the truly pressing issues our society is facing: the devastated economy and a Wall Street culture that remains unchecked even after the damage it has done, the raging class inequalities and widening gap between those who have and those who have not, the looming student loan and consumer debt crises, the fractured racial climate, the lack of full civil rights for gay, lesbian, and transgender people, a health care system too many people don’t have access to, wars without cease, impending global threats, and on and on and on.

Rather than solve the real problems the United States is facing, some politicians, mostly conservative, have decided to try to solve the “female problem” by creating a smoke screen, reintroducing abortion and, more inexplicably, birth control into a national debate.

Women have been forced underground for contraception and

pregnancy termination before, and we will go underground again if we have to. We will risk our lives if these politicians, who so flagrantly demean women, force us to do so.

Thank goodness women do not have short memories.

Pregnancy is at once a private and public experience. Pregnancy is private because it is so very personal. It happens within the body. In a perfect world, pregnancy would be an intimate experience shared by a woman and her partner alone, but for various reasons that is not possible.

Pregnancy is an experience that invites public intervention and forces the female body into the public discourse. In many ways, pregnancy is the least private experience of a woman's life.

Public intervention can be fairly mild, more annoying than anything else—people wanting to touch your swollen belly, offering unsolicited advice about how to raise a child, inquiring as to due dates or the gender of the not-yet-child as if strangers have a right to this information simply because you are pregnant. Once your pregnancy starts to show, you cannot avoid being part of this discourse whether you want to or not.

Public intervention can be necessary because pregnant women must, generally, seek appropriate medical care. You cannot simply hide in a cave and hope for the best, however tempting that alternative may be. Pregnancy is many things, including complicated and, at times, fraught. Medical intervention, if you're lucky enough to have health insurance or otherwise afford such care, helps to ensure the pregnancy proceeds the way it should. It allows your fetus to be tested for abnormalities. It allows the mother's health to be monitored for the number of conditions that can arise from a pregnancy. If things go wrong in a pregnancy, and they can go horribly, horribly wrong, medical intervention can save the life of the mother and, if you're lucky, the life

of the fetus. Public intervention is also necessary when a woman delivers her child, whether by the hands of a doctor, midwife, or doula.

It is only after a baby is born that a woman might finally have some privacy.

And then there's the manner in which the legislature, in too many states, intervenes in pregnancy, time and again, particularly when a woman chooses to exercise her right to terminate. This choice increasingly feels heretical, or at least that is how it is framed by the loudest voices carrying on this conversation.

Since 1973, women in the United States have had the right to choose to terminate a pregnancy. Women have had the right to choose not to be forced into unwanted motherhood. Since 1973, that right has been contested in many different ways, and during election years, the contesting of reproductive freedom flares hotly.

Things have gotten complicated, in too many states, for women who want to exercise their right to choose. Legislatures across the United States have worked very hard to shape and control the abortion experience in bizarre, insensitive ways that intervene on a personal, should-be-private experience in very public, painful ways.

In recent years, several states have introduced and/or passed legislation mandating that women receive ultrasounds before they receive an abortion. Seven states now require this procedure.

States like Virginia tried to pass a bill requiring women seeking an abortion to receive a medically unnecessary transvaginal ultrasound, but that bill failed. The Virginia legislature subsequently passed a bill requiring a regular ultrasound, in a bit of bait-and-switch lawmaking. This bill also requires that, whether or not a woman chooses to see the ultrasound or listen to the fetal

heartbeat, the information about her choice be entered into her medical record with or without her consent.

The conversation about transvaginal ultrasounds has been particularly heated, with some pro-choice advocates suggesting this procedure is akin to state-mandated rape. That is an irresponsible tack at best. Rape is rape. This procedure—and legislation requiring this procedure—is something else entirely, although, I can assure you, a transvaginal ultrasound is not a pleasant procedure, primarily because there is very little that is pleasant about being half naked, in front of strangers, while being probed by a hard plastic object, at least within a medical context. A transvaginal ultrasound is a medical procedure that sometimes must be done, but we cannot even have a reasonable conversation about the procedure and its lack of medical necessity for women who want an abortion because the procedure is carelessly being thrown into the abortion conversation as yet another distraction tactic.

Restrictive abortion legislation, in whatever form it takes, is a rather transparent ploy. If these politicians can't prevent women from having abortions, they are certainly going to punish them. They are going to punish these women severely, cruelly, unusually for daring to make choices about motherhood, their bodies, and their futures.

In the race to see who can punish women the most for daring to make these choices, Texas has outdone itself, going so far as to require women to receive multiple sonograms, to be told about all the services available to encourage them to remain pregnant, and, most diabolically, to listen to the doctor narrate the sonogram.

This legislation designed to control reproductive freedom is so craven as to make you question humanity. It is repulsive. Our legal system, which by virtue of the Eighth Amendment demands that no criminal punishment be cruel and unusual, affords more human rights to criminals than such legislation affords women. Just ask Carolyn Jones, who suffered through this macabre ordeal

in Texas when she and her husband decided to terminate her second pregnancy because their child would have been born into a lifetime of suffering and medical care. Her story is nearly unbearable to hear, which speaks to the magnitude of grief she must have experienced.

Pennsylvania governor Tom Corbett supported legislation that will require women to get an ultrasound before an abortion. He suggested women simply close their eyes during the ultrasound. They will, apparently, let anyone run for office these days, including men who believe that not witnessing something will make it easier to endure.

Georgia State representative Terry England suggested—in support of HB 954, which would ban abortion in that state after twenty weeks—that women should carry stillborn fetuses to term because cows and pigs do it too. Then he tried to backtrack and say that's not what he meant. Women and animals are not much different for this man or for most of the men who are trying to control the conversation and legislation regarding reproductive freedom.

Thirty-five states require women to receive counseling before an abortion to varying degrees of specificity. In twenty-six states women must also be offered or given written material. The restrictions go on and on. If you think you're free from these restrictions, think again. In 2011, 55 percent of all women of reproductive age in the United States lived in states hostile to abortion rights and reproductive freedom.

Waiting periods, counseling, ultrasounds, transvaginal ultrasounds, sonogram storytelling—all of these legislative moves are invasive, insulting, and condescending because they are deeply misguided attempts to pressure women into changing their minds, to pressure women into not terminating their pregnancies, as if women are so easily swayed that such petty and cruel stall tactics will work. These politicians do not understand that once

a woman has made up her mind about terminating a pregnancy, very little will sway her. It is not a decision taken lightly, and if a woman does take the decision lightly, that is her right. A woman should always have the right to choose what she does with her body. It is frustrating that this needs to be said, repeatedly. On the scale of relevance, public approval or disapproval of a woman's choices should not merit measure.

And what of medical doctors who take an oath to serve the best interests of their patients? What responsibility do they bear in this? If medical practitioners banded together and refused to participate in some of these restrictions, would that make any difference?

This debate is a smoke screen, but it is a very deliberate and dangerous smoke screen. It is dangerous because this current debate shows us that reproductive freedom is negotiable. Reproductive freedom is a *talking point*. Reproductive freedom is a *campaign issue*. Reproductive freedom can be repealed or restricted. Reproductive freedom is not an inalienable right even though it should be.

The United States as we know it was founded on the principle of inalienable rights, the idea that some rights are so sacrosanct not even a government can take them away. Of course, this country's founding fathers were only thinking of wealthy white men when they codified this principle, but still, it's a nice idea, that there are some freedoms that cannot be taken away.

What this debate shows us is that even in this day and age, the rights of women are not inalienable. Our rights can be and are, with alarming regularity, stripped away.

I struggle to accept that my body is a legislative matter. The

truth of this fact makes it difficult for me to breathe. I don't feel like I have inalienable rights.

I don't feel free. I don't feel like my body is my own.

There is no freedom in any circumstance where the body is legislated, none at all. In her article "Legislating the Female Body: Reproductive Technology and the Reconstructed Woman," Isabel Karpin argues, "In the process of regulating the female body, the law legislates its shape, lineaments, and its boundaries." Too many politicians and cultural moralists are trying to define the shape and boundaries of the female body when women should be defining these things for ourselves. We should have that freedom, and that freedom should be sacrosanct.

Then, of course, there is the problem of those women who want to, perhaps, avoid the pregnancy question altogether by availing themselves of birth control with the privacy and dignity and affordability that should also be inalienable.

Or, according to some, whores.

Margaret Sanger would be horrified to see how, nearly a century after she opened the first birth control clinic, we're essentially fighting the same fight. The woman was by no means perfect, but she forever altered the course of reproductive freedom. It is a shame to see what is happening to her legacy because we are now seemingly forced to argue that birth control should be affordable and freely available and there are people who disagree.

In the early 1900s, Sanger and others were fighting for reproductive freedom because they knew a woman's quality of life could only be enhanced by unfettered access to contraception. Sanger knew women were performing abortions on themselves or receiving back-alley abortions that put their lives at risk or rendered them infertile. She wanted to change something. Sanger

and other birth control pioneers fought this good fight because they knew what women have always known, what women have never allowed themselves to forget: more often than not, the burden of having and rearing children falls primarily on the backs of women. Certainly, in my lifetime, men have assumed a more equal role in parenting, but women are the only ones who can get pregnant and women then have to survive the pregnancy, which is not always as easy as it seems. Birth control allows women to choose when they assume that responsibility. The majority of women have used at least one contraceptive method in their lifetime, so this is clearly a choice women do not want to lose.

We are having inexplicable conversations about birth control, conversations where women must justify why they are taking birth control, conversations where a congressional hearing on birth control includes no women because the men in power are well aware that women don't need to be included in the conversation. We don't have inalienable rights the way men do.

In 2012, Arizona introduced legislation that would allow an employer to fire a woman for using birth control. Mitt Romney, a supposedly viable presidential candidate that same year, declared he would do away with Planned Parenthood, the majority of whose work is to provide affordable health care for women.

A mediocre, morally bankrupt radio personality like Rush Limbaugh publicly shamed a young woman, Sandra Fluke, for having the nerve to advocate for subsidized birth control because birth control can be so expensive. He called her a slut and a prostitute.

More troubling than this oddly timed debate about birth control is the vehemence with which women need to *justify* or explain why they take birth control—health reasons, to regulate periods, you know, as if there's anything wrong with taking birth control simply because you want to have sex without that sex

resulting in pregnancy. In certain circles, birth control is being framed as whore medicine. We are now dealing with a bizarre new morality where a woman cannot simply say, in one way or another, "I'm on the pill because I like dick." It's extremely regressive for women to feel like they need to make it seem like they are using birth control for reasons other than what birth control was originally designed for: to control birth.

When progress is made, such as the Affordable Care Act requiring private health insurance companies to cover preventative services and birth control without a copay, said progress is hampered by the government shutdown in October 2013 because Republicans tried to include a one-year delay for the act in their budget proposal. Time and again, we see how women's bodies are negotiable.

I cannot help but think of the Greek play *Lysistrata*.

What often goes unspoken in this conversation is how debates about birth control and reproductive freedom continually force the female body into being a legislative matter because men refuse to assume their fair share of responsibility for birth control. Men refuse to allow their bodies to become a legislative matter because they have that inalienable right. The drug industry has no real motivation to develop a reversible method of male birth control because forcing this burden on women is so damn profitable. According to Shannon Pettypiece, reporting for Bloomberg, Americans spent \$5 billion on birth control in 2011. There are exceptions, bright shining exceptions, but most men don't seem to *want* the responsibility for birth control. Why would they? They see what the responsibility continues to cost women, publicly and privately.

Birth control is a pain in the ass. It's a medical marvel, but it is also an imperfect marvel. Most of the time, women have to put something into their bodies that alters their bodies' natural functions just so they can have a sexual life and prevent unwanted pregnancies. Birth control can be expensive. Birth control can wreak havoc on your hormones, your state of mind, and your physical well-being because, depending on the method, there are side effects and the side effects can be ridiculous. If you're on the pill, you have to remember to take it, or else. If you use an IUD, you have to worry about it growing into your body and becoming a permanent part of you. Okay, that worry is mine. There's no sexy way to insert a diaphragm in the heat of the moment. Condoms break. Pulling out is only believable in high school. Sometimes, birth control doesn't work; I know lots of pill babies. We use birth control because, however much it might be a pain in the ass, it is infinitely better than the alternative.

If I told you my birth control method of choice, which I kind of swear by, you'd look at me like I was slightly insane. Suffice it to say, I will take a pill every day when men have that same option. We should all be in this together, right? One of my favorite moments is when a guy, at that certain point in a relationship, says something desperately hopeful like, "Are you on the pill?" I simply say, "No, are you?"

I have regularly thought, with shocking clarity, *I want to start an underground birth control network*. Of course, I also think, *That's crazy. These smoke screens are just that. Things are going to be fine*. Later, I realized, the belief, however fleeting, that women might need to go underground for reproductive freedom is not as crazy as the current climate. I was, in my way, quite serious about creating some kind of underground network to ensure that a woman's right to safely maintain her reproductive health is, in

some way, forever inalienable. I want to feel useful. I want to feel empowered.

When I started imagining this underground network, I had a feeling, in my gut, that women, and the men who love (having sex with) us, are going to need to prepare for the worst. The worst, where reproductive freedom is concerned, is probably not behind us. The worst is all around us, breathing down our necks, in relentless pursuit. Either these politicians are serious or they're trying to misdirect national conversations. Either alternative continues to expose the fragility of women's rights.

An underground railroad worked once before. It could work again. We could stockpile various methods of birth control and information about where women might go for safe, ethical reproductive health care in every state—contraception, abortion, education, all of it. We could create a network of reproductive health care providers and abortionists who would treat women humanely because the government does not and we could make sure that every woman who needed to make a choice had all the help she needed.

I spend hours thinking about this underground network and what it would take to make sure women don't ever have to revert to a time when they put themselves at serious risk to terminate a pregnancy. It could be fictionalized as a trilogy and made into a major motion picture starring Jennifer Lawrence.

It surprises me, though it shouldn't, how short the memories of these politicians are. They forget the brutal lengths women have gone to in order to terminate pregnancies when abortion was illegal or when abortion is unaffordable. Women have thrown themselves down stairs and otherwise tried to physically harm themselves to force a miscarriage. Dr. Waldo Fielding noted in the *New York Times*, "Almost any implement you can imagine had been and was used to start an abortion—darning needles, crochet hooks, cut-glass salt shakers, soda

bottles, sometimes intact, sometimes with the top broken off." Women have tried to use soap and bleach, catheters, natural remedies. Women have historically resorted to any means necessary. Women will do this again if we are backed into that terrible corner. This is the responsibility our society has forced on women for hundreds of years.

It is a small miracle women do not have short memories about our rights that have always, shamefully, been alienable.