BEYOND ABORTION: THE LOOMING BATTLE OVER DEATH IN THE ‘CULTURE WARS’

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ABSTRACT
By concentrating on abortion, the culture wars have avoided facing a crisis about the end of life. This paper explores four themes: (1) the technological transformation of birth and death into matters of decision, not matters of fact; (2) abortion as the nexus of Eros (sex) with Thanatos (death); (3) the real crisis, conveniently masked by our obsession with sex, looming at the end of life, not at its beginning; (4) the surplus-repression that protects us from assuming responsibility for choosing between life and death.

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The public policy debate regarding the legal status of abortion was a frontline engagement in America’s ‘Culture Wars’ long before James Davison Hunter catapulted this expression into common English language usage with the publication of his book Culture Wars: The Struggle to Define America.1 Abortion was already a prominent issue, and a cause of soul-searching, among the Suffragettes. United in their horror at the violence inflicted on women by so-called ‘hat-pin’ abortions, they nonetheless disagreed as to whether abortion ought to be legalized. Both in the United States and in England, leaders of the movement recognized that taking a position on abortion posed a serious, perhaps fatal, threat to achieving their primary goal: establishing women’s political rights. In our ‘culture wars’ this argument has been recast and reframed as a contest between rival values: life and choice. The debate between pro-life and pro-choice ‘feminists’ over the right to claim the mantle of the Suffragettes is heated, noisy and venomous.2 In all wars sloganeering and propaganda are powerful tools. In wars of ideas they rise to the level of strategic weapons. Slogans and catchwords can frame discussion, debate and even basic conception of issues.3 In the abstract who is actually against either the right to life or the right of choice? Most of us – your author included – affirm the moral and political value both of life and of freedom of choice.

When the battle line is drawn at abortion, however, this consensus dissolves. More precisely, it goes underground and requires the excavation and exegesis of what

1 Hunter, of course, acknowledged the ‘historical roots of the culture war’ (the title of Chapter 3 of his book.) ‘. . . Breaks appeared as each community [Catholics, Jews and Protestants] struggled to cope with the intellectual and social dilemmas posed by life on the verge of the twentieth century: labor struggles, public health issues, and rising crime and poverty, all problems that had been brought about by industrialization and urbanization.’ J.D. Hunter. 1991. Culture Wars: The Struggle to Define America. New York: Basic Books: 77.

2 Feminists for Life co-founder Patricia Goltz was expelled from the Columbus, OH chapter of the National Organization for Women in 1974, which led pro-life feminists to picket the NOW national convention that year. The web has widened, if not deepened, the debate. See, for examples, http://www.feministsforlife.org/ and http://www.now.org/issues/.

Nietzsche described as the ‘tunneling, mining, undermining’ labour of ‘unterirdischen’⁴ On the basis of my modest subterranean exploration I argue in this paper that the most vocal and ardent ‘pro-life’ and ‘pro-choice’ advocates unwittingly collude to conceal a more profound moral and social quandary. That quandary has four elements: (1) technology has transformed birth and death into non-natural events – matters of decision, not matters of fact; (2) it is the conflouence of Eros (sex) with Thanatos (death) that selects abortion as the battle ground; (3) the real crisis, conveniently masked by our obsession with sex, looms at the end of life, not its beginning; (4) our unconscious motive is to avoid taking responsibility for the inevitable choice that we all must make between life and death.

In the abortion debate traditional conservative and liberal roles are reversed.⁵ It is the pro-life conservatives that demonstrate on behalf of a group that has been denied rights, viz., the unborn. The irony is that these upholders of moral integrity cast themselves as opponents of choice. In so doing they unwittingly cast themselves as opponents of moral action. They risk undermining morality altogether by characterizing choice as dangerous, anti-authoritarian and antinomian. In their view casual sex undermines the family, society, and activity so serious, sexual behaviour is a proving ground of moral agency and responsibility.

The language of ‘pro-life’ and ‘pro-choice’ reveals a fundamental fault line in this central battle of the culture wars.⁶ Pro-life advocates have always had the emotive power of language on their side. Who, after all, could dispute President George W. Bush’s principle that we should ‘always err on the side of life’?⁷ The jurisprudential precision of ‘abortion rights’ language notwithstanding, does anyone actually believe in a right to an abortion? Is there a right to any particular medical procedure, removal of the gall bladder, for example? The pro-life lobby has also shown itself in general to be more sure-footed in countering its opponent’s arguments than have pro-choice advocates. Yet morality depends upon choice, both practically and theoretically, and the right to choose is a presupposition of freedom and liberty in any of its forms. Choice is a prerequisite of exercising any right, obligation or duty; of advancing any value or cause; of furthering any aspiration. Choice is, in short, a condition of the possibility of morality and of law. Of course, freedom to choose is not unqualified. Society has a legitimate interest in regulating criminal behaviour and in limiting the free exercise even of constitutionally guaranteed rights.

Pro-lifers do not ignore choice, but they often demonize, emphasizing either the consequences of impulsive

⁵ ‘Liberal’ in the US sense, as politically left-of-centre, not in the English and European sense of advocacy of free markets.
⁶ ‘Life is a gift. Life is not a threat,’ [Pope] Benedict said on the plane en route to Sao Paolo. ‘The roots of this legislation [permitting abortion] lie in a certain selfishness on one hand and on the other hand a doubt about the value of life, about the beauty of life and also a doubt about the future. The Church must respond above all to these doubts.’ 3 May 2007 Time.com. [Accessed 9 May 2007].
⁷ Of all the parties to this debate, NARAL has the least fortunate of names. The acronym ‘NARAL’ has persisted through several re-codings, since its founding in 1969 as the National Association for the Repeal of Abortion Laws. After Roe v Wade (1973) it became the National Abortion Rights Action League, then the National Abortion & Reproductive Rights Action League and, currently ‘NARAL Pro-Choice America’ – treating NARAL as a name, not an acronym. Changing the ‘r’s referent from ‘repeal’ to ‘rights’ was politically naïve, even insensitive. The current name does get the focus right: on choice. But considerable ‘rights language’ damage had already been inflicted.
choice or the callous immorality of selfish choice. Mere whim and caprice, after all, qualify, if only minimally, as choice. At its core, choosing is selecting one of two or more options and for this condition to be minimally satisfied, no reason or even reflection is required. Capricious abortion betrays moral shallowness; convenient abortion is selfish; both seem abhorrent. Thoughtless choice regarding so momentous a decision outrages those who believe that abortion cannot be justified and gives pause to many among those inclined to support the qualified right of a woman to make her own decisions of conscience. The rhetorically powerful slogan ‘It’s a child, not a choice’ encapsulates the claim that the fetus is already a human being (‘child’) and therefore has moral and legal rights that cannot be trampled out by mere choice. Enter *Eros*, one of the guiding themes of this paper, since, to state the obvious, ‘choice’ leads to pregnancy only insofar as the choice in question leads to sexual intercourse.

The pro-choice lobby has a less charitable interpretation of the right-to-life’s demand that pregnant women accept the consequences of ill-considered choices. From the pro-choice point of view, requiring a woman to see a pregnancy through to full term is in many cases vindictive. Take the ‘bad girl’ of the 50s, who ended up in a home for unwed mothers, stigmatized by the community and forced to bear her child irrespective of her preparedness to care for the child or the willingness of the father to provide. Often she found herself powerless to influence the fate or her child, once it was born. If she gave the baby up for adoption, she was forced to renounce her parental rights. If no suitable family could be found to adopt her baby, she was forced to choose between sending her baby to an orphanage and struggling to raise the baby herself. These scenarios are littered with bad options. Not terminating an unwanted pregnancy has consequences too, and those consequences are not only not ‘choices’ they are in fact ‘children’. Forcing women to carry a pregnancy to full term to teach them a lesson is not only morally questionable, it often punishes the wrong person. In many cases the victim turns out to be the baby. Bearing and raising a child is a poor mechanism for teaching the lesson that ‘choices have consequences’. It is not like grounding your teenager because she stayed out too late on Saturday night. To the degree that opponents of abortion harbour animosity to ‘bad girls’ and ‘loose women’; their opposition to abortion is cruel and perverse. From a pro-choice point of view, much of the rhetoric of the pro-life movement looks hypocritical.

Protecting the unborn is touted as advancing the ‘culture of life’. Part of the moral force of the pro-life position is that a child, and *a fortiori* a fetus, is especially worthy precisely because of its innocence. The traditions of social liberalism draw particular attention to our special responsibilities to protect the vulnerable, and the fetus has a strong claim both to vulnerability and to innocence. Yet the emotive appeal to vulnerability and innocence also raises the question why fetuses, among all the classes of vulnerable innocents, garner so dominant a share of sympathy and concern. There is no shortage of entrants in the distressing competition of sorrows of innocents. So huge a campaign against abortion while, for example, the International Campaign to Ban Landmines struggles for contributions and public recognition cries out for explanation. Confronted almost daily with graphic images of gruesomely disfigured and dismembered children, most of us, incomprehensibly, neither know nor have any interest in finding out which corporations manufacture landmines and other so-called ‘anti-personnel’ devices. It doesn’t occur to us that we could organize effective secondary boycotts against these literally crippling corporations. In the developed world’s most violent society, which murders appalling numbers of its citizens and executes prisoners, some of them retarded, a statistically significant number of them unquestionably innocent, opposition to abortion cannot be explained as recoil from the horror of the taking of innocent life. The centrality of abortion in the ‘culture wars’ requires deeper explanation.

There have been a number of efforts to impose ‘educational’ interventions on a woman before her doctor can legally abort her pregnancy, ranging from requirements that she be counselled about alternatives to abortion such as adoption to more controversial and intrusive requirements including forced viewing of aborted fetuses. Advocates of the right to choose object to these requirements as coercive attempts at ‘re-education’ aimed at substituting emotional revulsion for deliberate choice. On both sides of the debate, such considerations raise the spectre of the ‘slippery slope’. Right-to-lifers see every relaxation or limitation of state regulation of reproductive behaviour as increasing the likelihood of further erosion of the


10 Forced intercourse – rape and incest – fall outside the scope of this analysis.


12 http://www.icbl.org/campaign.

13 A note of clarification: I am not claiming that there is a causal relationship between the themes explored in this paper and the history of the abortion debate in the United States. My arguments are philosophical and psychological, not historical.
‘right to life’ principle. Advocates of freedom of choice see every limitation of choice as paving the way for further restriction.

Most Americans, according to poll data, support qualified legal access to abortion.\textsuperscript{14} In this majority are to be found both pro-life and pro-choice citizens. Most opponents of abortion allow for exceptions in the case of victims of rape or incest, and regard such limitations as not only reasonable and compassionate but also as posing no threat to their fundamental belief that abortion is wrong. Many pro-choice proponents support a variety of limitations (for example, parental notification requirements or bans on ‘partial-birth’ abortions) that fall short of an unqualified commitment to abortion on demand. Majorities on both sides of the abortion debate reject the implied inevitability of slippery slope arguments. They also refuse to accept that those that disagree with them don’t really mean what they say, that what they really want is unqualified access to, or complete prohibition of, abortion. Nor do they see freedom to choose as leading inevitably to the breakdown of all moral standards.

In \textit{Planned Parenthood of Southeastern PA v. Casey} (505 U.S. 833, 1992) the Supreme Court of the United States reaffirmed its 1973 recognition (\textit{Roe v. Wade}) of both principles: the right of a woman to choose an abortion and the principle that, as Ronald Dworkin has put it, ‘government has a legitimate interest in fetal life’.\textsuperscript{15} The opinion in support of the majority in \textit{Casey}, signed by Justices O’Connor, Kennedy and Souter, does not flinch from facing the inevitable: that the woman’s right and the fetus’ interest will in actual cases diverge and conflict. The Court concludes, following \textit{Roe}, that ‘the line should be drawn at viability’ which it recognizes to be a rather rough-and-ready standard that is likely to move over time [505 US 833, 922]:

\[\ldots\] It is a constitutional liberty of the woman to have some freedom to terminate her pregnancy. \ldots The woman’s liberty is not so unlimited, however, that, from the outset, the State cannot show its concern for the life of the unborn and, at a later point in fetal development, the State’s interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted. \ldots And it falls to us to give some real substance to the woman’s liberty to determine whether to carry her pregnancy to full term. [505 US 833, 870]. We conclude the line should be drawn at viability, \ldots the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can, in reason and all fairness, be the object of state protection that now overrides the rights of the woman. See \textit{Roe v. Wade}, 410 US, at 163. \ldots The woman’s right to terminate her pregnancy before viability is the most central principle of \textit{Roe v. Wade}. It is a rule of law and a component of liberty we cannot renounce.

\textit{Roe} drew the line at the third trimester of pregnancy. During trimesters one and two, abortions were lawful. In trimester three they were not. \textit{Casey} recognizes that the trimester standard is arbitrary, but its ‘viability’ standard, though arguably less arbitrary, holds little promise of providing a clear demarcation in practice. The O’Connor, Kennedy, Souter opinion admits as much: ‘To be sure \ldots there may be some medical developments that affect the precise point of viability \ldots but this is an imprecision within tolerable limits, given that the medical community and all those who must apply its discoveries will continue to explore the matter.’ Justice Antonin Scalia subjects this opinion to withering ridicule in his characteristically trenchant \textit{Casey} dissent.

One can plausibly argue, consistent with \textit{Casey}, that technology has already pushed the threshold of ‘viability’ back to sperm and ova themselves, which are now collected in sperm banks and ovum donation centres. On the basis of \textit{Casey}, are we to conclude that no fertilized egg – or even sperm and unfertilized eggs – may legally be destroyed provided that we can sustain its ‘life’ artificially? Suddenly the humanistic scent of ‘errring on the side of life’ turns malodorous. How many such potential ‘lives’ ought we to preserve? For how long? At what cost? By whose say so? The commitment to the value of life once again finds itself brought back to its \textit{ethical} roots: that is, to the ineluctable choice at the heart of every moral act. There is no way to avoiding making decisions about matters of life and death.

A crucial feature of these fundamental social issues is masked insofar as the language of choice is associated exclusively with just one side in the debate. Choice is fundamental to all moral and lawful behaviour. The decision whether or not to have an abortion is, in William James’ famous formulation, \textit{living, forced}, and \textit{momentous}. It is living: both choices are real possibilities. It is forced: there is no third option between having an abortion and carrying the fetus to term. It is momentous: in

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James’ words, ‘the opportunity is unique; . . . the stake is significant; . . . the decision is irreversible’.16  

Living, forced and momentous decisions regarding life and death are not limited, however, to the domain of abortion. In the world in which we live, birth and death in and of themselves are decisions, not natural events. Individual and societal choice in birth and death is not simply a question of what we ought to permit, it is an ineluctable and constitutive element of being born and dying themselves.

In a homily delivered at Lourdes on August 15th, 2004, John Paul II ‘called on Christians to defend life from its conception until its natural end’.17 The directive is as magical as the location of the sermon. Life for increasing numbers of human beings, arguably the majority in the developed world, has neither natural end nor natural beginning if by ‘natural’ we mean events that simply occur, unmediated by technologies and not subject to human choice. Technologies have rendered decision intrinsic to the facts themselves, not just extrinsic and instrumental. Morality, religion and law are all struggling to absorb this development. We have known this for some time about death, even if we typically avoid confronting this disquieting truth. Hospital television dramas remind us weekly that death is ‘called’ – it doesn’t just happen. Since at least as early as the 17th century English law has required authorized certification of both birth and death.18 Until the late 20th century, however, this was a requirement of records and law: registering populations; probating wills; prosecuting in suspicious circumstances; determining, in the case of death, whether reasonable effort was expended to resuscitate before giving up and acknowledging death. Increasingly elaborate life-support systems now make it possible to sustain breathing and circulation almost indefinitely; with the consequence that ‘giving up and acknowledging death’ no longer requires suspension of extraordinary, sometimes heroic physical effort. Nothing more is required than shutting a valve or disconnecting a machine. The same life support systems that sustain the comatose, immobilized or infirm render severely handicapped infants and many fetuses medically ‘viable’. In hospitals, at least, nature doesn’t just run its course. Birth now is as much a decision as is death. Both stand in need of what J. L. Austin called ‘performative utterances’.19 The book-ends of life, its two spiritual poles, have become non-natural events.

That life itself, at birth and death, is conferred by judgment imposes grave and awesome responsibilities. It is entirely understandable that most of us would prefer to apply an invariant rule or formal decision procedure. Obedience to a rule might seem to protect us from the obligation to make a judgment, to take a decision, but the appearance is illusory. Any rule that governs conscious, willed behaviour requires choice and decision – if in no other way than in the choice to submit to the rule.

The irreducible element of decision in the erstwhile ‘natural events’ of birth and death is what links abortion to euthanasia, assisted suicide, and decisions about whether and when, if ever, to disconnect the terminally ill and persistently vegetative from life-support systems. If we add to those whose lives are artificially extended on life support machines those that die violent accidental deaths, we will discover that the number of us that will meet the end of our lives ‘naturally’ is falling precipitously. To claim otherwise is literally wishful thinking, a desperate hope that we will die swiftly, painlessly, ‘when our time has come’ combined with a fear that those with the power to control our fates when we are rendered helpless might be corrupted by self-interest or ill will. This reveals a fundamental distrust of freedom, a suspicion that human beings cannot be entrusted with independent judgment in momentous matters. The extremes to which this fear extends with respect to death as a decision, not an event, recapitulates a primordial fear of death and dying. Rather than celebrate these occasions for mature, informed, even prayerful choice, the pro-life forces have launched a rearguard action against technological intervention in childbirth, including, in its most conservative and restrictive formulations, prohibitions against all forms of contraception.

Rearguard actions against technologies are futile, doomed to failure. Morality and law always lag behind technological advance. From Plato’s warnings about the potentially pernicious effects of writing on memory through ‘old media’s’ reactions to photocopiers and VCRs to ‘new media’s’ battles over file-sharing software, the instinct of vested interests has always been to protect by whatever means available its established ways of doing things, even when those ways are already effectively outmoded. That capitalism, with its vaunted addiction to innovation, should react defensively to new technologies makes it less surprising that upholders of

18 ‘c1630 RISDON Surv. of Devon §215 (1810) 224 If any man die in the forest, the coroner of Lidford shall crown him.’ OED Online. [Accessed 23 Jun 2005].
established morality resist the threats of technological change. The instinct to resist new technologies can lead to some otherwise surprising positions. On the face of the matter one would expect those committed to the value of life to support stem cell research, with its promise of extending lives and improving their quality. But pro-lifers typically support—and via courts seek to impose—every possible intervention to sustain the dying while opposing research into new technologies that, when they actually become available, their erstwhile opponents will no doubt not merely embrace but demand both for themselves and for others.

We might have expected that the battle against technological interference with the ‘natural’ course of events would be joined most urgently against extraordinary medical interventions to prolong biological life. That the opposite is the case is instructive. Technological interventions on behalf of the terminally ill or injured have been asserted as fundamental rights virtually without limitation by the right-to-life movement, as witness the sad case of Terri Shiavo, the Florida woman maintained on life support for more than 15 years while her parents, backed vociferously by right-to-life proponents and a host of politicians, many with mixed and questionable motives, raised legal objection upon legal objection to block their daughter’s husband from turning off her life support, all this despite the fact that every court ruled against them. Apparently the preservation of life at any price, in any exigency, justifies every imaginable technology, while the application of technologies to the management of life’s beginning is a priori suspect.

Our society works hard to avoid facing the complex issues surrounding death. Eventually, however, crass economics will force us to face facts. The US economy will implode under the crushing weight of medical expense if we require serial interventions to support and sustain the aged, injured or infirm. How many organ transplants is one old person going to be permitted? How many times will we pay for Grandma’s resuscitation, surgery, and extended recuperation in hospital before we say enough is enough? Extraordinary interventions to sustain the lives of the elderly are already crippling the US medical system, while demographic conspires with medical advances to exacerbate the problem. To be blunt: we cannot afford universal access to costly care expended on behalf of the hopelessly ill and the elderly. A shocking fact, although unconsciously acknowledged by all of us, can scarcely even be mentioned: we ration medical care. We prefer to avoid confronting this disquieting fact and to leave the allocation of medical resources to the blind ‘justice’ of the marketplace. We let the poor die, but we don’t actually ‘choose’ to withhold medical care from them. The poor, like the rich, are entitled to as much care as they can purchase. Meanwhile we feel no obligation even to consider the social opportunity costs of these self-regarding decisions. We act as if every triage were a violation of the Hippocratic Oath. We refuse to discuss whether sustaining a life, at whatever price in pain, suffering, indignity or resources, might in fact not be a virtuous and life-affirming choice. Fearing to face the unsupportable economics of universal provision of life support of indefinite duration, we fail to face the facts of death in its erstwhile most natural setting: the death of the aged. Instead we confront death indirectly, focusing on the deaths of newborns and, above all, the unborn.

Abortion is ground zero in this moral morass. Abortion is an option only subsequent to a sex act. Abortion’s unborn ‘victims’ are ideal poster subjects for a heart-wrenching campaign. The fetus is a by-product of sexual gratification. Gestation follows sex, and sex – Eros – is where desire meets fantasy, taboo, and prohibition.

Sexual mores are the bedrock of morality for all Puritanical cultures. ‘Victorian’ modifying ‘morality’ refers to standards of sexual behaviour. ‘Immorality’ intoned from the pulpit means fornication. In the US, defenders of the right to life often also espouse the so-called ‘defence of marriage’. Life and death are hardly at stake in the effort to define marriage constitutionally as the union of a man and a woman. Revulsion at gay marriage is surely grounded, in part, in unconscious fears of latent impulses in even the most aggressively heterosexual among us. Similar impulses are at play in opposition to abortion. It is sex that selects abortion in the competition of sorrows touching lives of the defenseless and innocent.

The abortion debate is supercharged with moral, religious, social and psychological freight. Every abortion has intercourse as its precondition and death as its consequence. Here at last we arrive at an explanation for the astonishing power of abortion as a social issue. It is in abortion that the two greatest mythic and psychological forces of the human race converge: sex and death, Eros and Thanatos. Eros, of course, is love, not (just) sex, and comes eventually to be the most general name for desire, the aggressive drive for self-assertion and satisfaction. Eros makes us human. It is the life force, the engine of creation, imagination, effort and value. Plato, building on Hesiod and Empedocles, elaborated these myths into a profound and systematic philosophy, treating Eros in the Phaedrus and especially the Symposium, where Eros is downgraded from the status of a god while

20 The usual claim that rape is an act of violence and aggression rather than a sexual act ignores the inconvenient fact that the rapist’s method is forced intercourse.
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simultaneously elevated to the core of humanity: its restless, creative, and ultimately insatiable, longing and care. Thanatos (Death) on the other hand is annihilation; the extinguishing of life; rest; the entropy of desire. Eros and Thanatos as drives deep in the psyches of human beings are associated with Freud, despite the fact that the name Thanatos does not appear in Freud’s writing, although death does. Both Eros and Death are drives (Trieben) in Freud, and through him have filtered into our cultural consciousness, where desire is exhilarating, dangerous, and unruly (anarchic) while death is fateful, final, and empty. Eros is associated with restlessness, energy and commitment, and although Eros is not limited to sexuality, sex remains its characteristic type. Thanatos, by contrast, is weariness and escape, a state that, paradoxically, we both fear and long for. We fear it because in death we are no more; we long for it because in death, being no more, we no longer struggle.

The dominant Western tradition has made the management of desire the heart of morality. (This is not exclusively a Western tradition, of course; cf. the concept of Nirvana). The ‘therapy of desire’ dominated Hellenistic ethics and remerged in the world-weariness of the late 19th and early 20th centuries. The regulation of sexual appetite and practice is at odds with the restless soul of the human creature, casting morality, as Nietzsche remarked, in opposition to life. Nowhere is this contrast more pointedly confronted than in sexual morality. Abortion crystallizes these two great themes. Here the principles of death and life square off against one another in a dialectical contest of mutual dependency. Those that advance the right to choose will inevitably confront the right to choose death while those that take a stand for life 

[21] On the evidence of surviving fragments, Empedocles spoke not of eros but of the broader concept of philotes.

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desires. To maintain the power of moral regulation of sexual behaviour, given technological options for divorcing the action from its consequences, ever more powerful forms of repression are required. Here we encounter what Herbert Marcuse termed ‘surplus-repression’.

A society is sick when its basic institutions and relations, its structure, are such that they do not permit the use of available material and intellectual resources for the optimal development and satisfaction of individual needs. The larger the discrepancy between the potential and the actual conditions, the greater the need for what I term ‘surplus-repression,’ that is, repression necessitated by the growth and preservation of civilization but by the vested interest in maintaining an established society.

Combining Freud and Marx, Marcuse appropriated the concept of surplus repression to explain the capacity of industrial capitalism to shape and control its citizens, repressing their natural desire for balanced, satisfying human lives and channeling their energies into relentless surplus production which in turn increases the coercive power of capital, further distancing the dream of human fulfillment. According to Marcuse’s account, surplus repression is the psycho-social mechanism by which Marxian ‘alienated labor’ is produced. Labour functions as capital’s accomplice in this effort by throwing its energies into the manufacture of surplus needs and desires and by repressing the desire to create a technologically feasible world in which basic needs are met and pain alleviated. In Marcuse’s view, the illusion of happiness through materialistic consumerism supplanted utopian vision just as technology and industrial production had advanced to the threshold of global economic satisfaction of basic material needs.

The term ‘surplus repression’ has two aspects. It recognizes that repression – constraint – is a social necessity; society has a legitimate interest in controlling and channeling dangerous, anarchic impulses. At the same time it suggests that as regards repression, it is quite possible to have too much of a good thing. Our economy of repression production is overheated. There is more of it in circulation already than society needs to ensure civility, restraint and discipline, yet the engines of repression production continue to whirl at full bore. Surplus repression breaks free of its civilizing function and puts its and energy and power (Eros) at the service of oppression and destruction (Thanatos).

Marcuse developed these ideas within the milieu of the rise of fascism. In this paper I apply the same logic to the superfluity of social energy and capital marshaled along the battle lines of the abortion debate. Why are we so obsessed with abortion in a world with so many compelling concerns? Because preponderant, disproportionate attention to abortion shields us from an even more deeply disconcerting and problematic concern, viz., that birth and death are no longer simply natural events. Most of us, not just women contemplating abortion, will face a life-or-death choice, whether on our own behalf or that of someone who has empowered and entrusted us to make that fateful, frightening decision.

It is the confluence of Eros and Thanatos that selected abortion as the cultural battlefield. Pro-lifers harness sexual guilt and resentment to suppress the inevitability of life-or-death choice. Surprisingly the pro-choice lobby largely cooperates with opponents of abortion in this repression. Pro-choice advocates suppress consciousness of abortion as death – since to admit otherwise would be to acknowledge that the quickened fetus is a form of life. Viewed through the blinders of this repression, the choice that defenders of choice defend is a choice stripped of its content, since the subject matter of the choice to which we have both right and obligation is precisely life or death.

It is the argument of this paper that the force and ferocity of sexual repression vis-à-vis abortion is out of step with contemporary attitudes toward sex and disproportionate to society’s legitimate interest in channeling and limiting anarchic erotic impulses. This is supply-side repression, repression manufactured in superabundance; it manifests itself as surplus-repression that hides a looming crisis, viz., that we simply cannot afford to extend the lives of the swelling ranks of the elderly precisely because our miraculous medical machinery makes it possible. Surplus-repression protects us from confronting the choice that cannot be avoided but that erring on the side of life will not tolerate: euthanasia.

Euthanasia is standard medical practice in our world, but it is a corrupting and self-deceptive practice in the United States. The surplus-repression that prevents our confronting the inevitable choice of life or death creates the conditions that prevent medical professionals from openly advocating medical interventions that they perform on a daily basis. With the assistance and complicity of compassionate medical personnel who are actually sworn to prolong life by any and every means, family members choose to have patients clandestinely removed from life-support apparatus. Dr. Jack Kevorkian,


interviewed on the CBS television programme ‘60 Minutes’ just a few days after his release from the prison in which he had served eight years for second degree murder in a so-called ‘assisted suicide’ case, homed in on the way current laws undermine morality in medicine in the following exchange with CBS interviewer Mike Wallace.27

Wallace: Why does euthanasia have to be legal? It’s an open secret that every day, all across the country, doctors end the suffering of the terminally ill – patients who want their death hastened usually by increasing their morphine.

Kevorkian: Right.

Wallace: They don’t call it death by doctor, but that’s what it is.

Kevorkian: There’s where the law creates immorality in medicine. Any act, medical act should never be done in an atmosphere of fear and concern and secrecy. Doctors now are sneaking around and doing it.

Choosing death is not necessarily an expression of Thanatos. It can be an affirmation of life. It is in the refusal to face this choice that Thanatos exercises its repressive, fear-mongering power. Avoiding choice is a symptom of moral immaturity. We surrender, like adolescents, to the anarchy of emotion and impulse; or cede responsibility to the regulations and norms of an external authority; or, worst and most commonly of all, turn the choice over to chance and the marketplace. Surplus-repression protects us from addressing in public and political discourse the implications that face a society with a rapidly ageing population and a healthcare system that rations healthcare according to ability to pay. We criminalize euthanasia but practise it everyday, and we certainly don’t ask what we will actually do when the waiting rooms of our clinics and emergency wards fill with tens of uninsured thousands that will die without the swift provision of unaffordable healthcare which, if we dare not embrace euthanasia, we have no choice but to regard as our obligation to provide.

To address these pressing issues we have to throttle back the engines of surplus repression. We must construct an ethical and legal world in which choices about life and death are confronted directly and taken deliberately and lawfully – for all of us, not just fetuses. This obligation understandably fills us with anxiety, but we can no longer ignore it by pretending not to notice that in avoiding choice we mortgage our moral and physical well being to the unsupportable economics of medical care. Neither absolute allegiance to the preservation of life at any cost nor total license that permits even callow, callous, capricious choice of death is satisfactory. It remains to be seen whether we can summon the maturity and social courage to address the heart of the question: not when does life ‘quicken’ but how do we structure a humane and life-affirming framework for the inevitable decisions we all face in matters of life and death.

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