



Written by [Selwyn Duke](#) on June 9, 2022

Rape and Incest Exceptions Are Becoming the Exception in Pro-life Laws

During a political discussion last week, a man told me that he knew abortion was murder, but couldn't understand how there shouldn't be exceptions for rape and incest. It was a statement that could remind one of G.K. Chesterton's observation, "Men do not differ much about what things they will call evils; they differ enormously about what evils they will call excusable."

But now fewer politicians are calling murder in this context excusable (or, at least, politically necessary). In fact, ever since Alabama enacted a 2019 prenatal infanticide ban without rape and incest exceptions, such laws have proliferated. As *USA Today* [reports](#):



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Rape and incest exceptions were excluded in 24 of 30 abortion bans and restrictions enacted by states including Arkansas, Kentucky, Texas, Arizona, Florida and Missouri in the last few years, according to the Guttmacher Institute, which tracks abortion laws.

Among 92 proposals for abortion restrictions pending in states this year alone, only a handful contained those exceptions, said Elizabeth Nash, a state policy analyst for Guttmacher, which supports abortion rights.

"The shift has been quite dramatic. Even five years ago, we would not have seen anti-abortion legislation that would not have exceptions for rape and incest," said Michele Bratcher Goodwin, a law professor at the University of California, Irvine who heads the Center for Biotechnology and Global Health Policy.

This isn't the only shift on prenatal infanticide, however. For their part, many on the Left have become more radically anti-life, often sometimes advocating abortion up to the point of birth (and [even beyond](#)).

Despite this, the public's prenatal infanticide views haven't changed much, according to a May Pew Research Center [survey](#). It "found 69% of Americans surveyed said abortion should be legal in the case of rape, with that support at 56% of Republican and Republican-leaning voters," *USA Today* further informs. While these figures no doubt vary from state to state, *USA Today* also claims that even 77 percent of Texans support rape and incest exceptions.

Whatever the true figures, for certain is that eliminating these exceptions is a tough sell in many quarters. Rape and incest are horrid, revulsion-evoking crimes, after all, so passions run high. But is this passion, as Ben Franklin might have asked, governing wisely?

Since emotion — and, in particular, women's emotions — so shape this debate, it's worth noting the



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majority emotions that get a minority of coverage. It's not just that of women who've had abortions, only about one percent and 0.5 percent, respectively, reported having had them because of rape and incest. It's this:

Most women becoming pregnant due to rape *do not want to abort their children*.

As LiveAction.org [reported](#) in 2013, "There have been two studies done about pregnant rape victims. In each study, 70% of the women chose to keep their babies. This defies the stereotype that all raped women want abortions."

The site continued, "According to the two doctors who conducted one study, Sandra Kathleen Mahkorn, M.D. and William V. Dolan, M.D.: '[This study indicates] that pregnancy need not impede the victim's resolution of the trauma; rather, with loving support, nonjudgemental attitudes, and empathic communication, healthy emotional and psychological responses are possible despite the added burden or pregnancy.'"

"The second study, conducted in 2000, revealed that 78% of the 30% of women who had abortions after their rapes felt that they'd made the wrong decision and said that 'abortion is not the answer for women who were raped,'" Live Action also tells us. "In contrast, not a single one of the 70% who had their children regretted it."

The site also provided the testimonial of Kathleen DeZeeuw, the mother of a child conceived in rape. "I, having lived through rape, and also having raised a child 'conceived in rape,' feel personally assaulted and insulted every time I hear that abortion should be legal because of rape and incest," she said. "I feel that we're being used to further the abortion issue, even though we've not been asked to tell our side of the story."

As to how we should respond to a rape victim contemplating prenatal infanticide, DeZeeuw stated that "a woman is most vulnerable at a time such as this, and doesn't need to be pounced on by yet another act of violence. She needs someone to truly listen to her, care for her, and give her time to heal."

The testimonial of another such woman — just [one of many](#) — is in the video below.

So, really, this issue is much like the "transgender" one: The feelings of the majority are subordinated to those of a minority. Both issues (and all others, really) also have something else in common:

They're being decided based on feelings and not facts, even though the former aren't good indicators of reality.

What's more, anti-life activists could say, "The rape victims choosing to have their babies are allowed to act upon their feelings, so the ones who want to abort should be allowed to act on theirs." So what is the Truth?

Well, consider what Kristan Hawkins, president of Students for Life of America, expressed to *USA Today*. She "said there's been a generational shift in the anti-abortion movement away from viewing such [rape and incest] exceptions as necessary to get bills passed," the paper related.

"We don't have to give this concession away, which can undermine our entire belief (about abortion),' she said. 'Either children in the womb are valuable or they're not.'"

Hawkins's point is that, as the brilliant Ambassador Alan Keyes explained years ago, the pro-life position is predicated on the proposition that human life is sacred and thus is there no justification, ever, for intentionally destroying it. Therefore, as soon as "exceptions" allowing direct prenatal



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infanticide are made, this argument collapses because the implication then is that there are imperatives that override the claimed sanctity of life. And since these “imperatives” are ever and always only feelings or convenience (facilitating education, career, etc.), it all becomes personal. Everyone has different feelings — and lifestyle priorities dictating what’s convenient.

Of course, the Truth is a tough sell when people don’t even believe in Truth and make “moral” decisions based on emotion. (As Barna research group [found in 2002 already](#), “By a 3-to-1 margin (64% vs. 22%) adults said truth is always relative to the person and their situation,” and, by far, “the most common basis for moral decision-making was doing whatever feels right or comfortable in a situation.”)

But the “Truth will out.” What that means here is that we do women (and people in general) no favors by encouraging sin, which could be called psychological poison. A post-prenatal infanticide woman generally knows, on some level, that she murdered her own child. She then either endures the painful process of coming to terms with this or numbs her conscience and diminishes her own humanity — much as society had diminished that of her unborn child.



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