

Rethinking the Ethics of Abortion

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Abortion -- right or wrong? This question keeps tearing at the social fabric of America. The presidential race now under way once again rivets our attention on the issue. Seemingly irreconcilable differences set us against each other. One side says abortion is murder, pure and simple; to say anything less is to propel us down the slippery slope toward the immorality of "anything goes." The other side says the decision to have a child is the most personal choice a woman can make; she has an absolute moral right to make that decision, for it concerns the control of her own body. To say anything less is a first step toward "mandatory motherhood."

When two absolutisms clash, is any reconciliation possible? No, and all the less so when suspicion and fear fuel the debate. We have been at it a long time now. We're read of the recent decision to make the "morning after" pill available to schoolgirls in France, and the general acceptance of the practice, precisely because all sides (well, almost all sides) agree that this will reduce the number of abortions. Except, of course, for those who say that a pill that prevents implantation of an already fertilized egg is another instrument of abortion. An enlightened attitude, like the dominant French view, is the sort of thing we should be working for here, and for thorough sex education programs in all schools, at all levels. Well, we are doing that already, here in our church. The new "life span sexuality education" program in UU churches, including our own church, is called OWL, Our Whole Lives.

In 1973, the Supreme Court's *Roe v. Wade* decision legalized abortion. A "right to privacy" is implicit in the Constitution, the court said, although states could enact some restrictions in the second or third trimesters of pregnancy -- *in the interest of the mother's health or potential human life*. Since then we have seen an endless series of legal efforts to restrict rights and access to abortion services -- and demonstrations, acts of violence, even murder. Sadly, most of the legal restrictions have burdened the poor -- those who most often depend on public support for health services -- at home and around the world.

Just so, in 1989 the court broadened the right to restrict abortion services (in the decision *Webster v. Reproductive Health Services*). Shortly thereafter, the following talk-show dialogue took place between Randall Terry, a leader of Operation Rescue, and Faye Wattleton, president of Planned Parenthood:

Terry: The bottom line is that killing children is not what America is all about.

Wattleton: Well, we are also not here to have the government use women's bodies as the instrument of the state, to force women into involuntary servitude --

Terry: Oh, come on, Faye!

Wattleton: I think that as Americans we celebrate the Fourth of July, our independence, and when we reflect on our personal liberties, this is a very, very somber time ... The courts have said that the most private aspects of our lives are now ... not protected by the Bill of Rights and the Constitution. And I believe it is time for Americans to reflect on the need to return to fundamentals. The fundamentals of personal privacy are really the cornerstone upon which our democracy is built.

Terry: I think that to assume or even suggest that the founding fathers of this country risked their lives and many of them died so that we can kill our offspring is pathetic.

One speaks in the most inflammatory manner possible, about "killing children." The other tries to appeal to "the cornerstone of our democracy." So the abortion debate gets drawn into the larger struggle to "define America." In *Culture Wars*, James Davison Hunter says, "The conflict is deeper than mere 'differences of opinion' and bigger than abortion. ... The culture war emerges over fundamentally different conceptions of moral authority. ..." Just this is why we must be able to talk about abortion in the context of basic ethical principles.

The Roman Catholic hierarchy (if not the commonality of Catholics) has affirmed its absolute stand against abortion again and again. But even greater percentages of conservative Protestants oppose virtually all abortion. For these groups, moral authority comes from divine commands, pure and simple, whether it be the Pope or the fundamentalists' "paper pope," the Bible. The orthodox Rabbi Yehuda Levin likewise speaks for this idea of moral authority, in speaking against abortion under any circumstances:

"Being Jewish means a total surrender of my intellect to God. In other words, God tells me what's right and what's wrong ... If somebody somehow could bring proof positive -- scientific evidence -- tomorrow that the fetus is just a glob of gelatin or something like that, it would not in one iota change my view of abortion."

Most Jews would not agree with Rabbi Levin's definition of what "being Jewish" means. In fact, the Hebrew scriptures do not condemn abortion but treat the fetus as part of the pregnant woman. Exodus 21 says that if she should miscarry due to bodily injury by another person, her family must be financially compensated, making it an offense far short of murder. Neither did Jesus, or the New Testament generally, condemn abortion.

The Christian view of abortion has varied through the ages, along with the prevailing theory of when the embryo is "ensouled" by God. Thomas Aquinas held that ensoulment took place one week after conception. He saw that early, unrecognized miscarriages would populate Hell with tiny, unbaptized "souls," and that would expose God to the charge of being "unjust." It would seem that even St. Thomas, "the angelic doctor," could approve the "morning-after pill." But all such distinctions were brushed aside by the Catholic Church when the First Vatican Council, in 1869, declared that ensoulment takes place at the very moment of conception.

This Catholic position is based on the "natural law" idea that a biological fact expresses a moral command. Not only is it absolute, but also, since it is based on nature itself, it is binding not only on Catholics but on all humanity. Just this has justified Catholic efforts to impose their ethical view on whole societies. Interestingly, however, Catholic moral law does allow one type of exception: the so-called double bind, when we must choose between the life of the mother and the life of the fetus. Then the fetus may be sacrificed. Hmm. Interesting exception, for if this interest of the mother may be taken into account, why not other interests?

And what do we say? If the life of another person really is at stake, it is hardly enough to reassert "the woman's right to choose" or "to privacy." You've seen the bumper stickers: "It's a Child, Not a Choice." If that is the question, there is no choice, and if two persons are involved, "privacy" hardly exists. If the pro-choice position on abortion is beleaguered today, it is in no small measure because the anti-abortion forces have succeeded in framing the question as one of pro-life vs. -- what? -- "anti-life"? That is hardly the choice we wanted. We still must deal with the moral sensitivities that surround the taking of potential human life.

Our UUA has spoken to the abortion question several times in our general assemblies, ever since 1963! We have affirmed the legal and moral right to choose abortion. We have deplored violence against abortion clinic clients and staff. We have said that abortion is not a proper means of birth control, except as a last resort. We have also acknowledged the "moral complexity" of abortion, and the values we share with all who "want fewer abortions and healthy, wanted children." A 1987 resolution called for us to "open discussion with those of different mind and to seek opportunities for consensus from our shared values." But the issue has been so politicized that that discussion has hardly begun. Still, we must reflect, more deeply than before, on the ethics of abortion.

The "Religious Declaration on Sexual Morality, Justice, and Healing" (from SIECUS, the Sexuality Information and Education Council of the U.S.), now signed by hundreds of liberal-minded clergy, says, "Our culture needs a sexual ethic focused on personal relationships and social justice rather than particular sexual acts." I need a position that I can affirm in heart and mind, and interpret to those seeking my counsel as a minister, or simply as a friend. I do not presume to tell you what you must believe or do in this, or in any other, matter. Twin to our tradition of freedom of the pulpit is the freedom of the pew.

When does human life begin? A new biological life begins, in any species, with the fertilization of an egg cell. This is surely a central wonder of nature, and *we want to work with nature* so far as we can. In the natural course of events, conception leads to the development of a growing fetus, the fetus becomes a newborn child, and we rejoice. But a complex natural event has also become a complex social event, an event with profound meanings and far-reaching implications. The mother, the one who is most intimately involved, who most bears the burdens, the risks and the joys of childbirth, is the central, responsible figure in this drama. If the outcome of a pregnancy is to be a good one, for her and for the web of relationships surrounding her life, she must anticipate the outcome,

the birth of a child, with a glad heart. The child must be wanted. Her freedom of choice is expressed in consent to the natural process that is working through her, and sometimes, in dissent from it.

We human beings are a curious combination of freedom and necessity, of spirit and nature. Being free, we seek meaning, fulfillment, a good life -- all those things that are bound up with "spirit." But from birth to death, we are also bound by the limits of our biological inheritance. Nature guides us, and we normally consent to its ways. But contrary to the Catholic idea of natural law, nature does not morally bind us. Sometimes we dissent from it, or reshape it, for the total well-being of our personal and social lives. We constantly do this when we treat illness, or promote health, or practice family planning. In all of these ways of *not* simply letting nature take its course, we are exercising positive moral responsibilities.

Because we are free and responsible persons, our ability to consent to natural processes implies also our ability to dissent from them. Dissent from the intimately felt process of bearing *this* child brings with it the grief of loss, and is often bound up with a deep sense of anger, or shame, or personal violation, especially in cases of rape or incest. No one has said that abortion is a happy or a trouble-free matter, but only that it can be the lesser of two evils, and therefore may be rightly chosen. Even Catholic moral theory allows this reasoning when the mother's life is at stake. What is needed is not condemnation but compassion.

Here is a helpful distinction, one I learned from Paul Tillich. "Life" is a biological concept; "person" is a moral concept -- an artifact not of nature but of society. The question is not "When does a human life begin?" but "When does a human person begin?" Scientific knowledge informs our answer to this question, but it does not decide it. A mother decides this question when she becomes aware of and affirms her personal relationship to the new life growing within her. We are persons, moral agents, by standing in relationship to other persons. A mother is literally loving a new person into being, and will continue to do so for years after the child comes to birth. But if a woman cannot, or will not, respond in loving, caring relation to this fetal life, no one can compel her. For a person comes into being, and sustains human life, only in relationship -- in covenant -- with other persons.

This viewpoint arises from a relational -- or, as I prefer, a covenantal -- understanding of ethics. What is the foundation of moral authority? It is rooted in the primary relationships within which we find ourselves, and to which we give our voluntary assent, our commitment. Both sides of the equation must be present for the covenantal relation to be formed. In this light, it is not surprising that ancient tradition did not condemn abortion before "quickening," the point at which the fetus is felt to move on its own. Movement itself is taken as a sign of "spirit," of self-motivated life, an "other" to whom one stands in relationship.

The moral sensitivities of people everywhere tell us that a fetus that could thrive independent of its mother cannot rightly be aborted, unless there are overriding concerns,

such as the health of the mother or the normal viability of the fetus. But here we are talking about exceptional cases.

Dozens of circumstances will qualify and refine the position I have sketched. You've probably thought of several already. But the basic point is clear: Wise public policy and responsible personal life alike require that we recognize a woman's right to choose abortion. When her family and her community honor their covenantal relationship with her -- recognizing the freedom and dignity of her person -- she will honor their rightful concerns, in turn. She will be an independent, but not an isolated, person.

Then coercion will be kept at the margins: Voluntary consent will occupy the moral center. The grief that comes with the loss of potential human life will be recognized; the hope of beginning anew, and the compassion that makes it possible, will be affirmed. Then the abortion decision will no longer be expelled from the community of our concern and caring, but will be drawn within the moral covenant.