

### PASSING JUDGEMENT

This past week marked the thirty-fiftieth anniversary of Roe versus Wade, the Supreme Court decision that that affirmed the right to abortion here in the United States. Every since that time those who are opposed to abortion have worked to overturn the decision. And those who are pro-choice have worked to preserve it. There are good Christian folks on both sides of the debate.

There have been numerous laws passed around the country seeking to limit who has access to abortion, and when. And a political candidate's stand on abortion has often been seen as a litmus test. Some people do or don't support candidates based solely on their view of abortion rights.

The Summit Women's Center in Bridgeport is a provider of various health services, including abortions. They are the frequent target of anti-abortion rallies. This past week, such a rally was held to mark the anniversary of Roe versus Wade. Some sixty-five protesters, mostly men, held signs, sang songs and listened to speeches. One of them referred to the decision by the Court as "immoral." Another protester, called the justices "wicked men." (CT Post, 1-23-08, A7) One of the speakers, a preacher from a Bridgeport church, denounced the clinic, and those who participate in providing abortions in general. Abortion was characterized on one of the protest signs as "America's Holocaust." "Today," said the preacher, "is a day of mourning. We're going to remember every baby boy and . . . girl murdered . . . on the abortionists' table." (Ibid)

But is abortion murder?

Webster defines murder as "killing a human being unlawfully and with premeditated malice." So abortion could meet the criteria, but only if one understands a fetus to be a human being. But therein lies the problem: when can fetal life be called human? Is a fetus a person in the full sense of the word?

Scientists are divided on the issue. There are those who say that human life begins at the moment of conception. Others who say it begins when the fertilized egg is implanted in the uterus seven days later. And there are other moments in fetal development offered as candidates: at three weeks, when the genetic code is fixed,; at eight weeks, when the central nervous system is activated; in the fourth month, when the mother can feel movement; or in the six month, when a fetus becomes viable and capable of technologically-supported life outside the womb. And that does not exhaust the possibilities.

One would think that the Bible might, for Christians at least, break up the log jam of options. But the reality is that the Bible is not a science textbook and does not offer specific answers to such questions. While the Bible consistently upholds all life, especially human life, it does not provide a specific answer to this biological question. Indeed, in Biblical times there was not even a full understanding of the human reproductive process. As one scholar notes: "It was thought that only the seed of the male was determinative in conception and gestation, the woman providing in her womb [only] a receptacle for its protection and growth." (O.J. Babb, "Birth," *Interpreter's Dictionary of the Bible*, I: 440)

Scholars from other religious traditions are often just as divided in their opinions as Christian theologians.

So when does human life begin? When is a fetus distinctly human? At conception? At birth? Somewhere in between? These are questions that neither scientists nor theologians appear to be able to agree on. For most individuals, however, the answer to these questions is crucial to their position on abortion. Most of us are not opposed to the taking of life in general. We slaughter cattle for food, we use insecticides to rid us of mosquitoes in the summer, and we level whole forests for paper production. No what we are opposed to in the taking of human life. Even there we equivocate when it comes to war, self-defense and for capital punishment. If we oppose the taking of human life and an embryo can be identified as a human person from conception, then it follows we will probably oppose abortion. But even if we oppose the taking of human life, if we understand a fetus to be identifiable as human only at a later point in its development, we might feel quite justified in supporting abortion in some way or another.

But, as we have already noted, there is no real theological or scientific consensus.

Thirty-five years ago, the Roe case declared that it is unconstitutional for states to prohibit all abortions. The Court stated that the right to have an abortion is an extension of the right to privacy, and therefore, is a "fundamental" right of citizens.

Specifically, the Court said that during the first three months of pregnancy the only restriction government could place on abortions was to mandate that they be performed by licensed physicians. In the second trimester, the Court said government can create further regulations around abortion if and only if, they are designed to protect the health of the woman. And in the last three months of pregnancy, the time when the medical community considers a fetus capable of living outside the womb, the Court ruled that the government can prohibit abortions to protect the fetus. However, the Court also said, if a woman's health or life is in any way endangered by a continued pregnancy, the woman's right to an abortion takes precedence.

Since that time several court rulings have allowed for some variations on the original decision, most notably the decision upholding the Partial Birth Abortion Act, but the basic rights expressed in *Roe v Wade* have stood the test of time.

Throughout all this, however, the Court never defined when specifically human life begins. The Court never said when an embryo or a fetus becomes a full human being endowed with the rights afforded citizens in our country. The Court recognized in its decision the plethora of scientific and theological opinions about when human life begins and refused to endorse any one of them. In a review of the legal literature, the Court determined, and I quote, “[T]he unborn have never been recognized in the law as person in the whole sense.” (*Roe v Wade*) The Court thereby ruled that a fetus, at least prior to viability, does not have legal status and is therefore not entitled to the same protections as you or I.

In light of the wide-array of opinions about when human life begins, and in light of the fact that many of the opinions are religiously based, I for one believe that in a society such as ours, that values religious freedom, the Supreme Court made the right decision. By leaving the choice of whether or not to have an abortion in the hands of the woman involved, the Court protected not only the individual rights of the woman, but also the religious freedom we all enjoy. This then, on a legal front, leads me to a pro-choice position. I am convinced that in a pluralistic society such as ours, a woman should have the right to choose an abortion without major restrictions except as noted in *Roe v. Wade*.

However, it is important to note that there is a difference between legality and morality. That which is legal, in our country, is that which conforms to the Constitution and the laws and regulations which have been created based on the Constitution. That which is moral, however, is, in Webster’s words, that which “conforms to a standard of right behavior.” For some, that standard may be synonymous with the law of the land, but for most religious persons there is a higher standard. Jews, for instance, hold as the basic standard for right behavior, the Ten Commandments.

For most Protestant Christians that standard is summed up by Jesus in these words: “You shall love the Lord your God with all your heart . . . soul . . . mind . . . and strength . . . [and] you shall love your neighbor as yourself.” (Mark 12:30, 31b) There are any number of activities which may be legal, and should be legal, but which for the Christian may be morally wrong. For instance, it is legal to buy hundreds of dollars of food, let it rot in your refrigerator and then throw it all away. But for the Christian who is supposed to love God and neighbor, such an act, in a world of hungry people, is morally wrong. Just because something is legally permissible, does not mean it is morally right.

However, don't jump to conclusions. I am not about to say abortion is legally permissible, but for the Christian morally wrong. For when one uses Jesus ethic of love as the moral standard by which Christians should make all decisions, I think one comes to a much more complicated answer to this thorny issue than simply "it's always right" or "it's always wrong."

First and foremost, if we apply Jesus' ethic of love to the whole question of abortion, we recognize that we must begin with that which leads up to abortion: unwanted pregnancies. There are of course many potential reasons for an unwanted pregnancy, but two of them are promiscuous behavior and irresponsible sexual intercourse. It is morally wrong, I believe, to engage in sexual intercourse outside of a loving, committed relationship. To use another individual to simply gratify your own sexual needs is not the loving thing to do. It is also morally wrong to engage in sexual intercourse without taking necessary precautions in terms of birth control if there is no desire to have children.

But what if such behavior does lead to an unwanted pregnancy? When pregnancy occurs as the result of promiscuity or irresponsible sex, is abortion morally right or wrong? Tough call and one that needs to be made on a case by case basis. Is it the first time it has happened—or the third or fourth time? While everyone makes mistakes, and a first occurrence may justify an abortion, I would suggest that generally speaking, it is moral wrong to use abortion simply as a form of casual birth control. Ours is a world of consequences, and sometimes the consequence of unprotected sex is pregnancy.

In short, the use of abortion as a casual thoughtless form of birth control is morally wrong. But refusing to create a society where that becomes unnecessary is equally wrong.

I am more than willing to concede that some Christians may come to different conclusions. Some may interpret the ethic of love in such a way as to decide that abortion is always wrong. But with such a decision comes a responsibility to work for a world where women can find affordable prenatal care, parenting classes, family counseling, adequate housing, reasonably priced child care, and so on. It is not loving to suggest that a child be brought into a world where he or she will be neglected, abandoned or abused! As author Anne LaMott puts it, "We must not inflict life on children who will be resented . . ." ("The Rights of the Born," *LA Times*, 2-10-06)

Here are some other examples.

When a woman is raped, is it morally wrong to have an abortion? What is the loving response? Should a woman have to go through nine months of pregnancy, being constantly reminded of the pain inflicted on her? I think not. I think the ethic of love dictates that she be free to terminate the pregnancy.

How about a situation where prenatal testing shows that a fetus tests positive for a life threatening genetic disorder? Clearly a difficult situation. Is it loving to bring a child into a world who will apparently be doomed from the start? For those who feel capable of providing the kind of environment necessary—both physically and emotionally—to rear that child in a supportive manner, it may indeed be loving. But recognizing that placing such babies in adoptive homes is very difficult, for the individual who cannot provide such an environment it may not be the loving thing to do, and abortion may be the best thing in a bad situation. We must remember that the need for an abortion almost always grows out of some brokenness, and love always seeks to heal that which is broken.

Whenever the choice is made, the ethic of love would dictate that these questions need to be asked: how will this affect the woman, will she suffer physically, mentally or spiritually because of the abortion? Will she suffer more if the fetus is allowed to develop? What will be the effect on society? Will the resultant child have a chance to live a life of quality? The list goes on. Questions also need to be asked about the means, the way, abortion is accomplished. Certainly it is far more ethical for an abortion to take place in a loving, clean and supportive environment than in a sleazy back room where a woman may be left to die if the job is botched. Abortion, when readily available and legal, is going to be used sooner in a pregnancy than abortion obtained on the black market. The result will be far less traumatic for a woman physically and otherwise.

The abortion question is complex. It involves a choice that should not be undertaken lightly. A choice that must be made by the woman who may have the abortion. As LaMott writes, “[T]his is the most intimate decision a woman makes, and she makes it all alone, in her deepest heart of hearts, sometimes with the man by whom she is pregnant, with her dearest friends or with her doctor . . .” (Ibid)

But equally as true is the fact that deciding to become a mother (or a father for that matter) should not be based on whim or fancy or the luck-of-the-draw. Unfortunately, when we make abortion difficult or impossible to obtain (as it still is in certain parts of the country), we are doing just that; we are saying, in essence, that becoming a parent is strictly a matter of chance. The loss of potential life that results from abortion is, it is true, often sobering, but the loss or diminishing of actual lives that happens because of unwanted pregnancies is a moral outrage. Abortion isn’t pretty, but neither are the ruined lives that lie in the wake of so many unwanted kids.

My wife Linda knows the stress of facing such a decision; she did so when she was just eighteen, before she opted to give birth to Matt. In a sermon she once wrote she said, “I feel on the subject of [abortion] . . . we Christians are too narrow minded in one direction or [the other] . . . and that narrow-mindedness gets in the way of looking at the root of the problem

and how we as Christians can begin working together instead of against one another.” (“To Be or Not to Be: What is the Answer?” 2-11-96). My wife is a wise woman.

Too easily and too quickly, many in our society judge those who choose abortion. But, as ethics professor John Swomley writes, “Abortion is viewed by most women as an extreme measure to be considered only when there is no reasonable alternative.” (*Six Ethical Questions*, 8). “Judge not,” says Jesus, “lest you be judged.” (Matthew 7:1) Never has this been more true than in this particular matter. Rather than judging one another perhaps our time would be better spent working to create reasonable alternatives.

Amen

John H. Danner