

PRO-CHOICE MORALITY

A Sermon by Dean Scotty McLennan
University Public Worship
Stanford Memorial Church
December 12, 2004

I preached a sermon entitled "Endurance" from this pulpit after the November election. In it I mentioned that exit polls showed 22% of Americans nationwide had "moral values" as their top issue. Many commentators have since explained that, "No doubt about it, abortion and gay marriage were the wedge issues that separated the [Republicans from the Democrats] in the voting booth."ⁱ Those "moral values" voters went for President Bush by 79-18% over Senator Kerry.ⁱⁱ But I am personally deeply concerned about moral values, and I didn't cast my ballot for President Bush. I affirmed in the November sermon that "I'm a professing Christian among many, who on religious grounds, is pro-choice on abortion and in favor of gay marriage."ⁱⁱⁱ

At the talk-back after the sermon, a student asked me to explain my statement that I'm pro-choice on abortion on religious grounds. He could understand how I might be pro-choice on pragmatic grounds, or on the basis of a political philosophy that we shouldn't legislate what other people can do in their private sexual lives. But he'd certainly never heard anyone defend a pro-choice position on explicitly religious grounds. He thought the only genuine religious position was, and ever could be, anti-abortion and therefore anti-choice. I gave him a brief answer in the talk back, reminding him that most mainline Protestant Christian denominations, along with Reform and Conservative Jews, have issued pro-choice proclamations consistently over the last thirty years. I also admitted that I hadn't preached on this subject in my four years at Stanford, and I should probably say something about it from the pulpit.

So here I am today. But why today, why especially today, you might ask when we're in the midst of Advent, and the gospel reading in the lectionary is the Magnificat of Mary^{iv} -- her hymn of praise to God for the promised birth of Jesus from her very womb? Why, when we're in a period of expectation of the birth of our Savior in the liturgical calendar, would I be preaching religious justification for abortion? Well, it's precisely because Mary's position in this season's story is similar to many women who decide to abort, and yet also so very different. She's young and poor. She faces unexpected pregnancy -- not something she had planned or wanted at this time in her life. She isn't married yet. She knows what this might mean to the man she wants to marry, Joseph. He'll realize that this can't be his baby she's carrying, because they haven't had sexual relations yet. Even though she's formally engaged to him, this could mean the end of their marriage before it begins.

And sure enough, as it's reported in Matthew's gospel, once Joseph found out Mary was pregnant, "being a righteous man and unwilling to expose her to public disgrace, [he] planned to dismiss her quietly." The account in Matthew continues in this way: "But just when he had resolved to do this, an angel of the Lord appeared to him in a dream and said, 'Joseph, son of David, do not be afraid to take Mary as your wife, for the

child conceived in her is from the Holy Spirit."^v So Mary's situation is utterly unique. She is the most blessed among all women.^{vi} She is to be favored, by becoming the mother of the Son of God.^{vii} And after she questions the angel Gabriel when he first visits to tell her of her favor with God, and after some soul-searching, Mary makes a voluntary decision, as the Gospel of Luke puts it, to allow the Holy Spirit to come upon her, to have the power of the Most High overshadow her. Mary says: "Here I am, the servant of the Lord; let it be with me according to your word."^{viii}

Precisely because Mary's situation is utterly unique, it places in bold relief other girls and women who have not voluntarily chosen to become pregnant. How about an 11 or 12 year old, or a teenager, who has been continually forced to undergo incest by her father or step-father? What about a woman who is forcibly raped on her way home from work by someone she never met, or a college student who is date-raped by a fellow student who she thought she knew rather well, but obviously didn't? What about the very young and the very ignorant who may have voluntarily engaged in sexual relations, but not have had sex education at school or at home that taught them about effective contraception? What about a mature woman -- even one who's happily had other children -- whose physical or mental health might be severely compromised by this pregnancy? What about a fetus which has been found through modern amniocentesis or ultrasound to be severely and irreversibly impaired? Of course the cases go on and on, and you can fill them in from your own knowledge, including mistakes, and those so often cited by anti-abortion activists: those women who are allegedly having mere "abortions of convenience."

I want to make it clear that I respect the views of religious people who are opposed to abortion because they truly consider it to be murder, or simply to be wrong on other conscientiously considered grounds. There are many here on the Stanford campus in evangelical Protestant groups, the Catholic community and other world religious organizations. My job as Dean for Religious Life is to be sure that their voices are not squelched or censored and that they can flourish and thrive as religious communities. And I personally would join them on this issue if I thought that an embryo or a fetus is fully a "human being" or a "person." I don't think "a woman's right to choose" is a sufficient answer to the claim that "abortion is murder." If by abortion we're killing human beings or persons, then a woman does not have a right to choose to kill, except in the very limited circumstances of self-defense -- where it's a matter of either she dies or the fetus dies (say in an ectopic pregnancy or with certain kinds of cancer).

Yet, fetus as "person" or "human being" has never been a settled question within Christianity or Judaism. There are large segments of the Judeo-Christian world that, historically and currently, have seen and now see the embryo or fetus as potential human life, but not as fully human until birth, or until some stage in fetal development well past conception. My personal religious understanding is that human life or personhood begins at birth, but I also think there are important protections that should be applied to potential human life at certain stages of fetal development. Let me trace some of that religious history now.

There's nothing explicitly said in the Bible about induced abortion. Zero. The Jewish position begins with Exodus 21:22: "When people who are fighting injure a pregnant woman so that there is a miscarriage, and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the

judges determine." So, only a fine; no punishment for homicide. On the basis of this passage, the rabbis argued in the Talmud that a fetus is not considered adam (human) and has no legal standing as a person. Killing a fetus is not murder and it is not treated that way.^{ix} The mainstream Jewish position historically and today has been, and is, that human life or personhood begins at birth, when we take our first breath.^x There are a number of biblical passages which have been cited by rabbis over the years as connecting the breath and human life, starting with the creation story in Genesis 2:7: "The Lord God formed man from the dust of the ground, and breathed into his nostrils the breath of life; and the man became a living being."^{xi}

This is not to say that Judaism doesn't take the value of potential life in the womb very seriously, before and after hearts start beating and brain activity begins. Not only historically have there been the fines for killing a fetus required in Exodus, but in the words of the Conservative Rabbinat, "the decision to abort should not be taken lightly." Most Orthodox rabbis approve abortion only to protect the life or health of the mother. Conservatives sanction abortion under a wider range of circumstances, but always thoughtfully and prayerfully. The Reform Rabbinat leaves the decision whether or not to terminate a pregnancy in the hands of a woman or her family, but recognizes how difficult that decision often is.^{xii}

For most of the history of the Catholic Church, one did not become a human being or a person until well after conception. Saint Augustine in the fourth century adopted the Aristotelian belief that the human soul didn't enter the fetus for 40-90 days after conception. At about the same time St. Jerome was emphasizing human shape: "The seed gradually takes shape in the uterus, and it [abortion] does not count as killing until the individual elements have acquired their external appearance and their limbs."^{xiii} The Apostolic Constitutions of the late fourth century allowed abortion if it was done both before the human soul entered and before the fetus was of human shape. St. Thomas Aquinas of the thirteenth century followed Augustine in not considering the abortion of a non-ensouled fetus to be murder. Meanwhile, Pope Innocent III in the same era as Aquinas was emphasizing that the soul enters the body at the time of quickening -- when a prospective mother first feels movement of the fetus. When Pope Gregory XIV affirmed the quickening test for ensoulment in 1591, he set the time for it as 116 days into pregnancy, or the 16th week. The great reversal came with Pope Pius IX in 1869. He assumed ensoulment at conception and by 1917 church canon law had been revised, dropping the prior distinction it had upheld between "animated" and "inanimated" fetuses. Pius's position has been maintained by the Catholic Church ever since.^{xiv}

Likewise, criminal abortion statutes generally didn't come into effect in the United States until the latter part of the nineteenth century. The common law had long held that an abortion performed prior to quickening was not an indictable offense. Even abortion of a quickened fetus was generally not considered a criminal act under the common law, or at most a mere misdemeanor.^{xv} The U.S. Supreme Court in its 1973 *Roe v. Wade* decision used religious references to explain, in part, why the word "person" as used in the U.S. Constitution does not include the unborn: "There has always been strong support for the view that [human] life does not begin until live birth. This was the belief of the Stoics. It appears to be the predominant...attitude of the Jewish faith. It may be taken to represent a large segment of the Protestant community."^{xvi}

I'm personally part of that large Protestant community which believes that human life and personhood begins at birth. Some of my feelings admittedly may stem from the connotations of the words "birth" and "conception" with which I have grown up. We speak of Esau and others in the Bible having a birthright, not a conception-right. After a strong religious experience we might say we've been "born again," but not "conceived again." Various biblical characters speak of the land of their birth. We honor the birth of the nation Israel. We celebrate birthdays, including Christmas as the birth of Christ. I did a concordance check yesterday of the Bible, finding 216 references to birth or born, and only 43 to conception or conceive, a 5-to-1 ratio. And the majority of the uses of "conceived" were linked to being born in this way: "she conceived and bore a child."

I'm also personally enamored of that biblical conception that it's the breath of life which makes us full human beings. I'll never forget the image of seeing each of my children emerging into the world blue and lifeless, being struck on the back by the doctor, taking their first breath, and becoming ruddy-colored as they began crying their way into life. Now they were tiny people. Now they had joined the human race, not before.

On the other hand, it seems religiously important to me to be very concerned about potential life, not just actual life. We celebrate Advent as a time of waiting in the darkness for the light that will come at Christmas. The nine months of pregnancy for an expectant mother is a very important time of preparation for the baby-to-come and ideally of careful monitoring of maternal and pre-natal health. Fetal life is a magnificent continuum of development from the zygote at the time of conception, to the emergence of the embryo at about fourteen days, to what we call the fetus at about three months. Of course for those first two weeks it's not at all clear that the zygote will become a singular embryo, much less a human being. The zygote might develop into nothing at all, as it does in at least 2/3 of the cases. It could also develop into a tumor. Or it could become an embryo, or more than one if it splits into twins.^{xvii} Once it's an embryo, it'll be a long time -- another 22 weeks or so -- before it reaches viability or the stage of development where it could survive outside the womb. This is where I personally think the Supreme Court got it right in 1973 in terms of protection of potential life: During the first trimester -- covering time that abortion could occur with an IUD, a morning-after-pill, RU486, or minor surgical procedures -- the decision to abort is entirely the woman's. In the second trimester, with quickening, human shaping, and the necessity of more complicated surgical procedures, the state has a right to regulate medically to protect the health of the mother. (In fact, as a side note, less than 10% of abortions now take place after the first trimester).^{xviii} By the third trimester, though, the potential life has become viable; since the fetus could now live outside the womb, the state has a right to protect that potential life by prohibiting abortion except to preserve the life or health of the mother.

Before ending, I also want to emphasize that I and many other religious people of all persuasions would like greatly to reduce the incidence of abortion in this country. As the Lutheran Women's Caucus resolved in 1990, abortion should not be the stopgap for lack of contraception, for inadequate sex education, or for irresponsible, coercive sexuality -- not to mention a result of insufficient social support for new human life, like lack of health care, child care, and parental leave. I join in the call of the Lutheran Women's Caucus to work actively for those specific kinds of social and cultural changes

that will reduce the incidence of abortion and stop scapegoating women who have abortions.^{xix}

Then, at least in this area of moral concern, we might become one with the sentiments expressed in today's reading from Isaiah:^{xx} "Strengthen the weak hands, and make firm the feeble knees. Say to those who are of a fearful heart, 'Be strong, do not fear! Here is your God'...For the burning sand shall become a pool, and the thirsty ground springs of water... A highway shall be there, and it shall be called the Holy Way... And the ransomed of the Lord shall return, and come to Zion with singing; everlasting joy shall be upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away." Amen.

NOTES

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- ⁱ David Batstone, "God-talk and Moral Values," SoJoMail (November 9, 2004). See also Jim Wallis, "The Religious Right Era is Over," Sojourners Magazine (October, 2004); and the words of Diane Kippers from the National Association of Evangelicals, in CNN's "Fight Over Faith" (October 25, 2004), <http://transcripts.cnn.com/TRANSCRIPTS/0410/25/cp.01.html>
- ⁱⁱ "Democrats in Defeat Ponder 'Values Gap,'" The Christian Century, November 30, 2004, p. 12.
- ⁱⁱⁱ Scotty McLennan, "Endurance," a sermon delivered in the Stanford Memorial Church on November 14, 2004, p. 3.
- ^{iv} Luke 1:46-55.
- ^v Matthew 1: 19-20.
- ^{vi} Luke 1: 28; 2: 42.
- ^{vii} Luke 1: 32, 35.
- ^{viii} Luke 1: 38.
- ^{ix} Daniel Schiff, Abortion in Judaism (Cambridge University Press, 2002), pp. 2, 28.
- ^x Rachel Beale, "Abortion in Jewish Law," in Lloyd Steffen (ed.), Abortion: A Reader (Cleveland, Ohio: The Pilgrim Press, 1996), pp. 190-193.
- ^{xi} See Paul D. Simmons, "Personhood, the Bible, and the Abortion Debate" in Prayerfully Pro-Choice: Resources for Worship (Religious Coalition for Reproductive Choice, 2001), p. 116; Charles W. Braughman, "The Breath of Life: What does the Bible Say in the Crucial Question in the Abortion Debate: When Does Human Life Begin?" Christian Social Action 9, no. 3 (1996), pp. 30-34; Mary Anne Warren, "The Moral Significance of Birth," Hypatia 4, no. 3 (1989), pp. 46-65. For other passages referencing the breath of life, see Genesis 6:17, Psalm 104:29-30; Job 33:4 and 34:14-15; Habakkuk 2:19.
- ^{xii} See Reform Rabbinate statement (1975) and Conservative Rabbinate Statement (1983) in Prayerfully Pro-Choice, p. 47. For orthodox position, see Schiff, Abortion in Judaism.
- ^{xiii} As quoted in B.A. Robinson, "Abortion: Ancient Christian Beliefs" (ReligiousTolerance.org, 2004), www.religioustolerance.org/abo_hist.htm
- ^{xiv} Robinson, "Abortion."
- ^{xv} Roe v. Wade, 410 U.S. 113 (1973).
- ^{xvi} Ibid.
- ^{xvii} F.M. Sturtevant, Letter to the editor of the Wall Street Journal (November 14, 1994), as quoted in Tibor R. Machan, The Passion for Liberty (New York: Rowman and Littlefield, 2003), pp. 181-182.
- ^{xviii} Katherine Hancock Ragsdale, "Faithful Witness for Choice" (1997), in Prayerfully Pro-Choice, p. 28.
- ^{xix} George F. Johnston, Abortion from the Religious and Moral Perspective: An Annotated Bibliography (Westport, Conn.: Praeger, 2003).
- ^{xx} Isaiah 35:1-10.