

ABORTION AND LIBERAL RELIGION
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From an Associated Press article that appeared on the front page of most large-city newspapers last Wednesday:

Supreme Court nominee Harriet Miers pledged unflagging opposition to abortion as a candidate for the Dallas City council in 1989, according to documents released Tuesday. She backed a constitutional amendment to ban the procedure in most cases and promised to appear at “pro-life rallies and special events.”

Asked in a Texans United for Life questionnaire whether she would support legislation restricting abortions if the Supreme Court allowed it, Miers indicated she would...

Supporters of Miers’ nomination said they hoped the single sheet of paper – delivered to the Senate Judiciary Committee as part of a shipment of 12 boxes of documents – would help reassure rebellious conservatives that she would not disappoint them if she took a seat on the high court...

One Democratic supporter of abortion rights responded warily, “This raises very serious concerns about her ability to fairly apply the law without bias in this regard. It will be my intention to question her very carefully about these issues,” said Sen. Diane Feinstein of California.

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Even the proverbial visitor from another planet, if given only that article as an example of the place of abortion on the current American political stage, would know that a national nerve has been touched by the latest Bush nomination for the Supreme Court. Indeed, I'm persuaded that no domestic issue more clearly illustrates the differences between the political left and right - not intelligent design, not gay marriage – than abortion. Some on the *religious* right have made their position on abortion crystal clear: abortion is murder. But what about the religious *left*? What about Unitarian Universalism? *What about you and me?*

I'll spend the rest of my time suggesting how our way of religion can help us shape first a personal, then a corporate response to such morally complex questions. Some Unitarian Universalists may not like my approach, for I am not a secularist on the issue of abortion. I'm convinced that despite the many real differences between ourselves and religious conservatives, we share with them at least one basic assumption: *Religion should play a role in shaping and supplying moral answers to moral questions.* I'll develop that point as we go along, but for now, let me pose a question to those religious liberals who view abortion as a purely secular issue: If liberal religion is not capable of helping us deal with difficult moral decisions, then of what use is it?

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Let's begin by quickly reviewing the social and legal contexts that put Harriet Miers' name the front page. You may know that abortion became legal in the United States on January 22, 1973. The plaintiff, Norma McCorvey, chose to be anonymous and thus was referred to with the legal alias "Jane Roe". The defendant in the case was Harry Wade, the district attorney in Dallas County.

Norma McCorvey told her attorney, Sarah Weddington, that she had been raped and had been refused a legal abortion under a state law that reserved that procedure for instances when the mother's life was in jeopardy. (Several years ago, McCorvey told the press that she was not raped and that she now regrets the decision to abort.)

Citing a previous decision, *Griswold v. Connecticut* (1965), the Court found that the due process clause of the Fourteenth Amendment guaranteed birth control as a fundamental right. As part of the Roe ruling, abortion-on-demand would be granted during the first three months of pregnancy; after the first trimester, the pregnancy could be terminated if the attending physician determined that the life of the mother would be in jeopardy should the pregnancy continue; and in the event of jeopardy to the mother's health during the third trimester, the fetus could be aborted with permission from the State's medical representative.

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It's important to keep this background in mind as we each wrangle with abortion. It's also important to remember that *the Supreme Court sought to protect the rights of a fetus, not determine when life begins*. Two sentences from the final *Roe* ruling make this clear:

We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology arrive at any consensus, the judiciary, at this point in [man's] knowledge, is not in a position to speculate as to the answer.

The importance of this passage should be clear to all: the intent of *Roe* was to allow for the dictates of a woman's conscience in such a complex moral matter as abortion. It follows, then, that the current attempt to reverse *Roe* must be based on the opinion that the Supreme Court is in a better position to rule on this complex moral matter than it was in 1973. If so, what has changed in the last 32 years? Did the Court become more adept at navigating morally complex issues? Did we, as a people, decide to surrender more power to the Supreme Court? Or, did a particular religious viewpoint garner more political influence in the ensuing years?

I said earlier that our task here at Nora Church is to engage the political as it applies to the religious, not the other way around. But as you surely know, religion is being invoked in the heated debate over abortion. Let's be fair and acknowledge that it's well within the

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bounds of religion – including liberal religion - to arrive at an anti-abortion position; it is perfectly legitimate to oppose abortion on the basis of one's conscience. But let's not forget that many who would reverse *Roe* cite a literal interpretation of ancient scripture as the basis for their anti-abortion stance. It's one thing to wrestle with the conscience; it's something else to purport to speak for God.

I want to move into some of the supporting evidence claimed by the anti-abortion and pro-choice, but let me emphasize once again the intent of the majority in *Roe* to establish legal abortion on the basis of one's right to privacy rather than a judgment about morality. Even the two dissenting justices in the *Roe* decision, Byron White and William Rehnquist, did not base their objection on moral grounds. They dissented from the majority because they believed that abortion law should be left to each state to decide. Justice White called the decision "an exercise of raw judicial power". From the minority opinion in *Roe*:

I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statues. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the

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continued existence and development of the fetus, on the one hand, against a spectrum of impacts on the mother, on the other hand.

Taken on its surface, the dissenting opinion in *Roe* was based on the nearly two hundred year-old quarrel between the federalists (those who want a strong central government) and the anti-federalists (those who want the States to hold the balance of power). But there was more behind the dissent than wanting to reserve power to the States; White and Rehnquist also believed that the *Roe* decision was premature, that the nation needed more time to process the moral and legal consequences of abortion. State by state.

Now, it's easy to be a legal "armchair quarterback" some thirty-two years down the road from that landmark case. Perhaps even the more rock-ribbed justices who were in the majority in the *Roe* decision, were they able to look into a crystal ball and see the ongoing turbulence generated by the case, might rethink their timing. But even if the decision to legalize abortion was a combination of bad law and bad timing, that may not be grounds to reverse it. But it does mean that it's time we had the national conversation that White and Rehnquist called for.

All right then, with this history in mind, what are the pro-choice and anti-abortion crowds using to support their positions? And, closer to

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home, how does our way of religion help us sort through that supporting evidence as we struggle with such a complex, personal-yet-corporate issue?

Let's begin with some of the foundations of the anti-abortion stance, keeping in mind that not everyone who opposes abortion does so on religious grounds. (There are anti-abortion folk in both major political parties, and all income brackets, ethnic groups and most religions, including Unitarian Universalism. Second, the anti-abortion crowd is every bit as nuanced as the pro-choice crowd; some oppose abortion under any circumstances, some oppose it for minors; some oppose abortion save in circumstances of rape or incest and others oppose it unless the mother's life is at stake. Religious liberals can create and promote stereotypes as well as anybody else, so let us be not be guilty of the same prejudices we ourselves sometimes experience.)

That said, I want to borrow from one of my favorite websites, religioustolerance.org, as I try to identify the primary arguments against abortion. Most people who hold the anti-abortion (pro-life) stance believe that human life starts at conception. For them, the moment that a zygote (a cell formed by an egg and a sperm) exists is the beginning of a human life, one that deserves our full protection.

From the website, religioustolerance.org:

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There are many reasons for the belief that personhood starts at conception:

- *Some base their belief on their religious faith. Their denomination and/or religion teaches that God injects a soul into the zygote at the instant of conception. Even though it is composed of only one cell, it becomes a human person at that time due to the presence of the soul.*
- *Others point out that shortly after conception, a unique DNA code formed which will remain unchanged through the life of the fetus and after birth. Scientists may define this event as the start of a human organism...Many pro-lifers assert that the presence of a unique DNA code also signals the start of a human person.*
- *Almost everyone agrees that a newborn child is a human person. One can work backwards in time through the birth process, fetal development, embryo growth, pre-embryo stage and finally end up at the zygote: the start of a human organism. Prior to that point there was no life. There was just an ovum and one very lucky sperm, neither of which is considered a form of life by most scientists. Conception is the first point where a single, living organism exists that has a good chance to grow and become a newborn.*

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- *The zygote is simply the earliest stage of human development; it is what human persons look like about 9 months before we are born.*
- *Some pro-lifers are reluctant to define the advent of personhood at a later point than conception, because this might lead to a “slippery slope” situation: The public might reach a consensus that abortions should be legal and freely available at progressively later times in gestation.*

The wild-eyed biblical literalists who quote misappropriated scripture get a fair amount of camera time and ink, but even this scant outline of the anti-abortion position reinforces the fact that complex moral issues can lead people to the same conclusion for very different reasons. (I say again, the anti-abortion forces may include a fair number of radical religious wing nuts, but shame on us if we paint all abortion opponents with the same broad brush!)

Admittedly, time doesn't allow us to develop these points further, but I believe they suffice to give us an overview of abortion from the anti-abortion position. Borrowing again from religioustolerance.org, let's also consider the basic pro-choice arguments:

Those who believe that a zygote is a potential person, but not a human person, reject some of the arguments put forth by the “other side.”

- *Atheists, humanists, many religious liberals and others generally reject the possibility of God injecting a soul into a zygote at conception. The soul is largely a religious concept whose existence has never been proved scientifically. It cannot be located, weighed, smelled, felt, measured or otherwise detected by any known instrument or human sense.*
- *Most reject the belief that the presence of a unique DNA code converts the egg into a human person. They note that a skin scraping of a child or adult contains a very large number of living, single cells; each has the same unique human DNA code as does the human from which it came...a sample from a human skin scraping, or from a swab of the inside of the mouth or a hair follicle contains the same type of human DNA information as does a zygote. They presumably should be given the same status. Skeptics might argue that since we don't consider a hair follicle, etc. to be a human person, we should not look upon human zygotes as persons either.*
- *Some pro-choicers note that a zygote has no limbs; no head; no brain; no ability to see, hear, smell, taste or touch; no internal organs, no self-consciousness, no ability to think, reason, sense its environment, etc. Even at the age of one month, a human embryo cannot be distinguished from the embryo of a cat or dog. Three things make us human persons: the ability to think, a moral sense and our physical appearance. The zygote exhibits none of these.*

Again, time won't allow me to elaborate on these points, but they serve us well in understanding at least the biological rationale for the pro-choice camp. These abbreviated outlines of the two main strains of thinking regarding abortion, like the brief historical background that preceded them, help us appreciate why a presidential nominee for the Supreme Court could evoke so much acrimony and command so much attention. But I want to do more than just explain the context of the battle over abortion; I also want to lift up the means by which our liberal religious tradition can help us shape our own convictions on something so morally complex. The final section of this sermon aims to draw from our tradition a way to frame the issue of abortion itself, allowing each to follow the dictates of her or his conscience.

As I've stated in earlier sermons, liberal religion is both similar to, and different from, orthodox Christianity – similar in that both turn to tradition, scripture, experience and reason in moral matters, but different in that liberal religion is less interested in imposing moral uniformity and more interested in helping human beings shape piercing moral questions for themselves. It's not that we discount the importance of tradition and scripture; it's just that those sources of truth are somewhat fixed, more static than either experience or reason. To put it differently, while many orthodox religions emphasize norms from the past and the Bible, liberal religion emphasizes the experiential and the rational. Thus it can

be said liberal religion's greatest contribution to the national debate over abortion is its ability to ask deep questions *before* offering deep solutions:

- How trustworthy is ancient scripture as an authority for a twenty-first century moral issue?
- What weight should we give any claim for authority that rests on belief in, and an understanding of, a supernatural deity?
- What are the moral, social and political consequences for the various options at our disposal?

Basic as they are, these kinds of questions are not always part of the discussion when America debates great moral issues. We of the liberal religious tradition have long raised such basic questions. We raised them in response to the genocide of Native Americans. We raised them in response to the institutional evil known as slavery. We raised them in response to the marginalization of women. We raised them in response to the denial of civil rights and equal treatment for people of color. And we're raising them now in solidarity with gay, lesbian, bisexual and transgender persons. Indeed, religious liberals have had a place at the table when great moral issues have been debated in America, whether a place was reserved for us or whether we had to make one. And now – right now – we need to take a place at the table as abortion is being debated.

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I said that liberal religion asks some basic questions whenever religion is cited as an authority for morality in this country, for we believe that public policy should be an extension of some very bad theology. But we also do well to ask some piercing questions that are specific to abortion:

- If the Bible is the foundation for opposing abortion, how is it being read and applied? (Abortion is also about scholarship.)
- What influence will science have in determining a moral issue, specifically, the point at which a human life begins? (Abortion is also about biology.)
- How will any decision about *Roe v. Wade*, whether it's to retain, change or reverse it, be reconciled with the fact that ours is a pluralistic nation? (Abortion is also about law.)
- How will a change in *Roe* affect a woman's reproductive rights, especially those of a poor woman? (Abortion is also about justice.)
- How many resources will be given to sex education, including and beyond abstinence? (Abortion is also about education.)
- Will emergency contraceptives (also known as "morning after" pills) continue to be legally available? (Abortion is also about access.)

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- What services will be directed at requiring young men to take financial responsibility for the increased number of children that will be born if abortion is made illegal? (Abortion is also about gender.)
- What level of funding will exist to provide for appropriate and mutually beneficial adoption? (Abortion is also about families.)
- Are we prepared, as a nation, to accept the fact that to outlaw abortion in the United States will in no way (except legally) end abortion in the United States? (Abortion is also about desperation.)

I have by no means exhausted the questions that a rational and compassionate religion should pose in the face of a groundswell to reverse *Roe*. And my obvious pro-choice bias aside, I've said more than once that there is certainly room within Unitarian Universalism for an anti-abortion stance. But whatever one's questions and whatever one's answers, I believe none of us ever should become too comfortable with either side of this moral chasm. For ultimately, we all – pro-choicers and anti-abortioners – we all must answer two final questions: What is the face of Love? and How are we going to work together?

I want to close with two readings, the first from *Newsweek* columnist, Anna Quindlen. She's right when she says that abortion should never be an easy topic of discussion:

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People will keep on reducing this discussion as best they can: God and freedom, rights and wrongs. But this will never be an easy issue to parse. It can't be; instead of fitting neatly into black-and-white boxes, it takes place in that messy zone of hard choices informed by individual circumstances and conscience. People of good faith need to talk about it just that way, to advance the dialogue even in the face of rigid opposition. We insult women by suggesting that this issue is easily encapsulated in aphorisms. We insult ourselves by leaving its complexities unexamined.

And the poet, Joyce Hilleckson Caddell, makes the same point in her poem, "Believe It":

*I am not "for" abortion
I am for educated young people
I am for responsible sexual behavior
I am for wanted and loved babies
I am for female choice
I am for dependable methods of birth control*

*I am not "against" abortion
I am against children having babies
I am against ignorant and irresponsible intercourse
I am against incest and rape
I am against men making laws for women*

16.

*I am against babies being born into the world
where nobody cares about them*

I am against abortion as a means of birth control

Welcome or not, this country is finally having the discussion that was prematurely ended in 1973. We religious liberals were present then, we must be present now. I urge you to clarify for yourself a position on abortion that reflects your carefully examined values, then get involved in this discussion. Locally. Politically. Wisely. And with a compassionate appreciation of the deep questions that have more than one answer.