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Religious Perspectives on the Abortion Decision:  
The Sacredness of Women's Lives, Morality and Values,  
and Social Justice

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**RELIGIOUS PERSPECTIVES ON THE ABORTION  
DECISION: THE SACREDNESS OF WOMEN’S  
LIVES, MORALITY AND VALUES, AND SOCIAL  
JUSTICE**

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I.  
INTRODUCTION

There is a long tradition of religious support for reproductive rights on moral and religious grounds. The views of the denominations and religious organizations comprising the Religious Coalition for Reproductive Choice (RCRC), as well as those of other denominations, suggest how faith can illuminate our understanding of the moral and ethical underpinnings of reproductive rights and perhaps increase support for reproductive rights. This essay outlines some of the religious values that favor reproductive freedom, including women’s moral agency, the sacredness of both women’s lives and the developing life of the fetus, and respect for pluralism and the religious beliefs of others. By presenting these views, we show that the common assumption that religion necessarily opposes abortion rights, which has been spread through popular culture and media, is a fallacy.

In Part II of this essay, we discuss ways in which Christian and Jewish religious traditions support, rather than oppose, women’s reproductive rights. From the perspective of most Christian and Jewish traditions,

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reproductive freedom is based on the concept that women are moral agents, possessing free will and freedom of conscience.<sup>1</sup> In the view of many traditions, a woman who makes a reproductive decision is making a moral decision—a decision that involves her understanding of right conduct, her relation to a moral community and, for some traditions, her sacred responsibility to be a co-creator of life with God.<sup>2</sup> RCRC members hold that, because the abortion decision implicates a woman's religious beliefs and moral values, the law should not side with one religious perspective over another but should protect a woman's ability to decide based on her own views.<sup>3</sup> In cases where a choice has to be made between the health or well-being of a woman and the fetus she carries, the majority of religious denominations and traditions give primacy to the woman's life,<sup>4</sup> with the notable exception of official statements of the Roman Catholic hierarchy<sup>5</sup> and some Jewish traditions.<sup>6</sup> A brief review of the historical involvement of religious groups in the quest for women's reproductive rights shows the diversity of faith-informed support for women as moral agents and trusted decision-makers in reproductive matters.

In Part III we suggest that incorporating the concept of women's moral agency into our discussions about abortion would strengthen support for reproductive rights. While religious doctrine should never be the basis for law or incorporated into law, sound public policy on abortion in a pluralist society such as ours should protect the ability of individuals to act in accordance with their own beliefs and should acknowledge the diversity of religious views regarding abortion rights and reproductive freedom. Shifting the discourse about abortion to emphasize the complexity of women's lives and the morality of the abortion decision could, we argue, help advocates of reproductive rights strengthen their arguments.<sup>7</sup>

Finally, in Part IV, we argue that having a fuller understanding of the

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1. See generally VIRGINIA RAMEY MOLLENKOTT, RESPECTING THE MORAL AGENCY OF WOMEN, available at [http://www.rcrc.org/pdf/moral\\_agency\\_women.pdf](http://www.rcrc.org/pdf/moral_agency_women.pdf) (last visited Feb. 11, 2011).

2. See Marjorie Reiley Maguire, *Personhood, Covenant, and Abortion*, in ABORTION: A READER 260, 278 (Lloyd Steffen ed., 1996).

3. See DANIEL C. MAGUIRE, SACRED CHOICES 128 (2001).

4. See, e.g., PROGRESSIVE CHRISTIANS UNITING, PROGRESSIVE CHRISTIANS SPEAK 46 (John B. Cobb Jr. ed., 2003); Rachel Biale, *Abortion in Jewish Law*, in ABORTION: A READER, *supra* note 2, at 190–91.

5. See, e.g., *Catechism of the Catholic Church—The Fifth Commandment*, THE VATICAN, [http://www.vatican.va/archive/ccc\\_css/archive/catechism/p3s2c2a5.htm](http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm) (last visited Feb. 11, 2011).

6. See Biale, *supra* note 4, at 19 (noting that “most halakhic [Jewish legal] traditions permit abortion only to save the life of the mother”).

7. See Beverly Wildung Harrison & Shirley Cloyes, *Theology and Morality of Procreative Choice*, in ABORTION: A READER, *supra* note 2, at 319, 334–35.

moral complexity of the abortion decision could influence a wide range of social policies, such as access to contraception, comprehensive sexuality education, and prevention of violence against women. It could also broaden abortion rights advocates' focus to include other equality and justice concerns, such as the availability of employment, workplace and child care issues, and the availability of adoption and prenatal and postnatal health care. From a religious perspective, abortion does not exist in a vacuum but is part of a continuum of behaviors and choices that involve values, beliefs and options. As a society, we can have a greater appreciation of the need for resources and services that help individuals deal with reproductive issues if we consider the abortion decision in a holistic context, closely related to all other aspects of a woman's life.

## II.

### REPRODUCTIVE RIGHTS AND RELIGIOUS TRADITIONS AND VALUES

This Part describes some of the religious traditions and religious values that support abortion rights for women. The common assumption that religion necessarily opposes abortion rights—and condemns abortion—is a fallacy that has been spread through popular culture and media. Neither the Jewish or Christian scriptures nor the Jewish Mishnah or Talmud mentions the term “abortion” or discusses abortion directly.<sup>8</sup> The Bible discusses many sexual and family questions, and commentators have various opinions regarding why abortion is not specifically mentioned. Some have suggested that abortion was not mentioned because it was not specifically prohibited.<sup>9</sup> In her resource paper for Presbyterians Affirming Reproductive Options (PARO), Christian ethicist Gloria H. Albrecht notes that most Christian theologians had little to say about abortion until the modern era.<sup>10</sup> Consequently, “what we know about Christian teaching on abortion comes from fragmentary statements which are focused on denouncing sexual activity which would frustrate procreation.”<sup>11</sup> Albrecht does acknowledge that “in some early Christian writings . . . [abortion] is frequently listed with contraception,

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8. GLORIA H. ALBRECHT, *ABORTION IN GOOD FAITH* 16 (1995). *See also* PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 42 (noting that “the Bible provides no direct guidance about induced abortion” and that “[n]owhere in the Bible is abortion either forbidden or permitted”).

9. PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 42 (noting Biblical passages that suggest that “the fetus was thought to have value, but that it was not regarded as a full person”). Progressive Christians Uniting does note that other interpreters have explained the lack of any mention of abortion in the Bible as a consequence of the fact that “the practice was too obviously wrong to need a rule about it.” *Id.* However, they conclude that this is a less plausible explanation because “so many sexual and family questions are fully discussed in various parts of the Bible.” *Id.*

10. ALBRECHT, *supra* note 8, at 16.

11. *Id.*

homosexuality, castration, and sometimes masturbation as being the moral equivalent to murder . . . .<sup>12</sup> However, she also notes that penalties for abortion were meted out only to women who ended pregnancies in order to hide “an act of sexual irregularity,” such as adultery or prostitution.<sup>13</sup> “What has been consistently condemned, therefore, until after the Reformation,” she concludes, “was any act which would separate sexual activity from procreation.”<sup>14</sup> In addition, most family law in the Bible focused on the rights of the husband.<sup>15</sup> Even when abortion was condemned, all abortions were not condemned equally. Early Christians distinguished between “the lesser seriousness of abortion in the time before ‘ensoulment’ (around forty days after conception for boys and eighty days for girls) and the greater seriousness after that time.”<sup>16</sup> Abortion was considered homicide only after ensoulment occurred.<sup>17</sup>

Canon law generally maintained the difference in the penalties imposed for the two sorts of abortion until 1869, when Pope Pius IX dropped the distinction and excommunicated all who had abortions.<sup>18</sup> Official contemporary Catholic teaching holds to this position. In an official statement in 1974, the Vatican’s Sacred Congregation for the Doctrine of Faith condemned all “procured abortion, even during the first days” and equated abortion to murder.<sup>19</sup> That remains the position of the Catholic Church to this day.<sup>20</sup>

Protestant denominations, in contrast, have adopted a variety of views on abortion. While early Protestants did not emphasize abortion, they believed it to be wrong.<sup>21</sup> However, during the Renaissance, some Protestant theologians began to rethink the traditional, medieval view of procreation, which emphasized the importance of the father, and reduced

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12. *Id.*

13. *Id.* at 17.

14. *Id.*

15. PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 43.

16. *Id.*

17. *Id.*

18. *Id.*

19. *Sacred Congregation for the Doctrine of the Faith: Declaration on Procured Abortion*, THE VATICAN, [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19741118\\_declaration-abortion\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19741118_declaration-abortion_en.html) (last visited Feb. 17, 2011). For a description of the mission of the Sacred Congregation for the Doctrine of the Faith see *Congregation for the Doctrine of the Faith*, THE VATICAN, [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_pro\\_14071997\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_pro_14071997_en.html) (last visited, Feb. 17, 2011).

20. PONTIFICAL COUNCIL FOR JUSTICE & PEACE, THE VATICAN, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH ¶ 155 (2004), [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html) (noting the “illicitness of every form of procured abortion”).

21. PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 44.

the mother's role in procreation to that of a passive vessel for the male "seed."<sup>22</sup> They instead acknowledged that women "share in the biological 'ownership of the fetus.'" This view would be an important influence in thinking about abortion in modern times.<sup>23</sup>

Today, while some, more conservative, Protestant denominations condemn abortion (although a careful reading of their official pronouncements shows that many allow abortions when the woman's life is at stake), many other, mainline denominations have come to support reproductive rights for women.<sup>24</sup> While these denominations do not promote abortion, "they defend the freedom of women to make a responsible decision" and adopt a view of the Gospel as "forbid[ding] [the] making [of] ecclesiastical laws that restrict Christian freedom and entangle consciences when the Bible does not require them."<sup>25</sup>

Protestant clergy also played an important role mobilizing in support of abortion in the years prior to the Supreme Court's decision in *Roe v. Wade*, recognizing a constitutional right to abortion.<sup>26</sup> Although in the nineteenth century, Protestant clergy said little on the subject of abortion,<sup>27</sup> just prior to the Supreme Court's decision in *Roe v. Wade* in 1973, Protestant groups became increasingly vocal about the abortion issue.<sup>28</sup> Many Protestant religious groups based their arguments for reproductive freedom on at least two principles: the sanctity of the life and health of the woman in the face of dangerous and illegal abortion procedures and this nation's founding principle of religious freedom, that is, the right to act according to one's own moral judgment.

In the years prior to *Roe*, women seeking to have abortions faced substantial dangers. Abortions were the major cause of maternal death.<sup>29</sup> Racial minorities and low-income women bore a disproportionate risk.<sup>30</sup> One Los Angeles public hospital, for example, had a ratio of one abortion

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22. *Id.*

23. *Id.*

24. *Id.* at 45.

25. *Id.*

26. 410 U.S. 113 (1973).

27. JAMES C. MOHR, *ABORTION IN AMERICA: THE ORIGINS AND EVOLUTION OF NATIONAL POLICY, 1800–1900* 183–85 (1978) (noting that nineteenth century religious leaders adopted a "remarkably resolute policy of avoiding the subject of abortion" and that "the support offered by organized religion" to the medical community's "anti-abortion efforts" was surprisingly limited).

28. TOM DAVIS, *SACRED WORK: PLANNED PARENTHOOD AND ITS CLERGY ALLIANCES* 121 (2005) (noting the thousands of clergy who mobilized in the late 1960s to protect women's access to abortion).

29. Theodore Irwin, *The New Abortion Laws: How Are They Working?*, *TODAY'S HEALTH*, Mar. 1970, at 21. See also LESLIE J. REAGAN, *WHEN ABORTION WAS A CRIME* 209–11 (1997) (describing the injuries and deaths that resulted from illegal abortions).

30. REAGAN, *supra* note 29, at 211–13.

complication admission for every fourteen deliveries in 1968.<sup>31</sup> In the face of the significant dangers women faced from illegal abortions, many clergy and lay people of faith felt that it was a religious imperative to support legal abortion in order to protect women's life and health.<sup>32</sup>

One of the most notable examples of how people of faith attempted to support abortion rights for women in the years prior to *Roe* was the Clergy Consultation Service on Abortion. The group, which was founded in 1967 by twenty-one ministers and a rabbi, helped protect women who desired abortions from the substantial dangers they faced by providing counseling and referrals to safe practitioners.<sup>33</sup> Participating clergy expressed their concern for women in the Service's statement of purpose:

The present abortion laws require over a million women in the United States each year to seek illegal abortions which often cause severe mental anguish, physical suffering, and unnecessary death of women . . . . Belief in the sanctity of human life certainly demands helpfulness and sympathy to women in trouble. . . . Therefore believing as clergymen that there are higher laws and moral obligations transcending legal codes, we believe that it is our pastoral responsibility and religious duty to give aid and assistance to all women with problem pregnancies.<sup>34</sup>

As the statement of purpose suggests, by the time of *Roe*, a train of religious discourse had emerged that understood the "mental anguish, physical suffering and unnecessary death of women" created by the criminalization of abortion to pose a religious and ethical problem that could only be solved by liberalizing the abortion laws.

In the mid to late 1960s and early 1970s, religious groups also began to proclaim publicly their support for a woman's right to choose abortion. In 1963, the Unitarian Universalist Association adopted an official pro-choice position, urging the passage of federal legislation to "guarantee the fundamental right of individual choice in reproductive matters."<sup>35</sup> In 1967, the Central Conference of American Rabbis, an organization of the Reform Jewish movement, urged the liberalization of abortion laws.<sup>36</sup> In

31. Rachel Benson Gold, *Lessons from Before Roe: Will Past Be Prologue?*, 6 GUTTMACHER REPORT ON PUBLIC POLICY 8, 8 (2003), <http://www.guttmacher.org/pubs/tgr/06/1/gr060108.pdf>.

32. ARLENE CARMEN & HOWARD MOODY, ABORTION COUNSELING AND SOCIAL CHANGE 30-31 (1973).

33. See DAVID P. CLINE, CREATING CHOICE: A COMMUNITY RESPONDS TO THE NEED FOR ABORTION AND BIRTH CONTROL, 1961-1973 6-7 (2006); DAVIS, *supra* note 28, at 2-3.

34. CARMEN & MOODY, *supra* note 32, at 30.

35. *Reform of Abortion Statutes*, UNITARIAN UNIVERSALIST ASSOC. OF CONGREGATIONS, <http://www.uua.org/socialjustice/socialjustice/statements/13423.shtml> (last visited Feb. 12, 2011).

36. *Resolution Adopted by the CCAR: Abortion Rights*, CENT. CONFERENCE OF

1970, a special session of the United Methodist Church General Conference approved a resolution on the “population crisis,” which said that states should “remove the regulation of abortion from the criminal code, placing it instead under regulations relating to other procedures of standard medical practice. Abortion would be available only upon request of the person most directly concerned.”<sup>37</sup> By the 1970s, the Presbyterian Church (U.S.A.) was affirming the pregnant woman’s ability to reach a morally justifiable decision to abort, emphasizing that “the decision to terminate a pregnancy should never be made lightly or in haste.”<sup>38</sup> In its statement adopted in 1970, possible justifying circumstances for an abortion included “medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family.”<sup>39</sup>

The clergy and religious denominations that supported the reform of abortion laws and the legalization of abortion were not driven solely by the desire to protect women. They also sought to protect the guarantee of religious freedom. E. Spencer Parsons, a minister who served as Chairman of the Chicago Clergy Consultation Service on Problem Pregnancies, stated in a 1971 address:

Physicians, social workers and clergymen should enjoy the freedom of being able to give counsel and information on matters of family health and welfare without being subject to arrest for conspiring to commit an illegal act which is morally a matter of private conscience. . . . [S]ince we are a people representing many diverse religious traditions, is it not the best public policy, out of respect for our different convictions on the matter, for the State to withdraw from regulating this area of human intimacy?<sup>40</sup>

This view was echoed in the majority opinion in *Roe v. Wade*. Writing for the Court, Justice Harry A. Blackmun held that the right to privacy included the right to make decisions about continuing a pregnancy,<sup>41</sup> and noted:

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AMER. RABBIS [hereinafter *Resolution: Abortion Rights*] <http://data.ccarnet.org/cgi-bin/resodisp.pl?file=abort&year=1980> (last visited Feb. 12, 2011).

37. ABORTION, UNITED METHODIST CHURCH, <http://archives.umc.org/umns/backgrounders.asp?ptid=2&story=%7BFB3D4877-CA2B-4BBE-B0A6B74DAB578C6F%7D&mid=905>.

38. OFFICE OF THE GEN. ASSEMBLY, PRESBYTERIAN CHURCH (U.S.A.), REPORT OF THE SPECIAL COMM. ON PROBLEM PREGNANCIES & ABORTION 4 (1992), available at <http://oga.pcusa.org/publications/problem-pregnancies.pdf>.

39. *Id.*

40. E. Spencer Parsons, *Abortion: A Private and Public Concern*, 10 *CRITERION* 2 (1971).

41. *Roe v. Wade*, 410 U.S. 113, 155 (1973).

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We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer. . . . It should be sufficient to note briefly the wide divergence of thinking on this most sensitive and difficult question. There has always been strong support for the view that life does not begin until live birth . . . . It appears to be the predominant, though not the unanimous, attitude of the Jewish faith. It may be taken to represent also the position of a large segment of the Protestant community, insofar as that can be ascertained; organized groups that have taken a formal position on the abortion issue have generally regarded abortion as a matter for the conscience of the individual and her family.<sup>42</sup>

As Blackmun suggests in this excerpt, there are in fact many important ethical and religious values that are furthered by support for reproductive rights.

### III.

#### RELIGIOUS PRINCIPLES AND VALUES UNDERLYING SUPPORT FOR REPRODUCTIVE CHOICE

Religious traditions that support reproductive rights do so for a variety of reasons: because they hold that women are moral agents, with God-given free will and the ability to make moral and ethical choices; because they respect human life and health, including that of the woman; and because they believe that reproductive decisions—which involve religious beliefs and the exercise of conscience—must be protected under the constitutional principle of religious freedom.

##### *A. Women's Moral Agency and Freedom of Choice*

The notion of choice is foundational for many religious traditions. It is at the heart of what it means to be a human and to live in a human community.<sup>43</sup> Accounts about creation from most religious traditions tell of a world created from a divine choice. Christian thinkers often interpret Genesis's depiction of God's creation of man in his own image with dominion over the earth<sup>44</sup> as indicating that God limited His own power by giving the first humans, Adam and Eve, responsibility for making decisions

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42. *Id.* at 159–60.

43. MOLLENKOTT, *supra* note 1, at 1 (arguing that “freedom of informed choice is a basic component of moral responsibility and growth”).

44. 1 *Genesis* 26–28.

on behalf of all creatures.<sup>45</sup> According to many Christian ethicists, such freedom of informed choice is integral to moral responsibility and growth.<sup>46</sup> According to these thinkers, it is also significant that, according to the Bible, human beings are created in the image of God and, therefore, have the power, intelligence and faith to make good choices. For women, that includes choices about their reproductive capacity and their own lives.<sup>47</sup> The individual, as a child of God, must exercise the divine gifts of freedom, intelligence, and judgment whenever reaching a decision to act according to “the good.” Thus, conscience can never be displaced by coercion.

Religious thinkers have observed that, for a woman, the pre-eminent freedom is the ability to control her reproductive process; without that ability, she lacks freedom and choice in many other arenas of life.<sup>48</sup> The question of choice extends beyond criminalization of abortion. In relating freedom of choice to the abortion decision, it is clear that denying women the power to make such a decision amounts to coercion. Denying funding for abortion to poor women, as the federal Hyde Amendment does,<sup>49</sup> and blocking access to information and services, as numerous state restrictions do,<sup>50</sup> are coercive acts in the view of some religious thinkers.<sup>51</sup> They deprive women of the ability to choose what they think is the most responsible course of action.

### *B. Protecting and Fostering Health*

Respect for human life and human health is a basic religious value. Religious denominations and faith-based organizations that work on a wide range of public policy issues, as well as those that focus on health care, were vigorously involved in the Obama Administration’s legislative effort in 2009 and 2010 to reform health insurance, through the Faith in Health campaign, Faithful Reform in Health Care, and the PICO National Network.<sup>52</sup> Individual denominations including the United Methodist

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45. MOLLENKOTT, *supra* note 1, at 1.

46. *Id.*

47. *Id.* at 1–2.

48. *Id.*

49. The current version of the Hyde Amendment is found in Sections 507 and 508 of the Consolidated Appropriations Act, 2010 and prohibits the federal funding of abortion in all cases except when the pregnancy is the result of an act of rape or incest or poses a life-threatening danger to the mother’s health. *See* Consolidated Appropriations Act, 2010, Pub. L. No. 111-117, §§ 507–8, 123 Stat. 3034, 3280 (2009).

50. *See, e.g.,* CTR FOR REPROD. RTS, A FIRST LOOK BACK AT THE 2010 STATE LEGISLATIVE SESSION (2010), <http://reproductiverights.org/sites/crr.civicactions.net/files/documents/2010%20Highlights%20%2027-FIN.pdf> (detailing the dozens of bills passed in state legislatures in 2010 restricting access to abortion).

51. *See* MOLLENKOTT, *supra* note 1, at 1.

52. Anna Farris Rosen & Scott Clement, *Religious Groups Weigh In on Health Care Reform*, PEW FORUM ON RELIGION & PUB. LIFE (Oct. 8, 2009), <http://pewforum.org/Social->

Church and Evangelical Lutheran Church in America also gave their support.<sup>53</sup> Member organizations of RCRC advocated for including insurance coverage for abortion in reform legislation, arguing that excluding coverage for abortion would restrict the ability of women to act according to their religious beliefs and conscience in this private matter.<sup>54</sup>

Some faiths prize human life and health to the extent that they require a woman to choose an abortion to avoid harming her health. For example, the United Synagogue of Conservative Judaism stated in 1991 that “under special circumstances, Judaism chooses and requires abortion as an act which affirms and protects the life, well being and health of the mother.”<sup>55</sup> To deny a Jewish woman and her family the ability to obtain a safe, legal abortion when so mandated by the Jewish tradition is to deprive Jews of their fundamental right of religious freedom. Although there is considerable agreement within the Jewish tradition about whether the fetus is a person before birth<sup>56</sup> and that abortions are permitted, and may even be required, in certain circumstances,<sup>57</sup> there are other views as well. For example, different groups of Orthodox Jews disagree about whether non-therapeutic abortion is homicide or whether avoiding severe mental anguish can justify aborting a fetus with severe defects.<sup>58</sup> Conservative, Reform, and Reconstructionist branches of Judaism generally believe that individual women should make the decision in light of their own religious views, incorporating considerations of health and life, “unfettered by the legal imposition of moral standards other than her own.”<sup>59</sup>

Other faith traditions treat a woman’s health as one of several considerations that a woman must weigh in making a personal choice about her pregnancy. Various Christian traditions, including organizational members of the RCRC, also believe that a woman’s health and life should be respected and safeguarded when they are threatened by a pregnancy. For example, the United Methodist Church has stated:

Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the

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Welfare/Religious-Groups-Weigh-In-on-Health-Care-Reform.aspx.

53. *Id.*

54. *Advocacy Groups Increase Efforts to Oppose Abortion Coverage Restrictions in Senate Health Reform Bill*, MED. NEWS TODAY (Nov. 18, 2009), <http://www.medicalnewstoday.com/articles/171309.php>.

55. *The Abortion Controversy: Jewish Religious Rights and Responsibilities*, UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM, [http://www.uscj.org/The\\_Abortion\\_Controv5481.html](http://www.uscj.org/The_Abortion_Controv5481.html) (last visited Feb. 17, 2011).

56. RAYMOND A. ZWERIN & RICHARD J. SHAPIRO, ABORTION: PERSPECTIVES FROM JEWISH TRADITIONS 1, available at [http://www.rcrc.org/pdf/jewish\\_perspectives.pdf](http://www.rcrc.org/pdf/jewish_perspectives.pdf).

57. *Id.* at 2.

58. *Id.* at 3.

59. *Id.* at 4.

sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy. In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion, and in such cases we support the legal option of abortion under proper medical procedures.<sup>60</sup>

In both a historical and modern context many religious organizations have given their support to abortion when necessary to protect women's mental and physical health and, in such circumstances, support a woman's right to the method of abortion that will best protect her health.

State restrictions on the choices available to women in these circumstances therefore threaten both her physical health and her freedom to act on her religious beliefs. Indeed, as discussed in Part II, in the years prior to *Roe*, many clergy and lay people of faith felt that it was a religious imperative to support legal abortion as a means of protecting women from dangerous "back alley" procedures. As the Clergy Consultation Service on Abortion stated in its foundational document: "Confronted with a difficult decision and the means of implementing it, women today are forced by ignorance, misinformation, and desperation into courses of action that require human concern on the part of religious leaders."<sup>61</sup>

This religious mandate did not end with *Roe*. Rather, many religious groups and individuals continue to advocate for legislation that protects women's health by protecting their right to safe and legal abortions. RCRC argued, in an amicus curiae brief to the Supreme Court in *Gonzales v. Carhart*, that the government should not "force a moral consensus" where there is none, but rather should "let the individual women who face the agonizing decision of whether to terminate a pregnancy or risk their own health do so legally, in consultation and accordance with their own conscience and faith."<sup>62</sup> In 2008, a broad array of religious groups wrote to the incoming President of the United States, Barack Obama, to urge his administration to make reproductive health care a priority because of its integral relationship to achieving greater social justice.<sup>63</sup> These groups included the American Friends Service Committee, Disciples Justice Action Network, Unitarian Universalist Association of Congregations, United Church of Christ, and Union for

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60. BOOK OF DISCIPLINE OF THE UNITED METHODIST CHURCH ¶ 161 (2008).

61. CARMEN & MOODY, *supra* note 32, at 30–31.

62. Brief for Religious Coalition for Reproductive Choice and Thirty-four Other Religious and Religiously Affiliated Organizations and Individual Clergy and Theologians, as Amici Curiae Supporting Respondents at 2–3, *Gonzales v. Carhart*, 550 U.S. 124 (2007) (No. 05-1382).

63. *An Interfaith Call to Action in Reproductive Health*, RELIGIOUS COALITION FOR REPROD. CHOICE, <http://www.rcrc.org/issues/dearmrpresident.cfm> (last visited Mar. 7, 2011).

Reform Judaism.<sup>64</sup>

### *C. Religious Liberty and Freedom of Conscience*

According to the Christian ethicist, Paul Simmons, the word “conscience” refers to “the governing principles of life to which a person is ultimately committed.”<sup>65</sup> In theological terms, a person’s relationship to God is premised on her obedience to her conscience.<sup>66</sup> The state’s obligation to guarantee to its members liberty of conscience thus establishes, in Simmons’ view, an important constraint on public policy. The claims of conscience establish the outer limits of state authority. Therefore, freedom of conscience refers to the ability to make personal decisions without government interference.

Indeed, religious denominations distinguish between religious or spiritual concerns and concerns that are properly a matter for the state. In the view of many of these traditions, reproductive decisions are moral decisions and therefore involve a woman’s understanding of right conduct.<sup>67</sup> They are therefore not the kind of decision that the state can properly make. If the state usurps a woman’s ability to make decisions of this kind, in this view, it devalues her ability to act on the basis of her conscience and, if she is religious, her religious principles.<sup>68</sup>

Thus, religious denominations and traditions that support reproductive rights—including all RCRC member organizations—teach that the state has a responsibility to ensure that the dignity of women and their decisions regarding childbearing are respected.<sup>69</sup> In these traditions, the principle that human life is sacred is understood to mean that women’s lives must be valued, as much as (or more than, in some traditions) the potential lives they may bring into the world<sup>70</sup> and that the lives of other family members should also be taken into consideration. For example, the Central Conference of American Rabbis, an organization that represents the Reform movement rabbis, adopted a resolution in 1980 asserting that “[t]he decision concerning any abortion must be made by the woman and not by the state or any other external agency.”<sup>71</sup> Likewise, the Episcopal Church has, since 1967, expressed its “unequivocal” opposition to any

64. *Id.*

65. PAUL D. SIMMONS, PERSONHOOD, THE BIBLE, AND THE ABORTION DEBATE 9, available at [http://www.rcrc.org/pdf/RCRC\\_EdSeries\\_Personhood.pdf](http://www.rcrc.org/pdf/RCRC_EdSeries_Personhood.pdf).

66. *Id.*

67. *See, e.g.*, MOLLENKOTT, *supra* note 1, at 1–2.

68. *Id.*

69. John B. Cobb Jr., *Reflections on Abortion*, in PROGRESSIVE CHRISTIANS SPEAK, *supra* note 4, at 45.

70. *See* MOLLENKOTT, *supra* note 1, at 46; Biale, *supra* note 4, at 190–91.

71. *Resolution: Abortion Rights*, *supra* note 36.

government act that “abridges the right of a woman to reach an informed decision about the termination of pregnancy.”<sup>72</sup> Even in 1997, when the Episcopal Church expressed “grave concern” about the use of the “intact dilation and extraction procedure” in the third trimester of pregnancy, it made an exception for “extreme situations”<sup>73</sup> and did not change its comprehensive 1994 resolution opposing “any legislative, executive or judicial action” limiting decision-making on or access to abortion.<sup>74</sup> Additionally, as the church’s General Convention stated in 1994, “We therefore express our deep conviction that any proposed legislation on the part of national or state governments regarding abortions must take special care to see that the individual conscience is respected, and that the responsibility of individuals to reach informed decisions in this matter is acknowledged and honored as the position of this Church.”<sup>75</sup>

In contrast to the official stance of the Roman Catholic Church that abortion is never warranted,<sup>76</sup> some American Catholics have also expressed support for abortion rights because of their respect for the religious principle of freedom of conscience. For example, the organization Catholics for Choice, which was founded in 1973 to serve as a voice for Catholics who believe that the Catholic tradition supports a woman’s moral and legal right to follow her conscience in matters of sexuality and reproductive health, states that:

The morality and the legality of abortion is an important personal and political issue throughout the world. Catholic support for legal abortion is grounded in core principles of Catholic theology, which respect the moral agency of all women. It is bolstered by respect for the religious freedom and rights of people of all faiths and no religious faith, by respect for plural and tolerant democratic societies and, most importantly, by adherence to the Catholic principle of standing with the poor and marginalized of the world who are disproportionately women.<sup>77</sup>

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72. General Convention of the Episcopal Church, *Reaffirm General Convention Statement on Childbirth and Abortion*, 1994 J. GEN. CONVENTION EPISCOPAL CHURCH 323 [hereinafter 1994 Abortion Resolution], available at [http://www.episcopalarchives.org/cgi-bin/acts/acts\\_resolution.pl?resolution=1994-A054](http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1994-A054). See also General Convention of the Episcopal Church, *Reaffirm the 1967 General Convention Statement on Abortion*, 1976 J. GEN. CONVENTION EPISCOPAL CHURCH C-3, available at [http://www.episcopalarchives.org/cgi-bin/acts/acts\\_resolution.pl?resolution=1976-D095](http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1976-D095).

73. General Convention of the Episcopal Church, *Express Grave Concern over Misuse of Partial Birth Abortion*, 1997 J. GEN. CONVENTION EPISCOPAL CHURCH 270, available at [http://www.episcopalarchives.org/cgi-bin/acts/acts\\_resolution.pl?resolution=1997-D065](http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1997-D065).

74. 1994 Abortion Resolution, *supra* note 72.

75. *Id.*

76. PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 42–43.

77. Jon O’Brien, *The Needs of the Poor Must Go Before Dogmas*, CATHOLICS FOR A

Within this context, Catholics worldwide support the right of all women to follow their conscience when deciding about abortion, at least in cases when the woman's life is in danger or the fetus has abnormalities incompatible with life.<sup>78</sup>

Groups from many other faiths have also echoed the Episcopal Church's sentiments about the importance of reserving a woman's right to freedom of conscience with respect to abortion. Recognizing the plurality of opinion on the issue of abortion even within its own membership, the Presbyterian Church (U.S.A.) acknowledged, in 2003, the potential conflicts that may arise when private, moral considerations differ from public policy:

When an individual woman faces the decision whether to terminate a pregnancy, the issue is intensely personal, and may manifest itself in ways that do not reflect public rhetoric, or do not fit neatly into medical, legal, or policy guidelines. Humans are empowered by the spirit prayerfully to make significant moral choices, including the choice to continue or end a pregnancy. Human choices should not be made in a moral vacuum, but must be based on Scripture, faith, and Christian ethics. For any choice, we are accountable to God; however, even when we err, God offers to forgive us.<sup>79</sup>

Similarly, the National Association of Evangelicals reserves a private realm for consideration of abortion. While the group "deploras in the strongest possible terms the decision of the U. S. Supreme Court which has made it legal to terminate a pregnancy for no better reason than personal convenience or sociological considerations,"<sup>80</sup> nevertheless, it has held a position since 1973 that "recognize[s] the necessity for therapeutic abortions to safeguard the health or the life of the mother, as in the case of tubular pregnancies."<sup>81</sup> The Association also acknowledges that "[o]ther pregnancies, such as those resulting from rape or incest may require deliberate termination," but asserts that the decision to do so "should be

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FREE CHOICE (MAY 15, 2008), <https://catholicsforchoice.org/news/opeds/2008/NeedsofthePoor.asp>.

78. CATHOLICS FOR A FREE CHOICE, CATHOLIC ATTITUDES ON SEXUAL BEHAVIOR & REPRODUCTIVE HEALTH 16–18 (2004), <http://www.catholicsforchoice.org/topics/reform/documents/2004worldview.pdf>.

79. PRESBYTERIAN CHURCH, STATEMENT ON POST-VIABILITY AND LATE-TERM ABORTION (2003), *quoted in* PROCEEDINGS OF THE 215TH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH 53–54 (2003), *available at* <http://oga.pcusa.org/ogaresources/journal2003.pdf>.

80. *Policy Resolutions and Documents: Abortion 1973*, NAT'L ASSOC. OF EVANGELICALS, <http://www.nae.net/government-affairs/policy-resolutions/59-abortion-1973> (last visited Feb. 22, 2011).

81. *Id.*

made only after there has been medical, psychological and religious counseling of the most sensitive kind.”<sup>82</sup>

The common thread among these religious groups’ positions is that each seeks to reserve for its members the freedom that we have all been promised: the ability to decide for oneself what to believe and what to practice.

#### *D. Respect for All Life*

The notion, as stated in the Book of Genesis, that humanity has been created “in the image of God” provides theologians with a broad context for recognizing “our profound reverence for all human life” and “God’s blessing of human reproductive capacities.”<sup>83</sup> For example, Beverly Wildung Harrison writes that “the principle of respect for human life should be universally honored while also recognizing its conflict with other valid moral principles in the process of making real, lived-world decisions.”<sup>84</sup> Harrison concludes that “moral right is on the side of the struggle for the freedom and self-respect of women, especially poor and non-white women, and on the side of developing social policy that ensures that every child born can be a wanted child.”<sup>85</sup> Without offering specific guidance about abortion, religious thinkers use such passages to suggest the broad framework within which to consider the woman’s life, as well as the lives of all others involved in the abortion decision.

The question of the rights of the fetus has increasingly been at the center of debate over abortion, with those who oppose abortion arguing that human life begins “at conception” and therefore that abortion should be considered equivalent to murder. It is important to clarify that those who argue that Christian and Jewish scripture give primacy to fetal life, or that the fetus has the same status as the woman who bears it, are expressing a view that is based on a particular theological argument. As Professor Peter Wenz writes, these are not issues of “ordinary secular fact.”<sup>86</sup> Therefore, it is not possible to conclusively resolve the issue.<sup>87</sup> Citing Justice Stevens’ argument in *Thornburgh v. American College of Obstetricians and Gynecologists*, Wenz argues that attributing personhood to the fetus during the entire period from the moment of conception until the moment of birth rests on a constitutionally untenable theological

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82. *Id.*

83. See PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 43.

84. Harrison & Cloyes, *supra* note 7, at 331.

85. *Id.* at 333.

86. Peter S. Wenz, *The Law and Fetal Personhood*, in ABORTION: A READER, *supra* note 2, at 400, 405.

87. *Id.*

argument.<sup>88</sup>

Indeed, arguments favoring “fetal personhood” are by no means shared by all religions or all people of faith. Personhood begins in the Bible with the creation of Adam and Eve, not “with an explanation of conception.”<sup>89</sup> As Paul Simmons has stated, “[The woman] is aware that God wills health and happiness for her, for those she may bring into the world, and for the human race. Thus, she is engaged in reflection on her own well-being, the genetic health of the fetus, and the survival of the human race.”<sup>90</sup>

The key biblical passage about fetal “personhood” is Exodus 21:22-25, which sets forth procedures to be followed when a pregnant woman who becomes involved in a brawl between two men has a miscarriage.<sup>91</sup> The passage reads, in the New Revised Standard translation: “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. If any harm follows, then you shall give life for life.”<sup>92</sup> Simmons notes that, “A distinction is made between the penalty that is to be exacted for the loss of the fetus and the penalty for any injury to the woman. For the loss of the fetus, a fine is paid, as determined by the husband and the judges. However, if the woman is injured or dies, *lex talionis* is applied.”<sup>93</sup> While the passage deals with accidental, not purposeful, termination of pregnancy, it is important in that it makes a distinction between Biblical legal protections accorded a woman and a fetus.<sup>94</sup> A woman is a full person, whereas a fetus is merely potential.<sup>95</sup> These passages do not refer to fetal rights: rather, they highlight compensating a harmed woman’s husband for the value that he has been deprived from the loss of his potential offspring.<sup>96</sup>

In sum, these diverse religious views on abortion reinforce our argument that abortion is a complex moral decision involving personal values and beliefs. Because this decision is essentially a religious and moral one, it must be made without government coercion or interference and protected by the laws of our nation. In referring to religious perspectives, many modern scholars and theologians gauge broad biblical and moral

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88. *Id.* (citing *Thornburgh v. Am. Coll. of Obstetricians & Gynecologists*, 476 U.S. 747, 778 (1985)(Stevens, J., concurring)).

89. SIMMONS, *supra* note 65, at 3.

90. *Id.* at 4.

91. *Id.* at 2.

92. 21 *Exodus* 22–23.

93. SIMMONS, *supra* note 65, at 2.

94. *Id.*

95. *Id.*

96. *Id.* at 4.

principles as opposed to a literal reading of text.

IV.  
ABORTION POLICY THAT TAKES RELIGIOUS AND MORAL VALUES INTO  
CONSIDERATION

Incorporating the concept of women as moral agents and abortion as a social justice issue into our understanding of the abortion decision would strengthen support for reproductive rights in contemporary legal and policy debates.

While religious doctrine should never be the basis for law or incorporated into law, sound public policy on abortion in a society such as ours that respects cultural pluralism should protect the ability of women to act according to their own moral values and should stress the great diversity of religious views on abortion rights and reproductive freedom. Therefore, from the perspective of values-based decision-making, public policy should preserve for the individual woman the ability to make reproductive decisions based on her understanding of her needs, responsibilities, health, and faith. Government should provide a safe environment for these decisions, offering the space, opportunity and freedom for a woman to exercise her conscience and carry out her decision, free from the coercion of restrictions, obstacles, or barriers.

Legal and policy organizations that support reproductive rights generally focus on the important role these rights play in preventing excessive government intrusion and protecting women's privacy, dignity, and health.<sup>97</sup> Meanwhile, court decisions seek to balance the interests of the pregnant woman against the state's interest in the potential life of the fetus, especially during the later stages of pregnancy.<sup>98</sup> This focus on the

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97. The Religious Coalition for Reproductive Choice, for example, defends the right to choose to have an abortion as a vindication of the dignity and moral agency of the individual. As the Coalition states on its website:

Religious Coalition supporters are pro-choice not in spite of our faith but because of it. We recognize and affirm that all life is sacred and that part of being human is the responsibility to hold all life and creation in sacred trust. Part and parcel of that trust is the call to be responsible moral decision-makers. To be pro-choice is to respect all points of view and respect individual conscience. To be pro-choice is to trust women and families to make their own decisions. . . . We believe that the decision about terminating a pregnancy is a personal decision, to be determined by an individual in keeping with her convictions and religious beliefs. We believe that no one religious belief about when life begins should be made a law that all Americans must live by. To do so would violate our cherished principle of separation of church and state.

*FAQs*, RELIGIOUS COALITION FOR REPRODUCTIVE CHOICE, <http://rerc.org/about/faq.cfm#faq3> (last visited, Mar. 7, 2011).

98. *See, e.g.*, *Gonzales v. Carhart*, 550 U.S. 124, 157 (2006) (recognizing that “[t]he government may use its voice and its regulatory authority to show its profound respect for the life within the woman”).

state's interest in the potentiality of fetal life, however valuable, tends to exclude the complexity of the moral decision to have an abortion from the debate, thus preventing this complexity from being fully acknowledged in reproductive rights discourses. A more comprehensive understanding of the moral and ethical, as well as legal complexity of the decision to have an abortion would be better achieved if policymakers and abortion rights advocates (1) acknowledged that the abortion decision is one for individual women to make and that there is no single answer that can be prescribed by the state; (2) helped individuals make decisions that are consistent with their faith, conscience, and exercise of free will; and (3) recognized the relationship of reproductive issues to social justice concerns.

Acknowledging that reproductive decisions involve a process of complex, highly individualized moral decision-making could bolster public support for reproductive rights. The constitutional right of privacy that encompasses decisions about childbearing can be discussed and understood in moral terms. Beverly Wildung Harrison argues that coercion of women in reproductive decision-making, whether through enforced sterilization or restricted access to abortion, "legitimizes unjust power in intimate human relationships and cuts to the heart of our capacity for moral social relations."<sup>99</sup> Considered in moral terms, abortion restrictions that rob women of the ability to control their procreative processes can be considered as "compulsory pregnancy" and a violation of bodily integrity comparable to slavery and peonage, Wildung argues.<sup>100</sup>

A legal and policy argument for reproductive rights is also supported by the principle of religious freedom that underpins our Constitution. The Religious Coalition for Reproductive Choice has been the standard-bearer for the position that reproductive freedom is an essential element of religious liberty. RCRC holds that, because of the wide range of religious beliefs on the issue of abortion, reproductive decision-making must remain with the woman, to be determined in accordance with her religious beliefs, values, conscience, and circumstances. In a pluralistic society such as ours, government must not impose laws about childbearing based on any one belief about when personhood begins. However, government has the responsibility to safeguard the constitutional right to choose, protect access to services so that the right may be exercised, and ensure that abortion and family planning services are available to all without regard to income. As the American Friends Service Committee's stated in 1970 and reaffirmed in 1989, "the decision to terminate a pregnancy is seldom an easy one. That choice must be made free of coercion, including the coercion of poverty, racial discrimination and availability of services to those who cannot

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99. Harrison & Cloyes, *supra* note 7, at 332.

100. *Id.*

pay.”<sup>101</sup>

The constitutional guarantee of religious freedom means the law must not impose any one religious view about abortion or reproductive choice. In other words, the law must not embody religious doctrine about abortion, including doctrine about when human personhood begins and the responsibility a woman may have regarding childbearing. The law must instead protect the individual’s ability to follow her own beliefs and conscience in the private matters of family and reproduction. The United Methodist Church’s 2008 Social Principle on Abortion states that “[g]overnmental laws and regulations do not provide all the guidance required by the informed Christian conscience. Therefore, a decision concerning abortion should be made only after thoughtful and prayerful consideration by the parties involved, with medical, family, pastoral, and other appropriate counsel.”<sup>102</sup> Likewise, the Christian Church (Disciples of Christ), resolved in a statement adopted in 1975 and reaffirmed in 1989, to “[r]espect differences in religious beliefs concerning abortion and oppose, in accord with the principle of religious liberty, any attempt to legislate a specific religious opinion or belief concerning abortion upon all Americans.”<sup>103</sup>

Policymakers and advocates could also strengthen support for reproductive rights by recognizing the relationship between reproductive rights and social justice. Respect for human life informs religious approaches to social justice and leads many religious communities to work for a world in which every child is wanted, loved, and cared for and to support birth control, family planning, sexuality education, safe and legal abortion, and health care for all. In certain circumstances, including danger to the physical and mental health and life of the pregnant woman, family conflict, fetal abnormalities incompatible with life, and conception as a result of rape or incest, some traditions acknowledge that abortion may be the most moral and responsible decision that can be made. For example, the United Methodist Church, in its 2004 resolution on Responsible Parenthood, states:

We believe that continuance of a pregnancy that endangers the life or health of the mother, or poses other serious problems concerning the life, health, or mental capability of the child to be, is not a moral necessity. In such cases, we believe the path of

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101. *Documents of Quaker Organizations Favoring Abortion and/or Euthanasia Legalization*, THE FRIENDS WITNESS FOR A PRO-LIFE PEACE TESTIMONY, <http://www.prolifequakers.org/prochoicepositions.htm> (last visited Mar. 21, 2011).

102. RELIGIOUS COALITION FOR REPROD. CHOICE, WE AFFIRM: RELIGIOUS ORGANIZATIONS SUPPORT REPRODUCTIVE CHOICE 2, [http://www.rcrc.org/pdf/We\\_affirm.pdf](http://www.rcrc.org/pdf/We_affirm.pdf).

103. *Id.* at 4.

mature Christian judgment may indicate the advisability of abortion.<sup>104</sup>

Respect for women is a cornerstone of social justice policy that incorporates reproductive issues. In a society where women are fully respected and where their equality is fully realized, there will be adequate resources, education and support for women—and their partners—who wish to bear children.<sup>105</sup> As a result, women will seldom conceive unplanned or unwanted children or be deterred from bearing wanted children because of lack of resources.<sup>106</sup> As Gloria Albrecht writes: “[A]n adequate Christian evaluation of the moral significance of abortion must be grounded in knowledge of and respect for the complex responsibilities of women’s lives, respect for women’s moral agency, and a positive valuing of non-procreative human sexuality.”<sup>107</sup>

Indeed, relating reproductive rights to social justice can broaden the existing legal rights framework and change the way we talk and think about reproductive issues. From a moral perspective, the concept of “reproductive justice” can open up a deeper discussion that allows us to connect traditional social justice concerns to reproductive issues. These concerns include providing health care, eradicating hunger, eliminating violence, reducing income disparities, eliminating gender and racial/ethnic inequality, improving the quality of the environment, making quality education available to all, and increasing security through peace at home and abroad. These traditional social justice concerns are rooted in religious and humanitarian values, and we need to connect them to matters related to a woman’s reproductive life and options.<sup>108</sup> As the Presbyterian Church (USA)’s 1992 statement on “Problem Pregnancies and Abortion” stated: “The Christian community must be concerned about and address the circumstances that bring a woman to consider abortion as the best available option. Poverty, unjust social realities, sexism, racism, and inadequate supportive relationships may render a woman virtually powerless to choose freely.”<sup>109</sup>

It is particularly important to note that the lack of equity in family and work responsibilities and in income can affect a woman’s ability to make basic reproductive decisions such as whether to use certain forms of contraception. Justice for women must include access to the resources to

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104. United Methodist Church, *Responsible Parenthood*, in THE BOOK OF RESOLUTIONS OF THE UNITED METHODIST CHURCH (2004), available at [http://archives.umc.org/interior\\_print.asp?ptid=4&mid=991](http://archives.umc.org/interior_print.asp?ptid=4&mid=991) (last visited Mar. 21, 2011).

105. PROGRESSIVE CHRISTIANS UNITING, *supra* note 4, at 47.

106. *Id.*

107. ALBRECHT, *supra* note 8, at 39–40.

108. Carlton W. Veazey, *Reproductive Justice and a Comprehensive Social Justice Ethic*, in DISPATCHES FROM THE RELIGIOUS LEFT 98, 98–102 (Frederick Clarkson ed., 2008).

109. RELIGIOUS COALITION FOR REPROD. CHOICE, *supra* note 102, at 1.

have a healthy, safe pregnancy—if a woman decides to have a child—and the resources to raise the child in security. From a justice perspective, the paramount concern must be that a woman may act in accordance with her own conscience and religious beliefs and has the resources to act on her decision. This would entail public funding, without which poor women cannot exert their procreative responsibility, whether it be to have the child, terminate the pregnancy, or place the child for adoption.

Moral considerations in an abortion decision include the quality of life that the child could look forward to after birth, the probable impact of that birth on the welfare of the existing family, and the mental health and well-being of the potential mother. The woman may want to consider whether she can place the child for adoption without long-lasting anxiety about the child's well-being. She may need to ascertain whether, by giving birth, she will enhance or destroy the quality of other commitments and relationships, whether she can be a good mother, and whether she can honor the lifelong covenant of care between parent and child.

New approaches and new thinking about reproductive and sexual issues that include moral, ethical, and justice perspectives may help to break down the existing polarization on issues, appeal to social justice activists who do not now see the relevance of reproductive issues to their concerns, and open the way to a broader understanding of reproductive issues.

#### V. CONCLUSION

While “reproductive rights” is a legal term, a wide range of personal issues that do not involve legal considerations influence the decision. Among them are a woman's life circumstances (including financial resources, employment status, education level, and family support system), religious beliefs, moral values, and hopes and plans for her future and the future of her family. In order to satisfactorily take into account the complex considerations that factor into abortion decisions, discussions of reproductive rights must take into account the moral and religious values that the law protects under the First Amendment.<sup>110</sup>

Even some traditions in which abortion is considered problematic have adopted positions stating that it is preferable for this decision to be made by the woman herself rather than dictated by government.<sup>111</sup> From a religious perspective, the law should protect women's ability to make decisions regarding abortion, because it the decision involves religious and moral considerations as well as health and life considerations.

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110. *Cf. MAGUIRE, supra* note 3, at 128–31.

111. *See, e.g., RELIGIOUS COALITION FOR REPROD. CHOICE, supra* note 102, at 1 (indicating that the United Methodist Church's Social Principle on Abortion emphasizes that their “belief in the sanctity of unborn human life makes [them] reluctant to approve abortion,” but nevertheless affirms their “support [for] the legal option of abortion”).

Many people of faith who support reproductive rights on religious grounds recognize that abortion is not an isolated incident, but part of a larger pattern in an individual's life. Consequently, they have called for the creation of a just and compassionate society in which women have real options and every child is welcomed. For that to happen, a society must be created in which women who become pregnant will know that they are physically, emotionally and economically able to welcome and nurture a child in whatever ways the child needs. Women will know that their community will help ensure that they and their child have adequate food and clothing and be safely housed, well-educated, and free from violence. They will know that society provides a safety net of insurance, child-care options, job assistance, and humane family and medical leave policies. They will know that society values mothers and children. As we strive toward these goals, we must also trust women to make moral decisions about bearing children and parenting and adopt laws that protect these decisions and reflect our moral values. Advocates of reproductive rights can and should articulate these religious or spiritual and moral values that inform a commitment to reproductive freedom.