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# Abortion in America: Public Faith, Public Policy

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On Jan. 22, 1973, the United States Supreme Court rendered its historic decisions on abortion (*Roe v. Wade*, *Doe v. Bolton*). The passage of time has done little to quiet the controversy and calm the passions of those on both sides of the issue. In fact, time has only hardened views on abortion. At the present time, abortion is the most divisive issue on the political and social agenda of American Society. There is no viable middle position. One is either pro-choice or pro-life. Not since the issue of slavery has this nation endured such heated debates. The decisions of the Supreme Court have not brought the nation to a consensus. On the contrary, these decisions have divided and enflamed the country.

Why is this so? Like slavery, abortion raises the most fundamental questions a society can ask and try to answer: to whom do we grant the status of human being? What rights do we ascribe to the human being? What protections do we extend to the vulnerable, voiceless, and weak? What does a society owe, in the name of justice, to its members? What role does law play in the life of the society? What public expression, if any, do we extend to religion and religious values? These questions, and countless others, reveal the soul of a nation. How we answer these questions reveals our deepest beliefs and our most cherished values. American society has always taken these questions with the utmost seriousness. For we have understood ourselves in a special way. To be an American is to be part of a new Chosen People, selected by Providence to do its will on earth. America has understood itself as a people under God called to live in a covenant which seeks life, liberty, justice, and the pursuit of happiness for *all* human beings. This is America's blessing and burden.

The issue of abortion touches — no, jumps full force — on the very center of our identity and destiny as a people. The debate is so heated and the passions so strong because we all sense what is at stake, namely, the understanding of ourselves as a people. The way we treat one another and

the ways we welcome new life into our midst, reveals our moral character and our hope for the future. Abortion is deeper than politics, social policy, individual rights, and even court decisions. Abortion is a central theme in the story we tell ourselves about who we are and what we are about. The way we handle abortion exposes the very core of our being. The debate about abortion is essentially a debate about the kind of people we are and the kind of people we want to become.

A central tenet of the American story is the need for public, civil debate about the major issues of the day. Abortion is certainly one of the major issues. Unfortunately, many want the debate to exclude all religions' voices. Many want a "naked public square" in which religious values have no public role to play. In the name of the separation of Church and state, abortion can only be discussed legitimately by avoiding any reference to religion. As soon as religion is brought into the debate, one hears the cry of "religious values being forced on others." Furthermore, if we cannot agree on a public policy about abortion, for the sake of civil peace, we render abortion a *private choice*. Each individual is free to choose what she desires is the appropriate way to treat unborn human life. Private choice maintains public order and tranquility in a pluralistic society. The television and daily newspaper show us how unsatisfactory this approach has proved to be. Abortion is a fundamentally religious issue. And secondly, abortion will not be solved by rendering it a private choice. Abortion is in the public square to stay. Religious voices will not be silent.

A crucial opportunity now faces the Catholic-Christian community on the issue of abortion, namely, we have the opportunity to tell our story about how we value life and respect the dignity of the human person. Our voice must not be defensive, shrill, or condemning but affirming of the dignity of each human being and grateful to the God of life in Whose image we are wonderfully made. We Catholic-Christians have been offered a graced moment in which we can proclaim life and enrich the overall story of our society. *For the deepest beliefs of the Catholic-Christian community are complimentary with the deepest beliefs of the American story.* The balance of this article will expand on this thesis.

### **The Catholic-Christian Story**

The Catholic-Christian community is one which is formed by the telling and retelling of a number of stories. These stories form a living tradition which tells us of our origin, identity, vocation, and destiny. Without these stories, we cease to be a community. Before we articulate moral rules and principles, we tell stories about the ways in which God deals with the world. To be specific, we tell the stories of the ways in which Yahweh and Jesus have come to us and want to share the divine life with us.

The stories about Yahweh and Jesus which we tell and live are not incidental or accidental. Stories are the fundamental way in which we speak about God. Stories grow out of our individual and collective

experience with God. Hence, stories are not just meaningful, amusing, or interesting. Stories bring us into the very mystery of absolute truth. Stories are our ways of trying to ponder the great mysteries of God's love for us. When we gather in the liturgy to hear the word of God in the Bible and share the Eucharist, we are telling our deepest truths. We are reminding ourselves who we are.

The Catholic-Christian community makes a number of claims about God, the value of human life, and the ways in which we are to respect the dignity of all human beings. These claims form the narrative or story which express why we find abortion a morally objectionable act. These claims can be summarized in the following five assertions.

1. God is the author of all life. The God we worship is the loving Creator of heaven and earth. God creates out of love and desires that all creation reach its perfection in Him. Because God creates out of loving goodness, creation is fundamentally good.
2. God is the author of all human life. The God we worship is also the God in Whose image and likeness all human beings are made. Each person is filled with the very life-breath of God. Hence, each human being is deserving of respect regardless of income, intelligence, power, or personal merit. By the very fact that one is a human being, one has a dignity which no earthly power can take away.
3. Human life is a gift from God, entrusted to us to be used for the glory of God and the enhancing of the human family. We are not our own. All that we have and become owes its origin to the love of God. We come to experience life more and more as a gift to the extent that we tell our personal story in light of God's story revealed in Jesus.
4. The gift of life is entrusted to us and we are called to reverence life in all its forms. Following the stories of Yahweh and Jesus, we have a responsibility to defend human life whenever and wherever it is under attack. Of special concern is the voiceless, powerless poor, vulnerable, and unprotected. These have no one to plead their cause. These are especially exposed to exploitation and dehumanization. Hence, the Christian community must be vigilant in defending the least of our brothers and sisters. When we defend the dignity of the most wretched and powerless we are doing the very justice of God. When we reverence human life in all its forms we are acting as Jesus did when He affirmed the dignity of all who came to Him.
5. Personal witness on behalf of life is necessary but not sufficient. The Christian community must work for social justice. That is, we must build a society which respects all human life and enhance the dignity of every human being. Through our laws, institutions, and social structure we must be about defending human life as our public ways of being together. We are called upon as Christians and citizens to help

build a society and world in which the most basic of human rights is protected.

From these five basic assertions the Catholic-Christian community tells its story about the value of human life. All human life, from the moment of conception to the time of death, deserves our respect and demands our protection. Each human person has dignity regardless of ability, merit, power, or social achievement. The Catholic-Christian community feels a special imperative to defend the voiceless, weak, and powerless. We find ourselves standing in solidarity with all victims of violence and all the wretched of the earth. Why? Because, when we look to the unborn, outcast, sick, weak, dying, and neglected we see Jesus in His need. Each time we keep company with the abandoned and forgotten, we keep watch with Jesus. For it is in the least of our brothers and sisters that we touch the face of Jesus.

Naturally the question arises: while these assertions form the Catholic-Christian story, do they have any relevance for American society? In a pluralistic society such as ours, can the Catholic-Christian story make a contribution to the public debate about abortion? Simply put: are the Catholic-Christian story and the American story compatible?

Contrary to popular belief the answer is yes. In order to support this answer, we must now turn our attention to the American story. We must highlight those fundamental assertions which make the American story what it is and what we are as Americans. The American story is the narrative of *liberal democracy*. The core premises of the American story, liberal democracy, can be summarized in the following three positions.

1. The core premise of American liberalism is the belief in the moral equality of all human beings. Each human being is of equal worth. This assertion of moral equality is self-evident and beyond question. This equality of moral standing means that no one individual is superior to any other. There could be no liberal democracy without this core belief in the moral equality of all human beings.
2. If all human beings are of equal moral worth, then all human beings enjoy the same individual rights. The purpose of government is to protect the exercise of these individual rights. Furthermore, these individual rights are inalienable claims made by all human beings equally. The only qualification needed to claim these inalienable or natural rights is membership in the species — human being. Each human being is worthy of dignity and respect because of these natural rights.
3. Because all human beings are equal, all human beings enjoy equally the right to life, liberty, and the pursuit of happiness. No one can make a legitimately superior claim to life at the expense of another human being. Law becomes crucial in all liberal societies. It is law which expresses and defends the equal worth, dignity, and natural rights of

all human beings. Law is grounded in the moral equality of all human beings as possessors of natural rights.

The core premises of American liberalism affirm the dignity of all human beings as endowed in equal measure with natural rights. The most fundamental of these rights is the right to life. This right to life is recognized as residing in all members of the human species by the mere fact that one is human. This core belief in the moral equality of all human beings; the natural right to life of human beings; and the inherent dignity of the human person is most compatible with the Catholic-Christian story which asserts that all human life from the moment of conception is to be respected. Each person, made in the image of God, has dignity regardless of status or power. In effect, the Catholic-Christian story, rather than being in opposition to the American story, is in fact similar. Both narratives tell of the primacy of the right to life and the need to protect the dignity of each human being.

The current public policy in America concerning abortion is an abandonment of the Judeo-Christian tradition and American liberal democracy. By declaring the unborn child not to be a human being or person in the Constitutional sense of the term, we have denied the moral basis of natural rights to a member of our species. In so doing, we have betrayed the most fundamental premises of the American story. During our history we have corrected those injustices which assigned women, minorities, and aliens to a status of less than fully human. Once again it is time to tell the story of American liberal democracy in its most profound form. That is, we need to tell the American story of equal justice for all human beings regardless of race, creed, color, sex, national origin, or whether one is existing inside or outside the womb. By the mere fact that one is a human being, one possesses natural rights and is deserving of our respect. For if we are able to remove this most fundamental of natural rights from the unborn child, none of us is really secure in the dignity of our person. To deny the right to life of the unborn child is to threaten the dignity of all human beings.

### **Public Policy**

The Christian, Catholic or otherwise, has a responsibility to help build those social structures and laws which promote human dignity through justice for all persons. The Christian is a citizen of the nation and must bring his/her voice to the public square and its debates about how we are to live. The Christian brings his or her convictions about community life, justice, the place of law, and the values which hold us together as a people. The Christian cannot leave his or her religious conviction in some private cloakroom. The American public square must make room for religious convictions. We Americans are a religious people. The religious liberty we enjoy is not simply the liberty to hold private beliefs. We enjoy a religious freedom which allows us to give public, visible expression to our deepest

convictions. Naturally we must engage in the debates of the public square with a sense of mutual respect for others and a civility which allows the other person his or her belief. The Christian must speak his/her truth in the public square, but such speaking must always be done in hopes of gaining assent through reason and not deception or violence.

The Christian cannot remain voiceless and inactive when our current public policy on abortion undermines the basic premises of the Catholic-Christian and American stories. The present legal and public policy approach is one which undermines the belief in the intrinsic equal worth and dignity of each human being. Each year 1.5 million unborn human beings are killed. The overwhelming majority (95 percent) of abortions has nothing to do with the physical health of the mother, rape, incest, or severe genetic defects to the unborn. Human life is being taken for the most frivolous of reasons. All the while this is being done in the name of free choice, women's rights, and the ability of women to exercise proper reproductive control of their bodies. What is essentially under attack is the self-evident assertion that a human being has equal moral and legal standing simply because one is a human being. Once the humanity of the unborn is denied, all manner of violence and abuse is permitted. In the name of freedom we deny the most basic of natural rights — the right to live. In time we may come to see that in the name of such a freedom we are no longer free and to deny the right to life to the unborn endangers that right to those who are living.

What kind of public policy would be appropriate for both the Catholic-Christian story and the narrative of American liberal democracy? Before answering this question it must be stated just how peculiar is the American approach to abortion when compared with abortion law in 20 Western countries. To be specific: abortion policy in the United States affords the unborn no legal protection at any stage of pregnancy. Secondly, American abortion policy was determined in the courts and not through the legislative process. In taking the judicial approach we have severely limited the scope of future state regulation on abortion. The judicial branch of government has gathered the abortion issue unto itself. The essential on-going conversation within a democracy about its leading issues has been rendered moot. In no other Western country have the courts gone so far in denying statutory development. In no other Western country is the unborn so unprotected as in the United States.

Once again, what is to be done? What kind of public policy should we seek to enact? The answer must be framed in terms of the immediate and the long range. The current best hope would be the passage of a human life amendment along the lines of the one proposed by Senator Orin Hatch of Utah. The Hatch Amendment states: Section 1. The right to an abortion is not secured by this constitution. Section 2. Congress and the states shall have concurrent power to pass legislation giving force to this amendment. In effect, Senator Hatch's approach would deny that abortion is a constitutional issue, contra *Roe v. Wade*. This is crucial if the states are to

have a voice in shaping public policy. And secondly, Congress and the states would be given the power to provide some minimum national and local protection on to the unborn child. The Hatch amendment provides both federal protection as well as allowing for individual states to take part in the democratic process.

Will not the return of public policy or abortion to the states only serve to further divide American society? The European experience is most helpful. For even in societies badly divided over the highly charged issues of abortion, legislative compromise is possible. In fact it is desirable as a source of peace. By approaching abortion through the legislative process, the European nations have remained free of the sense of desperate embattlement which often leads to violence. The legislative process is one which requires bargaining, education, and persuasion. The legislative process tries to avoid winners and losers. By contrast, the judicial approach is based on confrontation and the need for total victory. Since 1973 we have traveled the path of judicial decisions in terms of abortion policy. The frustration and division have only grown.

On April 26, 1989, the Supreme Court heard arguments in the case of *Webster v. Reproductive Health Services*. Few expect *Roe* to be overturned completely. However, there is a real hope that restrictions can be placed on access to abortions which afford some protection to the unborn. It may be further hoped that greater statutory power will be granted to the states. Finally, *Webster* will decide whether the federal government can prohibit clinics, which receive federal funds, from counseling or referring for abortion.

Even if the Court decides to return public policy on abortion to the States, the abortions would not stop and the life of the unborn is still in great danger. Why? Because the unborn child still need not be recognized as an equal member of the human family. If *Roe* is not overturned the unborn child remains a non-person. Natural rights are not recognized and the unborn could be put to death by the legislative process. Hence, a long term view is also needed.

The long term view is contained in the Amicus Curiae brief filed in *Webster* by Catholics United for Life. (Ten Protestant pro-life groups have joined as well.) "A nonperson is no better off than property, entirely subject to the whim of the owner and whatever permissible regulation the state may deign to impose . . . . The integrity of the legal system calls for inclusion, not exclusion, of the class of unborn children within the term 'person' in the fourteenth amendment . . . . Not everyone has every right. But no one except a person has *any* rights . . . . [T]he personhood of unborn children imposes a positive duty upon the state to . . . . provide at least the minimum protection demanded by the fourteenth amendment: the outlawing of all abortions."

The issue of abortion brings us back again to the basics of our religious and political stories, namely, who is to be counted as a member of the human family. And secondly, how do we respect the dignity of all human



beings? The *Webster* case forces us to once again confront our deepest convictions about the most fundamental natural right — the right to life. Once again we must answer the question as to whether life is a gift from God or do life and death come from judicial decree or legislative action.

### Pastoral Practice

To defend the natural rights and dignity of the unborn is in no way meant to devalue women. There is a growing body of literature and research which suggests that abortion is one of the most destructive forms of discrimination against women. Legal abortions make it easier for men to sexually exploit women. Abortion can easily free men from their unwanted commitments. Abortion attacks female sexuality by fostering a mind-set which separates women from childbirth. The profound power of women to carry and nurture new life is devalued and with it women's unique role in the sexual process. Thirdly, abortion rights have left women abandoned who find themselves with an unplanned pregnancy. The right to an abortion is supposed to solve all such problems for women. In our society, once you are given rights, then you are on your own to face the consequences of your actions. Individual rights come at the expense of community support and dignified care. Lastly, abortion is seen as a way to fix an unplanned pregnancy which might disrupt one's career, education, or earning power. Pregnancy is presented as an obstacle to self-fulfillment and liberation. Family life is placed at odds with career.

To defend the natural rights and dignity of the unborn is not enough. The Catholic-Christian community must do all it can to defend the dignity of those women who find themselves with unplanned and unwanted pregnancies. Words are necessary but not sufficient. Realistic and morally proper alternatives require that the Christian community be willing to place its full resources at the disposal of the mother and the unborn child. To merely tell a woman to have a baby and face all that goes with motherhood, without spiritual, psychological, and financial support, is morally cheap and cynical. Words alone will not provide proper pre-natal care, dignified support for the mother, and the guidance necessary for the mother to do what is in the best interest of the child.

The Christian community must make a public commitment to unborn life and a commitment to women with unwanted pregnancies. This public commitment should include, but not be limited to making available to all women proper health care, child delivery services, and dignified counseling as to what is in the best interest of the child. Medical services and counseling, along with pastoral care, should be given to all women with unwanted pregnancies. In most instances the cost for these services would be assumed by the churches. Simply put, our faith commitment to the value of unborn human life calls for us to put our money where our faith is.

Finally, a great deal of spiritual counseling and healing must be

extended to those women who have had abortions. The loneliness and guilt they feel are enormous. The Christian community must reach out in love and reconciliation to the women of abortion. These women continue to be loved by God. These women continue to be deserving of our respect as human beings and members of God's family. We cannot become indifferent to their pain and morally smug in our dealings with them. Women are often victims of abortion. Their pain is often unseen, silent, and taken little note of by the media. This only makes it all the more imperative that we extend the kiss of peace and offer reconciliation. We never heal ourselves or others by inflicting more pain. And abortion already has too many victims.

### The Catholic Moment

The cultural and intellectual elites (media, university, entertainment, etc.) are fond of presenting abortion as "the Catholic issue". Hiding beneath this slogan are two often uncontested assertions: only Catholics are against abortion, and secondly, Catholic opposition to abortion is just another example of the inability of Catholics to make peace with the American experiment in liberal democracy. Both of these deserve to be answered.

To the first, namely, that only Catholics oppose abortion, flies in the face of all the polls and research done on the issue. Catholics and Protestants, along with a significant representation from the Jewish community, are troubled by the present abortion policy. In fact, even secularists such as Nat Hentoff of *The Village Voice* and Christopher Hitchens of *The Nation* oppose the abortion liberty as set out in *Roe v. Wade*. Far from being a "Catholics only" issue, the current abortion liberty and policy are deeply disturbing to many across the religious and social spectrum of American opinion.

To the second assertion, that is, that Catholic teaching on abortion is at odds with America's liberal democracy, is completely lacking in truth. Those who hold to such a position are either ignorant of what the Catholic teaching is and how it relates to the American story, or worse, it is just a new version of the same old anti-Catholicism which has appeared from time to time. Throughout this essay, I have attempted to show how the Catholic tradition of natural rights and the American story of liberal democracy are compatible. One does not have to choose Catholicism or American liberal democracy. This is purely a false alternative. Simply put, Catholics have no need to defend their commitment to democracy, natural rights, freedom, truth, justice, and peace. The record is clear for all with eyes to see. In other words, Catholicism and American liberal democracy are one in defending the dignity of *all* human beings.

Both Catholicism and American liberal democracy call humankind's attention to transcendent values. We are a people under God called to make His work our own and required to render an account of our

stewardship. Catholicism and the American story have always been distrustful of political power which is set free from any moral judgment beyond its own exercise. In fact, without a transcendent judgment, freedom becomes slavery; power becomes absolute; and the dignity of the human person is lost. The Bill of Rights is an expressive and abiding commitment to the dignity of *all* human beings by the very fact they are human. The Bill of Rights is the result of Christianity's and Western culture's long reflection on the nature of the human being. The Constitution, the Declaration of Independence, and the Bill of Rights form a trinity which tells the world of our respect for the human person. This trinity tells us about the kind of person we wish to be. This trinity is very much at home with the Catholic view of man and society.

There are two great questions to be found in the Hebrew and Christian scriptures: "Am I my brother's keeper?" (Gen 4:9) and "Who is my neighbor?" (Luke 10:29). Both of these questions require that we form our answer out of our reflections about the value of human life and what we owe one to the other. These are not academic questions but deeply existential issues which reveal the kinds of persons we are and the kinds of communities we are forming. Cain did not see himself as having any responsibility to his brother so he killed him. The lawyer reluctantly responded that the one who showed compassion was the true neighbor.

Many of our current issues concerning human life bring us face to face with our brother, sister, and neighbor. All three in today's medical world are to be found in the womb, on the respirator, and in the large hospital complex. The ways we show respect, care, hospitality, and love for these relatives and neighbors reveals much about our personal and national character. The Catholic-Christian tradition and the American story of hospitality have made room for the wretched of the earth. The words of Jesus in St. Matthew's gospel (25:31-46), the example of the saints, and the poem of Emma Lazarus make one thing clear: the way we treat the stranger and the newly arrived are of no small matter. The decision of *Roe v. Wade* is at odds with what is best in the American spirit. The way we treat the unborn is a betrayal of what Lincoln called our "finer angels". The Catholic Church has now before it a window of opportunity in which it can make a significant contribution to the American story. The Catholic moment can be a renewing opportunity for *all* Americans.

No doubt a word of caution must be voiced at this point, namely, we must be careful *not* to totally equate Catholicism with American liberal democracy. To do so is idolatry. Also we lose the prophetic voice of the gospel which proclaims the kingdom of God. No earthly political and institutional arrangement can be substituted for the kingdom. Only the person of Jesus and the kingdom of God can lay legitimate claim to our ultimate concern and absolute allegiance. The Catholic moment is *not* a call for the establishment of a Catholic America to the exclusion of other religions. It is simply to say that we are now presented with a splendid opportunity for enriching the cultural debate about the dignity of the

human person and what it means to live together in a just society. There is much within the stories of Catholicism and American liberal democracy which can promote a civil and substantive dialogue about the leading issues of the day. We can only hope and pray for the courage (which John Courtney Murray tells us is more important than intelligence) to seize the moment.

### Conclusion

Throughout this essay I have attempted to show that the Catholic-Christian story and the American story of liberal democracy are one in their belief in the dignity of each human being. Each human person is deserving of respect and possesses natural rights, the most fundamental being the right to life. Furthermore, we cannot dehumanize a class of human beings without endangering the human community as a whole. To defend the right to life of the unborn is to defend the right to life of all human beings.

In another time and place, a society thought itself wise enough and strong enough to determine the ultimate value of life. Nazi Germany grew arrogant enough to believe that it held the absolute power over life and death. Such pride turns men to beasts and sets us against one another. For when we lose sight of life as a gift from God, we begin to think that we are the ultimate masters of our fate. This illusion allows us to build chambers of death as a "solution" to life not worth living.

Dietrich Bonhoeffer, a Lutheran pastor and martyr from that other time and place, speaks to us as we engage in our own arrogance and disrespect for life:

And where if not in God should lie the criterion for the ultimate value of a life? In the subjective will to live? On this rating many a genius is excelled by half-wits. In the judgment of society? If so, it would soon be found that opinion as to which lives were socially valuable or valueless would be determined by the requirements of the moment and therefore by arbitrary decisions: one group of human beings after another would in this way be condemned to extermination. The distinction between life that is worth living and life that is not worth living must sooner or later destroy itself.

In pondering these words, can we turn and be healed?

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