



ABORTION

A Series of Statements of The American Lutheran Church 1974, 1976, and 1980

I. A Statement of Judgment and Conviction (1980)

A resolution adopted by the Tenth General Convention of The American Lutheran Church (GC80.4.46) "as a statement of judgment and conviction," which "expresses its corporate voice on an issue as its contribution to a public debate on that issue" of abortion. Ballot vote tally: Yes—609 (65%); No—323; Abstain—11.

Resolved, That The American Lutheran Church

- a. affirms that human life from conception, created in the image of God, is always sacred;
- b. understands that an induced abortion ends a unique human life;
- c. advocates responsible exercise of sexual and procreative acts so as to prevent the temptation to turn to abortion;
- d. deplores the alarming increase of induced abortions since the 1973 Supreme Court decision and views this as an irresponsible abuse of God's gift of life and a sign of the sinfulness of humanity and the brokenness of our present social order;
- e. acknowledges that there may be circumstances when, all pertinent factors responsibly considered, an induced abortion may be a tragic option;
- f. rejects the practice in which abortion is used for personally convenient or selfish reasons;

- g. recognizes that guilt is a common consequence of abortion and applies to all involved—fathers, mothers, doctors, counselors, and the society in which abortion is so readily tolerated;
- h. believes that because abortion has not only legal and medical, but also theological, ethical, moral, psychological, economic, and social implications, it is therefore too important a decision to be left solely to one person;
- i. regards civil law as a significant factor in shaping the judgments of citizens concerning that which is moral or immoral, good or evil, in the social order; this church therefore deplores the absence of any legal protection for human life from the time of conception to birth;
- j. urges those dealing with problem pregnancies to avail themselves of competent Christian guidance to help them explore the entire issue, including long-range effects and options other than abortion;
- k. declares that life is not only under sin but also under grace and urges pastors, medical personnel, and parishioners to exercise their priestly and healing role under Christ.

II. Report of the Task Force on Abortion (1980)

ACTION BY THE CONVENTION: GC80.4.49

WHEREAS, The Task Force on Abortion has submitted its report; therefore be it

Resolved, That the 1980 General Convention express its gratitude to the members of the task force for the diligent work; and be it further

Resolved, That the report of the task force be accepted as a statement of comment and counsel, one expression of views to be considered by members of congregations of The American Lutheran Church along with the 1974 General Convention statement, *Christian Counseling on Abortion*, and the 1976 General Convention statement, *The Value of Human Life*, and its appended *A Statement on Abortion*.

Ballot vote tally: Yes—618; No—274; Abstained—5; Voided—1; A 68.9% favorable vote

A. BASES FOR OUR INTEREST

1. The American Lutheran Church has an intense interest in the abortion issue and its implications. Our desire is to clarify the values related to such issues as: equal rights for women; the Supreme Court decisions regarding abortion; respect for life, born and unborn; responsible reproductive freedom; male dominance and control; protection of family life; the agonizing choice of whether or not to terminate fetal life; and political activism related to the abortion issue. Our desire is to encourage open discussion so that rational and informed courses of action will be promoted.

2. We express ourselves on the abortion issue and its implications because:

- a. We seek to be faithful disciples of our Living Lord, desirous of saying and doing that which we believe God would have us say and do;
- b. We value each human life as unique, distinctive, and worthy of dignity and respect;
- c. We deplore the tendency to turn to abortion as a quick and easy solution to an unplanned or a problem pregnancy;
- d. We recognize that abortion is a multi-faceted issue which concerns the family and the community and that the interests of women are paramount;
- e. We see that the abortion issue includes biological, psychological, humanitarian, social, ethical, political, and theological dimensions. It is far larger than merely a medical, a legal, or a personal choice issue;
- f. We regret that the burdens of abortion and abortion decision making fall unduly heavily upon the poor, minority group persons, and persons otherwise disadvantaged, who are pressured in their decisions by economic constraints;
- g. We encourage congregations to meet the overwhelming need for open discussion of the complexities of the abortion issue. Thereby the members can help one another become informed about the values intrinsic to the several sides of the issue.

*In this document induced abortion is defined as the deliberate removal of the fetus from its life-support system within the uterus with the intention of ending the life of the fetus.

3. Abortion is not a new issue. In fact, the percentage of American women seeking an abortion may or may not be greater today than in the past. The difficulty of obtaining accurate information for comparing the present with the past makes any precise data suspect. Nevertheless, the Supreme Court decisions on abortion since 1973 have raised the issue of abortion to national attention. We disagree with the view that because abortion is now legal the moral issues have been resolved. We are increasingly conscious both of the enormous number of abortions, legal and illegal, that take place and of the many and tragic circumstances that lead women to take such a step. It is clear that these are questions that should concern the church today as they should have concerned the church prior to the several Supreme Court decisions regarding abortion.

4. As responsible Christians we must confront the complexities of these issues. We take into account the findings of competent scholarship in all disciplines. We strive to uphold the teachings of our faith. At the same time we recognize the brokenness of humanity and our responsibility to deal equitably with this condition. We must work to promote healing and to restore a sense of wholeness.

B. BIBLICAL-THEOLOGICAL FOUNDATIONS

5. Lutherans approach the abortion issue, as any other, on the basis of their faith assumptions derived from Scripture. Therefore, a major question for Lutherans is, "What is the biblical witness?" In seeking that witness which the Old and the New Testaments would speak to us today we take into account alike (a) the text of any specific Bible reference, (b) the context in which that reference occurs, and (c) its probable meaning(s) in light of the whole of Scripture with its central theme of God's loving purpose to save the world through Jesus Christ (John 3:16-17). Differences of opinion and of interpretation will arise even among those who appeal to the same Bible, out of the same confessional tradition. In this spirit we turn to the biblical witness for guidance.

a. The only scripture verse which appears explicit to the loss of fetal life is Exodus 21:22. This calls for payment of a fine to the husband should a woman suffer a miscarriage as a result of being injured in a struggle. The following "life for life, eye for eye, tooth for tooth" penalty in verse 23 is not applied so long as the woman herself suffers no direct hurt. This suggests that the death of the fetus is not of the same order as personal harm or injury. Yet, the context of this verse so complicates the problems of interpretation that there is no consensus on the meaning of this passage.

b. Other passages of Scripture often cited in abortion discussions, however, do not speak as explicitly to the issue. For example, Psalm 139:13-16 and Job 10:9-11 are seen by some as descriptive of the creative processes God established for the intrauterine development of human life. Isaiah 44:2 and Jeremiah 1:5 can be read as God's special calling and foreknowledge of what these messengers would do in his service. Luke 1:44 expresses the meaning Elizabeth gave to the "leap" many a pregnant woman normally experiences. Such passages help to inform the discussion, but have not led to consensus on the specific issues.

c. Scripture passages which forbid murder (Ex. 20:13, Matt. 5:21-22, for example) or which provide penalties for murder (Gen. 9:6, Matt. 26:52, Rom. 13:3-5, for example) depend for their interpretation upon the definition given to the fetus by the reader.

6. Our confessional position as Lutherans requires that we ground any doctrinal statements on the Word of God as presented and explained in our symbolical books (the ancient ecumenical creeds, the unaltered *Augsburg Confession*, and *Luther's Small Catechism*, along with the other documents in the *Book of Concord* of 1580). Since abortion was not an issue in controversy when these were written, none contains any reference to abortion. The Bible and the confessions do speak clearly, however, on a variety of matters which have special relevance for the abortion issue. Among such matters are:

a. God is the creator, sustainer, and redeemer of human life, with the intent that human beings live in loving concern for each other, in harmonious relationships with one another.

b. Living within society, humans regulate many of their relationships by means of law. Christians share the responsibility to work for laws which are wise and just. Nevertheless, human law can never be fully equated with the divine will; the struggle for justice requires constant reassessment of human laws.

c. Human beings do not have it within their power to eliminate the condition called sin. Christians live from the forgiveness and new life effected by God's redeeming activity in Christ. The gospel calls Christians to live in the world and not to withdraw from it. The gospel does not free us from making decisions, but frees us to make responsible decisions in a sinful world. The decisions we are freed to make have consequences for the neighbor as for self as well as for our relationship with God.

d. Believing that humans are created in the divine image, and living out of a vision of eternal life, Christians affirm that human life deserves care, honor, respect. These attitudes begin in the family, where children are to be seen as a blessing of God. It is the responsibility of the church to exemplify and to work for such care, honor, and respect.

C. SOME SPECIFICS

7. Life is a continuous process from conception through death. The union of sperm and ovum at conception begins a new, unique, individual life. Normally, the conceptus implants in the uterus, and moves through the zygote and embryo stages during the first 60 days of development to a fetus, which on birth is known as an infant. The infant moves through the stages of life from childhood through old age to death. Biologically, life is a continuum.

8. We affirm that life is valuable as a gift of God. However, we recognize there is a common tendency to ascribe value to a human being by steps in relation to nearness to the time of birth or to the time of death. These value judgments are colored by the number, variety, and quality of the person's relationships either present or in prospect. Some insist that full personhood exists from the moment of conception, others reserve the term person from the time of birth, while still others suggest viability as the critical time. All of these judgments are based upon differing interpretations of the same set of biological data. To pinpoint a specific time when personhood exists is very difficult and the search for a single decisive development overlooks the complexity of the substance of personhood. External changes which occur in late fetal life evoke recognition and affective emotions in actual persons. Affective recognition is important because personhood has

social status as well as developmental status. A determination of the exact time when personhood occurs independent of the time of birth is fraught with difficulty. For all these reasons the necessity of protecting fetal life assumes increasingly greater significance the nearer the time when the fetus is able to live without the woman's life support systems.

9. Recognizing that life is present from conception, the real problem occurs when our respect for potential human personhood collides with the needs and values of actual persons. The decisions are never easy. The decision process is usually one of weighing responsibilities: responsibility to the potential human person, responsibility to the potential parent(s), and responsibility to others intimately involved in the situation. Very few persons make these decisions without real pain. Whether the decision is to have an abortion or to give birth, the pregnant woman deserves the compassionate support of her church community.

10.a. We reject the matter of third trimester (28-40 weeks) abortion as the fetus is certainly viable at this stage. Termination of pregnancy this late should be done only to protect the life or health of the woman with the expectation of delivering a live infant accorded all the medical facilities necessary to continue its life. Second trimester abortions should be rare. Most are done when the parent(s) must wait for the results of lengthy genetic studies, when women (usually teens) don't know they are pregnant or are afraid to tell anyone, or when serious health complications develop.

10.b. The majority of abortions are performed during the first trimester. The reasons for requesting this procedure are numerous and varied. Abortion is always a serious matter. Individuals have the responsibility to make the best possible decision they are capable of making in light of the information available to them and their sense of accountability to God, neighbor, and self.

11. A special case is that of a pregnancy where the diagnosis of genetic disease and/or a developmental abnormality indicates that continuing development will result in a severely handicapped or mentally retarded person. The development and refinement of amniocentesis provides a procedure for attempting to confirm the presence of an abnormally developing fetus after 14-16 weeks of pregnancy. The agony associated with the possibility of giving birth to a severely handicapped child requires caring, sensitive, and informed counseling. The dangers of undue pressure and coercion must not be underestimated in such circumstances. We affirm that parents in such circumstances should have the right to make the decision for the utilization of amniocentesis and the concomitant decision to terminate a pregnancy or carry the fetus to term if a serious genetic and/or developmental abnormality is confirmed. We reject the implication that this situation requires an abortion. At the same time we empathize with the decision to terminate a pregnancy in which a life is encumbered by genetic and/or developmental problems. The procedure of amniocentesis allows for a choice, one of which is the opportunity to prepare for the birth of a handicapped child.

12.a. Alternatives to abortion must be more publicized and acceptable. Much can be done to make adoption an emotionally tolerable choice to the married as well as unmarried in situations in which keeping and rearing a child is not believed to be possible by the mother and family, whether for reasons of physical and/or

psychological stamina, or general economic and social conditions. We recognize that adoptive placement can be a responsible and self-sacrificing act, fraught with emotional and spiritual anguish but nevertheless an act of love toward the child.

12.b. At the same time the church must nurture programs for maternal and infant health so that the pregnant woman in weighing alternatives can identify keeping and rearing her child as an option which offers hope and a realistic chance for healthy growth for her child and herself.

D. SOME PREVENTIVE MEASURES

13. We advocate positive measures for preventing those situations where abortion may seem an option. We reiterate and endorse (with minor amendments we have made below) the responsible preventive measures advocated by the Seventh General Convention (1974), looking toward:

a. Teaching the meaning of human life and relationships as lived in Jesus Christ, in love for God, for family and neighbor, and for self;

b. Helping the parent(s) grow in understanding of the joys, satisfactions, and duties of parenthood, of the individuality of each child, and of the trust given for the nurture of these children;

c. Communicating the meaning of the gift of joy and pleasure in human sexuality when expressed within a marriage relationship of commitment, love, and faithfulness;

d. Advocating research and development leading to safer, more reliable, inexpensive, and simple contraceptives;

e. Encouraging comprehensive family planning services to be made available to person(s) who want or need such help;

f. Fostering informed family life education which advocates responsible management of male and female reproductive powers, including self-control and effective, consistent use of reliable contraceptive measures;

g. Encouraging women and men to share in all parental responsibilities, including child care;

h. Providing just, adequate, and effective private and governmental programs for income maintenance, health and medical care, education, and social services to enable parent(s) to rear children in self-respect and dignity; and

i. Building a sense of fellowship within the congregation so as to support all persons: the family and all its members; the single person; the widowed; the divorced; the handicapped; the homeless child; the child born out of wedlock; the woman with an unwanted pregnancy who elects to bring that pregnancy to term, either to keep the child or place it for adoption; as well as the woman who has made the decision to have an abortion. All are children of God; all deserve the church's care, support, and acceptance.

14. We advocate mutuality and wholeness between men and women as equal members of the human community in matters sexual, procreational, economic, employment, political, and other relationships.

15. We endorse, with minor amendments we have made in the text that follows,

these ideas adopted by the 1978 General Convention in its statement on *Christian Social Responsibility*:

15.a. The church as a fellowship of believers is concerned to meet human needs through deeds of love and justice. It does this through acts of direct service to persons, both through the congregation and its resources and through its social service agencies. And it does this through efforts to change the social structures in which persons are hurt and debased.

15.b. Other avenues of direct involvement in the struggle for justice and the solution of social problems include:

- (1) advocacy on behalf of the poor, the weak, the disenfranchised, and others least able to defend their own rights;
- (2) helping to formulate and support sound goals of public policy relating to justice and a responsive society;
- (3) joining in cooperative ventures and supporting programs of community action directed toward the overcoming of poverty, hunger, family breakdown, racism, sexism, crime, and other forms of injustice;
- (4) using corporate purchasing power and investment funds to support enterprises and activities which advance the cause of social justice.

15.c. Every action, or failure to take action, on the part of the corporate church is a witness as to what it believes and teaches. It also seeks healing and reconciliation among its members and strives to reach out in love and justice toward those outside its fellowship. The church strives to be God's agent, so that social systems and structures may become more responsive to God's will for the world.

III. Christian Counseling on Abortion (1974)

(A statement of the Seventh General Convention of The American Lutheran Church adopted October 14, 1974, by action GC74.14.124, as a statement of comment and counsel addressed to the members of the congregations of The American Lutheran Church to aid them in their decisions and actions. The vote was 500 delegates voting for and 379 delegates voting against adoption of the statement.)

WHEREAS, Pastors and lay members of the congregations of The American Lutheran Church are confronted with the issues of "abortion on demand" and an emerging "abortion mentality"; and

WHEREAS, They desire and deserve guidance from their church in facing prayerfully the complexities of these issues; and

WHEREAS, Such guidance should seek to enlighten rather than to bind the Christian conscience in distinguishing between good and evil; therefore be it

Resolved, That this Seventh General Convention of The American Lutheran Church adopt the following statement of comment and counsel addressed to the members of the congregations of this church to aid them in their personal decisions and actions.

1. The American Lutheran Church rejects induced abortion as a ready solution for problem pregnancies. An induced abortion deliberately ends a developing human life. No one dare take such a step easily or lightly. Yet, The American Lutheran Church accepts the possibility that an induced abortion may be a necessary option in individual human situations. Each person needs to be free to make this choice in light of each individual situation. Such freedom to choose carries the obligation to weigh the options and to bear the consequences of the decision.

2. The position taken by The American Lutheran Church is a pro-life position. It looks in awe at the mystery of procreation and at the processes through which a human being develops, matures, and dies. It takes seriously the right of the developing life to be born. It takes into account the rights of the already born to their health, their individuality, and the wholeness of their lives. It allows the judgment that, all pertinent factors responsibly considered, the developing life may need to be terminated in order to defend the health and wholeness of persons already present and already participating in the relationships and responsibilities of life.

3. Though an induced abortion may be an appropriate action under compelling individual circumstances, much preferable is action to prevent a possible problem pregnancy. Toward this end The American Lutheran Church advocates such responsible measures as:

- a. Teaching the meaning of human life and relationships as lived in Jesus Christ, in love for God, for family and neighbor, and for self;
- b. Helping parents grow in understanding of the joys, satisfactions, and duties of parenthood, of the individuality of each child, and of the trust given them for the nurture of their children;

c. Communicating the meaning of the gift of joy and pleasure in human sexuality when expressed within a marriage relationship of permanent commitment, love, and faithfulness;

d. Research and development leading to safer, more reliable, inexpensive, and simple contraceptives;

e. Comprehensive family planning services made available to all persons who want or need such help;

f. Exercising responsible management of male and female reproductive powers, including self-control and effective, consistent use of reliable birth control measures;

g. Provision of adequate and effective private and governmental programs for income maintenance, health and medical care, education and social services to enable married and unmarried parents to rear their children in self-respect and dignity; and

h. Building on the fellowship of the congregation to motivate and support persons in their daily effort to express in action the knowledge, the good intentions, and the wholesome feelings which are the fruits of Christian life.

4. Specific compelling circumstances may cause persons to question whether a particular pregnancy should be allowed to run its natural course or be terminated. Such a decision should be informed, but not forced, by the church, by law, by public opinion, by family, and by other trusted persons. It is a decision toward which the Christian community ought to offer its tender, embracing, and understanding love, help, and counsel. Competent counseling strives for an understanding of what is involved in each option, a facing of the probable effects of one or the other decision, an assessment of competing claims and rights, and a determination of how the considerations of life, health, healing, and wholeness shape the decision. Such counseling seeks to:

a. Provide reliable information concerning the various options open to the prospective parents, including carrying the pregnancy to term and keeping and rearing the child or placing the infant in an adoptive home, as well as information on the nature of abortion and its probable implications for future health and pregnancies;

b. Help the involved persons, especially the prospective parents, to clarify and deal with their thoughts and feelings regarding the crisis situation in which they find themselves;

c. Take into account such considerations as: the circumstances under which the conception occurred; the maturity and the physical and emotional health of the prospective parents and of other children in the family; the economic factors at stake; and the influence of deeply held religious beliefs on a person's attitudes and actions in deciding alternatives to abortion;

d. Sift out and hold up for careful assessment possible notes of pride, status, self-concern, or personal comfort and convenience which clash with the interests of the developing life;

e. Refer the persons, at their option, either to an agency with an effective program of family and children's services, including adoptive placement or to a competent practitioner able to perform the surgical procedure in accord with good medical practice;

f. Offer post-abortion or post-delivery assistance to deal with whatever problems or questions may develop.

5. Committed Christians seek also to bring into focus another series of dimensions. In deciding their own positions and actions on abortion they seek:

a. The counsel and guidance of the Scriptures studied as a whole for the message of Law and Gospel which God speaks therein to His creatures;

b. Their understanding of the meaning and purpose of human life as created by the Father, redeemed by the Lord Jesus Christ, and enlightened by the Holy Spirit for service to others and an eternity of life and fellowship with all the saints;

c. The relationship between the commandment "Thou shalt not kill" and induced abortion, killing in wars, and killing in self-defense;

d. Clarity as to when a person's life begins;

e. Honor for the high regard Scriptures accord children, seeing them as a blessing from the Lord, warning of the perils facing those who abuse, hurt, or warp children;

f. Answers to how far they should press that civil laws define as crimes those acts which they regard as sins; and

g. Awareness of the ambiguity of the human situation and the difficulty of knowing and doing God's will, yet recognizing God's understanding and forgiveness of those who trust his promises.

6. Needless to say, equally committed Christians differ in their understandings of how these dimensions answer the abortion issue. The American Lutheran Church earnestly urges the members of its congregations to show Christian love, mercy, and compassionate understanding to those with whose views and actions on the abortion issue they totally disagree.

7. As Lutheran Christians we are deeply aware of the sinfulness in every human decision. We also are deeply confident of God's grace and forgiveness. Thereby we are freed from the anxious drive that our deeds make us right with God. We have no need to itemize a list of circumstances under which abortion is acceptable or is forbidden. We have the responsibility to make the best possible decision we are capable of making in light of the information available to us and our sense of accountability to God, neighbor, and self. For the rightness or wrongness of the decision to abort or to carry to term we rely on God's grace and his forgiveness. So freed and forgiven, so at one with the Father through Jesus Christ, we are given the Spirit's strength to work for whatever is good, positive, and wholesome in our every relationship with spouse, family, neighbor, nature, and social systems. Love and service rule our lives. Our faith directs our deeds, in the issues of abortion as in every other area of our lives under God.

IV. The Value of Human Life (1976)

(A statement received as information by the Eighth General Convention of The American Lutheran Church by action GC76.9.34 and transmitted to the member congregations of The American Lutheran Church as a statement worthy of study by their members.)

We confess that God wills the creation, preservation, reconciliation, and redemption of human life. Such life derives its value from his loving purpose, and is held by us as a trust for which we must give account. God's creating, preserving, judging, reconciling, and redeeming activity is expressed in nature as well as in history, as new life is brought into existence and as men and women work to prevent the destruction of human life. This understanding of God's intentions for human life provides a perspective which informs us that it is better to give, share, and preserve life than to take it away.

In order to delineate the meaning of the will of God for human life, however, we are required to identify not merely the conditions for physical existence but those conditions which contribute to human fulfillment. We therefore include among the purposes of God the following: sustaining and improving physical and mental health; encouraging relationships that nurture hope, trust, and love; and providing sufficient material goods to enable individuals to develop more fully their capacities to initiate, to respond, and to achieve. Conditions transcending physical existence are necessary if human life is to be meaningful, though physical existence is a prerequisite for the realization of other values.

This perspective on human life has its foundation in the Bible. Throughout the Old Testament, human life is always viewed in terms of relationships. A person's identity is not developed in isolation but in relation to the family, the clan, and, most importantly, the covenant community. This is frequently expressed in the biblical concept of "corporate personality."

Thus an individual's righteousness builds up the covenant community and his or her disloyalty tears it down. Individuality and personal responsibility

are closely linked to the welfare of the society as a whole. Within this context, human life is understood as a gift of God and a blessing. Human fulfillment is perceived as a state of existence in which each person lives in harmony with God and with the other members of the community. The wholeness of the "good life" can be summed up in the concept *shalom*, a word meaning "peace," "completeness," and "well being."

In the New Testament the dimension of "eternal life" comes to the fore. The meaning of "eternal" relates less to unending time than to the quality of life for those properly related to God and to the neighbor. An individual's life belongs not only to that person but also to Jesus Christ and God. Believers receive "eternal life" not only as a future possibility; it is a reality that is present here and now. To describe human life as "eternal," therefore, means to ascribe to it an extraordinarily high value, and we affirm this attitude in all of our suggestions for the direction of public policy which bear upon the value of human life.

This biblically informed perspective provides that vision of reality which shapes our understanding of ourselves, our neighbors, and our world. That vision compels our bold acknowledgment of God as the source and sustainer of life. Our lives, indeed, all of life, are radically dependent upon God and, as ordained by him, continue in radical interdependence with one another. These human communities mesh with one another in the simple family of humanity. The human family is bound to the world of nature as part of the total family of creation. Again we affirm our dependence upon God, the creator and preserver of all that exists, and we affirm our interdependent relationship with all forms of life and matter, both organic and inorganic.

This vision comes to clear focus in the person and work of Jesus Christ, for it is through him that we experience and understand most fully the love of God. Through him we become profoundly sensitive to those in our midst who are oppressed and weak and poor, to those whom the Old Testament identified as "the widow, the orphan, and the stranger." This far-reaching love is expressed in meeting the deepest needs of the neighbor, and while it gives direction to our moral decision making, it does not resolve in advance the ambiguities of particular situations. Christian love exhibits a persistent bias for the preservation rather than the destruction of life. In addition, it insists that the weak and the helpless receive special care and protection. It also suggests that moral values such as trust, hope, freedom, and justice must be taken into account if the purposes of God for human life are not to be denied. The evangelist John also reminds us that the voluntary giving of one's life for others may be the highest expression of that love which is a central concern of the New Testament witness.

It is with this biblical vision and this Christian perspective that we must approach every problem bearing upon the value of human life. In addition to maintaining this vision, however, we must attempt to elaborate an ethical stance which will allow us to deal more explicitly with moral issues in a variety of contexts. In providing this basic counsel to the church, we choose to emphasize the language of "values" rather than the language of "rights." Such a choice permits us to scrutinize the implications and possible consequences of alternative courses of action. We will be able to define problems in terms of conflicting moral claims, and we will be able to make moral judgments by appealing to one or another notion of individual, social, or cosmic well-being. This approach keeps us aware of the complexity of moral decision making,

which not only requires choices between good and evil but a determination of what positive values we are willing to sacrifice for other values.

When we examine the current problems that require us to define what we mean by "the value of human life," we discover three major areas within which the issues may be grouped: 1. the relation of humanity to the world of nature; 2. the increasing gap between the rich and the poor; and 3. the ethical issues involved in human control over life and death.

I. Humanity and Its Relation to the World of Nature

For the foreseeable future the ecological facts of life are grim. The survival of human life is integrally tied to the complex web of biological processes that sustain all life. We are compelled to admit that, on balance, human beings have been doing precisely those things which are ecologically destructive, and that they have thus threatened the most fundamental requisite of human existence.

Although we are aware of the danger of isolating any single cultural influence as most important in the shaping of human attitudes and behavior toward the environment, we nevertheless acknowledge the special role of modern technology, a Western phenomenon supported by Judaeo-Christian religious beliefs. We further note the strong tendency in the history of Christian thought and piety to pit humanity against nature and to assert humanity's mastery over nature. Biblical support has frequently been claimed for this tendency, but it probably derives at least as much from modern secular thought. Whatever their sources, those dichotomies which assume an antagonistic relationship between humanity and nature are outmoded in their usefulness and should be replaced.

The Bible itself offers a corrective to this distorted emphasis. In the Genesis creation accounts, human beings are placed above the rest of creation, but their position entails a specific responsibility. They are set apart by God to be his representatives, mediators between God and the rest of creation. Their role is to be stewards. The "dominion" which is given humankind in the first chapter of Genesis is not domination but the obligation to care for and preserve the created order. Similarly the second chapter of Genesis suggests that God placed human beings in the garden to "till and keep it." The authority given over the animals of the earth carried with it responsibility. When humanity misuses its authority, the rest of creation suffers as well. Genesis chapters three through eleven remind us that the broken relationship between God and human beings inevitably affects the rest of the created order.

The biblical record goes on to speak of God's action in calling and redeeming a people and setting them apart as his "holy nation." Those making up this covenant community were summoned to live in close relationship to God and to each other (Exodus 19:3-6). Their manner of life was to serve as a "light to the nations," who in turn would become a blessing to others (Isaiah 42:5-9; Genesis 12:1-3). Various passages of Scripture (Isaiah 2:4; 11:6-9; Joel 3:18; Amos 9:13-15) set forth a vision of the new creation as a time when all will recognize the implications of their relationship to God: warfare will come to an end; harmony will be restored between human beings and other living creatures; and all of nature will be restored. This vision of the end time receives powerful expression in the New Testament as well (Romans 8:22-23; 1 Corinthians 15:21-28; Colossians 1:19-20; Revelation 21:1-4; 22:1-5) where the role of Christ in bringing in the future Kingdom of God is stressed.

From a biblical perspective, therefore, any exclusively anthropocentric view of life is inadequate. Such simple "human-centeredness" must be enlarged to

include a "biocentric" and even a "cosmocentric" emphasis. Our perception of this reality is of crucial importance. As we seek to develop an ethic which will delineate the value of human life, we must be certain that our ethic includes a concern for the way people relate to nature as well as to each other, for God's purposes in creation and humanity encompass the universe as well as humanity.

1. The Gap Between the Rich and the Poor

The historical development of human societies has frequently been distinguished by the widening or the narrowing of the economic gaps between various social groups. Those societies which survived were those in which these gaps were narrowed; those societies in which these gaps widened were wrenched apart by internal contradictions. In recent years there has been an almost universal hope that the ending of the colonial period would bring about a drawing-together of people from the former colonizing and colonized nations. The high economic growth rate of the more developed countries was viewed by many as a kind of equalization process which would benefit the less developed countries and contribute to the desired reconciliation. These expectations have proved illusory. Continuing on our present course, we will have little chance to reduce these grave economic inequalities in the foreseeable future. During the past 20 years, for example, the average increase in per capita income in the underdeveloped countries has been less than \$1 per year. In 1970 the gap between the average per capita income in developed and developing countries was approximately \$2,200; by 1980, according to present estimates, that figure will be \$3,220. Furthermore, even within countries where economic development has been relatively successful, it has often had no effect on the very poor of those societies.

Experience has shown us that economic growth does not inevitably promote social justice. It is true that an increase in economic production can make available a larger quantity of goods. A just distribution of those goods, however, requires an acceptance of basic egalitarian values which assumes concrete form in institutional reforms related to property rights, education availability, income distribution, and political power. The view that increased output will filter down to the poor is held by some to be out-dated laissez-faire economics and others to be deliberate deception by those in positions of power.

We are also much more aware now than we were a decade ago that we live in a world of scarcity. Simply stated, because our world is finite, growth of human population and industrialization as we have known it during the last century cannot continue indefinitely. We have consequently become aware of the important challenge now facing humankind, for we must now decide on the ethical basis for making the trade-offs which must be made in a limited world where it is not possible to maximize everything for everyone. The prophetic words addressed to ancient Israel have new application in our day. Faithfulness to God requires justice for the poor (Amos 2:6-8; 3:10; 4:1; 5:7-12; Isaiah 5:8-10; 10:1-3), and without such justice our worship is a mere mockery and unacceptable to God (Amos 5:21-24; Isaiah 1:10-17; Jeremiah 7:1-26). A faithful response to God's redemptive love directs us to meet our neighbor's most basic needs. The New Testament view is set forth sharply in the Letter of James:

If a brother or sister is ill-clad and in lack of daily food, and one of you says to them, "Go in peace, be warmed and

filled," without giving them the things needed for the body, what does it profit? So faith by itself, if it has no works, is dead (James 2:15-17).

There is solid biblical foundation, therefore, for suggesting as a criterion for the distribution of basic resources a definition of social justice which incorporates the principle of "to each according to his or her need."

Considerations of equity as well as social justice compel us to examine seriously our present process of allocating global resources. We in the economically developed nations—some would say over-developed nations—must ask whether we do not need to slow down our per capita consumption of finite resources. This is required if essential resources for development are to be made available to the hungry billions who still must find a way out of poverty. A frequently quoted statistic is that the United States, having approximately 6 percent of the world's population, uses at least 40 percent of the nonrenewable resources produced in the world each year. In a lifetime each American uses enough resources to sustain 50 persons living in India, and it is estimated that if we continue our increasing standard of living, we shall require by 1980 (with about 5 percent of the world's population) upwards of 55 percent of the world's nonrenewable resources each year. If we take seriously the value of all human life, such a gap between rich and poor cannot be allowed to continue, and necessary change must begin now.

III. *Human Control of Life and Death*

Many of the moral dilemmas related to the control of life and death have emerged because of contemporary developments in the life sciences and technology. We are acquiring unprecedented power to control the capacities and activities of human beings by direct intervention or manipulation of bodies and minds. Organ transplantation, prenatal diagnosis of genetic defects, fertilization and fetal development outside the human body, experimentation on fetuses, genetic engineering, and electrical stimulation of the brain are only a few of the developing practices that raise profound social and moral questions. Sophisticated technological equipment allows us to prolong life and forestall death indeterminately. This capability has introduced new moral perplexities for physicians and families of dying patients concerning the proper definition of death and the care appropriate for the dying. The moral issues surrounding euthanasia and suicide are being raised in a new context; articulate spokespersons are asking whether it is possible to speak of the right of the dying to death, just as we speak of the right of the living to life. The practice of withholding or withdrawing medical treatment from defective newborn babies is another area which forces us to ask the question of whether and how consideration of "quality of life" should enter into decisions about sustaining human life.

Just as the biological revolution has increased our capabilities for medical modification of human beings, so also the social revolution has heightened our consciousness of the ethical dimensions of routine medical decisions in existing systems of health care. We cannot discuss the value of human life without considering as an issue of social justice the right of equal access to health care and the basic values at stake in defining health and illness. This growing sensitivity has resulted in an increasing concern for patients' rights and for informed consent in human experimentation. No longer can we ignore questions related to these and other scientific, technological, and social develop-

ments bearing upon health care in this country. We need a basic ethical framework within which the principles governing these seemingly diverse issues can be delineated in relationship to each other.

To understand the full scope of our task, however, we must not limit our focus to the effects of these developments in our country or even in western industrialized societies. Indeed, some of the most profound effects are worldwide, as the present crisis of population growth illustrates. There is little doubt that our increased capacity to forestall death has brought about this crisis. The crisis threatens the future of humankind, the whole structure of social life as we know it, and the survival of the delicate web of life we call the ecosystem. The population of the world is expected to double within the next 35 years. Moreover, the severe problems caused by population growth will be felt most keenly in the poorer nations, where that growth is most rapid and where two-thirds of the world's people live. It is in this connection that the presumptive right of individuals in procreation is being widely questioned. The moral issues involved in revising this traditional value are many and complex. How are we to adjudicate, for example, between the right of a married couple to privacy in their sexual relationships and to their choice of use of contraceptives, and the right of the community to limit the number of children they are permitted to procreate?

From a more comprehensive perspective, we can recognize that even a problem as massive as population growth is interrelated with other pressing global political, social, and economic problems. Attempts to solve any of these global crises in isolation have proven to be inadequate and often at the expense of the others. Because of the interdependence of these problems, our long range efforts must be oriented toward the emergence of a global human society which permits a systematic program of worldwide development.

No problem related to the treatment of human life in a diversity of contexts can be dealt with in isolation from other crucial problems. There are basic moral issues in common in every decision or policy that relates to human control over life and death. Our Christian bias for life does not mean that life may never be taken, but it does mean that our strong presumption must always be for life against death, and that any instance in which life is taken must be carefully scrutinized. Thus we state a clear moral preference for peace against war, for rehabilitation against capital punishment, for continuation of a pregnancy against abortion. We also recognize that each of these problems requires a more careful analysis than is possible in this general statement.

Our attempt to view all of these issues within one basic ethical framework, however, forces us to remain conscious of their necessary interrelatedness. A strong moral commitment opposing abortion, for example, cannot consistently be linked with a cavalier attitude toward killing in warfare or capital punishment. Every occasion in which human life is at stake requires thorough discussion of such questions as just cause, just attitude, just means, and just ends. We Christians dare not evade our role in that discussion.

A Final Comment: A Call to Commitment

Beyond the issues we have explored in this statement are other questions of a broader nature which we cannot even attempt to answer now. Many of them involve the choosing of priorities. We realize that our own future, as well as the future of human life on this planet, will be radically affected by the priorities we individually and collectively choose now and in the near future. We do

not expect that our statement will have made such choices any easier, but we hope to have demonstrated the necessity of placing all of these choices within an ethical framework which emphasizes the value of human life within the larger community of life.

We are convinced that our failure to deal effectively with many of the compelling issues involving life and death today is not so much because we lack the ability but because we lack perspective, knowledge, motivation, and determination. If we have prompted Christians to ask not only what they should do, but why, we will regard our work as having been worthwhile.

In full realization of the difficult choices with which we are confronted, we affirm with new resolution our trust in God, our creator, judge, and redeemer. We commit ourselves to nurturing an awareness of our radical dependence upon God as the source and sustainer and renewer of life. We also commit ourselves to fostering an awareness of the necessary interdependence we have with one another and with all creation. We pledge ourselves to act in accord with this awareness and invite others to do the same.

V. A Statement on Abortion (1976)

(A statement received as information by the Eighth General Convention of The American Lutheran Church by action GC76.9.34 and transmitted to the member congregations of The American Lutheran Church as a statement worthy of study by their members.)

1. A Personal Preface

This statement is a response to a request from the Rev. Walter R. Wietzke, executive director of the Division for Theological Education and Ministry of The American Lutheran Church. The request had its origin in the following action of the ALC Church Council:

That the Church Council request the Division for Theological Education and Ministry to develop a theological paper concerning abortion based on biblical exegesis, the history and doctrine of the church, and if possible to have this ready for presentation to the 1974 General Convention (CC74.6.199).

As it turned out, there was no possibility of producing this statement prior to the 1974 convention. Procedurally, the work was time-consuming because it required reading and interviewing as well as writing, and had to be done in the midst of many other responsibilities. Combined with that, however, was the intrinsic complexity of the issue. "Theology" and "biblical exegesis" and the "history and doctrine of the church" are in all cases, but certainly in the case of abortion, intertwined with one another. They are also at every point tied into medical, social, legal, and moral considerations. It may be possible to distinguish these elements for analytical purposes, but any responsible position on abortion will not isolate "theology" from its wider ethical contexts. The issue also carries a large emotional charge, which makes it difficult at times to clarify the actual content of differences of opinion. The result is that the statement now appears as an "exhibit" in relation to the "Value of Human Life" report to the 1976 General Convention.

The statement is a personal one. There is no attempt to get at or to gather up the majority opinion in The American Lutheran Church, nor of the ALC theological faculties. On the other hand, it is hoped that the statement is a responsible one that can at least be taken seriously by people with widely divergent views.

It was decided that the best way to respond to the request would be to sketch a brief statement without elaborate argumentation or extensive documentation. It would be entirely possible at this point to add a great deal of information. The assumption has been made, however, that it is basically a position paper which is desired at this time, and that a more lengthy or complicated statement would probably not receive the attention that this issue deserves.

A draft of this paper was presented to the spring 1976 meeting of the Board of the ALC Division for Theological Education and Ministry and was distributed to the ALC theological faculties. It was also sent to a number of friends with special competencies and concerns in fields relating to this issue. The many careful and considerate responses have been pondered and have influenced at a number of places the revision of that early draft. The statement, however, remains a personal one even though responsive to the suggestions of colleagues and sensitive to the specific request from the ALC Church Council.

2. A Lutheran Preface

Article VII of the Augsburg Confession states that "it is sufficient for the true unity of the Christian Church that the Gospel be preached in conformity with a pure understanding of it and that the sacraments be administered in accordance with the divine Word." This means that Christians find one another united in the Body of Christ not on the basis of their ethical decisions and actions but on the basis of the Good News which focuses in the forgiveness of sins (Augsburg Confession, Article IV). Because the Christian is always at the same time justified and sinner, and because the whole creation is at the same time "substantially good" and "accidentally evil," (Formula of Concord, Solid Declaration, Article I), nothing we decide and nothing we do is ever totally pure or good or right in any simple way. Original (that is, conditional and not only actual) sin remains after baptism and throughout life. We thus stand in need of forgiveness whatever our ethical decisions and actions, including those having to do with abortion.

But that does not mean that what we decide to do makes no difference. It makes a great deal of difference. Living in the gospel, the Christian is placed into a situation of awesome freedom, but also of awesome responsibility. The person who lives in the forgiveness of sins is free to risk mistakes because there is the possibility of forgiveness, but is obliged to be concerned about consequences because the actuality of sin penetrates our social as well as our personal life. Luther says that the Christian is free, lord of all, and at the same time slave, servant of all. It is possible to do great damage to one's self and to society and even to nature by behaving inappropriately even though that behavior can and may be forgiven. Thus our decisions and actions regarding issues such as abortion, while ultimately not determinative for our personal salvation, are penultimately of great importance for the living out of our lives as God's servants in his world and for the health and survival of society.

There is no unbroken or straight line from the Bible or from the theology, and history, and doctrine of the church to any specific position on abortion. Although the Bible is for Lutheran Christians the final authority in all matters of life as well as of faith, it is always necessary to take into account the setting in which a particular text is contextualized, and then to recontextualize that text in our new place and time. Differences of opinion and interpretation will arise even among those who direct their appeal to the same Bible and to the same tradition. But that does not mean that every position is automatically as faithful to Scripture and tradition as every other, nor does it mean that the social consequences of all positions are equally harmful or helpful.

3. Dimensions of Ethical Decision Making

A. Personal—Moral. It should be obvious that many people do not make ethical decisions on the basis of gathered information and careful reflection, but rather of ethical intuition. This is not to say that such people necessarily behave inappropriately or immorally. Their intuition no doubt often serves them and society very well. It is rather to say that ethical reflection is hard and sophisticated work and many people are neither disposed nor equipped to do it.

Thus conversation about abortion is sometimes limited to a brief exchange of opinion embedded in a tangle of assumptions and prejudices so complex that it is almost impossible to isolate and unravel them. Or a single over-riding concern may settle the problem in a final way for an individual. One person may think it self-evident that a woman has an absolute right to control the use of her own body. Another may think it self-evident that every child, once conceived,

has an absolute right to be born. One says, "Let's not go back to coat hanger abortions." Another asks, "What if the mother of Johann Sebastian Bach had decided to abort him?" Or an overwhelming experience may have shaped a person's attitude about this matter for life. The memory of a mother or a daughter with an unplanned pregnancy who did or did not choose to have an abortion, and the real or imagined consequences of that decision, may outweigh in an individual's mind all other factors that could possibly relate to this question. Or one's experience with, for instance, deformed or abnormal children may have moved one toward or away from abortion as a solution to such births, depending on the circumstances of one's experience and the response to it.

Positions on complex moral issues are changed by ethical reflection and moral argument only in some cases and then ordinarily only after a great deal of discussion. If the only task of the church in ethical matters were to affirm and support its members in whatever decisions they make, regardless of the consequences of those decisions, it would be sufficient to deal with the question of abortion in a purely personal-moral way. If, however, the church seeks to exercise its concern for society and for the world as well as for the individual seeking counsel, it must be willing to enter into wider dimensions of the ethical decision making process.

B. Pastoral-Educational. Christians (specifically Lutherans) attempting to relate to and minister to one another in difficult situations ought to remember that the unity of the church focuses in the proclamation of the gospel and the administration of the sacraments rather than in agreement on moral issues. This fact creates an atmosphere in which a sensitive and mature conscience can be encouraged to function with relative freedom.

On the other hand, it is important to recognize that no conscience is absolutely free. Prior to any specific decision, it has been influenced by every facet of genetic heritage and life experience, and has been powerfully shaped by the mass media and by entire configurations of signals received from the environment. And the counselor also does influence the person being counseled by the manner and also by the sounds and words with which the counselor responds to information and questions and comments. Non-directive counseling, if thought of in any absolute sense, is a myth that ought to be exploded. The counselor may be indirect and subtle in exerting influence, but there is no possibility of total neutrality. Even the way a person lists the options in a situation tends to prejudice the outcome. Thus for any Christian, but particularly for the person in a counseling responsibility, it is important to think through with care an issue such as abortion so that the influence which one does in fact have upon others can be expressed with awareness and integrity.

Further, it is not only inevitable but salutary that the church play an active role in the formation of Christian conscience. To refuse to do so is to abandon the conscience to all those other influences which do continually shape it. It would seem, then, to make sense to take with utmost seriousness the need for parish education on the abortion issue. There is no reason why people should wait for an unwanted pregnancy to begin formulating a position on abortion any more than they should wait for a fatal illness to begin thinking about death and dying. The woman with an unwanted pregnancy has already been massively influenced by a multitude of factors. It would be both naive and irresponsible if the church were to seek neutrality by restricting its involvement to after-the-fact crisis counseling. At the very least, distribution of study materials and the opportunity for discussion should be on the agenda of every congregation.

C. *Social-Political.* Although there is a long-standing distinction between personal ethics and social ethics, it should be clear that this distinction is useful for the purpose of analysis only. In fact, personal and social ethics interpenetrate one another at every point. On the one hand, the social mores of a people feed into the decision making process of the individual and, on the other hand, every decision of the individual contributes to the formation of social conscience. In a (relatively) free society, the environment is forged through political activity in which all, to some extent, can participate and for which all, to some extent, are responsible. Those who work in the "sociology of knowledge" have demonstrated that one's perception of the world and therefore of reality and of truth and of goodness are to a large extent "givens" about which people are generally unaware. So a great deal of an individual's decision making has already been done for that person by the society in which that person lives. Since the church does care about moral issues, and about the society which is influenced by and which influences the moral decisions of its members, it ought to seek to find appropriate ways in which to work in the political arena. Lutherans in this country have been very active and effective in influencing policy and practice regarding, for instance, immigration quotas. There is no reason to shrink from political activity regarding abortion. Although Lutherans especially have good reason to maintain the proper distinction between church and state, they have equally good reason to insist that church and state cannot, and must not, be separated.

Therefore, it is singularly inappropriate to reduce the church's involvement in the abortion issue to the context of a one-to-one counseling relationship. One-to-one counseling may be entirely appropriate in a given situation. But if that one-to-one situation is going to be such that the person involved can make a responsible decision, it will be necessary to pay attention to the unconscious assumptions of, and influences from, the society in which that person lives, and to the laws which play such a large part in molding the social conscience.

4. Parameters for Reflection

The history of doctrine in the church is the story of the church setting parameters for reflection upon the biblical witness to the good news in Jesus Christ. Doctrine is not formulated to set down for all time the true and simple and absolute truth. Doctrine is formulated rather to set parameters within which a variety of appropriate positions may be taken. The church's confession, for instance, that there is one God and three persons does not for all time settle all questions relating to the Triune God. What it does say is that both tritheism (three gods) and unitarianism (one person) are outside the parameters of appropriate Christian discourse. Or, when the creeds and confessions say that Jesus Christ is true God and true man, that does not settle in detail the Christological question. What it does do is to rule out both ebionitism (Jesus Christ as merely human) and docetism (Jesus Christ as merely divine).

In a similar way, ethical reflection within the church, in particular within the Lutheran tradition, is largely a history of the setting of parameters for appropriate action. Christians facing the issue of abortion may, for instance, be instructed by the history of Christians facing the issue of war. The Lutheran Confessions specifically state that Christians may "engage in just wars" (Augsburg Confession, Article XVI). But "Just War Theory" does not yield specific directives to the individual Christian concerning that person's involvement in or resistance to a particular armed conflict. What the "Just War Theory" does do is to set the parameters within which responsible decisions can be made. It rules out, on the one hand, the crusade or holy war and, on the other hand, the abso-

lutizing of and universalizing of a pacifist position. That is, the robust doctrine of sin in Lutheran theology automatically excludes the naive notion that the will of God can be done in a simple way either by always going to war or by never going to war. It also provides a set of criteria by which a ruler or a government, an individual or a society, can arrive at a responsible decision in a specific case. (The criteria are stated in various ways, but include such things as "last resort," "just cause," "right intent," "proportionality"—of good to be accomplished over evil brought on, etc.) In the context of a given armed conflict, the conscientious Christian will always see the situation as involving some kind of moral tragedy and will seek to affirm, rather than to condemn, those Christians operating within appropriate parameters who come to contrary conclusions.

One contribution that could be made by the Lutheran Church in the present highly charged atmosphere revolving around the issue of abortion is to point out the error of absolutizing positions on either side of the parameters of appropriateness. No right is absolute. The right of a woman to control the use of her own body is not an absolute right, especially if it involves the taking of another life which is (temporarily) dependent on her. The right of a child, once conceived, to be born is not an absolute right either, especially if it involves the taking of the life of its mother. Once it is established that no right is absolute, the stage is set for an examination of factors which might help to adjudicate claims in conflict situations. In similar fashion to the way in which "Just War Theory" points to the moral tragedy of any decision made in the context of an armed conflict between nations and provides some criteria for Christian decision making without assuming a simple "right" solution, a theory of justified abortion could point to the moral tragedy of an unwanted pregnancy (a conflict between two temporarily inseparable lives), and could provide criteria for Christian decision making within designated parameters for appropriate reflection and action.

5. Some Factors for Consideration

Everything in the universe is ultimately related to everything else. A thorough treatment of the issue of abortion could readily lead into almost every facet of contemporary life. At the very least, it ought to be recognized that abortion is this complex an issue. Accordingly the following are only *some* factors to be considered. The list is merely suggestive rather than exhaustive or even representative.

A. *Biblical-Ecclesiological Factors.* In the Mediterranean world into which Christianity was born, abortion was a very common practice. Roman law gave the father absolute rights over his offspring, and both infanticide and abortion were practiced with impunity. Both Plato and Aristotle had considered abortion as a way to curb excess population, and there is ample evidence that people of means practiced abortion in order not to have to divide their estate among too many children. It is not that abortion was practiced with no restraint whatsoever. The Hippocratic oath, with its pledge not to give to a woman an abortifacient pessary, was widely known. Aristotle said that abortion should be done before there is "sensation and life." Roman Law did prohibit abortion committed without the father's consent, and it did proscribe the giving of drugs for abortion. But it is nevertheless the case that the world into which Christianity came was a world in which abortion was very widely practiced. The right of the father to dispose of his offspring, either before or after birth, was taken for granted.

Early Christianity appeared on this scene and rigorously opposed this practice. It is true, of course, that there were some Christians in the early church, as there are today, who also opposed contraception, military service, the theater, and even

marriage. But the evidence from the Church Fathers seems to be impressively coherent and consistent in support of the view that the early church saw its attitude toward abortion as a decisive mark of distinction between itself and non-Christian society.

There is little explicit material in the Old Testament on which the injunction against abortion could be based. Exodus 21:22 speaks of hurting "a woman with child, so that there is a miscarriage." The famous "life for life, eye for eye, tooth for tooth" passage follows a discussion of whether "harm" results from the "hurt." It is an extremely important passage for reflection on the abortion issue but the problems arising from differences in the Masoretic (Hebrew) and the Septuagint (Greek) texts of the verse are notorious. There is no problem, however, in establishing in the Old Testament the fact of God's creative involvement in a person's life prior to the time of birth. Psalm 139 (vv. 13-16) is a powerful statement to this effect:

For thou didst form my inward parts,
thou didst knit me together in my mother's womb.
I praise thee, for thou art fearful and wonderful.
Wonderful are thy works!
Thou knowest me right well;
my frame was not hidden from thee,
when I was being made in secret,
intricately wrought in the depths of the earth.
Thy eyes beheld my unformed substance;
in thy book were written, every one of them,
the days that were formed for me,
when as yet there was none of them.

Job 10:10f. and Job 31:15 could also be cited. The word of the Lord to Jeremiah, "Before I formed you in the womb I knew you, and before you were born I consecrated you," would make little sense unless set in the context of God's creative involvement in a person's life prior to birth.

In the New Testament, the infancy narratives provide some useful material for reflection. The infanticide practiced by Herod along with its violent threat to the life of Jesus provides for Matthew (2:1-18) an introduction to the life of the Messiah. Mary is described as having in her womb that which is "of the Holy Spirit" (Matthew 1:18). The creedal affirmation "conceived by the Holy Spirit" is the church's liturgical reminder that the story of the Messiah began there, at the time of conception. There is no indication that what has been "conceived by the Holy Spirit" is merely a piece of tissue or simply a part of Mary's own body. In Luke's Gospel Mary is greeted in pregnancy by Elizabeth "as the mother of my Lord." The "fruit of her womb" is talked about as "blessed" (Luke 1:42). The infant in Elizabeth's womb "leaps" when Elizabeth is greeted by Mary (Luke 1:41). It seems impossible not to recognize the very great interest in and valuation given to life from the time of conception by the community out of which the New Testament documents have come. It is obvious that the Herod who slaughtered infants for the sake of his own power was doing an evil thing. In a world where abortion was widely practiced it is taken for granted by the Christian community that Joseph does not consider abortion. His first reaction to the pregnancy of his betrothed is rather to set her aside.

The word *pharmakeia*, from which "pharmacy" comes, in Galatians 5:20 (translated "sorcery" by RSV) is sometimes translated "medicine." There is no certainty that Paul was talking specifically about abortion here, but the fact that

various herbal preparations were used as abortifacients makes it possible, at least, that abortion was included in the proscriptions designated by that term. *Pharmakeia* appears again in the book of Revelation in 21:8 and 22:15, where the use of the word seems similar to that in Galatians. Although there is considerable ambiguity in the use of this term, it can be argued that *pharmakeia* did include abortion because in the second-century *Didache* it is used specifically in the context of the condemnation of abortion.

As everything in the universe is ultimately related to everything else, so every verse in the Bible is related to every other. It would certainly be possible but far beyond the scope of this statement to pursue, for instance, the intertwining of the "sanctity of life" and the "quality of life" in the Bible. Whatever the distinctions, however, between "biological life" and "eternal life" (no simple identification of this set of terms with the previous set is intended), it should be clear that the one who came that we might live abundantly (John 10:10) is also the one through whom everything is made that is made (John 1:3). In the Bible the God who redeems is always also the God who creates. Christians ought therefore to exercise great care before declaring any human life to be "merely biological" life.

A significant development in the church's reflection on abortion came with the formulation of the "law of double effect" in pre-reformation times. The formulation had to do originally with the problem of self-defence and exhibits interesting parallels to "Just War Theory." The argument was that a single act may have two effects. If a man defends his life by killing another person, one effect is that his own life is preserved, another is that the other's life is taken. Thomas Aquinas said that one effect could be by intention, the other beyond intention. If a person's intention is to defend his or her own life, and in order to do that another must be killed in the process, this is beyond intention and thus the one who kills is not guilty of murder. The conclusion is that killing in self-defence may on occasion be justified, although murder (killing another by intention) is never justified. The law of double effect was later applied to abortion. It was stated that if the intention is to save the life of the mother when threatened by, for instance, an ectopic pregnancy, the necessary killing of the fetus in the procedure would be beyond intention and therefore justified. Or, if the saving of the life of a pregnant woman requires the removal of a cancerous uterus, and a fetus is thus killed in the procedure, this killing is justified because it is beyond intention rather than by intention. This kind of reasoning is deeply embedded in Roman Catholic ethical reflection and ought to serve to remind Protestants that the Catholic tradition, though very conservative, has rarely held to an absolute prohibition of abortion under any and all circumstances. What it has done is to struggle with the serious question of when killing can be justified.

The history of Protestant thought about abortion is far too complex to attempt even a summary statement here. Luther, Melancthon, and Calvin were all opposed to abortion at any stage of pregnancy but their reasons and their lines of argument varied. Seventeenth-century Anglicans and Puritans tended to distinguish between the "unformed" and the "formed" fetus, which led to some leniency toward the aborting of an "unformed" fetus. Perhaps it is possible to risk the general statement that the history of American Protestantism has exhibited gradual moves toward more liberal views, culminating in the last decade in active movements for abortion-on-request. The movement has not been in one direction only, and the viewpoint has certainly not been unanimous. But, particularly following the Supreme Court rulings of 1973 Protestants in America who are opposed to abortion-on-request have been placed on the defensive.

B. Legal-Moral Factors. It is customary to distinguish between legal and moral considerations. The law says what we *may* do; morality says what we *ought* to do. The church, it is said, must not try to legislate morality, although it is free to counsel its members regarding moral decision and action within the limits of the law.

That is an important distinction, but it ought not to be pushed too hard. The law must reflect some degree of moral consensus among the governed, or it cannot do its work. On the other hand, the law also plays a major role in the formation of conscience, which in turn directs individuals in moral decision and action. The interaction between the law and morality (private and public) may be extremely complex, but there is never a situation in which no interaction occurs.

In the case of abortion, it is clear that shifts in private and public morality and in the law have contributed to one of the most radical about-faces of social conscience in modern history. Throughout the Christian era, vast majorities of western populations have considered abortion to be a serious act that at the very least required careful regulation. Within two decades, vast numbers of the same people have come to consider abortion-on-request to be an inalienable right. It is not the case that the law simply protects the right of the individual to act according to conscience. The law also plays a major role in the formation and education of that conscience.

The story of recent legal changes regarding abortion is well documented in many places. For United States citizens, however, the watershed decisions of the Supreme Court came on January 22, 1973 (*Roe V. Wade*; *Doe V. Bolton*).

The Supreme Court summarized its decision in this way:

- (a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.
- (b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.
- (c) For the stage subsequent to viability, the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

Mr. Justice Blackmun, explaining the court's decision, stated:

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 position to speculate as to the answer.

It is difficult to understand how Mr. Justice Blackmun's explanation can be taken seriously. It seems obvious that the court *has* resolved for itself the question of when life begins, namely at the time of birth. An argument could be advanced stating that the Supreme Court has opted for a "developmental" position on this question, since it does differentiate the three trimesters. But it is clear that abortion-on-request can be a legal procedure right up to the day of

delivery. A state *may, if it chooses*, regulate abortion procedures in the second and third trimesters (specifically not in the first). But if a state chooses not to regulate it, that decision is clearly sanctioned by the Supreme Court. Either the court has decided that human life begins at the time of delivery, or it has decided that the arbitrary (totally unregulated) killing of human life may be, if a state so decides, perfectly legal. That it is actually the former is attested to by the fact that the court speaks specifically of the "potentiality of human life" even in the third trimester.

The unacknowledged decision of the Supreme Court that human life begins only at the time of birth has made possible—and actual—an absurd and frightening situation in which a live fetus delivered prematurely by Caesarean section is placed in an incubator and treated as a human being because its mother "wants" it, and a live fetus at exactly the same stage of development aborted by hysterotomy (a procedure similar to Caesarean section) is placed in an incinerator, treated as a mere piece of tissue because its mother does not "want" it. A few states (Minnesota, for instance) have at this time passed legislation requiring that aborted live fetuses be treated as human beings. But most states have not, and the absurdity continues (in actuality, of course, in extremely few cases) with the full sanction of the United States Supreme Court.

For this reason, Senator James Buckley of New York has sponsored a proposed constitutional amendment which would define the word "person" in this way:

With respect to the right to life, the word "person," as used in this Article and in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function or condition of dependency.

In September of 1976 the newspapers are reporting daily on the struggle between the Roman Catholic hierarchy and presidential candidate Jimmy Carter over such a constitutional amendment. It is an issue, if not a major one, in the presidential election.

It is difficult to imagine the legal complications of giving full personal rights to a one-day-old conceptus. Would such "persons" be counted by the census takers? Would the use of any post-intercourse contraceptive (intra-uterine device or douche) make the user guilty of murder? On the other hand, consistency has never been a necessary predicate of the law. At the present time there is no constitutional protection of personal rights until after birth. Yet birth and death certificates are regularly issued for spontaneously aborted (by "miscarriage") fetuses, and pregnant women may receive funds through Aid for Dependent Children for their yet unborn child (or fetus). At any rate, as a polar alternative to the decision of the Supreme Court, the Buckley amendment, or some similar proposal, does set in bold relief the issue which cannot be avoided, namely the decision as to when human life begins.

There are those who distinguish between human life and personal life, where personal life would require a capacity for reasoning, willing, desiring, relating to others, etc. In this way the fetus, or even the conceptus, can be acknowledged as human life, avoiding the "piece of tissue" syndrome, yet also avoiding the complexities of requiring legal protection. It is an intriguing and perhaps even necessary distinction. The problem arises in restricting the human family of persons to those human beings who meet certain requirements of self-determination. What happens, then, to those severely handicapped and mentally retarded people

who will never be able to take care of themselves in even the most elementary way? And what happens to those aged and critically ill people who have lost precisely those factors of self-determination that some would require of a human in order to qualify as a person? Are all such people to be excluded from the human family and from legal protection? To allow terminally ill patients to "die with dignity" is one thing. To rob all those incapable of self-determination of their legal rights as persons is quite another. It is precisely on the grounds of this distinction between human and personal life that some people advocate defining birth as at least twenty-four hours after the fetus leaves the womb. This definition would allow for "postnatal abortion" or "neonaticide," or to use a more familiar term, infanticide, in cases where the newly born is not desirable or desired.

Lest anyone think that this is merely inflammatory language, Nobel Prize winner James D. Watson was quoted in *Prism*, a publication of the American Medical Association (May, 1973), as saying:

If a child were not declared alive until three days after birth, then all parents could be allowed the choice only a few are given under the present system. The doctor could allow the child to die if the parents so choose and save a lot of misery and suffering. I believe this view is the only rational, compassionate attitude to have.

The same suggestion is made by Paul and Anne Ehrlich in *Human Ecology, Problems and Solutions*—also a 1973 publication!—and a bill entitled "Death with Dignity" was introduced and defeated in the Florida state legislature the same year which included a provision for the killing of babies after birth.

It is not as though the problem of "when life begins" had not been thought of prior to the Supreme Court decision of 1973. Numerous medical and legal bodies had considered the question and decided that life begins at the time of conception. In September, 1948, for instance, the World Medical Association (of which the United States is a founding member), after discussing information gathered by the United Nations War Crimes Commission, adopted the Declaration of Geneva which said, "I will maintain the utmost respect for human life, from the time of conception; even under threat, I will not use my medical knowledge contrary to the laws of humanity." In October, 1949, the International Code of Medical Ethics stated that "A doctor must always bear in mind the importance of preserving human life from the time of conception until death." On November 20, 1959, the General Assembly of the United Nations unanimously adopted the Declaration of the Rights of the Child, the preamble of which stated that the child, precisely because of his or her physical and mental immaturity, needs "special safeguards and care, including appropriate legal protection, before as well as after birth." The World Medical Association, in the 1970 Declaration of Oslo, stated that "the first moral imposed upon the doctor is respect for human life as expressed in the clause of the Declaration of Geneva, namely "I will maintain utmost respect for human life from the time of conception." The California Medical Association wrote as late as 1970 that "human life begins at conception and is continuous, whether intra- or extrauterine, until death.

All of which is to say that the January, 1973, decision of the Supreme Court is a radical reversal of what was for many years—and still is, even legally in many ways—a consensus that human life begins at the time of conception and that life is entitled to some legal protection. The implications and consequences

of that radical reversal are far-reaching and have already begun to take effect. The moral factors are intrinsically linked to the legal ones. So although the Supreme Court claims to have avoided the question of when human life begins, the church must insist that this question be asked. And it has some stake in the answer.

Many other moral and legal factors are, of course, involved. Those who claim great concern for the unborn are frequently, and legitimately, reminded that they should demonstrate their concern for those born into difficult lives and difficult situations. The spectre of world hunger and overpopulation hovers over the issue. Attitudes toward sexual intercourse and contraception inevitably figure into one's attitude toward abortion. How ought a Christian, how ought the church, how ought society, to adjudicate conflicting claims between the sanctity of life and the quality of life? (Every society allows behavior which has a predictable, yet limited, mortality rate, i.e., automobile driving, mountain climbing, hang gliding. The sanctity of life is regularly qualified by the quality of life.) What about the opinion that laws regulating abortion discriminate against those who cannot afford an airplane ticket to a place where abortion-on-request is legal? What about the male/female issue? Ought all laws passed by predominantly male bodies to be considered sexist? Again, what about that troubled, unmarried teenager, or that forty-five-year-old woman with four grown children, who finds herself pregnant? And what about the right to privacy? And what about the question of the enforceability of the law?

The moral and legal problems that impinge on the question of abortion are endless. And they are all important. The question that cannot, however, and must not, be avoided is the question of when life begins. The answer will never be self-evident or obvious. It will always be a decision based on data which could be otherwise interpreted. But to formulate personal ethical decisions, and public policy on abortion without squarely facing that question is intolerable for common morality as well as for Christian ethics. Some attention to medical-biological factors is certainly in order.

C. Medical-Biological Factors. The medical and biological factors which contribute to opinion concerning the abortion issue are many. The safety factor in various abortion procedures, for instance, is going to influence a pregnant woman's decision about whether or not she should carry her baby to term. The long-range influence upon medical professionals of dealing with V.I.P. (voluntary interruption of pregnancy = abortion) in a routine (nontherapeutic) way is still to be determined. The biological development of the conceptus through the embryonic stages to the fetus and the infant is surely not insignificant as a factor in decision making about abortion. Any responsible position on abortion will at least have to acknowledge the importance of such matters. The following are simply representative items in the medical-biological configuration of data impinging upon the abortion question.

At the moment of conception, the fertilization of an ovum by a sperm, a new event occurs which is unrepeatable. A genotype, which has never before existed and which will never again exist, is brought into being. There is no way to predict with any precision what this genotype will be, although some probabilities can be determined, for instance, with respect to known genetic defects in the parent or parents.

Since "there are no uninterpreted facts," since "all data are theory-laden" (Ian Barbour), the Christian will bring even to this event a perspective which may

not be shared by non-Christians. That is, the Christian perspective on nature is set in the context of the confession of God the creator and that implies creation and creature. Nature does not exist in and of itself apart from God (metaphysical dualism), nor does it emanate from God (metaphysical monism). The entire creation and every creature is totally dependent upon God. The Christian will be inclined, then, to speak of the origin of the genotype not as the "genetic lottery," but as procreation, a process in which the creature shares with the creator the transmission of life which is necessary for the continuation of the creation. Genital intercourse is not simply the expressing of affection and love, although it is that. It is designed to be set in the context of participation in God's creative work.

Three or four weeks after fertilization, a head is present, and rudimentary eyes, ears and brain, a body with a digestive tract, heart and bloodstream, simple kidney and liver, and bulges where arms and legs will grow. The conceptus is at this point called an embryo. By the end of six weeks all internal organs are present in rudimentary formation. After eight weeks, the embryo is called a fetus. At eight weeks it is possible to detect electrical activity from the brain. By the eleventh week thumb sucking has been observed. By twelve weeks it is possible to monitor heartbeat by EKG, and by the eighteenth to twentieth week by stethoscope.

The time of "viability," a modern medical equivalent to the old notion of "ensoulment," is gradually being pushed back. The dividing line between spontaneous abortion, or miscarriage, and premature delivery has been about twenty-eight weeks. Modern technology, however, may in the future make it possible to save fetuses separated from their mothers at a considerably earlier time. (The July 24, 1976 *Minneapolis Tribune* carried an item about Pepper Tamika Root, born 4½ months prematurely at 1 pound and 6 ounces pronounced "clinically dead at birth," who developed into a normally healthy child after two months in a respirator.) Fetal medicine (fetology) is becoming sufficiently sophisticated that the line between the existence of the fetus and the existence of the infant is becoming even more flexible.

The fundamental question raised by medical and biological factors is whether it makes sense to define the beginning of life as the time of delivery and to allow for abortion right up to that time. By amniocentesis (medical examination of the fluid from the amniotic sac) it is possible to determine genetic defects of the fetus and to advise for or against abortion. (It ought to be clear from that procedure that the fetus is *not* just a part of the mother's body.) It is only one very short step, then, to simply wait until the infant is born, as James Watson and others have suggested, to see whether it has any grave genetic defects or bodily damage, and then to kill it if desired. It is clear that "viable" fetuses are now aborted with full legal sanction. It is also clear that premature babies are born (many via medically-induced labor) with a shorter gestation period than some fetuses which are aborted. Whether the fetus just prior to birth or abortion is a living human being or a disposable piece of tissue in this post-1973 situation has nothing whatever to do with medical or biological factors, but purely with the decision of the woman to abort the fetus (unborn child) or to give birth to it. Perhaps abortion should be referred to as fetal euthanasia or as fetacide, rather than cloaked by terms such as V.I.P. (voluntary interruption of pregnancy). And if there are no biological or medical reasons for distinguishing sharply between fetal life and infant life, are there any moral or theological reasons for distinguishing sharply between fetacide and infanticide? There are vocal and powerful

people who are answering "No" to that question. The focus has been changed from that of the father to that of the mother. But other than that, are we so far now from the days of the Roman Empire when the father had absolute rights over the life of his prenatal or postnatal offspring?

6. Some Comments

"Conclusions" would be an inappropriate heading for this section. The reader will have to draw his or her own conclusions from the material presented. "Suggestions" would perhaps be presumptuous. So there will simply be some comments.

The Lutheran Church, with its emphasis on unity in the gospel, has a unique opportunity to provide an atmosphere for serious conversation about the abortion issue. Lutherans need not question one another's Christian faith on the basis of positions taken on this or other morally debatable issues. The church, then, should provide materials for discussion which will assist such serious conversation. In the same way that a local parish ought not to provide opportunity for talk about death and dying only to those people immediately involved in such crises, so also a parish should not restrict its interest in the abortion issue to crisis counseling. Very important questions for the future of our society are at stake and the parish ought to provide a context for serious talk about those questions. It is assumed that people will have various opinions. The important thing is to provide an atmosphere in which information can be dispensed and in which conversation (rather than shouting or name-calling) can take place.

The Lutheran Church also has a unique opportunity to explode the myth of the absolute freedom of the individual conscience. If the Lutheran doctrines of "The Orders of Creation," the "First Use of the Law," and the "Kingdom on the Left," tell us anything, they tell us that decisions are made in a moral nexus of a great many factors, all of which interpenetrate one another. Most decisions are already made long before an individual enters the counseling room, not only by that individual, but by the whole configuration of law and social mores and contemporary world views which contribute to the formation of social consciousness and individual conscience. The church does have a stake in the formation of law and cannot treat it as a matter of indifference.

Specifically, Christian people have a responsibility to raise objections and to argue convictions in the public policy arena on matters of moral and social consequence. This may take the form of direct action effort regarding legislation. It may involve the deploring of a practice without an accompanying attempt to change a law. It does, however, seem difficult to escape the conclusion that the current and widespread practice of totally unregulated abortion is morally intolerable. There are very few people who wish to prohibit all abortion in every situation. The most important question, then, for most thoughtful people is going to be how to effectively regulate abortion so that it will be perceived to be the very serious (and only occasionally necessary) moral tragedy that it is. State legislatures will be active in this area for some time to come. Christian people should make their voice heard.

Thirdly, the Lutheran Church has a unique opportunity to make clear that freedom, rightly understood in the context of sin and forgiveness, is not freedom to do as one pleases, but freedom to do the will of God. Although the will of God is never absolutely clear, it is absolutely clear that the will of God ought to be sought. The taking of life may in some instances be justified. It must never

be a matter of indifference. The pursuit of justice must be relentless. The content of that justice—what justice means in a given situation—must be constantly struggled about. The seeking of the will of God must be by and for the Body of Christ, of which the individual Christian is a member. Thus the church must never be satisfied with handling an issue such as abortion as a matter of one-to-one counseling relationships, but must seek ways in which to know and to do the will of God in a sin-penetrated and morally ambiguous world. The corporate study of the Bible, the doing of Christian theology and ethics, and the sharing of experience and concern ought to be central in this task.

—JAMES H. BURTNESS

The printing and distribution of this statement by the:

Office of Research and Analysis
The American Lutheran Church
422 South Fifth Street
Minneapolis, Minnesota 55415

has been authorized by the General Secretary of The American Lutheran Church.

Additional copies are available from Augsburg Publishing House

Price: 40¢ per copy; \$4.40 per dozen; \$36.00 per 100

Printed in U.S.A.

10-80-12.5M