Opinion
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A demonstrator is seen near the Supreme Court in Washington, D.C., June 7. The court overruled the landmark 1973 Roe v. Wade abortion decision in its June 24 ruling in the Dobbs case. Dobbs v. Jackson addressed a Mississippi law banning most abortions after 15 weeks. Justice Samuel Alito wrote the majority opinion. (CNS/Tyler Orsburn)



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This is a difficult column to write. Yet given the threat to legal abortion in so many states after the Supreme Court's June 24 Dobbs ruling, which overturns the 1973 *Roe* v. *Wade* case, this retired nurse-midwife finds herself unable to remain silent.

I worked for 17 years as a midwife to low-income families in one of the poorest cities in the United States. I met many girls and women whose fraught circumstances led them to consider terminating their pregnancies. Many chose to continue prenatal care. Others did not.

One mother of three decided to continue her pregnancy — but only after a female Catholic pastoral minister asked her what she needed to be able to do so. A washing machine, she said. Sometimes it comes down to something as simple as that.

Of those who went ahead with an abortion, most felt they had no choice. The husband of one pregnant mother of six refused to allow her to use birth control. He came home drunk one evening and raped her. She could barely feed the six children she had.

And then there is the 11-year-old who was raped by her uncle. Her grandmother brought the child to my clinic when she was six months along. This child had never had a period and had no idea what was happening to her body. It was too late to terminate the pregnancy. As a good Catholic, I abhorred abortion. But I went home that evening not at all sure what I would have done had I been that grandmother and this child's pregnancy had been early enough to terminate.

My midwifery colleagues and I followed too many 12- to 14-year-old children — of all ethnicities — who were pregnant with their abuser's baby.

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We also saw many life-threatening complications such as ectopic pregnancies and incomplete miscarriages (also called "missed abortions" in medicalese). In the U.S., one of every 50 pregnancies is ectopic. An ectopic fetus will die long before coming to term. An untreated ectopic pregnancy can lead to uncontrollable hemorrhage and death for the mother. Anti-abortion laws in Texas are already threatening the safety of women experiencing these dangerous conditions. It is scary that the Texas law served as a model for the restrictive "trigger legislation" in many other states.

Then there are some — admittedly rare — situations in which a baby has severe anomalies incompatible with life and continuing the pregnancy would be deleterious to the mother. I remember one couple's agonizing decision to terminate such a crisis pregnancy at six months gestation. They were a Catholic couple in a Jewish hospital. They asked the nurse to baptize their child and then spent hours holding him, grieving their loss.

All these experiences tended to complicate my thinking about abortion.

Approaching abortion as a moral issue is a good thing. It is a serious matter and should never be taken lightly. Before the 1976 Hyde Amendment — which banned Medicaid funding for most abortions — I cared for some women who appeared to be using abortion as birth control. Several had undergone four or five abortions over an 18-month period. These "free" abortions tended to diminish accountability, often to the detriment of the woman's health. I saw less of this after the Hyde Amendment became law.

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While moral considerations are important in making individual decisions, a rigid moral approach has significant limitations. When considering legislation there are additional facts to consider. Public policy must deal with realities as well as moralities.

Here are some facts that have complicated this Catholic's thinking about public policy and abortion.

- Desperate women will always have abortions. No legislation will eliminate this practice. It will only drive it underground.

- One fourth of Catholic women have had abortions — the same percentage as American women overall. A retired female pastoral minister recently told me that within two weeks of arriving at each of the six parishes at which she ministered, a woman would approach and ask to talk about her abortion. Other female ministers had similar experiences. Catholic women were uncomfortable processing their abortions with the parish priest.
- In nature, an estimated 50% of all fertilized eggs are lost before a woman's missed menses. An exhaustive 2016 study reported that 40-60% of embryos are lost from the time of fertilization to birth. Such embryos are expelled during the woman's monthly menses.
- As of 2018 at least 29 states have fetal homicide laws that apply to the earliest stages of pregnancy ("conception," "fertilization," "any state of gestation" etc.). Will we require women to bury — or baptize — their menses, most of which presumably contain fertilized eggs? What do these scientific findings suggest about Catholic teaching on contraception? Jesus' critique of leaders who pile up unbearable burdens and "strain out a gnat and swallow a camel" — seems relevant here (Matthew 23).
- Other religious traditions — such as Judaism and Islam — follow different teachings about abortion. In Judaism, a fetus is not considered a person "and therefore does not have the same rights as one who is already alive. As such, the interests of the pregnant individual always come before that of the fetus." In Islam a fetus is not seen as a legal person before birth although abortion is forbidden after ensoulment which is thought to occur at 120 days. Is it appropriate for public policy to apply the morality of one religious tradition to people who are not of that tradition?
- In 2022, over half of U.S. Catholics (56%) said abortion should be legal in all or most cases. This compares with 61% of Americans overall. Catholics also said abortion should be legal when pregnancy is the result of rape (66%) or threatens the life of the mother (69%). In the same survey, 63% of Catholics agreed that how long a woman has been pregnant should be a factor in determining the legality of the abortion.
- Even though most Catholics said abortion should be legal, a 2019 Pew survey found that the majority (57%) also view it as morally wrong.

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Wise public policy regarding abortion and reproductive health is a complex challenge. As Catholic citizens we should have a voice in developing wise policies, yet many of us recoil from even discussing the topic. A recent online webinar offered by Catholic Organizations for Renewal is addressing such taboos. It offers a safe discussion space for the majority of Catholics who value the moral issues involved but don't support making abortion illegal.

For me, the most compelling consideration in developing public policy is respect for the moral agency of women. Too often discussion focuses exclusively on the embryo or fetus — a developing human — without respecting the realities faced by the fully developed human, a woman whose life and body can be profoundly affected and put at risk.

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