

Fight over abortion leads to First Amendment questions

Pat Perriello | Aug. 28, 2012 NCR Today

Mark Silk of Religion News Service [answers questions](#) [1] relative to when life begins. His remarks grow out of the furor over Missouri Rep. and Senate candidate Todd Akin's comments regarding legitimate rape. Mark Silk is professor of Religion at Trinity College in Connecticut and director of the college's program on public values. I thought it was an instructive article in that we Catholics seldom consider non-Catholic views or theology on the topic of abortion. Silk explores points of view within Judaism and Mormonism as well as giving his personal views as an ethicist. His point seems to be that even if life begins at conception there might still be instances where terminating "pre-born" life might be justified. He also notes that 79 percent of Americans believe there should be exceptions in the case of rape.

My understanding of Catholic theology is that there are no exceptions that would permit an abortion even to save the life of the mother. My intent here is not in any way to question Catholic theology on this issue. What I want to point out is that we live in an America, where everyone does not accept the teaching of the church on abortion. This includes people of various religious faiths and no faith. I suspect that the 79 percent quoted above might include a few Catholics as well.

I believe the difficulty is that people like Akin as well as a number of pro-life Catholics misunderstand the issue involved. There should be a legal exception in cases of rape, incest and to protect the life of the mother, because we live in a pluralistic society. Under our Constitution, our laws are not meant to impose the beliefs of one group or religion on others who don't accept those beliefs. When the church, Republicans or any other group insist there be a law banning abortions without any exceptions, they are confusing religion and government. They are essentially asking that a church's position be imposed on all members of society. This is a breach of the doctrine of the separation of church and state. It is an infringement on the religious freedom of believers of whatever faith who recognize such exceptions.

Somehow, the whole concept of religious liberty has been misconstrued. Some, including some of our Catholic leaders, seem to believe the church should have carte blanche to practice its religion as it chooses, even if it infringes on the rights of others. Since they are certain of the correctness of their belief, they have no qualms about imposing that belief on others who might believe differently. It seems that somehow, the religious liberty of the church trumps the rights of other people. This is not the way the First Amendment is supposed to work.

You also might want to ask yourself if you want the government to tell a woman who has been raped that she must carry her child to term. Many seem to have trouble with the government telling them they need to buy health insurance. It is inconsistent then to believe that government is a proper vehicle for deciding what a woman can be required to do in such cases. Do we really want our much-maligned Congress making these decisions for women?

Please note, I am not addressing the question of whether or not a woman should carry the child to term in such a case. She should make that decision by following her own religious beliefs or in consultation with her husband and/or religious advisor, as well as by following the dictates of her own conscience. The government, however,

has no appropriate role in such a decision.

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