

Chapter One

Historical Context

In order to locate “A Social Statement on Abortion” in its context, we need to explore (or remember, for those of us who were there) what was going on in society and what was going on in the church when it was approved. Though the approval year was 1991, the statement itself came into being over the course of several years of work beginning in the late 1980s. Describing first the women’s movement, feminism, and reproductive rights issues around this time reveals the social, legal, and political landscape that informed and affected conversations about abortion. Second, highlighting a few key things about the ELCA itself around the year

1991 locates its discernment about this social statement in a pivotal ecclesial moment.

Feminism and Reproductive Rights circa 1991

The early 1990s was a key time in the reproductive rights movement in particular, and in the women's movement more broadly. Specifically, it was a transitional phase from a feminism that poorly engaged with issues of race, class, and sexuality to one that became decidedly intersectional. This is a significant element in discussions around abortion. It was also an era simultaneously full of hope and facing violent conflict around reproductive health.

Historians and scholars of the women's liberation movement in the United States generally speak of a "first wave" of feminism that encompasses the nineteenth-century movements for women to gain basic legal rights, culminating in the right to vote afforded broadly to white women in 1920. A "second wave" of feminism and advocacy for women's rights emerged after the Second World War and with the advent of the birth control pill in 1960. This wave of advocacy worked toward equal employment protections, access to education, the right for a woman to seek divorce, the ability to bank and borrow money in her own name, to use birth control, and to have safe and legal abortion. Title IX of the Education Amendments in 1972 ensured

that a person's sex would not be a barrier to full access to and participation in educational activities, specifically "any academic, extracurricular, research, occupational training, or other education program or activity" that receives federal funding.³ It was in this era that two Supreme Court decisions central to reproductive rights emerged: *Griswold v. Connecticut* in 1965 gave married couples the right to use birth control, and *Roe v. Wade* in 1973 provided federal protection for abortion services. Both were decided using logic based on a constitutionally protected right to privacy.

Rebecca Walker began using the phrase "third-wave feminism" in the early 1990s, when some wanted to talk about being in a "postfeminist" age.⁴ Her essay on "becoming the third wave" appeared after Clarence Thomas was confirmed to the United States Supreme Court despite credible public testimony from tenured law professor Anita Hill about sexual harassment on his part. Because of this and many other complex social issues, Walker and others rejected the assumption that the work of feminism was over. They energized a shift in generational perspective that reflects some of my own experiences. Those of us who had grown up with the protections afforded by first and second-wave feminist advocacy were able to construct lives and families with the most freedom of any generation of American women yet. Title IX meant that we grew up either playing sports or knowing that girls played sports

(while we marched in the band), while *Griswold* and *Roe* meant that we never knew a world without legal birth control and accessible abortion. We also learned from previous generations' efforts how to better confront legacies of racism and heterosexism in the women's movement.

Legal scholar Kimberlé Crenshaw coined the term "intersectionality" in a 1989 article in the *University of Chicago Legal Forum* to describe the ways that systems of discrimination function to compound the injury sustained by a person standing where racism and sexism, for example, are simultaneous factors inseparable in their human experience. She gave a name to the experiences of generations of women of color who always experienced the effects of race and gender simultaneously, who never had the privilege to sideline one in favor of the other. The fact that both "intersectionality" and "third-wave feminism" came into use as terms and frameworks at about the same time as the abortion social statement shows how much of a social and cultural pivot was underway around race, gender, sexuality, and class.

This is the era in which I came of age, along with millions of others known as "Generation X." Born in 1971, I did not know a world where abortion was banned and birth control was controversial . . . until I was a middle-aged adult. Graduating from college in 1993, on the heels of what was known nationally as "The Year of the Woman," when

the 1992 elections sent more women to the United States Congress than ever before, I was firmly entrenched in the cohort of white women who were raised believing we could do whatever we wanted. We were educated accordingly, and headed into the world of work and graduate school and our own families to make big changes. The optimism was real. The opportunities were genuine. Yet, we eventually came to understand how precarious it really was.

In the reproductive rights realm, various efforts to chip away at the protections afforded by *Roe v. Wade* since 1973 were already gaining traction when “A Social Statement on Abortion” was approved. This was likely one of the factors involved in discussions around it. In 1980, the Hyde Amendment, limiting the use of Medicaid funding for abortion services, was upheld by the Supreme Court. The rationale for this included the objection of some people to “their” tax dollars being used to fund something they considered to be gravely immoral. Rather than end abortion or make it less necessary, the effect was to disproportionately negatively impact poor women and women of color seeking reproductive health care.⁵ The 1989 Supreme Court decision *Webster v. Reproductive Health Services* upheld a Missouri statute that restricted use of public facilities for abortion services and allowed for fetal viability testing at twenty-four weeks, further entrenching the logic of the Hyde Amendment.

In 1992, the year immediately following the approval of the ELCA's social statement, *Planned Parenthood v. Casey* was decided. It is widely regarded as enabling all subsequent restrictions on abortion care in the United States. It specifically allowed states to enact restrictive laws like mandated preabortion counseling, enforced waiting periods, and parental consent requirements. All of these things quickly came into existence across the country, wherever there was political will to do so. Within four years, 86 percent of counties in the US had no known abortion provider.⁶ That statistic has only gotten worse in the years since.

As if restrictions to abortion were not enough, a wave of violence against abortion clinics and providers was also emerging at this time, instigated in part by groups like Operation Rescue. It was founded in 1986 to engage in direct action against abortion providers. I experienced one form of this kind of “action” when I was in high school and accompanied a friend to the eye doctor. She was going to have her eyes dilated and wouldn't be able to drive afterward. Her eye doctor's office was in the same medical building as the doctor who provided abortion care in the area. We lived in South Dakota, where for many years there was only one doctor statewide known to provide abortions. The protesters were also known to target his clinic on a regular basis, and they were doing so the day we arrived at the medical building. They descended on us with suspicion,

accusations, and bloody pictures, and we had to duck our heads, insist that that was not why we were there, and hurry into the building.⁷

This kind of action was so common, and occasionally so violent, that in response to threats to clinics, patients, and doctors, the United States Congress passed the Freedom of Access to Clinic Entrances Act in 1994.⁸ The first known political murder of an abortion provider had occurred in March 1993, when Dr. David Gunn was shot during a protest in Pensacola, Florida. There were six more murders related to abortion access in the 1990s, along with ongoing bomb threats and harassment. Eric Rudolph carried out a bombing at the 1996 Olympic Games in Atlanta, which killed one person and injured dozens. He was a fugitive for years thereafter, during which time he bombed an abortion clinic in Birmingham, Alabama, in 1998, prior to his capture in 2003. This culture of violent protest against legal abortion reached a particularly horrific point with the 2009 murder of Dr. George Tiller while he was serving as an usher at Reformation Lutheran Church, his ELCA congregation in Wichita, Kansas.⁹

This small glimpse into the social and political context of the social statement on abortion reveals how challenging the landscape was in 1991 when it came to the issue, as well as the kind of optimism and progress that surrounded the work. There were many disputes, conflicts, and

disagreements taking shape legally, politically, and culturally. Nevertheless, a newly formed church body stepped out boldly to make its claims about how Lutheran Christian faith commitments informed decisions related to abortion.

The Evangelical Lutheran Church in America in 1991

The ELCA officially formed in 1988 as a merger between the Lutheran Church in America, the Association of Evangelical Lutheran Churches, and the American Lutheran Church, which themselves were products of various alliances and mergers since the eighteenth- and nineteenth-century immigrant generations.¹⁰ The social statement on abortion was among the first three considered and approved. Statements titled “The Church in Society” and “The Death Penalty” were also adopted at the Churchwide Assembly in 1991. This reveals which topics were significant enough for the newly formed church to stake an immediate public claim. They were political and cultural issues, deeply divisive and speaking to the core of human life together, and they were issues that tapped into the heart of Lutheran faith commitments. Responding to them on the basis of faith and the gospel was an important part of the young church’s early work. Other social statements adopted in the 1990s treated the topics of caring for creation (1993); race,

ethnicity, and culture (1993); peace (1995); and economic life (1999). Taken together, they provide a grounding witness of church in the world during a decade of significant cultural changes.

Though women had been serving as ordained leaders in the ELCA, through its predecessor bodies, since 1970, Rev. April Ulring Larson was the first woman elected as one of its synodical bishops, in 1992. In addition, in 1990, a year prior to the social statement on abortion, Ruth Frost and Phyllis Zillhart were “the first openly lesbian women to be ordained in a Lutheran church body in the United States,” which went against official church denominational teaching at the time.¹¹ These are two examples of how generational shifts around gender and sexuality seen in the broader culture were showing up in the ELCA and among its roster of leaders. Reproductive health and gender justice were not only consistently making front-page headlines and court dockets; they showed up in this church’s congregational life as well.

Significantly, “A Social Statement on Abortion” garnered more than a two-thirds majority approval by the Churchwide Assembly in 1991. As we explore the content of the statement below, I invite you to consider a social, political, and ecclesial context in which this, or any statement on this topic, would pass relatively quickly and easily.