

Caught in the middle: On abortion and homosexuality

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In the present political atmosphere it is assumed that everybody must be on one of only two sides, liberal or conservative. It doesn't matter that neither of these labels signifies much in the way of intellectual responsibility or that both are paralyzed in the face of the overpowering issue of our time: the destruction of land and people, of life itself, by means either economic or military. What does matter is that a person should choose one side or the other, accept the "thinking" and the "positions" of that side and its institutions and be so identified forevermore. How you vote is who you are.

We appear thus to have evolved into a sort of teenage culture of wishful thinking, of contending "positions," oversimplified and absolute, requiring no knowledge and no thought, no loss, no tragedy, no strenuous effort, no bewilderment, no hard choices.

Depending on the issues, I am often in disagreement with both of the current political sides. I am especially in disagreement with them when they invoke the

power and authority of government to enforce the moral responsibilities of persons. The appeal to government is made, whether or not it is defensible, when families and communities fail to meet their moral responsibilities. Between the two moralities now contending for political dominance, the middle ground is so shaken as to be almost no ground at all. The middle ground is the ground once occupied by communities and families whose coherence and authority have now been destroyed, with the connivance of both sides, by the economic determinism of the corporate industrialists. The fault of both sides is that, after accepting and abetting the dissolution of the necessary structures of family and community as an acceptable “price of progress,” they turn to government to fill the vacancy, or they allow government to be sucked into the vacuum. This, I think, explains both Prohibition and the war on drugs, to name two failed government remedies.

To believe, as I do, that families and communities are necessary despite their present decrepitude is to be in the middle and to be most uncomfortable there. My stand nevertheless is practical. I do not think a government should be asked or expected to do what a government cannot do. A government cannot effectively exercise familial authority, nor can it effectively enforce communal or personal standards of moral conduct.

The collapse of families and communities—so far, more or less disguisable as “mobility” or “growth” or “progress” or “liberation”—is in fact a social catastrophe. It leaves individuals subject to no requirements or restraints except those imposed by government. The liberal individual desires freedom from restraints upon personal choices and acts, which often has extended to freedom from familial and communal responsibilities. The conservative individual desires freedom from restraints upon economic choices and acts, which often extends to freedom from social, ecological and even economic responsibilities. Preoccupied with these degraded freedoms, both sides have refused to look straight at the dangers and the failures of government-by-corporations.

The Christian or social conservatives who wish for government protection of their version of family values have been seduced by the conservatives of corporate finance who wish for government protection of their religion of personal wealth earned in contempt for families. The liberals, calling for some restraints upon incorporated wealth, wish for government enlargement of their semireligion of personal rights and liberties. One side espouses family values pertaining to homes that are empty all day every day. The other promotes liberation that vouchsafes

little actual freedom and no particular responsibility. And so we are talking about a populace in which nearly everybody is needy, greedy, envious, angry and alone. We are talking therefore about a politics of mutual estrangement, in which the two sides go at each other with the fervor of extreme righteousness in defense of rickety absolutes that cannot be compromised.

Nowhere has this callow politics asserted itself more thoughtlessly and noisily than on the so-called rights of abortion and homosexual marriage. The real issue here is the politicization of personal or private life, and inevitably, given the absence of authentic political discourse or dialogue, the reduction of the issues to two absolute positions. In addition to distracting from interests authentically public and political, the politicization of personal life, involving as it must the publicization of privacy, is inhumane and inherently tyrannical.

After Boris Pasternak's *Doctor Zhivago* was published in the West and Pasternak received the Nobel Prize in 1958, thus earning the Soviet government's reprisal, Thomas Merton wrote:

Communism is not at home with nonpolitical categories, and it cannot deal with a phenomenon which is not in some way political. It is characteristic of the singular logic of Stalinist-Marxism that when it incorrectly diagnoses some phenomenon as "political," it corrects the error by forcing the thing to *become* political. (*Disputed Questions*)

Now, after many decades of anticommunism, Merton's sentences have come remarkably to be descriptive of our own politics. Maybe people who focus their minds for a long time upon enmity finally begin to resemble their enemies. This has happened before. It is deeply embedded in the logic of warfare.

Whatever the cause, we seem to have become as adept as the old Soviet Union at politicizing the nonpolitical. Most notably, by the connivances of both political sides, we have invented a politics of sexuality, which, by the standards of our own political tradition, is a contradiction in terms. Or it is if there is to be a continuing political distinction between public life and private life. This distinction, after all, is the basis of the freedoms affirmed by the First Amendment, which holds essentially that people's thoughts and beliefs are of no legitimate interest to the government. The government is not in charge of our personal lives, our private affections, our prayers or our political opinions. It is not in charge of our souls. Those who formed our

government also limited it, forbidding it any freehold in our homes or in our minds.

I am as ready as any so-called conservative to worry about big government, though I would remember that government has gotten big in the much-needed effort to regulate big corporations and to help their victims. To my fear of big government I add my at least equal fear of unlimited government, which is to say total government. It is not entirely surprising that after our long, costly resistance to communist dictatorship, we should now see the rise of passions and excuses tending toward capitalist dictatorship. The most insidious of these passions tends toward state religion and government regulation of private behavior.

The politics of sexuality has to do with public disagreements about rights that, however valid, are newly proclaimed, obscure in origin, extremely controversial, and productive of conflicts that probably are not politically resolvable—the prime example being the apparently unendable conflict over abortion.

Not so long ago abortion was illegal in the United States. It was illegal, one must suppose, because of an innate aversion to a woman's destruction of her own child. And then the Supreme Court ruled in *Roe v. Wade* (1973) that abortion, within certain limits, was legal. The ruling is based on the right to privacy under the 14th Amendment and, more remarkably and controversially, on the proposition that a human fetus is not legally a person and therefore is not eligible for the protections guaranteed by that amendment. This distinction between a fetus and a person is, to common sense, arbitrary and therefore inevitably a source of trouble. *Fetus*, to begin with, is a technical term which once was rarely used by pregnant women, who had conventionally and naturally referred to the creature forming in their wombs as a *baby*, which is to say a human being, a person. The abortion debate involves endless, unendable disagreement about issues such as when a fetus becomes a human or a person, when life begins, when or whether abortion should be legal, whether we should call it "killing" or "termination." Some enlightened people hold in derision the idea that life begins at conception. But if life does not begin at conception, then we are at the beginning of a kind of sophistry: an argument about when life may be *said* to begin.

The right to have an abortion has been popularly justified as a woman's right to control her own body. Such a right seems to be implied by a number of other rights, but only recently has it been stated in this way. So stated, it is somewhat confusing, for many of our laws, legal and moral, *require* one to control one's body—to restrain

it, for instance, from killing the body of another person, except of course when ordered to do so by the government. To say when and why a requirement may become a right, and when and why the requirement or the right should be suspended or opposed, needs a lot of spelling out—if such a spelling out is possible.

The facts remain, on one side, that abortions are still proscribed by some religious traditions and the old aversion is still felt by many people, and on the other side, that the legalization of abortion answers a need desperately felt for real and pressing reasons by many women, and legal abortion should at least put an end to illegal abortions badly performed in bad circumstances by incompetent and disreputable people.

Also involved are questions of ultimate seriousness and importance: questions of life and death that exceed the competence of human intelligence and are forever veiled in mystery. The trains of causation run quickly out of sight. I know a man who said, plausibly, “Life begins with erection.” Elders used to refer young people to a time “when you were just a look in your mother’s eyes.” But when I asked the geneticist Wes Jackson, “Does life begin at conception?” he replied, “Life *continues* at conception.” This, I felt, was at last a statement sufficiently serious.

In making any choice, we choose for the future, and so all our choices involve us in mystery and in a kind of tragedy. To choose to have a baby, to abort a fetus, to save a life, to destroy a life is to make a whole change on the basis of partial knowledge. One chooses in light of what one knows now about the past and thus changes the future inevitably and forever. What would have been, had the choice been different, will never be known.

To reduce this complexity and mystery to a public contest between two absolutes seems to wrong everything involved. Some equivocation seems natural and appropriate because one is attending to two possibilities, both unknown. Saints, heroes and great artists began as fetuses. So did tyrants, torturers and mass murderers. Choices do not invariably cut cleanly between good and evil. Sometimes we poor humans must choose between two competing goods, sometimes between two evils. Responsibility or circumstances will require us to choose. But we cannot choose to be unbewildered or not to grieve.

The theologian William E. Hull, worrying over the destructive animosities that divide religious organizations, asked, “How can we avoid the wrangling that breeds

hostility?" And he answered: "By seeking clarity rather than victory" (*Beyond the Barriers*). This sounds exactly right to me, and I find little clarity in the public argument about abortion. I know that both sides are made up of individual humans whose thoughts and feelings may differ in significant ways from the public positions of their sides. But the problem with those positions as they are generalized and vented into the political atmosphere is that they substitute simplicity for clarity. By separating the statistical facts of abortion from the lived experience—from the mystery, bewilderment and suffering that attend it—the simplicity becomes obscure and heartless. To the proabortion side, abortion is simply a right, the creature to be aborted is a fetus, the act itself is termination of a pregnancy by a forthright medical procedure. To the antiabortion side, abortion is simply a wrong to be refused or opposed in obedience to a moral or religious law that ought to be the law of the land. Both sides have failed to get at either the truth of human suffering or the possibility of human compassion.

The issue, I think, can be clarified only by imagining a woman to whom an abortion is one of two heartbreaking alternatives, one of which she must choose alone, and between which, however she chooses, she will remain emotionally divided perhaps for the rest of her life. This woman, troubling as she is to the political atmosphere of opposed absolutes, cannot be admitted by either side into the public argument. But her example is starkly clarifying. Her absence from the argument stupefies both sides.

I am unsure of the whereabouts or even the possibility of truth in the abortion strife, but I, with perhaps a good many others, am somewhere in the middle, where I see no chance of a public reconciliation. In fairness, we have to acknowledge that within the experience and history of abortion there must be many shades and mixtures of right and wrong. As in the human condition generally, we are not dealing with a choice between a shadowless light and utter darkness.

I have said several times that I am opposed to abortion except when it is necessary to save the mother's life. I stick to that, for I still feel strongly the old aversion. Unlike the proabortion side, I think that abortion is killing. What else could it be? And I think that the creature killed is a human being, for it can be a being of no other kind, and it is not a nonbeing. But I feel just as strongly an aversion to our life-destroying economy and way of life, and every day increases our need to cherish life in all its forms. I oppose the official killings that bear the names of justice and defense and also the killing that is a cost or by-product of certain industrial

enterprises. I do, however, recognize the cruelty that is inherent and inescapable in the life of this world, in which no creature lives but at the expense of other creatures, as I recognize right and wrong ways of exacting and recompensing such costs.

But when I have spoken of my opposition to abortion, I hope I have never neglected to say that I can imagine circumstances in which I would willingly aid and comfort a girl or a woman getting an abortion. And here I arrive at what is for me the moral difficulty, even the moral obscurity, of this problem: though I can say that, in some circumstances, I would willingly help somebody get an abortion, I cannot say that I would willingly aid and abet a murder.

Whatever one may think of a woman's right to control her own body, the inexpressibly intimate involvement of her own body in a woman's decision to have an abortion is a real and urgent consideration, and for a man it is a special one. That it does not involve, and could never have involved, *my* body does not invalidate my belief that abortion is wrong, but it does require me to be carefully aware of the bodily difference. Whereas a person's demonstrated willingness to kill another person already born requires us to look upon that killer as a public menace, a woman's decision to kill the baby in her womb does not require us to look upon her as a menace to anybody else. In fact we *don't* look upon her in that way.

There are four possible legislative solutions to the abortion controversy:

1. Abortion could be forbidden absolutely, with no exceptions.
2. It could be forbidden, with specified exceptions.
3. It could be permitted, with specified exceptions.
4. We could permit it without exception, which to me means that we would have no law related specifically to abortion.

The first of these would outrage the proabortion side, it would settle the controversy merely by ignoring it, it is immitigably harsh, and it makes little sense. Absolute forbidding would choose the life of the unborn child over any and all other considerations, including that of the life of the mother. The government thus would abandon any obligation to protect the mother's life in order to protect the life of the child. If, for want of an abortion, mother and child *both* should die, then the state

would accomplish no good at all except for the pacification of fanatics.

Any law forbidding abortion would be ineffective, and it could easily do harm. To forbid an established practice for which the demand is widespread and the supply dispersed and readily available would be virtually to license an illicit and lucrative economy that would reward the greed and enterprise of the worst people. Such a situation undermines government authority and brings law enforcement into disrespect.

The two middle solutions, as opposed to an outright ban, would require niggling official regulation of the conduct of individual persons, conduct at least semiprivate. This would require an increase in police power that would be expensive and also a danger to everybody's freedom. We could, for example, make a law forbidding abortion except to save the mother's life, but what would we mean by "the mother's life"? Would it be denoted only by her vital signs or, more reasonably, by her ability to live and thrive in the world—in which case the definition of her life would include her economic life, the life of her family (if she has one), even the life of her community (if she has one). For another example, we could make a law permitting abortion except during the third trimester. But this would require a lot of official watching. And who is to say exactly when the third trimester begins? Such legislating can only strand everybody, including the government, in permanently painful and dangerous confusion.

The problem in forbidding or permitting with exceptions is that the exceptions apparently cannot be decided upon by precise determinants, but rather by "approximate" or "appropriate" judgments by experts. The language of *Roe v. Wade*, as the ruling implicitly acknowledges, is vague and uneasy. What *exactly* is meant, with respect to abortion, by *life*, *conception*, *viability*, *privacy* and *person*? *Roe v. Wade* does not, to my mind, settle the meaning of any of those words. The legal definition of a person evaporated when the Supreme Court defined a corporation as a person. If a corporation is a person, contrary to all previous usage and to common sense, then personhood can be conferred upon virtually anything merely by decree. Issues are thus quickly carried not just into vagueness but beyond the bounds of language.

I am going to take the risk, therefore, of saying that there should be *no* law either for or against abortion. Like certain other wrongs—various addictions, let us say—this one is more personal than public and would be best dealt with by the persons

immediately involved.

This is my attempt to make a statement on abortion that is reasonably complete—and that, in result, may be necessarily incomplete. I should add that I may find further reasons that will require me to revise. To have a mind, I think, depends upon one's willingness to change it.

Regarding homosexual marriage, the fault that I again must acknowledge is that what I have said before has been incomplete. As far as I remember, I have made only two public statements about this issue. My argument, much abbreviated both times, was that sexual practices of consenting adults ought not to be subjected to the government's approval or disapproval and that domestic partnerships, in which people who live together and devote their lives to one another, ought to receive the spousal rights, protections and privileges that the government allows to heterosexual couples.

In those two statements I was considering homosexual marriage as an issue of law—with reference to the contention from both sides that marriage is a right to be granted or withheld by the government. This puts me again in the middle but this time with more certainty of my whereabouts and with good reasons to object.

First, this "right to marriage" is still birth-wet. It exists only by reason of its being selectively withheld. Apart from its momentary political expediency there is no reason for it. Whatever one may think of all that is presently implied and entailed by the legalization of marriage, surely nobody can claim that marriage is either the government's invention or that the government has an inherent right to determine who may marry.

Second, this right depends upon a curious agreement between liberals and conservatives that human rights originate in government, to be dispensed to the people according to their pleading and at the government's pleasure, implying inescapably that any right, being so expediently the government's gift, can just as expediently be withheld or withdrawn. This flatly contradicts the founding principle of American democracy that human rights are precedent to the government's existence, that the government is established to protect them, and that the government must be restrained from violating them.

Third, it cannot be allowable, under the above principles, for the government, on the pleading of *some* of the people, to establish a right solely for the purpose of

withholding it from some other people. If this were to happen, it would amount to a punishment imposed on a disfavored group for no crime except their existence. I don't need to point out that this has happened before.

That the liberals, who so often have been rightly anxious about the protection of rights and liberties, should define those rights and liberties as the gifts of a generous and parental government is absurd.

The conservative program on this issue, promoting as it does a constitutional apportionment of rights according to sexual category, in implicit violation of the 15th and 19th Amendments, is more darkly absurd. The theory that accreditation of the sexual practices of individuals is a function proper to a "small" and noninterfering government is comic as well as absurd.

That homosexuals have been denied the right to marry, supposing for the moment that such a right can exist, surely violates the 14th Amendment, which forbids the state to "deprive any person of life, liberty, or property, without due process of law; [or] to deny to any person within its jurisdiction the equal protection of the laws." There is no need for homosexuals to be granted a right to marry that is at all different from the right of heterosexuals to do so. There is no good reason for the government to treat homosexuals as a special category of persons.

To support their strategy of outlawing homosexual marriage, Christians of a certain disposition have found several ways to categorize homosexuals as a different kind from themselves, who are in the category of heterosexuals and therefore normal and therefore good. They are mindful that the Bible looks upon homosexual acts as sinful or perverse. But it is not clear to me why perversion should have been specifically assigned to homosexuality. The Bible has a lot more to say against fornication and adultery than against homosexuality. If one accepts the 24th and 104th Psalms as scriptural norms, then surface mining and other forms of earth destruction clearly are perversions. If we take the Gospels seriously, how can we not see industrial warfare and its unavoidable massacre of innocents as a most shocking perversion? By the standard of all scripture, neglect of the poor, of widows and orphans, of the sick, the homeless, the insane is an abominable perversion. Jesus taught that hating your neighbor is tantamount to hating God, and yet some Christians hate their neighbors as a matter of policy and are busy hunting biblical justifications for doing so. Are they not perverts in the fullest and fairest sense of that term? And yet none of these offenses, not all of them together, has made as

much political-religious noise as homosexual marriage.

Another way to categorize and isolate homosexuals from the general citizenry and the prerogatives of citizenship is to define homosexuality as a disease having a cause that can be discovered and removed or cured by some sort of therapy. This seems most promising as long-term job security for scientists. Ken Kesey once saw an inscription in a men's room: "My mother made me a homosexual." Under it somebody else had written: "If I gave her the yarn would she make me one?" My own speculation is that we will never do much better than that. We will discover that, like all the rest of us, homosexuals are made what they are by their mothers, their fathers, their genes, their germs, their upbringing and their education, by their friends and neighbors, their dwelling places, their time and its culture, by their economic and social status, their personal history, and by history itself.

Yet another such argument is that homosexuality is unnatural. If the nature in question is merely biological—the realm of the ape and the naked ape—that may prove too roomy and accommodating to be of much help. By the standard of that nature, monogamy is unnatural, an artifact of *some* cultures. If it is argued that homosexual marriage cannot be reproductive, is therefore unnatural and should be forbidden, must we not then argue that any childless marriage is unnatural and should be annulled?

Specifically *human* nature, by contrast, has always had a definition more complex and demanding than that of a naked ape. William Blake thought we are made human by being made in the image of God: "For mercy, pity, peace, and love / Is God our father dear; / And mercy, pity, peace, and love / Is man, his child and care" (*Songs of Innocence*, XX). Are homosexuals capable of mercy, pity, peace and love? Some certainly are, as some heterosexuals certainly are. To deny that distinction to homosexuals is to deny categorically that they are human. Oversimplified moral certainties—always requiring hostility, always potentially violent—isolate us from mercy, pity, peace and love and leave us lonely and dangerous in our misery. The only perfect laws are absolute, but perfect laws are only approximately fitted to imperfect humans. That is why we have needed to think of mercy, and of the spirit, as opposed to the letter, of the law.

One may find the sexual practices of homosexuals to be unattractive or displeasing and therefore unnatural. But anything that can be done in that line by homosexuals can be done, and is done, by heterosexuals. Do we need a political remedy for this?

Would conservative Christians like a small government bureau to inspect, approve and certify their sexual behavior? Would they like a colorful tattoo, verifying government approval, on the rumps of lawfully copulating persons? We have the technology, after all, to monitor everybody's sexual behavior, but as far as I can see, so eager an interest in other people's most private intimacy is either prurient or totalitarian or both.

The oddest of the strategies to condemn and isolate homosexuals is to propose that homosexual marriage is opposed to and a threat to heterosexual marriage—as if the marriage market is about to be cornered and monopolized by homosexuals. If this is not industrial-capitalist paranoia, it at least follows the pattern of industrial-capitalist competitiveness, according to which you *must* destroy the competition. If somebody else wants what you've got—from money to marriage—you must not hesitate to use the government (small, of course) to keep them from getting it.

But if heterosexual marriage is so satisfying to heterosexual couples, why can they not just reside in their satisfaction? So-called traditional marriage, now mostly divested of a traditional household and traditional bonds to a community, is for sure suffering a statistical failure, but this is not the result of a homosexual plot. Heterosexual marriage does not need defending. It only needs to be practiced, which is pretty hard to do just now. But the difficulty is rooted mainly in the values and priorities of our industrial-capitalist system, in which every one of us is complicit.

It certainly is possible for a government to withhold the legal perquisites of marriage from any group that it may be persuaded to designate in our present civil cold war. That is mainly to say that a government can forbid its officers to license weddings for people in the designated group.

But a wedding is not a marriage. A wedding is traditionally an exchange of vows of fidelity and love in all circumstances until death. In some circumstances, for some people, a wedding may be a sacrament. But however complicated and costly the preparations, the costumes, the photography and the reception, a wedding is over and done with in a few minutes.

A marriage, by contrast, is the *making* of marriage, by daily effort to live out the vows until death. The vows may be taken seriously or not, broken or not, but there is no way of withholding them from homosexuals. You cannot copyright the vows

which a homosexual couple is perfectly free to make. The government cannot forbid them to do so, nor can any church.

Conjugal love, Kierkegaard wrote,

is faithful, constant, humble, patient, long-suffering, indulgent, sincere, contented, vigilant, willing, joyful. All these virtues have the characteristic that they are inward qualifications of the individual. The individual is not fighting with external foes but fights with himself. . . . Conjugal love does not come with any outward sign . . . with whizzing and bluster, but it is the imperishable nature of a quiet spirit. (*Either/Or*)

No church can *make* a homosexual marriage, because it cannot make any marriage, nor can it withhold any degree of blessedness or sanctity from any pledged couple striving day by day to be at one. If I were one of a homosexual couple, the same as I am one of a heterosexual couple, I would place my faith and hope in the mercy of Christ, not in the judgment of Christians.

Condemnation by category is the lowest form of hatred, for it is cold-hearted and abstract, lacking the heat and even the courage of a personal hatred. Categorical condemnation is the hatred of the mob, which makes cowards brave. And there is nothing more fearful than a religious mob overflowing with righteousness, as there was at the crucifixion and has been before and since. This mob violence can happen only after we have made a categorical refusal of kindness to heretics, foreigners, enemies, or any other group different from ourselves.

Kindness is not a word much at home in current political and religious speech, but it is a rich word and a necessary one. There is good reason to think that we cannot live without it. *Kind* is obviously related to *kin*, but also to *race* and to *nature*. In the Middle Ages *kind* and *nature* were synonyms. *Equal*, in the famous phrase of the Declaration of Independence, could be well translated by these terms: All men are created kin, or of a kind, or of the same race or nature.

Jesus saves the life of the woman taken in adultery by removing her from the category in which her accusers (another mob) have placed her and placing her within kindness, his own kindness first and then that of her accusers: "He that is without sin among you, let him first cast a stone at her" (KJV).

The accusers take this kindness as a defeat, as we all are too likely to do, and they depart without another word. The brief dialogue that follows is wonderfully animated by Jesus' sense of humor:

"Woman, where are those thine accusers? hath no man condemned thee?"

"No man, Lord."

"Neither do I condemn thee: go, and sin no more."

(John 8:7, 10-11 [KJV])

Good advice—but can we suppose he could have given it without smiling, knowing as he did the vast repertory of sins and the endless human susceptibility?

Within the larger story of the Gospels this story is not exceptional. It does show us Jesus' way of dealing with one of the biblically denominated sins, but he simply reaches out to the woman in her great need as he did many times to many others. In the Gospels the sinfulness of all humans is assumed. It is neediness that is exceptional, and in Jesus' ministry need clearly takes a certain precedence over sin. His kindness is best exemplified by his feedings and healings with no imputation at all of sin or deserving.

But the wealth of this idea of kindness is not exhausted by kindnesses to humans. It is far more encompassing. From some Christians as far back as the 12th century, certainly from farther back in so-called primitive cultures, and from some ecologists of our own time, we have the idea of a great kindness including and binding together all beings: the living and the nonliving, the plants and animals, the water, the air, the stones. All, ultimately, are of a kind, belonging together, interdependently, in this world. From the point of view of Genesis 1 or of the 104th Psalm, we would say that all are of one kind, one kinship, one nature, because all are *creatures*.

Much happiness, much joy, can come to us from our membership in a kindness so comprehensive and original. It is a shame, as I know from long acquaintance with myself, to be divided from it by the autoerotic pleasure of despising other members.