

Teaching Correct Principles

The Experience of The Church of Jesus Christ of Latter-day Saints Responding to Widespread Social Acceptance of Elective Abortion

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“I teach them correct principles, and they govern themselves.”

—Joseph Smith¹

I. INTRODUCTION:

THE CHALLENGE OF MAINTAINING HIGH MORAL PRINCIPLES IN AN AGE OF LOW MORAL STANDARDS

One of the challenges facing any faith community is to help the rising generation understand, appreciate, and commit to live high moral principles of the faith that differ significantly from the predominant social values and practices of the day. How do the leaders of a religious community instill in their young people the integrity to embrace and adhere to high moral standards relating to controversial practices like elective abortion,² when such behaviors have become socially popular?

This article discusses how The Church of Jesus Christ of Latter-day Saints responded to the increasing social acceptance of elective abortion in the decades when a dramatic evolution occurred in social values and legal policies regarding the practice (beginning in the mid-1960s).

1. “The Organization of the Church,” *Millennial Star* 13 (November 15, 1851): 339.

2. The term “elective abortions” is used herein to mean abortions that are performed for reasons of personal preference and choice and not because of medical necessity or a comparably rare and severe moral dilemma entailing extreme dangers such as (1) otherwise irremediable and grave threat to the life of the mother; (2) extreme, severe risk to the health of the mother; (3) irreversible, imminent, and terminal condition of the unborn child; or (4) rape or incest.

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I have taught family law and other subjects at the J. Reuben Clark Law School at BYU since 1978, with time out for visits to teach at schools in Japan, China, Australia, Slovakia, and elsewhere. After serving a mission in the Southern Far East (Philippines) Mission, I graduated from BYU in 1971, Duke Law School in 1974, was a law clerk for U.S. District Court Judge, the Hon. John J. Sirica, in 1974–75, and practiced law in Arizona for three years before joining the faculty at BYU.



My wife, Marian, and I are parents of two children and grandparents of eight.

I became interested in the regulation of abortion while a law student when *Roe v. Wade* was being argued in and decided by the Supreme Court. I have authored or coauthored two law books and over a dozen law review articles specifically about abortion law. I have supported and served in responsible pro-life organizations.

Some of my friends in academia have been incredulous that in Provo, a college town with at least 30,000 full-time students, there is not even one abortion clinic. The power of teaching correct (including gospel) principles to motivate men and women (including young adults) to resist the pressures of the world is evident, is encouraging, and merits further consideration.

It is not always popular or easy for members of the Church to stand up and support public policy positions that reflect and embody correct principles. But the long-term benefits of their doing so are great and important not only to their own character as individuals but also for the benefit of society and its future generations.

It emphasizes the importance of “the word”—of “teaching correct principles”—to cultivate respect for the sanctity of life in prochoice/abortion times. Of course, corresponding to “the word” must be policies and programs (such as prenatal care, parenting preparation, responsible marriage preparation, adoption options, and other basic social services) that assist women and families who face the moral challenges and who also experience unplanned pregnancies. But the focus of this article is on “the word,” because it is fundamental and foundational; it encourages development of practical programs and explains the long-range and immediate value of offering and using such services.

This article reviews LDS official policies and the teachings of General Authorities about elective abortion, beginning with Joseph Smith. It discusses formal Church policies and informal Mormon social values.³ The article provides some social context regarding abortion developments in the United States in the last third of the twentieth century, considers the theological basis for LDS abortion doctrines, examines the main themes regarding abortion, and reviews enforcement of those Church policies. It also identifies prominent themes in LDS teachings about elective abortion and notes the effect of such teachings on Church members.

II. CONDEMNATION OF ELECTIVE ABORTION BY CHURCH LEADERS IN THE NINETEENTH CENTURY

Statements, actions, and policies rejecting and denouncing elective abortion have been prominent in the LDS Church for about 180 years, beginning shortly after the Church was organized in 1830. Even in the early years of the Church, before laws forbidding abortion were universally enacted and when the covert practice of elective abortion was not uncommon in America, Mormon leaders expressed and enforced strong doctrinal and moral positions condemning and disciplining those who engaged in the practice.

A. Condemnation of Abortion in the Days of Joseph Smith

An 1831 revelation to Joseph Smith, canonized as section 59 of the Doctrine and Covenants, declares: “Thou shalt not . . . kill, nor do anything

3. John W. Welch, “Toward a Mormon Jurisprudence,” *Regent University Law Review* 21 (2009): 81. “The term ‘Latter-day Saint’ is better reserved for official doctrines, policies, or programs of the Church of Jesus Christ of Latter-day Saints.”

like unto it” (D&C 59:6). That verse has been understood and repeatedly interpreted to include abortion, specifically.⁴

A decade later, in 1841, the issue arose in Nauvoo, Illinois, then the headquarters of the Church, when John C. Bennett, a prominent physician, briefly became an influential LDS Church leader (including Assistant President in the First Presidency, major general of the Nauvoo Legion, and mayor of Nauvoo).⁵ Soon after his rise to prominence, it became known that he was committing adultery, practicing unauthorized polygamy, and offering to perform abortions.⁶ Bennett used his alleged ability to perform abortion in case of pregnancy to try to persuade some women to engage in immoral sexual relations with him. For example, one witness testified that “Dr. Bennett told her that he could cause abortion with perfect safety to the mother, at any stage of pregnancy, and that he had frequently destroyed and removed infants before their time to prevent exposure of the parties, and that he had instruments for that purpose &c.”⁷ Bennett

4. See, for example, Russell M. Nelson, “Abortion: An Assault on the Defenseless,” *Ensign* 38 (October 2008): 32–33. “This matters greatly to us because the Lord has repeatedly declared this divine imperative: ‘Thou shalt not kill.’ Then He added, ‘Nor do anything like unto it’” (quoting D&C 59:6). See also note 66 and accompanying text.

5. “John was elected mayor of Nauvoo, Major-General of the Nauvoo Legion, [] Chancellor of Nauvoo University . . . and was appointed Assistant to Joseph Smith.” Susan Easton Black, *Who’s Who in the Doctrine and Covenants* (Salt Lake City: Bookcraft, 1997), 13–15. Bennett was sustained as “Assistant President with the First Presidency.” 2012 *Deseret News Church Almanac* (Salt Lake City: Deseret News, 2012), 106. Bennett was sustained “with the First Presidency as Assistant President until President Rigdon’s health should be restored.” Joseph Smith Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed., rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 4:341 (hereafter cited as *History of the Church*).

6. It may have been John C. Bennett to whom Heber C. Kimball referred in one sermon delivered in 1857 in the Bowery in Salt Lake City, when he stated that he and his wife had been taught to “to send for a doctor and get rid of the child,” when she became pregnant, in order to have sex “to gratify lust.” Heber C. Kimball, in *Journal of Discourses*, 26 vols. (Liverpool: F. D. Richards, 1855–86), 5:91, July 26, 1857. “Several females . . . testified that John C. Bennett endeavored to seduce them, . . . [saying] it was perfectly right to have illicit intercourse with females, providing no one knew it but themselves, vehemently trying them from day to day, to yield to his passions, . . . and that he would give them medicine to produce abortions, provided they should become pregnant.” Affidavit of Hyrum Smith, in *History of the Church*, 5:71.

7. “The Sarah Pratt Case,” in Richard and Pamela Price, *Joseph Smith Fought Polygamy: How Men Nearest the Prophet Attached Polygamy to His Name in*

was caught in adultery; he professed repentance and was forgiven. But when he was caught again in immoral behavior, he was excommunicated from the Church, left Nauvoo, and became a bitter enemy of the Church and of Joseph Smith.⁸

B. Condemnation of Abortion in Nineteenth-Century Utah

After the main body of Mormons had moved to the remote American West, public sermons strongly condemning abortion were frequently made by Church leaders. For example, in response to strong criticisms and severe persecution for their open practice of Old Testament–style plural marriage, leaders of the Church sometimes responded by contrasting their love for their families and their children with the hypocrisy of their critics in the eastern United States who kept mistresses and aborted the children of their illicit liaisons.⁹ More than twenty public sermons delivered by Church leaders between 1857 and 1885 strongly condemning abortion were published in the *Journal of Discourses*. For example, Apostle and Counselor in the First Presidency Heber C. Kimball (and grandfather of the twelfth President of the LDS Church) declared in an 1857 sermon:

The [religious leaders] of the day in the whole world keep women, just the same as the gentlemen of the Legislatures do. The great men of the earth keep from two to three, and perhaps half a dozen private women. They are not acknowledged openly, but are kept merely to gratify their lusts; and if they get in the family way, they call for the doctors, and also upon females who practice under the garb of midwives, to kill the children, and thus they are depopulating their own species. [Voice: “And their names shall come to an end.”] Yes, because they shed innocent blood.

I knew that before I received “Mormonism.” I have known of lots of women calling for a doctor to destroy their children; and there are many of the women in this enlightened age and in the most popular towns and cities in the Union that take a course to get rid of their children. The whole nation is guilty of it. I am telling the truth. I won’t call it infanticide. You know I am famous for calling things by their names.

Order to Justify Their Own Polygamous Crimes (updated June 26, 2011); Testimony of Mrs. Goddard, available at <http://restorationbookstore.org/articles/nopoligamy/jsfp-visionarticles/sarahprattcase.htm>).

8. Price and Price, “Sarah Pratt Case.” See also Black, *Who’s Who in the Doctrine and Covenants*, 13–15.

9. See, for example, Heber C. Kimball, in *Journal of Discourses*, 5:91, July 26, 1857.

I have been taught it, and my wife was taught it in our young days, when she got into the family way, to send for a doctor and get rid of the child, so as to live with me to gratify lust. It is God's truth, and I know the person that did it. This is depopulating the human species; and the curse of God will come upon that man, and upon that woman, and upon those cursed doctors. There is scarcely one of them that is free from the sin. It is just as common as it is for wheat to grow. . . .

One hundred years won't pass away before my posterity will outnumber the present inhabitants of the State of New York, because I do not destroy my offspring. I am doing the works of Abraham, Isaac, and Jacob; and if I live and be a good man, and my wives are as good as they should be, I will raise up men yet, that will come through my loins, that will be as great men as ever came to this earth, and so will you.¹⁰

Brigham Young, the great prophet-leader of the Church in this period, condemned the "various devices . . . used by married persons to prevent the expenses and responsibilities of a family of children" and decried that abortion (which he compared to infanticide), which had previously been "practiced . . . in fear and against a reproving conscience, is now boldly trumpeted abroad as one of the best means of ameliorating the miseries and sorrows of humanity."¹¹

In 1879, Apostle (and later third President of the Church) John Taylor declared:

The standing law of God is, be fruitful and multiply; but these reformers are "swift to shed blood," even the blood of innocence; and with their pre-natal murders and other crimes, are slaying their thousands and tens of thousands with impunity, to say nothing of that other loathsome, disgusting, filthy institution of modern Christendom "the social evil," as well as other infamous practices. We must protest against foeticide, infanticide, and other abominable practices of Christendom being forced upon us, either in the shape of legislative enactment, judicial decision or any other adjunct of so-called civilization. We are American citizens and are not yet deprived of the inalienable rights of life, liberty and the pursuit of happiness.¹²

10. Heber C. Kimball, in *Journal of Discourses*, 5:91–92, July 26, 1857. Heber Kimball's grandson, Spencer W. Kimball, was the President of the Church when I came across this prophetic statement.

11. Brigham Young, in *Journal of Discourses*, 12:120, August 17, 1867.

12. John Taylor, in *Journal of Discourses*, 20:355, November 30, 1879. The "other loathsome . . . institution" Taylor referred to could possibly be prostitution.

Likewise, in 1882, Apostle Joseph F. Smith (also later a President of the Church) declared in a sermon in Salt Lake City:

We are called an “immoral people.” Well, is the world so very moral? Are our accusers so very pure and holy and so extremely righteous that they should accuse us of being immoral? . . . There is not a more moral people upon the face of the earth to-day than the Latter-day Saints. . . . I will venture to say that there are half as many children murdered among [the most virtuous Americans] annually, either before or after their birth, by their own mothers or fathers, as are born to the Latter-day Saints in the same period. The Latter-day Saints are proverbial for not murdering their children. They have hosts of them, and they do not try to destroy them neither before nor after birth, but endeavor to rear them to manhood and womanhood, that they may teach them the principles of the Gospel of Christ—the highest code of morals known, that they may be able to bear off the kingdom of God upon the earth, and to regenerate the world. This is the object for which the Latter-day Saints are raising children, that God may have a pure and a righteous people.¹³

In addition to these statements recorded in *Journal of Discourses*, the First Presidency also wrote an epistle that was read in the April 1885 general conference while Presidents John Taylor and George Q. Cannon were in hiding from federal officials. In this epistle, they included the following statement: “And we again take this opportunity of warning the Latter-day Saints against those murderous and damning practices of foeticide and infanticide. . . . These fiendish practices are becoming so common that one of the most reliable historians positively asserts that ‘millions do them, because they think they cannot afford to raise children.’”¹⁴

So LDS condemnation of elective abortion by the Church leaders in the nineteenth century was a clear, strong, and oft-expressed position.

The context of the times is not irrelevant to the early LDS condemnation of abortion. When Joseph Smith organized the restored Church of Jesus Christ, most Christian faiths formally condemned elective abortion.¹⁵ Indeed, respect for the sanctity of innocent human life, especially

13. Joseph F. Smith, in *Journal of Discourses*, 24:10–11, October 29, 1882.

14. John Taylor and George Q. Cannon, in James R. Clark, comp., *Messages of the First Presidency of The Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Bookcraft, 1965–75), 3:11.

15. See Marvin N. Olasky, *The Press and Abortion: 1838–1988* (Hillsdale, N.J.: L. Erlbaum Associates, 1988).

a strong ethic of protective care for children—born and *in utero*—was a hallmark of Christianity from the earliest days of the primitive church.¹⁶

Thus, the LDS Church's position against elective abortion in the nineteenth century was not unusual but was quite consistent with long-established Christian teachings. However, the implementation and internalization of those pro-life values may have distinguished Mormons from some other nineteenth-century and twentieth-century faith communities.

III. CONDEMNATION OF ELECTIVE ABORTION BY CHURCH LEADERS IN THE TWENTIETH CENTURY

The nineteenth-century LDS General Authority statements condemning abortion defined a very clear doctrine and position sufficient for

16. As the early church of Christ spread throughout the Roman world and encountered the socially approved practice of abortion, Christian leaders of the first centuries clearly and consistently condemned abortion. The practice of elective abortion was among the social evils that the Apostles and Christian fathers condemned as “works of darkness” (Eph. 5:11). One of the corruptions of that day that the Apostle Paul specifically condemned in his epistles was “pharmakeia,” which is a Greek word meaning “the employment of drugs with occult properties for a variety of purposes, including, in particular, contraception or abortion.” John Noonan, “An Almost Absolute Value in History,” in *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan Jr. (Cambridge, Mass.: Harvard University Press, 1970), 8–9. For example, Canon XCI. of the Sixth Ecumenical Council declared: “Whoever gives or receives medicine to produce abortion is a homicide.” Likewise, Canon XXI. of Ancyra, and Canon II. of St. Basil provide: “She who purposely destroys the foetus, shall suffer the punishment of murder. And we pay no attention to the subtile distinction as to whether the foetus was formed or unformed. And by this not only is justice satisfied for the child that should have been born, but also for her who prepared for herself the snares, since the women very often die who make such experiments.” Henry R. Percival, *The Seven Ecumenical Councils*, vol. 14 of Nicene and Post-Nicene Fathers, second series, ed. Philip Schaff and Henry Wace (Edinburgh: T and T Clark; Grand Rapids, Mich.: Wm. B. Eerdmans, 1981), available at http://christianbookshelf.org/schaff/the_seven_ecumenical_councils/canon_xci_those_who_give.htm. Likewise, the “Christian Fathers,” including Clement, Athenagoras, Tertullian, Augustine, Jerome, and Basil, recorded clearly how deeply they abhorred the practice of abortion. Summarized in Wardle and Wood, *Lawyer Looks at Abortion*, 28. For example, the Didache (or “Teachings of the Lord to the Gentiles by the Twelve Apostles”) from the first century expressly commands, “Thou shalt do no murder, . . . thou shalt not murder a child by abortion, nor kill them when born.” Didache 2:2, available at <http://www.spurgeon.org/~phil/didache.htm>; for another translation, see Didache 2:2, available at <http://thedidache.com/>.

the needs and issues of the times until more than a decade after World War II. Then, a variety of medical, demographic, and social changes created new challenges and pressures relating to elective abortion. Since then, the number and frequency of General Authority statements condemning and rejecting elective abortion has dramatically increased.

A. The Legalization and Social Acceptance of Elective Abortion in the United States

There has been a major change in the social acceptance of elective abortion in the United States during the past fifty years.¹⁷ Historically, elective abortion had been consistently condemned socially and prohibited at common law in England from at least the twelfth century and in the United States from colonial times.¹⁸ After World War II, with the development and application of penicillin and other drugs that reduced the risk of morbidity and mortality from abortion procedures, a movement to legalize abortion began. In 1962, the American Law Institute proposed that the historic exception to laws prohibiting abortion be broadened to allow for therapeutic legal abortion not only in cases of risk to maternal life but also to include risk to maternal health, cases

17. The transformation of the moral rating of abortion has been a worldwide phenomenon, not limited to the United States alone. “Nineteen countries have significantly reduced restrictions in their abortion laws since 1997, while only three countries have substantially increased legal restrictions.” Susan A. Cohen, “Guttmacher Responds to Critics of Global Abortion Study,” *RH Reality Check*, October 20, 2009, <http://www.rhrealitycheck.org/blog/2009/10/20/a-response-critics-guttmacher-study-global-abortion-trends>. A 2008 WorldPublicOpinion.org survey conducted in eighteen of the largest countries in the world found that majorities in only seven countries favored government efforts to discourage abortions; and majorities in seventeen out of eighteen countries opposed criminal penalties to prevent abortions. “World Publics Reject Criminal Penalties for Abortion,” WorldPublicOpinion.org, June 18, 2008, http://www.worldpublicopinion.org/pipa/articles/btjusticehuman_rightsra/492.php?nid=&id=&pnt=492. Stanley K. Henshaw, Susheela Singh, and Taylor Haas, “The Incidence of Abortion Worldwide,” *International Family Planning Perspectives* 25 (1999, Supp.): S30–38, reports on numbers and rates of abortion in most nations worldwide. However, because this article focuses on the LDS faith community in the United States, the discussion of the history of abortion is limited to the United States.

18. See generally Joseph W. Dellapenna, *Dispelling the Myths of Abortion History* (Durham, N.C.: Carolina Academic Press, 2006), 185–406; Wardle and Wood, *Lawyer Looks at Abortion*, 27–44. See note 17 above.

of fetal deformity, and rape or incest.¹⁹ By 1972, thirteen states had adopted abortion reforms based on that ALI proposal.²⁰ These reforms maintained the general prohibition of *elective* abortion, but by creating exceptions to the abortion prohibition for three hard cases of significant medical necessity or moral dilemma, they reflected a lessening of social disapproval of therapeutic abortion. A more radical change was manifest in 1970, when four other states (Alaska, Hawaii, New York, and Washington) legalized abortion on demand for a limited period during pregnancy (ranging from twelve to twenty-four weeks of pregnancy).²¹

Advocates of elective abortion were dissatisfied with their slow progress in getting legislatures to repeal laws that prohibited elective abortion, so they began a litigation campaign to overturn those laws in the courts. On January 22, 1973, that campaign triumphed when the United States Supreme Court announced its decisions in *Roe v. Wade*²² and *Doe v. Bolton*²³ and declared unconstitutional (in *Roe*) the nineteenth-century Texas abortion law that prohibited abortion except when necessary to save the life of the mother, as well as declared unconstitutional (in *Doe*) most of the provisions of the 1962 ALI Model Penal Code that maintained the general prohibition of abortion but expanded the exceptions to include the three “hard cases” noted above.²⁴ The rulings in *Roe* and *Doe* effectively invalidated the abortion laws in all fifty states and required all states to repeal all laws restricting elective abortion—or at least those applicable before the third (last) trimester of pregnancy. Those twin rulings also legitimated the practice of elective abortion as a fundamental right protected by our Constitution.

Roe and *Doe* were only the tip of the iceberg of judicial protection of elective abortion in American law. Since then, the U.S. Supreme Court has decided at least forty-six significant abortion cases, including at least thirty-seven major constitutional decisions that have dealt with some aspect of constitutional protection for elective abortion.²⁵ These cases not only embedded first the abortion “privacy” doctrine and later the abortion “liberty” doctrine in American constitutional law but dramatically

19. American Law Institute, *Model Penal Code* § 230.3 (1962).

20. See Wardle and Wood, *Lawyer Looks at Abortion*, 42–43.

21. Wardle and Wood, *Lawyer Looks at Abortion*, 42–43.

22. 410 U.S. 113 (1973).

23. 410 U.S. 179 (1973).

24. See note 19 above and accompanying text.

25. See Lynn D. Wardle, “Instilling Pro-Life Moral Principles in Difficult Times,” *Ave Maria Law Review* 11 (Spring 2013), 299–365, at appendix I.

expanded the doctrines to regulate such issues as parental consent, spousal notification, disposition of fetal remains, abortion funding, sidewalk “counseling,” antiabortion demonstrations, routine health clinic regulations, restriction of partial-birth abortion (more accurately, infanticide), and so forth.²⁶ For example, Chief Justice Burger joined in the original *Roe* and *Doe* opinions with a separate concurring opinion optimistically suggesting that those decisions did not endorse “abortion on demand” and would not have the “sweeping consequences attributed to them by the dissenting Justices.”²⁷ Thirteen years later, he wrote a strong dissent in *Thornburgh v. American College of Obstetricians and Gynecologists*, conceding: “I regretfully conclude that some of the concerns of the dissenting Justices in *Roe* . . . have now been realized.”²⁸

While *Roe* was the pivotal event in the social transformation of the moral acceptance of elective abortion in America in the last half of the twentieth century,²⁹ the Supreme Court decisions alone did not

26. See Wardle and Wood, *Lawyer Looks at Abortion*, 47–168.

27. 410 U.S. 179, 208 (Burger, C. J., concurring).

28. 476 U.S. 747, 782–83 (1986) (Burger, C. J., dissenting). In *Thornburgh*, the Court invalidated a Pennsylvania statute requiring that a woman “be informed of the name of the physician” who had performed the abortion, the “particular medical risks” of the abortion procedure to be used, the risks of childbirth, the possibility of “detrimental physical and psychological effects,” of medical assistance benefits available for childbirth and prenatal care, the fact that the father would be liable for assistance in supporting the child, and “agencies offering alternatives to abortion.” For the Court, Justice Blackmun sharply condemned the provisions as designed to deter the exercise of freedom of choice. Requiring disclosure of facts of fetal development was also invalidated after Justice Blackmun characterized them as nothing less than an attempt to discourage abortion and intrude into the privacy of the woman and her physician. Other provisions were impermissibly designed to protect the life and interests of the viable fetus subject to abortion. The majority invalidated requirements that the physician performing postviability abortions exercise the degree of care required to preserve the life and health of an unborn child intended to be born alive and to use the abortion technique that would provide the best opportunity for the unborn child to be born alive, unless it would present a significantly greater medical risk to the woman’s life or health. The decision also invalidated a requirement that a second physician be present during the performance of an abortion when the fetus was possibly viable. The majority condemned the “wrongful intent” of the legislature and invalidated the regulations. Four justices dissented.

29. Indeed, after the high point of abortion law reform in 1970 (when Hawaii became the first state to legalize abortion on demand, New York allowed abortion until the 24th week of pregnancy, and Alaska and Washington adopted very

trigger this transformation.³⁰ The trend toward acceptance of elective abortion as morally approved had begun and grown in the decade before the 1973 *Roe* and *Doe* decisions. For example, a study by Judith Blake, published in *Science* magazine, reporting on three specially commissioned Gallup polls between 1962 and 1969, and a 1965 National Fertility study to track public opinion regarding abortions for four specific reasons, found that during the decade preceding *Roe*, disapproval of abortion “where the health of the mother is in danger” fell from 16 percent to 13 percent; disapproval of abortion “where the child may be born deformed” fell from 29 percent to 25 percent; disapproval of abortion “where the family does not have enough money to support another child” fell from 74 percent to 68 percent; and disapproval of abortion simply because the parents do not want more children fell from 91 percent (in 1965) to 79 percent.³¹ Another study by Blake of public opinion surveys from the mid-1960s to the mid-1970s (ending four years after *Roe*) found that disapproval of permissive legal abortion fell more than 20 percentage points, from 85 percent to 63 percent in one set of surveys, and from 91 percent to 76 percent in another set of surveys (covering a five-year period).³² Gallup surveys showed that “opposition to elective abortion . . . clearly declined . . . from the high of 85 percent in 1968 to 63 percent in 1974 and 1977.”³³ Most of the rise in approval of elective abortion came *before* the Supreme Court decision in *Roe*, according to Blake.³⁴ Perhaps not surprisingly, though, the number of reported abortions rose from less than 2 percent of U.S. pregnancies aborted in 1973 to 30 percent in 1980; the rate leveled for about a decade, then began a

permissive abortion laws) and before the Supreme Court decisions in January 1973, only one state liberalized its abortion laws, and that by adopting the moderate ALI Model Penal Code principles. See Wardle and Wood, *Lawyer Looks at Abortion*, 43.

30. See Judith Blake, “The Supreme Court’s Abortion Decisions and Public Opinion in the United States,” *Population and Development Review* 3 (March–June 1977): 47–49.

31. Judith Blake, “Abortion and Public Opinion: The 1960–1970 Decade,” *Science* 171 (February 12, 1971): 541, table 1. She also concluded (presciently) in 1971 that “a Supreme Court ruling concerning the constitutionality of existing state restrictions is the only road to rapid change in the grounds for abortion.” Blake, “Abortion and Public Opinion,” 548.

32. Blake, “Supreme Court’s Abortion Decisions,” 48–50.

33. Blake, “Supreme Court’s Abortion Decisions,” 48–50.

34. Blake, “Supreme Court’s Abortion Decisions,” 57–58. See further Lydia Saad, “Public Opinion about Abortion—an In-Depth Review,” GPNS Special Report, *Gallup* (January 22, 2002), 2, available at <http://www.gallup.com/poll/9904/Public-Opinion-About-Abortion-InDepth-Review.aspx>.

gradual decline that seems to be continuing (with only a small rebound in the last four years).³⁵

Religiosity has long been associated with opinions about abortion. For example, in 2002, a special Gallup report noted, “The overwhelming majority of people who say religion is very important in their lives believe abortion should either be illegal or legal in only a few circumstances. Similarly, most people who say religion is not very important in their lives believe abortion should be legal in most or all circumstances.”³⁶ Other demographic factors “largely overlap with the underlying religiosity [factor].”³⁷

However, a significant change has occurred in the direction of greater social approval and practice of elective abortion by religious persons. Membership in a religious community is no guarantee of acceptance of or conformity to the moral teachings of the faith regarding disapproved practices for which there is strong support in society generally. Members of religious communities are also influenced by the same factors that influence other members of the larger society. For example, research has reported that opposition to elective abortion by members of mainstream religions fell by 10–20 percent in the dozen years following the *Roe* decision, the same period when popular support for abortion on demand was dramatically increasing in America.³⁸

B. The Response of Church Leaders to Social Acceptance and Legalization of Elective Abortion

The movement to legalize elective abortion and make it socially acceptable came when the American post–World War II “baby boom” generation was entering the young adult years and when the LDS Church missionary outreach effort was being heavily emphasized. Since abortion was generally accepted by young Americans, it was possible that outspoken opposition to abortion by Church leaders might make the LDS Church unpopular with that critical demographic group or make joining the Church less

35. The rate of abortions per 1,000 women ages 15–44 peaked in 1980 (2.93 percent of women had abortions that year), as did the ratio of abortions per known pregnancies (at 30 percent that year), while the raw number of abortions peaked in 1990 (at 1,609,000). See Wardle, “Instilling Pro-Life Moral Principles in Difficult Times,” appendixes II and III.

36. Saad, “Public Opinion about Abortion,” 1–2.

37. Saad, “Public Opinion about Abortion,” 1–2.

38. Lyman A. Kellstedt, “Abortion and the Political Process,” in *Abortion: A Christian Understanding and Response*, ed. James A. Hoffmeier (Grand Rapids, Mich.: Baker Book House, 1987), 212.

attractive to them. Nevertheless, the leaders of the LDS Church responded to the social and legal trends toward acceptance of elective abortion by expressing firmly, clearly, and repeatedly strong opposition to the practice, support, legality, or social acceptance of elective abortion.

For example, nearly two and a half years before the U.S. Supreme Court decided *Roe v. Wade*, Church leaders warned loudly against the immorality and social degradation of elective abortion. In the October 1970 general conference, four General Authorities spoke explicitly against the growing evil of abortion and the growing corruption of social morality evidenced in the acceptance of permissive abortion. All four of those men—Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, and Gordon B. Hinckley—later served as Church Presidents. At about the same time, Thomas S. Monson, who is now President of the Church, delivered a sermon (also published in an official Church magazine) powerfully condemning elective abortion.³⁹

In April 1973, just weeks after the *Roe* decision, and specifically “in view of [that] recent decision of the United States Supreme Court,” the First Presidency reiterated the “position of the Church on abortion in order that there be no misunderstanding.”⁴⁰ They declared:

The Church opposes abortion and counsels its members not to submit to or perform an abortion except in the rare cases where, in the opinion of competent medical counsel, the life or good health of the mother is seriously endangered or where the pregnancy was caused by rape and produces serious emotional trauma in the mother. Even then it should be done only after counseling with the local presiding priesthood authority and after receiving divine confirmation through prayer.

Abortion must be considered one of the most revolting and sinful practices in this day, when we are witnessing the frightening evidence of permissiveness leading to sexual immorality.⁴¹

They also confirmed that members who are parties to abortion are subject to formal Church discipline, but that abortion is a sin that can be forgiven those who repent.⁴²

39. Thomas S. Monson, “The Women’s Movement: Liberation or Deception?” *Ensign* 1 (January 1971): 17–20. Also see text accompanying note 53 below.

40. Harold B. Lee, N. Eldon Tanner, and Marion G. Romney, “Policies and Procedures: Statement on Abortion,” *New Era* 3 (April 1973).

41. Lee, Tanner, and Romney, “Policies and Procedures: Statement on Abortion,” emphasis added.

42. Lee, Tanner, and Romney, “Policies and Procedures: Statement on Abortion.”

On March 7, 1974, just a year after *Roe*, an official designated representative of the Church testified before a U.S. Senate subcommittee hearing considering several proposed amendments to the U.S. Constitution that would reverse *Roe*. David L. McKay, a son of former Church President David O. McKay who was president of the LDS mission in New York and New England, presented a statement on behalf of The Church of Jesus Christ of Latter-day Saints that included the recent LDS First Presidency statement condemning the practice of abortion.⁴³ And he concluded his official statement by declaring unequivocally: “*The church is therefore against the legalization of abortion.*”⁴⁴

Every President of the Church for the past fifty years has explicitly condemned and specifically warned members of the Church in general conference and in other sermons against the evil of abortion. All eight prophets who led the Church during this era—David O. McKay, Joseph Fielding Smith, Harold B. Lee, Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, Gordon B. Hinckley, and Thomas S. Monson—have declared that abortion is a grave sin and rejected the public policy of elective (or “permissive”) abortion as immoral and socially dangerous.⁴⁵

For example, President Spencer W. Kimball declared, “Abortion, the taking of life, is one of the most grievous of sins. We have repeatedly affirmed the position of the Church in unalterably opposing all abortions, except in . . . rare instances.”⁴⁶ He described it as a “heinous crime”⁴⁷ and said, “Abortion is a calamity, . . . one of the most revolting and sinful practices in this day.”⁴⁸ “This Church of Jesus Christ opposes abortion and counsels all members *not* to submit to nor participate in any abortion, in any way, for convenience or to hide sins. . . . Certainly the women who yield to this ugly sin, . . . and those who assist them, should remember that retribution is sure.”⁴⁹ President Ezra Taft Benson

43. “Statement of David L. McKay,” in *Hearings before the Subcomm. on Constitutional Amendments of the Committee on the Judiciary*, United States Senate, 93rd Cong., 2d Sess., on S.J. Res. 119 and S.J. Res. 130 at 286, 318 (March 7, 1974).

44. “Statement of David L. McKay,” emphasis added.

45. Lee, Tanner, and Romney, “Policies and Procedures: Statement on Abortion.”

46. Spencer W. Kimball, *Teachings of Spencer W. Kimball* (Salt Lake City: Deseret Book, 1982), 189.

47. Kimball, *Teachings of Spencer W. Kimball*, 274.

48. Kimball, *Teachings of Spencer W. Kimball*, 189.

49. Kimball, *Teachings of Spencer W. Kimball*, 189.

called abortion a “damnable practice.”⁵⁰ President Gordon B. Hinckley reaffirmed that life is a gift, that it “is sacred under any circumstance,”⁵¹ and that “abortion is an ugly thing, a debasing thing, a thing which inevitably brings remorse and sorrow and regret.”⁵² In 1971, Elder Thomas S. Monson emphatically rejected claims for “free abortion,” and the notion that God wanted women to “be fruitful [but] don’t multiply,” declaring, “Such idiotic and blatantly false philosophy must not be entertained or believed.” He went on to extol the importance and glory of motherhood, childbearing, and maternal childrearing.⁵³

In the fifty *consecutive* general conferences between October 1970 and April 1995, LDS Church leaders delivered more than seventy-five sermons addressing the practice and legalization of elective abortion.⁵⁴ In those critical twenty-five years, during which the legal rule of abortion on demand was being created, established, developed, and expanded and during which the practice of abortion was becoming widespread and social acceptance was growing in the United States and the world, the leaders of The Church of Jesus Christ of Latter-day Saints expressed unequivocal opposition to elective abortion *in every general conference*; not a single conference passed without some direct criticism or condemnation of elective abortion by the General Authorities. Because of this intensive, frequent declaration of the Church position on abortion for a quarter century, it is now well established and widely understood by members of the Church, and the contrast between the Church’s position and the prevailing American legal and social standard regarding abortion is clear.

As the social trend promoting elective abortion crested and has begun to wane, the frequency of general conference sermons by General Authorities condemning abortion has decreased, but the clarity of

50. Ezra Taft Benson, *Teachings of Ezra Taft Benson* (Salt Lake City: Bookcraft, 1988), 539.

51. Gordon B. Hinckley, “From My Generation to Yours, With Love,” *Improvement Era* 73 (December 1970): 72.

52. Gordon B. Hinckley, “What Are People Asking about Us?” *Ensign* 28 (November 1998): 70.

53. Monson, “Women’s Movement,” 17–20, quotations at 17. By “free,” he meant not merely (or especially) no-cost abortion procedures but unrestricted or liberal access to abortion, or abortion on demand.

54. “References to ‘Abortion’ in LDS General Conference Talks: April 1950–April 2011, Compiled by Lynn D. Wardle, Supplemented by Stefanie Franc,” September 2012, copies in author’s and *Ave Maria Law Review’s* possession.

the Church's position rejecting elective abortion has not diminished. For example, in the October 2008 general conference, Elder Russell M. Nelson declared:

This war called abortion is a war on the defenseless and the voiceless. It is a war on the unborn. This war is being waged globally. Ironically, civilized societies that have generally placed safeguards on human life have now passed laws that sanction this practice. . . .

Man-made rules have now legalized that which has been forbidden by God from the dawn of time! Human reasoning has twisted and transformed absolute truth into sound-bite slogans that promote a practice that is consummately wrong.⁵⁵

Likewise, in the October 2012 general conference, Elder Dallin H. Oaks condemned elective abortion, calling it “one of the most serious abuses of children” that would eliminate rising generations in some societies. While acknowledging that “many laws permit or even promote abortion,” Elder Oaks declared, “to us this is a great evil.”⁵⁶

LDS Church leaders have also been active in speaking against elective abortion outside of general conference. For instance, Elder Dallin H. Oaks, who was a law professor and member of the Utah Supreme Court prior to his call to the Quorum of Twelve Apostles, responded to pro-choice arguments in a devotional address to thousands of students at Brigham Young University in 1999 that was later published in the *Ensign* magazine. Elder Oaks challenged the personal/public distinction and the no-legislation-of-morality justifications for opposing laws restricting abortion:

If we say we are anti-abortion in our personal life but pro-choice in public policy, we are saying that we will not use our influence to establish public policies that encourage righteous choices on matters God's servants have defined as serious sins. I urge Latter-day Saints who have taken that position to ask themselves which other grievous sins should be decriminalized or smiled on by the law due to this theory that persons should not be hampered in their choices. Should we decriminalize or lighten the legal consequences of child abuse? of cruelty to animals? of pollution? of fraud? of fathers who choose to abandon their families for greater freedom or convenience?

55. Russell M. Nelson, “Abortion: An Assault on the Defenseless,” *Ensign* 38 (October 2008): 32.

56. Dallin H. Oaks, “Protect the Children,” *Ensign* 42 (November 2012): 43.

Similarly, some reach the pro-choice position by saying we should not legislate morality. Those who take this position should realize that the law of crimes legislates nothing but morality. Should we repeal all laws with a moral basis so that our government will not punish any choices some persons consider immoral? Such an action would wipe out virtually all of the laws against crimes.⁵⁷

Likewise, in 2011 the *Ensign* published a powerful address that was delivered by Elder Bruce D. Porter of the Seventy in a conference on the family at Brigham Young University. Porter described the “crisis” of families resulting, in part, because so “many of society’s leaders and opinion-makers increasingly seem to have lost their bearings when it comes to understanding the vital importance of the family.”⁵⁸ He noted that “the love of many, even toward their own children, is waxing cold,” and “those who defend the traditional family are mocked and ridiculed,” while others “who advocate abortion . . . are praised and upheld as champions of tolerance. Truly, the world has turned upside down.”⁵⁹

The current official statement of the Church about abortion states:

The Church of Jesus Christ of Latter-day Saints believes in the sanctity of human life. Therefore, the Church opposes elective abortion for personal or social convenience, and counsels its members not to submit to, perform, encourage, pay for, or arrange for such abortions.

The Church allows for possible exceptions for its members when:

- Pregnancy results from rape or incest, or
- A competent physician determines that the life or health of the mother is in serious jeopardy, or
- A competent physician determines that the fetus has severe defects that will not allow the baby to survive beyond birth.

The Church teaches its members that even these rare exceptions do not justify abortion automatically. Abortion is a most serious matter and should be considered only after the persons involved have consulted with their local Church leaders and feel through personal prayer that their decision is correct.

The Church has not favored or opposed legislative proposals or public demonstrations concerning abortion.⁶⁰

57. Dallin H. Oaks, “Weightier Matters,” *Ensign* 31 (January 2001): 15.

58. Bruce D. Porter, “Defending the Family in a Troubled World,” *Ensign* 41 (June 2011): 12.

59. Porter, “Defending the Family in a Troubled World,” 12.

60. The Church of Jesus Christ of Latter-day Saints, “Abortion,” *Newsroom*, <http://www.mormonnewsroom.org/official-statement/abortion>.

C. Foundational Theological and Moral Principles Underlying LDS Doctrines and Policies Regarding Elective Abortion

Powerful theological and moral underpinnings support the LDS position condemning elective abortion. Mormon religious doctrines and policies regarding bioethical issues are (as Professor Courtney Campbell puts it) “embedded within a comprehensive worldview of divine design, human destiny, and ultimate meaning.”⁶¹ Latter-day Saints believe that there are eternal truths about right and wrong, which all people have the duty and agency to discern and follow. While time, culture, context, and many other factors influence how those truths may be practically understood, expressed, and applied, Mormons reject the premise of relativism—that ethical principles of good and evil are wholly or primarily social constructs.⁶² Since clarity and coherence in the foundational theology is important, brief mention here of those core theological principles underlying rejection of elective abortion is appropriate.

Six foundational beliefs of the Mormon worldview, incorporating the LDS understanding of God’s plan of salvation for his children, are the cornerstones of Mormon ethical theory regarding prenatal life. They are:

(1) God is our eternally loving Heavenly Father; he created our spirits, and we all are his sons and his daughters.⁶³ As the spiritual offspring of God, we—all human beings—have a divine nature and divine potential, including the divine capacity to do whatever he asks us to do.

(2) God’s “work and [his] glory,” his purpose and plan, are “to bring to pass the immortality and eternal life of man” (Moses 1:39). As our loving Heavenly Father, he both knows and wants what is best for us collectively and individually; he knows what we must do to develop our divine nature and gain immortality and eternal life;⁶⁴ he gives no

61. Courtney S. Campbell, “Mormonism (Church of Jesus Christ of Latter-Day Saints), Bioethics in,” in *Encyclopedia of Bioethics*, ed. Stephen G. Post, 5 vols. (New York: Macmillan, 2004), 3:1867.

62. “Joseph Smith belongs on the side of the discoverers [who assert that good is discovered, not invented].” Truman G. Madsen, “Joseph Smith and the Problems of Ethics,” in *Perspectives in Mormon Ethics*, ed. Donald G. Hill (Salt Lake City: Publishers Press, 1983), 31.

63. All worlds were created by God, and all the inhabitants of all worlds “are begotten sons and daughters unto God” (D&C 76:24); “God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life” (John 3:16); “God is love” (1 Jn. 4:8).

64. God is the perfect embodiment of the eternal, and “eternal life” is God’s life. D&C 14:7; see also Alma 7:16; 3 Ne. 9:14; 2 Ne. 26:24; 31:20.

commandment that is not crafted to help us gain eternal life and eternal happiness, and none that we are unable to obey.⁶⁵ Our lives—premortal, mortal, and postmortal, individually and collectively—are part of God’s great plan of happiness for his children, and the Atonement of Christ was intended to effect our immortality and eternal life. God created all of us that we “might have joy.”⁶⁶

(3) One main purpose for which God sent us to earth, to mortality, is to gain a physical body (which, after our resurrection, will be our body eternally); we believe that God has a physical body and that a resurrected body is necessary for his children to become like him. Mormons believe in the sanctity of human life; mortal life is extremely important, and to deprive someone of it is a grave offense against God, against his plan of salvation, and against the agency and mortal life of the victims. We do all we can to avoid and prevent death, but we are not afraid of death. Death brings a sad separation, but it is not the end.⁶⁷ We believe that because of Jesus’s atonement and resurrection, all who ever lived on the earth will be resurrected and can be joyfully reunited again with God and Christ, and with beloved family and friends.⁶⁸

(4) A second major purpose of mortal life is for men and women to exercise the great gift of agency in this mortal setting, to learn to distinguish between good and evil, to learn to choose good over evil, and to gain knowledge and growth from those choices and experiences. God has given humanity agency—the capacity to choose and act in ways that have real consequences for the development (or diminution) of their divine nature. We must freely choose to exercise our moral agency in accord with God’s will in order to experience the growth that eventually,

65. Paul explained that God gives no duty or trial or burden that cannot be endured. “There hath no temptation taken you but such as is common to man: but God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation also make a way to escape, that ye may be able to bear it” (1 Cor. 10:13). See also 1 Ne. 3:7; 17:3. However, sometimes the Lord withdraws commandments due to opposition that seriously impedes obedience. See D&C 124:49.

66. “Adam fell that men might be; and men are, that they might have joy” (2 Ne. 2:25).

67. “Members should not feel obligated to extend mortal life by means that are unreasonable.” *The Church of Jesus Christ of Latter-day Saints, Handbook 2: Administering the Church*, 21.3.8.

68. The final state of the sons of perdition is not revealed, but some LDS theological scholars assert that they will be resurrected in the resurrection of the unjust. H. Donl Peterson, “I Have a Question,” *Ensign* 16 (April 1986): 36–38.

through the Atonement of Christ, will enable us to obtain immortality and eternal life.⁶⁹

(5) At least two conditions are necessary for the exercise of agency (and for the unfolding of God's great plan of happiness). They are (a) knowledge of what is right and wrong, and (b) opportunity to act upon that knowledge. Knowledge of right and wrong (including moral or ethical knowledge) comes in various ways—by study, by mental exertion, by reason, research, and analysis—and it comes by experience, including the “school of hard knocks,” when we make mistakes and learn from them. Such knowledge also comes through the scriptures and through prophets and apostles, other priesthood leaders, teachers, missionaries, and parents. It also can come by personal revelation from God to each individual, most often by inspiration from the Holy Ghost.⁷⁰ However, revelation by the Spirit and through authorities is a supplement to, not a substitute for, personal study, examination, reason, thought, logic, analysis, deliberation, discussion, and full mental exertion.⁷¹ The opportunity to exercise agency also requires “opposition in all things,” so that individuals may freely make righteous, obedient choices to do and become what Heavenly Father wants them to do and become or make bad choices that hinder and retard the development of the divine spark within them. Adversity and alternatives provide the opportunity for personal development and progress.⁷² Thus, the temptations and oppositions of mortality are to be expected, because they are essential for us to exercise agency and to learn to choose, obey, develop righteously, and be blessed.

69. See Isa. 14:12–20; Luke 10:18; Rev. 12:4–13; D&C 29:36–38; Moses 4:1–4; Abr. 3:24–28. See also D&C 58:28; 101:78; 2 Ne. 2:27; 10:23; Mosiah 2:21; Alma 12:21; Hel. 14:30.

70. See John 14:17 (the Spirit of truth is not recognized in the world); 15:26 (the Comforter is the Spirit of truth); Alma 30:53 (the devil appeared in the form of an angel to Korihor and told him what to teach and do); D&C 129:4–9 (test to discern false from true angelic messengers). Revelations can also come by divine voice, by angelic messengers, and by visions and dreams.

71. See D&C 9:7–8 (revelation denied when one takes no thought but to ask God; revelation given when one studies it out and then asks God); D&C 88:118 (seek learning by study and by faith); D&C 8:2 (God reveals to heart and mind); Matt. 22:37 (first commandment is to love God with all our heart, soul, and mind).

72. “It must needs be, that there is an opposition in all things” (2 Ne. 2:11; see also verses 14–16).

(6) Finally, the infinite Atonement of Jesus Christ, the Only Begotten Son of God the Father in the flesh, is the essential, indispensable element of God's loving plan for the immortality and eternal life of all humanity who will accept his invitation. Through the atoning sacrifice of the Savior, all who live in mortality will be delivered from the terminal bands of physical death⁷³ and will have the opportunity to repent and be forgiven of their sins, cleansed by the sacrificial blood of Christ. Mormons believe that the Atonement of Christ gives all men and women the opportunity to be liberated from sin (including abortion) and spiritual death and to become cleansed through the blood of Christ, because he paid for our sins.⁷⁴ His incredible loving sacrifice empowers all to overcome their mistakes, escape their guilt, and obtain exaltation in the kingdom of God if they repent and keep his commandments.⁷⁵ Jesus Christ, the Son of God, came into the world to live and die in order to save humanity,⁷⁶ so that all might learn to obey his commandments and to love and sacrifice for each other as Christ taught and exemplified.

These faith-based core religious principles undergird the rejection of elective abortion by the LDS Church. Church doctrines and policies condemning and opposing elective abortion are not ad hoc or transitory but are grounded in essential principles of the restored gospel of Jesus Christ.

73. See 2 Ne. 9:26; 10:25. See generally notes 95–106 below and accompanying text.

74. See D&C 14:7; 121:8; 45:8; 51:19; and 133:62.

75. See D&C 14:7; 121:8; 45:8; 51:19; and 133:62.

76. "For God so loved the world that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life" (John 3:16). See also Rom. 5:10 ("we were reconciled to God by the death of his Son, much more, being reconciled, we shall be saved by his life"); 1 Cor. 6:20 ("ye are bought with a price"); Rev. 5:9 (Christ "redeemed us to God by [his] blood"); 1 Jn. 1:7 ("the blood of Jesus Christ his Son cleanseth us from all sin"); 2 Ne. 2:6–7 ("redemption cometh in and through the Holy Messiah" who "offereth himself a sacrifice for sin, to answer the ends of the law, unto all those who have a broken heart and a contrite spirit"); Mosiah 18:2 ("the resurrection of the dead, and the redemption of the people . . . [comes] through the power, and sufferings, and death of Christ; and his resurrection and ascension into heaven"); Hel. 5:9 ("there is no other way nor means whereby man can be saved, only through the atoning blood of Jesus Christ, who . . . cometh to redeem the world"); D&C 19:1, 16 (Jesus Christ is the Redeemer of the World, who suffered so that we might not suffer if we will but repent); D&C 49:5 ("I am God, and have sent mine Only Begotten Son into the world for the redemption of the world").

D. Six Constant Themes of General Authority Statements about Abortion

Six themes have been constant in statements about abortion made by LDS General Authorities during the past quarter century. First, abortion is a revolting, abhorrent sin and a serious transgression of the laws of God. According to Elder Dallin H. Oaks:

The ultimate act of destruction is to take a life. That is why abortion is such a serious sin. Our attitude toward abortion is not based on revealed knowledge of when mortal life begins for legal purposes. It is fixed by our knowledge that according to an eternal plan all of the spirit children of God must come to this earth for a glorious purpose, and that individual identity began long before conception and will continue for all the eternities to come. We rely on the prophets of God, who have told us that while there may be “rare” exceptions, “the practice of elective abortion is fundamentally contrary to the Lord’s injunction, ‘Thou shalt not . . . kill, nor do anything like unto it’ (Doctrine and Covenants 59:6).”⁷⁷

Likewise, in the October 2012 general conference, Elder Oaks decried “the practice of abortion,” due to which “cultures and even nations are hollowed out and eventually disappear.” He added, “Many laws permit or even promote abortion, but to us *this is a great evil*.”⁷⁸

Second, members of the Church who counsel, submit to, perform, or pay for abortion have gravely sinned, must repent, may be subject to Church disciplinary action, and are usually disqualified from serving missions.

Except where the wicked crime of incest or rape was involved, or where competent medical authorities certify that the life of the mother is in jeopardy, or that a severely defective fetus cannot survive birth, abortion is clearly a “thou shalt not.” Even in these very exceptional cases, much sober prayer is required to make the right choice.⁷⁹

Now, as a servant of the Lord, I dutifully warn those who advocate and practice abortion that they incur the wrath of Almighty God, who declared, “If men . . . hurt a woman with child, so that her fruit depart from her, . . . he shall be surely punished.” (Ex. 21:22.)⁸⁰

77. Dallin H. Oaks, “The Great Plan of Happiness,” *Ensign* 23 (November 1993): 74, citing 1991 *Supplement to the 1989 General Handbook of Instructions*, p. 1.

78. Dallin H. Oaks, “Protect the Children,” *Ensign* 42 (November 2012): 43, emphasis added.

79. Boyd K. Packer, “Covenants,” *Ensign* 20 (November 1990): 85.

80. Russell M. Nelson, “Reverence for Life,” *Ensign* 15 (May 1985): 13.

Third, the sin of abortion may be forgiven. While it is “like unto” murder, it has never been equated with the unforgivable sin of murder. Elder Russell M. Nelson, a famous heart surgeon before being called to Church leadership and one who has eloquently explained why abortion is a profound sin, declared:

Now, is there hope for those who have so sinned without full understanding, who now suffer heartbreak? Yes. So far as is known, the Lord does not regard this transgression as murder. And “as far as has been revealed, a person may repent and be forgiven for the sin of abortion.” Gratefully, we know the Lord will help all who are truly repentant.⁸¹

Fourth, therapeutic abortion may be justified in rare cases, but only after prayerful consideration of alternatives, including adoption, and after counsel with priesthood leaders. As President Hinckley declared:

While we denounce it, we make allowance in such circumstances as when pregnancy is the result of incest or rape, when the life or health of the mother is judged by competent medical authority to be in serious jeopardy, or when the fetus is known by competent medical authority to have serious defects that will not allow the baby to survive beyond birth.

But such instances are rare, and there is only a negligible probability of their occurring. In these circumstances those who face the question are asked to consult with their local ecclesiastical leaders and to pray in great earnestness, receiving a confirmation through prayer before proceeding.

There is a far better way.

If there is no prospect of marriage to the man involved, leaving the mother alone, there remains the very welcome option of placing the child for adoption by parents who will love it and care for it. There are many such couples in good homes who long for a child and cannot have one.⁸²

Fifth, the acceptance of elective abortion and the growing practice of abortion in society are degenerate Satanic evils, among the manifestations of pervasive wickedness and selfishness marking the last days, and will bring the judgments of God upon the societies that embrace them. Elder Neal A. Maxwell declared in a general conference sermon, “I thank the Father that His Only Begotten Son did not say in defiant protest at Calvary, ‘My body is my own!’ I stand in admiration of women today who resist the fashion of abortion, by refusing to make the sacred womb a tomb!”⁸³

81. Nelson, “Reverence for Life,” 13.

82. Gordon B. Hinckley, “What Are People Asking about Us,” *Ensign* 28 (November 1998): 70.

83. Neal A. Maxwell, “The Women of God,” *Ensign* 8 (May 1978): 10.

Sixth, the Church opposes and decries the legalization of elective abortion. In 1974, an official Church representative publically expressed LDS opposition to the legalization of elective abortion.⁸⁴ That baseline position against the legalization of elective abortion has never been repudiated or disavowed. However, the Church, *qua* Church, has deliberately avoided getting involved in the political battles over whether and how to preserve, change, and reshape the law regarding the myriad potential incidental legal issues (such as abortion funding, parental consent, spousal participation, waiting periods, informed consent, disposition of fetal remains, regulation of methods used to perform abortion, and so forth). Rather, the Church has taken a clear position on the foundational issue (elective abortion should not be legal) and avoided the bramble bush of political battles on the many lesser issues that seem to divide even the most sincere pro-life groups and persons. Thus, the current published position of the Church regarding legalized abortion states, “The Church . . . has not favored or opposed legislative proposals or public demonstrations concerning abortion.”⁸⁵

However, the Church has encouraged members to be actively involved individually in support of laws that protect the sanctity of life. The “Proclamation on the Family,” which has become the anchor for LDS policy positions regarding the family since it was issued by the First Presidency and the Council of the Twelve Apostles on September 23, 1995, declares, “We affirm the sanctity of life” and “we call upon responsible citizens and officers of government everywhere to promote those measures designed to maintain and strengthen the family as the fundamental unit of society.”⁸⁶

In his first sermon after he was sustained as President of the Church, a little more than a year after the U.S. Supreme Court decided *Roe v. Wade*, President Spencer W. Kimball explicitly condemned abortion and encouraged members of the Church to be politically active in “their respective political parties and there exercise their influence.”⁸⁷ He later declared, “There is today a strong clamor to make such practices legal by passing legislation. Some would also legislate to legalize prostitution.

84. See note 43 above and accompanying text (statement to congressional committee).

85. “Church Issues Statement on Abortion,” *Ensign* 21 (March 1991): 78.

86. The First Presidency and the Council of the Twelve Apostles, “The Family: A Proclamation to the World,” *Ensign* 25 (November 1995): 102.

87. Spencer W. Kimball, “Guidelines to Carry Forth the Work of God in Cleanliness,” *Ensign* 4 (May 1974): 7, 9.

They have legalized abortion, seeking to remove from this heinous crime the stigma of sin. We do not hesitate to tell the world that the cure for these evils is not in surrender.”⁸⁸ Many other General Authorities also have encouraged Mormons to “stand up” and mentioned the legalization of elective abortion as one example of the moral deterioration that must be resisted and opposed.⁸⁹

E. Enforcement of the LDS Policy Condemning Elective Abortion

The official *Handbook 2*, available online, clearly defines the limits of permissible behavior and the consequences of violation.

The Lord commanded, “Thou shalt not . . . kill, nor do anything like unto it” (D&C 59:6). The Church opposes elective abortion for personal or social convenience. . . . Church members who submit to, perform, arrange for, pay for, consent to, or encourage an abortion may be subject to Church discipline.⁹⁰

It is important, however, to qualify the point by reiterating that abortion is not an unforgiveable sin, and great emphasis is placed in LDS doctrine on the reality of repentance and forgiveness through the Atonement of Jesus Christ—generally and as regards elective abortion. For example, Elder Boyd K. Packer, now President of the Quorum of the Twelve Apostles, declared in a general conference talk, “The love we offer may be a tough love, but it is of the purest kind; and we have more to offer than our love. We can teach you of the cleansing power of repentance. If covenants have been broken, however hard it may be, they may be reinstated, and you can be forgiven. Even for abortion? Yes, even that!”⁹¹

88. Spencer W. Kimball, “The Foundations of Righteousness,” *Ensign* 7 (November 1977): 5, 6.

89. See, for example, Gordon B. Hinckley, *Standing for Something* (Salt Lake City: Deseret Book, 2000), xvii–xxv, 167–68, 170–71, 172 (emphasizing the loss of sanctity of life due to millions of legal elective abortions and calling for Mormons to stand up and speak up on such social issues); Oaks, “Weightier Matters,” 12–17 (refuting prochoice arguments for elective abortion and encouraging students at BYU to speak out against such evils); James E. Faust, “The Sanctity of Life,” *Ensign* 5 (May 1975): 27 (lamenting that “we have come to a time when the taking of an unborn human life for nonmedical reasons has become tolerated, made legal, and accepted in many countries of the world. But making it legal to destroy newly conceived life will never make it right. It is consummately wrong”).

90. The Church of Jesus Christ of Latter-day Saints, *Handbook 2: Administering the Church*, 21.4.1.

91. Packer, “Covenants,” 86.

Thus, persons who submit to, finance, encourage, or perform elective abortion may be cleansed from their sins and purified through the blood of the Redeemer; they may serve in many significant Church positions and enjoy the love and respect of their brothers and sisters in the gospel. Still, there are some positions in which persons would represent the Church officially, such as missionary service, where serious damage could be done to the Church, its members, its reputation, and its saving ministerial work by the reputational effects in the world of their past sinful behavior, so they must be passed over for such service and assigned to other service in the kingdom.

A member of the Church who has had, encouraged, performed, or paid for (or espouses) elective abortion also may be ineligible to represent the Church as a teacher at a Church college or university for similar reasons. Not only do faculty at Church-sponsored schools represent the Church in a significant capacity, but they are engaged in teaching and influencing, as authority figures, impressionable young men and women who are the future of the Church.

In the early 1990s, a handful of faculty at Brigham Young University (BYU) reportedly began to publicly advocate elective abortion as a proper legal policy (while not advocating the practice of abortions).⁹² They were warned, and at least one BYU faculty member lost her teaching position—reportedly, in significant part for advocating legalized elective abortion on demand, though she said she personally opposed abortion but supported prochoice legal policy.⁹³ That stirred up a firestorm of academic and activist criticism, denouncing BYU and the sponsoring Church for violation of academic freedom, misogyny, oppressive patriarchalism, and so forth; the American Association of University Professors (AAUP) issued a very critical report.⁹⁴ Nevertheless, because

92. See, generally, Cecilia Konchar Farr, “Breaking the Silence: A Faithful Mormon Explains Why She Is Pro-choice,” *Network* (September 1992): 12 (copy in author’s possession). Compare Lynn D. Wardle, “Hiding behind a False Morality,” *Network* (December 1992): 4 (copy in author’s possession).

93. See Cecilia Konchar Farr, “We Belong to One Another in Faith,” *Sunstone* 103 (September 1996): 22–23.

94. Committee of the BYU Chapter of the American Association of University Professors, “Limitations on the Academic Freedom of Women at Brigham Young University,” lds-mormon.com (March 1996), <http://www.lds-mormon.com/aaupwomn.shtml>; BYU Chapter of the American Association of University Professors, “Report on Issues of Academic Freedom at BYU,” lds-mormon.com (March 5, 1996), paragraph 9, <http://www.lds-mormon.com/aaupfree.shtml>. See

of the potential for a faculty member at a Church-sponsored university to mislead young adults about a moral position so important to Church doctrine, the Church and university stood their ground and took the heat without compromising. That incident illustrates how important the principle is to the Church and how firm the policy is. It also shows that even in the generally supportive community of faithful LDS scholars, there has been some dissension on the abortion issue.

In contrast to the Church's policies and teachings about the immorality and social evil of elective abortion, the official Church position regarding other biomedical ethical issues is more neutral, nuanced, and flexible. For example, the Church's position concerning embryonic stem cell (ESC) research is neutral—in essence, a “no position” position. The official statement on ESC research is: “The First Presidency of The Church of Jesus Christ of Latter-day Saints has not taken a position regarding the use of embryonic stem cells for research purposes. The absence of a position should not be interpreted as support for or opposition to any other statement made by Church members, whether they are for or against embryonic stem cell research.”⁹⁵ Abortion lures millions of young women and couples to engage in a ghastly, abusive, sinful practice that destroys living human beings created in the image of God and often causes great sorrow, degradation, and long-lasting regrets. The contrast between the Church's clear, bright-line, no-elective-abortion position and the neutral, “no-position” stance about ESC research underscores the Church position on the evil of abortion.

further “Academic Freedom at Brigham Young University,” *Wikipedia*, http://en.wikipedia.org/wiki/Academic_freedom_at_Brigham_Young_University.

95. The Church of Jesus Christ of Latter-day Saints, “Embryonic Stem-cell Research,” *Newsroom*, <http://newsroom.lds.org/official-statement/embryonic-stem-cell-research>. The substance of this has remained constant for at least a decade, since the subject was first addressed, though the expression and details have mildly modified. “While the First Presidency and the Quorum of the Twelve Apostles have not taken a position at this time on the newly emerging field of stem cell research, it merits cautious scrutiny. The proclaimed potential to provide cures or treatments for many serious diseases needs careful and continuing study by conscientious, qualified investigators. As with any emerging new technology, there are concerns that must be addressed. Scientific and religious viewpoints both demand that strict moral and ethical guidelines be followed.” “Statement Regarding Stem Cell Research,” *LDS Today*, August 10, 2001, <http://www.ldstoday.com/archive/news/stemcellstmt.htm>.

IV. MORMONS' SUPPORT FOR AND ADHERENCE TO THE CHURCH'S POSITION

While precise quantitative information is elusive, it appears that there is relatively little discrepancy between the official Church doctrine and the views and practices of lay Mormons. Most LDS Church members are very supportive of the Church abortion position as a matter of correct religious doctrine, as the right moral position, and as the right standard of personal behavior, and the overwhelming majority believes that abortion generally should be prohibited but allowed in very narrow, exceptional cases.

For example, a Pew Forum on Religion & Public Life survey of Americans in fourteen religious categories (denominations or religious groupings) showed that only the Jehovah's Witnesses responded with a larger percentage (77 percent) of persons saying that abortion should be either illegal in all cases (52 percent) or illegal in most cases (25 percent) than the Mormons (70 percent), who responded 9 percent and 61 percent, respectively, contrasted with Evangelical Protestants (25 percent and 36 percent), Historically Black Protestants (23 percent and 23 percent), Catholics (18 percent and 27 percent), Muslims (13 percent and 35 percent), Mainline Protestants (7 percent and 25 percent), Jews (5 percent and 9 percent), and Buddhists (3 percent and 10 percent).⁹⁶ Likewise, only the Jehovah's Witnesses had a lower percentage of members who said they believe that abortion should be legal in all cases (5 percent) or most cases (11 percent) than Mormons (8 percent and 19 percent respectively).⁹⁷

No church group identified in the Pew survey had a larger percentage of members responding that abortion should be illegal in *most but not*

96. "Views about Abortion by Religious Tradition," in *U.S. Religious Landscape Survey: Religious Beliefs and Practices: Diverse and Politically Relevant* (Washington, D.C.: Pew Forum on Religion and Public Life, 2008), 144, available at <http://religions.pewforum.org/pdf/table-views-about-abortion-by-religious-tradition.pdf>. Interestingly, there were two categories of "Mormons" and "Church of Jesus Christ of Latter-day Saints," and those who identified under the former label were about 1 percent more liberal than those identified under the latter more formal institutional church label. See also "Religious Groups' Official Positions on Abortion," *PewResearch Religion & Public Life Project*, January 16, 2013, <http://www.pewforum.org/Abortion/Religious-Groups-Official-Positions-on-Abortion.aspx> (overview of the official church positions on abortion of various religious denominations).

97. "Views about Abortion by Religious Tradition," app., 2.

all cases than the Mormons (61 percent),⁹⁸ suggesting that they believe it is a very strong moral issue but also that there is a small number of equally important competing moral considerations that in some rare cases will justify abortion. On the other hand, with regard to whether abortion should be illegal in *all* cases, Mormons (at 9 percent) were closer to the position of the Orthodox (10 percent), Unaffiliated (8 percent), and Mainline Protestants (7 percent) than to Jehovah's Witnesses (52 percent), Evangelical Protestants (25 percent), or Historically Black Protestants (23 percent).⁹⁹ Mormons are uncomfortable with the absolutism of total legal prohibition, because they see some clear (albeit rare) morally justifiable exceptions.

It is not unlikely that Mormons are more tolerant of elective abortion and of its legality today than they were forty years ago, since such change seems to have occurred in all faith communities and throughout American society. For example, Judith Blake found that during the decade preceding *Roe v. Wade*, the disapproval of nontherapeutic abortions for both Catholics and non-Catholics in the United States fell.¹⁰⁰ Similarly, another public opinion survey conducted in the mid-1980s reported that opposition to abortion from members of mainstream religious communities had dropped by 10 to 20 percent between 1972 and 1984.¹⁰¹

It is not surprising that the number, rate, and ratio of abortions in Utah, where over 60 percent of residents belong to The Church of Jesus Christ of Latter-day Saints,¹⁰² are much lower than in most other states and in the United States. The rate of abortions per 1,000 females, ages

98. "Views about Abortion by Religious Tradition," app., 2.

99. "Views about Abortion by Religious Tradition," app., 2.

100. Blake, "Abortion and Public Opinion," 543–47. The decrease in disapproval rates was greater for Catholics than it was for the non-Catholics, because the former started with higher disapproval levels. Blake, "Abortion and Public Opinion," 543–47. Even a majority of the more permissive non-Catholics, however, rejected abortion on demand, and the more educated Protestant women did "not share an equally positive attitude toward elective abortion" as the men. Blake, "Abortion and Public Opinion," 544.

101. Kellstedt, "Abortion and the Political Process," 212.

102. "Utah Population Now 60% Mormon," *Chicago Tribune*, November 23, 2007, available at http://articles.chicagotribune.com/2007-11-23/news/0711220223_1_mormon-utah-latter-day-saints. The Utah-Mormon correlation is far from perfect because of the 40 percent of Utahns who are not Mormons and because the abortion clinics in Salt Lake City serve residents of southwestern Wyoming, southeastern Idaho, and parts of western Colorado.

fifteen to forty-four, in Utah is less than one-third the rate for the United States as a whole, and the Utah rate today is *lower* than it was in 1975.¹⁰³ Likewise, the ratio of abortions per 1,000 live births in Utah is about one-fifth the national average.¹⁰⁴ This suggests that people in Utah practice significantly less abortion than Americans in general and less than people in most other states. Therefore, it appears that the clear, repetitive teachings about the grave immorality and profound social evil of abortion within The Church of Jesus Christ of Latter-day Saints have a positive impact upon the views and behaviors of members of the Mormon faith community.

Utah is one of a handful of states that have tried persistently to legally protect prenatal human life from destruction by elective abortion. Courts have invalidated many Utah abortion laws during the past forty years, but some have been upheld. One of the first abortion restrictions after *Roe* to be upheld by the U.S. Supreme Court was a Utah law affirmed by the Court in 1981 (*H. L. v. Matheson*) requiring parental notification “if possible” before an abortion is performed on a minor.¹⁰⁵ Thus, there appears to be significant consistency between the formal position of the LDS Church regarding the morality, law, and practice of elective abortion, and opinions, values, and behaviors of members of the Mormon religious community.

103. See generally Wardle, *Instilling Pro-Life Moral Principles in Difficult Times*, appendix III.

104. Wardle, *Instilling Pro-Life Moral Principles in Difficult Times*, appendix III. Corroborating evidence about the lack of abortions is the fact that in Utah County, home to two major universities with over sixty thousand college students, there is not a single abortion clinic, and the nearest abortion clinics are in Salt Lake City, about forty-five miles away. Carrie Galloway (Director, Planned Parenthood Association of Utah), interview by Lynn Wardle during Mini-Colloquium on *Roe v. Wade* at the J. Reuben Clark Law School, Brigham Young University, January 23, 2012 (no abortion clinics in Utah county). Nationally, support for abortion has fallen in the USA. See Lydia Saad, “Pro-Choice’ Americans at Record-Low 41%,” *Gallup*, May 23, 2012, <http://www.gallup.com/poll/154838/Pro-Choice-Americans-Record-Low.aspx> (“The decline in Americans’ self-identification as ‘pro-choice’ is seen across the three U.S. political groups”).

105. *H. L. v. Matheson*, 450 U.S. 398 (1981). Scott Matheson was the Utah Democratic governor who, working with a Republican Utah attorney general, David Wilkinson, successfully defended the parental consent law. Utah is ranked 21 by AUL in its protection of life. Americans United for Life, “AUL Life List: 2012 Rankings,” <http://www.aul.org/auls-life-list-2012-rankings/>.

V. CONCLUSION: THE POWER OF THE WORD OF GOD TO CREATE AND MAINTAIN A STRONG CULTURE OF LIFE IN A RELIGIOUS COMMUNITY

The experience of the LDS faith community regarding elective abortion during the past half-century shows that a combination of factors can generate and maintain a high level of support by members of a faith community for the values, policies, and practices espoused by church leaders, even when the church position and policies differ markedly from popular social trends. Eight defining elements of the LDS response to the social acceptance and legalization of elective abortion include: (1) The official leaders of the Church defined a very clear, strong position regarding elective abortion; (2) Church leadership was united and consistent in supporting that position, leaving no ambiguity regarding the values and policy of the Church; (3) Church leaders clearly explained the underlying foundational theological reasons that undergird the doctrine and policy; (4) Church leaders and key representatives at all levels persistently supported and taught that position to all the members of their faith community; (5) Church leaders adopted and enforced internal Church policies regarding that position, specifically relating to standing in or representation of the religious community; (6) Church leaders adopted a clear, official position regarding the core moral issue; (7) Church leaders kept their focus on the specific social practice (elective abortion) that was of major concern regarding the core moral issue and avoided getting diverted by peripheral issues; (8) ordinary lay LDS members were asked and expected to support the policy, to stand up for the core values supporting the Church's policies both inside and outside the faith community, and to make a significant personal investment in the position, values, and policies of the Church regarding the issue. The result of this approach, emphasizing "teaching correct principles," was to create an environment in which the members of the LDS community understood, valued, and supported the doctrinal and public policy positions and personally lived and supported each other in living those demanding high moral behavioral standards.

Of course, in addition to teaching "the word," the faith community must provide practical programs and services that assist women and families (especially those with few resources) with unexpected, inconvenient pregnancies. Such practical factors impact abortion choices as well, and they deserve full, separate, careful examination.¹⁰⁶ However,

106. See generally David Frum, "Let's Get Real about Abortions," *CNN Opinion*, October 29, 2012, <http://www.cnn.com/2012/10/29/opinion/frum-abortion-reality>.

the clear communication of the underlying moral-theological-doctrinal position and policy seems to be essential; it provides context for offering and using such services. Without such conceptual clarity, mere programs may amount to little more than feeble, manipulative attempts at social engineering. The moral teachings, however, invest those programs with value and meaning.

Thus, the “word of God” truly has “more powerful effect upon the minds of the people than the sword, or anything else” (Alma 31:5). It really does begin with “teach[ing] correct principles” and communicating that members will be accountable for how they live the principles and “govern themselves.”¹⁰⁷ It also appears that communication of moral teachings, policies, and practical standards—clearly established and consistently espoused by leaders of faith communities—does have a positive impact on the beliefs and behaviors of not only the individual members of those faith communities but, also, through them, on the larger society. Message matters. Communication of that message matters. Explaining that message matters, especially where moral and ethical dilemmas are complicated by opposing social pressures.

To paraphrase Joseph Smith, when the leaders of a faith community clearly teach the basic underlying principles regarding a moral issue, and when the doctrines and policies they adopt also clearly and consistently manifest and implement those principles, the members of that community generally are empowered and motivated to govern themselves justly by acting upon those principles in ways that promote and protect the core moral interests and the doctrines and policies that embody them. By clearly, effectively, and persistently teaching correct principles and implementing just doctrine and policies, churches can help motivate individuals to make such a difference in the governing rules, to stand up and to speak up, and to protect the most innocent and vulnerable human beings against the modern holocaust of elective abortion.

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107. “The Organization of the Church,” *Millennial Star* 13 (November 15, 1851): 339.

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