

# Soft Spots in our Bishops' Anti-Abortion Agenda

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Jesus says nothing about abortion. Our contemporary Catholic bishops, in contrast, have very much to say on this topic. Alarmed by the high number of abortions and the disproportionate number of Catholic women seeking abortions, the bishops have made their campaign against abortion the central issue in the Gospel of Life with which they have challenged American society. During presidential elections, many bishops crackdown on Catholic politicians who confess privately that they abhor abortion yet, in the public arena, do nothing to prevent them. An editorial in the National Catholic Reporter laments this move on the part of our bishops since it imposes a narrow "one-issue agenda" for assessing political candidates, something that the bishops themselves have warned against. On the other hand, the editorial allows that issues of war, crime, and poverty have a degree of "wiggle room" whereas "Church teaching on abortion does not suffer from such lack of clarity" (**National Catholic Reporter** (5/23/03) 20).

My purpose is to show just how fragile this position is.

During my twenty-five years of teaching in Catholic seminaries, my uneasiness regarding the issue of abortion never went away. Reading right-wing Catholic pamphlets, I was alerted to "the alarming growth of the abortion industry" and to the unsavory hints that American public life was on the slippery slope toward sanctioning sterilization of the unfit and elimination of the unproductive. My wake-up call came, however, when I became an uncover agent within Planned Parenthood. Here, then, is where my story must begin.

## Training with Planned Parenthood

In the early 70s, when the abortion frenzy was first taking shape within sectors of my Church, I decided, as a committed Christian, that talk was cheap and that it was time for me to take action. Having been trained in Catholic Action, I decided to infiltrate the system and to produce change from the inside. In my mind, the Planned Parenthood Federation was the archvillain. I saw this group as responsible for promoting cheap and easy abortions as part of their women's rights agenda. Hence, by way of bringing a religious leaven to this group, I decided to act as a volunteer abortion counselor within the very structures where women were flocking to decide the future of the life in their wombs.

Planned Parenthood provided me with the required four two-hour sessions of training. During this period, no one asked me anything regarding my religious affiliation or invited me to explore my gut feelings regarding abortion. At first I was puzzled by this. But then it became clear that Planned Parenthood was not interested in what I thought or felt; rather, they were focused on whether I was capable of empathetically entering into the mind and heart of a woman coming to me for counseling who was traumatized by "her" unexpected pregnancy.

Next I discovered that I had misjudged Planned Parenthood for "advocating" (even pushing) abortions. Again and again, my trainers enforced the idea that the decision belonged to the would-be mother. I was trained how to assist women whose only difficulty was overcoming the shame and the hesitancy of telling their boyfriends and their parents that they were pregnant. Others needed help because they were in the morass of not knowing who the father was. Still others were unsure whether, for the sake of their child, they could commit themselves to a man whom they judged to be a bad father. Gradually, I came to discover that Planned Parenthood was bent upon respecting the whole panorama of emotional, social, economic, religious, and institutional aspects of deciding how to respond to an unplanned pregnancy. My trainer kept insisting that my task was to allow the would-be mother to accurately assess her "inner resources" and her own "ethical intuitions" in the face of her own condition and that of her unborn child. Even those coming in with a firm commitment to having an abortion, my trainer insisted, needed to be gently helped to tell their story of how they became pregnant and how they arrived at their choice of abortion. Planned Parenthood knew that a hasty and unreflective decision could later cause much suffering to all concerned. Making a safe place for women to tell their stories was at the heart of what my trainer expected of me.

Then my practice as a counselor began. I was surprised and humbled to have women half my age or twice my age telling me their deepest secrets, and I was very much aware that they were telling me this as a man. Every case was absolutely unique. A 16-year-old got drunk at a house party and decided to lose her virginity in the bedroom with, as she said, "a guy that I didn't even like." An older woman near menopause was devastated by a pregnancy at a time in her life when she was physically exhausted by raising four girls and was counting the days until they were all "out of the house." Each of these women made a slow and painful decision. In the end, both decided to accept the new life growing in their wombs and to rely upon their inner resources to make the best of a less-than-ideal situation.

### **The Drama Surrounding Amy's Pregnancy**

Then an attractive woman of 28 whom I shall call Amy came to see me. She told me that she was two months pregnant. A flood of tears followed. She kept berating herself saying, "How could I have been so stupid." Gradually her whole story poured out. She had married her high school sweetheart immediately following graduation. Kevin, their first and only child, was conceived a few months later. Then, unexpectedly, her husband began drinking more. Verbal and then physical abuse followed.

He openly boasted of having sex with other women. After the birth, little changed. He seemingly resented all the time and attention I gave to Kevin. When the beatings continued, I gradually got the courage to escape. I started my life over in another city since no one in my family would believe that the beatings were unprovoked. The folks in a local Catholic Church took me under their wing. They became my real family. First, they found me a place in public housing and helped me get on welfare. Then, they helped me with tuition at a community college. Just as I was completing my associate degree, Kevin started in kindergarten, and I got my first job as secretary to the Dean at the local Catholic seminary. I was riding on cloud nine.

I rented a small home near the seminary so I could walk to work. I got off welfare. Small groups of seminarians would often visit me after supper and play with Kevin. Everything was perfect.

Then a heaving rush of tears and repeated laments, "How could I have been so stupid," followed. I kept quiet. From experience, I knew full well that she would continue in her own due time. Anything I might say would just slow down the flow of grief and distract her from the thread of her story.

Then I met Frank, a first-year seminarian. He was a real fine gentleman, and he had a hundred ways of making Kevin laugh. Frank, used to stay on a bit after the other seminarians went back to study. Innocent hugs led to innocent kisses. Frank was so innocent . . . I mean inexperienced. He never had a girlfriend to call his own, so he kind of pretended that I was "his girl." I told myself that I was doing this for his sake. But I was lonely and finding a man who was gentle and kind--so different from all the other men I have known--was a surprise and a joy. I should have known that I was playing with fire.

More heartbreaking tears. Then she slowly told me of that "tender night" they had their first experience of sex together. "Frank gave no thought to using a condom. Besides, I felt I was in the infertile part of my cycle. But I was sadly mistaken."

So what were Amy's options? As she saw them, they were as follows: (a) Tell Frank and possibly ruin his life and his calling as a priest. (b) Tell Frank the child belongs to another man and bear the weight of the punishment for fornication that was sure to come:

At the seminary, they'd fire me at the drop of a hat. Then I'd have to move away. Kevin would be heartbroken at losing the only family he ever had. Then, when the baby came, I'd be unable to work and be back on welfare, trying to put my life together so that I could maybe rise up again somewhere down the line.

In the end, she decided to tell Frank that what they did was wrong and that he must never come over again. She decided to have an abortion without telling anyone. But then a new struggle ensued: "Could God ever forgive me if I killed the life in my womb?"

Amy felt trapped. There were no happy solutions. Every choice she might make was strewn with dangers for all concerned. Slowly and tearfully, Amy decided to go ahead with an abortion "in order to protect the life that I've made for Kevin and to keep the respect of my adopted family at my church." As for God, she felt that "somehow God knows how much I have suffered already and, being a kind Father, he wouldn't want Kevin and me to suffer any more." As for Frank, Amy decided that she had been a "damn fool" and that, in the future, she would never again get involved with any man, and surely not a seminarian.

### **The Breakdown of my Moral Superiority**

Witnessing women like Amy broke down my sense of moral superiority. She came to me confessing her sins, resolving to amend her life, and asking God for forgiveness. I honestly don't know whether Amy felt at peace with herself and her God after her abortion. She never came back. I have no doubts, however, that she confessed her sin to a priest with the same tears and anguish that she had shown me. I can't say, in all honesty, whether she made the

best possible choice. All I can say is that, in fear and trembling, she made her choice. In the end, I can only be certain that she was right about God being "a kind Father."

After many hours of reflecting upon Amy, I began to realize that the official Church is anything but a kind father. The official Church has no heart for listening to and making a safe place for listening to women like Amy. The official Church offers moral absolutes and moral condemnations--positions which, I am ashamed to say, I once cherished myself because they confirmed my need for absolutes and gave me a sense of moral superiority. My so-called moral superiority, however, was a terrible sham--an affront to God and to the women like Amy whom I imagined that I was somehow appointed to guide. Following my stint at Planned Parenthood, my blinders were gone. In fact, I saw clearly that if the truth had come out, the seminary Rector would have immediately fired Amy sending her into oblivion. Frank, meanwhile, would have been privately shamed, given a year of probation, and then sent on to be ordained. In the end, therefore, I recognized the awful truth that the moral climate within the seminary would assure that men guilty of fornication were secretly protected while the guilty women were shunned and made to suffer all the public consequences. Even before I began to explore the moral underpinnings of the Church's position on abortion, therefore, I had to acknowledge that I discovered that there had been a moral perversion in my heart and in my Church.

### **Soft spots in the Recent Official Teaching**

My attention now turns to the absolute assurance of the Catholic bishops that every abortion is an act of murder. The foundation stone of this judgment is the clear and certain knowledge that "human life begins at the first moment of conception." Any injury directed toward the fetus, consequently, must be judged as harm directed toward an innocent human being. Destroying the life of the womb, therefore, would be morally indefensible and no circumstances could possibly alter this absolute norm.

At first glance, the official position seems airtight--without "wobble room" as the editor of NCR observed. Yet, upon examination, I have discovered that the entire moral argument is seriously flawed. This is so for three reasons: (a) The official position would make God himself an abortionist; (b) The first eighteen hundred years of the church's tradition argues against its most recent position; and (c) The official position is ill-conceived and disastrous when used as a guide for pastoral or political practice.

### **Whether God Produces Abortions**

By way of beginning, consider the biological fact that many fertilized ova never succeed in being implanted in the placenta and thus are flushed out during the time of the woman's menstrual period. Dr. Robert T. Francoeur, professor of human embryology and a Catholic, states his findings as follows:

Scientists estimate that in the five to six days following union of egg and sperm, between one-third and one-half . . . spontaneously degenerate and are reabsorbed or expelled. In the second week, 42 percent of the implanted [eggs] . . . abort. In the third and

fourth week, 15 percent of the remaining [eggs] . . . abort. In the fetal period, one third of the remaining fetuses spontaneously miscarry.<sup>1</sup>

If someone holds that human life exists at the first moment of conception, it must then follow that one has to suppose that God designed a reproductive system that destroys nine "human beings" for every one that s/he brings to birth. Given the high rate of failure, one might even be tempted to think of God as functioning like an abortionist.

One might escape this blasphemy by suggesting that God's providential wisdom deliberately makes provisions for defective ova to be expelled and die. Death, in this case, would be preferable to allowing embryonic deformities to grow to full term. Instances are known, for example, when women had spontaneous abortions that expelled a two-headed or a legless infant. Even supposing this "providential design" argument is basically sound, however, raises the question as to whether humans are permitted--nay, even obliged--to cooperate with God in this process. If God enables abortions in instances where gross deformities are present, then humans should willingly imitate God in supporting this same course of action. A few decades back, for instance, it was discovered that women taking thalidomide during the early months of their pregnancy gave birth to severely deformed children.<sup>2</sup> In recent times, the depleted uranium that has been scattered as dust by the U.S. military operations in Iraq has likewise produced an alarming increase of embryonic deformities in both humans and sheep. Since medical science is now able to detect such deformities through ultrasound and other means, might it not follow that when God's providential design fails, humans are not only permitted, but they may even be urged to imitate God by deliberately aborting severely deformed fetuses.<sup>3</sup>

Some might argue that natural or spontaneous abortions display a mysterious aspect of divine providence while humanly induced abortions are tainted with the sin of "playing God." The failure of this line of argumentation is that, in a hundred different ways, humans already routinely "play God" throughout the medical field. Even such a simple device as eyeglasses is a human intervention directed toward remedying what nature has failed to provide. During the virulent 1885 outbreak of smallpox in Montreal, Catholic priests urged the faithful to avoid being vaccinated because such a medical intervention was an affront to God who alone had the right to give and to take life.<sup>4</sup> Catholic parents, however, eventually ignored their pastors because they saw how much their own children suffered due to the disease while Protestant parents

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1.. Cited in **National Catholic Reporter** (2/10/89) 24.

2.. These deformities included babies with flippers coming out of their shoulders or with toes attached to the point where legs would be expected.

3.. Some parents, to be sure, consider themselves blessed to nurture and care for deformed babies for as long as they live. This is their gift and their witness. No one should take this away from them. On the other hand, many parents of severely deformed infants have neither the resources nor the stamina to care for such infants. In many cases, such infants are abandoned. Others become wards of the State or they are quietly destroyed. Such parents are "relieved" at the death of such children.

4.. The vaccine itself sometimes infected the person with smallpox. Those theologians who today argue that one cannot "play God" when it comes to fetal life would have to be consistent and to say that most every vaccine is morally objectionable in so far as, say in 0.5% of the cases, the vaccine creates death rather than defends life.

who overwhelmingly welcomed the vaccine were spared such heartbreaking losses.<sup>5</sup> Today, even heart and kidney transplants are routinely used to sustain and prolong the life of those who, in many circumstances, have deliberately abused the heart and liver that God gave them. Modern medicine can even seemingly prevent death.<sup>6</sup> It is entire specious, therefore, to argue that humans have no right to play God. On the contrary, if God designs the body to produce spontaneous abortions in the case of gross fetal deformities, then it would seem incumbent for persons of faith to imitate God in this matter in just the same way that Catholic parents of Montreal were assured that God wanted them to use "artificial" means to protect their children from the prolonged suffering inflicted by smallpox.<sup>7</sup>

### **The Early and Recent Tradition of the Church**

The second difficulty is that the bishops' position that human life exists "from the first moment of conception" is of very recent origin. So, too, is the application of the penalty of excommunication to all abortions. In fact, one has to wait until 1588, to find the first instances of this, and, even then, it lasted for only three years. Thus Pope Sixtus V, in his campaign to stamp out prostitution in Rome, decreed that the penalty of excommunication was to be applied to every abortion. Three years later, this was modified by his successor, who argued that where no homicide or animated fetus is involved, excommunication was an excessive penalty. Then, after another three hundred years, Pius IX in 1869 ignored the pioneering embryonic studies being undertaken in his day and imposed excommunication as the penalty for abortion since he regarded every abortion as murder.<sup>8</sup> In 1917, when canon Law was revised, canon lawyers decided to make universal the discipline of excommunicating abortionists while turning a blind eye to the politically motivated excommunications Pius IX imposed on all members of the Italian government. The 1983 revised code kept this ruling and expanded it (#1398). As things now stand, anyone knowingly procuring an abortion (at eight days or eight months) is automatically (without any inquiry and without due notice) excommunicated along with anyone who knowingly assists<sup>9</sup> in the process (e.g., husband, friends, doctor, nurse).

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5.. Andrew Dickson White, **A History of the Warfare of Science with Theology in Christendom** (New York: The Free Press, 1965) 343-344.

6.. Karen Ann Quinlin, for example, was hooked up to artificial life-sustaining systems for years after her brain had turned into mush. She was for all practical purposes dead; yet, her heart and lungs continued to operate due to machines that refused to let her die.

7.. Many parents, of course, are quite prepared to nurse and to nurture an infant inflicted with multiple deformities. The truth is, however, that a large portion of the Catholic population is not able to arrive at such a position and, in due course, they hand over their children as wards of the state. Unless such deformed infants are quickly adopted by loving parents, they die rather quickly due to the fact that, in public institutions, they lack the loving touches and the playfulness that is necessary to keep any human baby alive, no matter whether it has one, two, or three arms.

8.. Pius IX, it must be noted in passing, was prone, like Sixtus V, to overextend the penalty of excommunication. In 1870, for example, Pius IX tried to thwart the unification of Italy by imposing excommunication on everyone taking part in the newly formed government.

9.. At the present time, it is uncertain whether politicians voting for measures that enable others to have abortions are "accomplices" subject to automatic excommunication. In 1988, the Vatican attempted to remove any doubt regarding the legal meaning of "abortion" by

This development from 1869 to 1983 represents neither the practice nor the understanding of the earlier eighteen hundred years. Three points:

1. Christians, following upon their Jewish elder brothers/sisters, have always respected life in the womb as "fashioned by God." Nonetheless, a distinction was always made between the "unformed" character of the early embryo and the "formed" fetus.<sup>10</sup> Augustine, for example, concluded that an early abortion could not be termed "a homicide" because, he argued, "there cannot be a living soul in a body that lacks sensation due to its not yet being fully formed" (**On Exodus**).<sup>11</sup> Thomas Aquinas, in the thirteenth century, regarded the first embryonic stage to be vegetative, the second stage to be animal, and the final stage to be rational (human) by virtue of receiving an immortal soul imparted directly by God (**On the Truth of the Catholic Faith** 2.89). The significance of these distinctions is that the unformed fetus, to be sure, had the potential for becoming a human being, **but it was not yet so**.

Seen from this vantage point, one could call forward a chorus of bishops extending over eighteen hundred years who would both caution and challenge recent bishops for having neglected and distorted their own Catholic tradition by speaking and acting as if the distinction between "unformed" and "formed" does not exist.<sup>12</sup>

2. The notion of delayed ensoulment was confirmed in the dogmatic decrees of the Council of Vienne (1312) and has never been officially repudiated by the Vatican. Even in the 1974 **Declaration on Procured Abortion** prepared by the Sacred Congregation for the Doctrine of the Faith (CDF) one finds an acknowledgment that the precise moment of "ensoulment" was uncertain. The document then went on to argue that, given this uncertainty, embryonic life

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defining it as "any method used to terminate human life from the moment of conception until birth." This definition is so broad that a medical doctor allowing a fertilized ovum in a petri dish to dry out commits an abortion. So does any woman knowingly using an IUD while having intercourse with her husband (see [www.trosch.org/ccl-abor.htm](http://www.trosch.org/ccl-abor.htm)).

10.. Michael J. Gorman, in **Abortion & the Early Church** (Downers Grove, IL: InterVarsity Press, 1982), shows that, for most Church Fathers, "a certain stage of development is necessary before there is a person and, hence, before there can be a murder" (p. 69). For an in-depth study, see Daniel Dombrowski, "St. Augustine, Abortion, and **Libido Crudelis**," **Journal of the History of Ideas** 49 (1988) 151-156.

11.. Augustine, in his **City of God** 22.13, takes up the issue as to whether aborted fetuses will be resurrected on the last day. Here, Augustine is tentative when speaking of a viable fetus. "He does not even consider the possibility of the resurrection of the underdeveloped fetus" (Dombrowski, "St. Augustine, Abortion, and **Libido Crudelis**," 154).

12.. John Paul II, in **Evangelium Vitae**, tries to sidestep this distinction by appealing to philosophical and scientific arguments. These arguments fail, however, to the degree that they blur the traditional and phenomenological distinction between a potential and an actual human being. In the end, John Paul II resorts to probabilism: "The mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human embryo" (sec. 60). If fertilized ova are sometimes discharged from the womb during the menstrual cycle, would this mean that John Paul II should advocate that women bring all their soiled sanitary napkins to their parish priest for the rites of Christian burial?

must be respected as "human" in every earlier stage. The catch here is that, even according to Augustine and Thomas Aquinas, human ensoulment was ontologically impossible prior to the final stage of embryonic development.<sup>13</sup> One cannot have operations of the soul functioning unless the body is sufficiently well developed to sustain their operation.

Seen from this vantage point, one could call forward a chorus of bishops extending before Augustine and over a thousand years after him who would fault the 1974 CDF study because it wrongly supposes that ensoulment could take place during the first trimester.

3. Women throughout the long history of the church have occasionally suffered spontaneous miscarriages at various times in their nine-month gestation periods. While these miscarriages often occasioned intense grief for the mother, her family, and her friends, the Church never judged that the aborted substance (even in the third trimester) merited rites for the dead or a Christian burial. Furthermore, up until the end of the 18th century, "the law of the Roman Catholic Church forbade one to baptize an aborted fetus that showed no human shape or outline."<sup>14</sup> Thus, even when Catholic couples experienced grief and uncertainty shrouded the moment of ensoulment, the Church expressly forbade conditional baptism to be used in cases when ensoulment was precluded.

Seen from this vantage point, one could call forward a chorus of bishops extending over eighteen hundred years who would challenge our recent bishops and urge them to reexamine the long practice of the Church regarding rites for the dead and conditional baptism.

Some may object at this point that change has occurred and will continue to occur within the teaching of the Catholic Church. In some instances, change was both prophetic and necessary. Consider the long struggle (a) against the mutilation of pregnant women (2 K 8:12, 15:16; Hos 13:16) and the "dashing of infants against the rock" (Ps 137:9) during times of war; (b) against the brutalities and divine sanctioning of slavery; and (c) against the practice of denigrated Judaism and of holding all Jews as responsible for the death of Jesus. In the case of abortion, however, since the Catholic bishops have not even acknowledged that they have overturned aspects of the long Catholic tradition, it is not clear whether they have inadvertently stumbled upon their present position or whether they have found weighty reasons for overturning those long-established Catholic traditions that would argue against them. A conscientious Catholic might therefore respectfully ask, "What does the current Catholic hierarchy know today that all the bishops, saints, and theologians in past generations seem to have missed?" As of yet, this is unclear.

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13.. Thomas Aquinas trusted Aristotle and placed ensoulment at 40 days for men and 80 days for women--a judgment that is clearly prejudicial. Modern medical science finds that the growth of synapses that wire the brain into all parts of the body take place principally during the 25th and 32nd weeks of gestation. Prior to this, "the fetus is incapable of awareness or volition" (Harold Moritz and James Trefil, **The Facts of Life: Science and the Abortion Controversy** [Oxford: University Press, 1992] 116f). Today in the U.S., 98% of all abortions take place within the first 15 weeks (Alan Guttmacher Institute); hence, long before the interiority and ensoulment of the fetus develops.

14.. Joseph F. Donceel, S.J., "Immediate Animation and Delayed Hominization," **Theological Studies** 1 & 2 (1970) 86-88.

## Soft Spots in the Bishops' Pastoral Letter

The U.S. bishops, in their pastoral letter, **Living the Gospel of Life (LGL)**, have endeavored to act as faithful shepherds in spelling out how the Gospel of Jesus Christ impinges on a whole host of issues surrounding the respect for life. When carefully read, however, no one can but notice that, among the respect for life issues, abortion remains their principal focus of attention. When abortion is treated, however, the bishops fail to cite any evidence from the bible or from the earlier Catholic tradition to the effect (a) that human life begins at the first moment of conception or (b) that abortions (at whatever stage) are to be uniformly treated as murder. The closest that the bishops' come to an exploration of the Catholic tradition is in their appeal to the Fifth Commandment.

Those (political officials) who justify their inaction on the grounds that abortion is the law of the land need to recognize that there is a higher law, the law of God. No human law can validly contradict the Commandment: "Thou shalt not kill" (**LGL**).

The Fifth Commandment, as is well known, does not object to (a) the killing of ants that have invaded one's home, (b) the killing of farm animals being slaughtered in preparation for eating, or (c) the killing of aggressors attacking ones children. Hence, even before one examines the case of abortion, one has to acknowledge that the intent of the Fifth Commandment only becomes clear when it is situated within the extended context of interpretation to which it properly belongs.

As things now stand, the bishops are clearly involved in circular reasoning. They begin by defining abortion as the "direct killing of the innocent" (**LGL**). This definition is far from being neutral. The first implies that abortion ought to be equated with "killing." The bishops never use descriptives such as "the termination of a pregnancy." It follows from their very definition, therefore, that the Fifth Commandment applies. What the bishops have done, consequently, is to so skew their definition of abortion as to preclude any discussion or discernment in the matter.

The Vatican defines abortion as "any method used to terminate human life from the moment of conception until birth."<sup>15</sup> This definition of abortion is so broad that it would seemingly require that a medical doctor allowing a fertilized ovum to dry out on a petri dish has committed an abortion. So does any woman using an IUD while having intercourse with her husband.<sup>16</sup> Moreover, as in the case of the bishops' definition, the Vatican definition is circular. It presupposes, in its very definition, that "human life" begins at the first moment of conception. This very definition blocks one from taking seriously the long Catholic tradition that human life could not exist prior to ensoulment, and that ensoulment could not take place prior to having a "formed" body. Thus, here again, one has an example of circular reasoning.

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15.. This official definition was expressed in a May 23, 1988, ruling from the **Pontifical Council for the Interpretation of Legislative Texts**, the Vatican office charged with authoritative interpretations of canon law. The council was responding to a **dubium** (request for clarification) from a bishop on canon 1398, which stipulates excommunication as the penalty for abortion.

16.. It is generally agreed that an intrauterine device prevents implantation of a fertilized ovum; hence, the Vatican regards such devices as producing abortions. See [www.trosch.org/ccl-abor.htm](http://www.trosch.org/ccl-abor.htm).

When the great Church Father, Augustine, searched the Scriptures and examined the medical/philosophical treatises of his day without coming to any firm conclusion on the matter of the time of ensoulment, he wrote as follows:

When a thing obscure in itself defeats our sagacity, and nothing in Scripture comes to our aid, it is not safe for humans to presume they can pronounce on it (**Letter 190.5**).

Our current bishops, however, appear to consider themselves as an exception--they presume to pronounce on it. The scope of their case against abortion, however, evaporates the moment it is examined. In brief, the Fifth Commandment was never applied to embryonic life in its early stages for the very simple reason that "human life" did not yet exist. Moreover, the use of circular reasoning based on definitions that block our access to the older Catholic tradition is a disservice. No matter how one stands on the issue of abortion, all sides might be willing to agree that, as an act of humility and of reconciliation, the current Catholic bishops might again declare with Augustine that God's creation in the womb remains a mystery, and it is futile for the bishops to "presume that they can pronounce on it."

### **Whether the Bishops Are Soft on Men and Hard on Women**

The Church has always been quick to decry adultery and fornication. In the case of men, however, there has always been a puzzling leniency when it comes to men fornicating with slaves and prostitutes. St. Thomas even allowed that prostitutes had to be tolerated lest a greater evil arise, namely, that men would rape virgins and wives (deeds that had social consequences). Even military chaplains attached to the U.S. army routinely turn a blind eye to the centers of prostitution surrounding military bases around the world. The women called upon to release the pent-up sexual urges of young soldiers are often impoverished girls exploited by pimps who force them to have abortions whenever they conceive.

As a case in point, John J. O'Connor was a respected navy chaplain for 27 years prior to his appointment as bishop in 1979. He had worked his way up to the rank of Rear Admiral in the Navy and, following his consecration as bishop, he was assigned to the Military Vicariate. Would not many Catholics be scandalized if they knew that Bishop O'Connor never had anything to say about the evils of prostitution in the armed services; yet, hardly a week passed when the bishop was not making headlines regarding the evils of abortion?<sup>17</sup>

I raise these issues here because, while there are noteworthy exceptions, our bishops, as a group, display a keen interest in regulating women whereas they manifest a surprising neglect when it comes time to morally challenging men. Had Amy gone ahead with her pregnancy, she would have been expelled from her seminary position and dishonored in her church while, at

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17.. Archbishop John O'Connor received a lot of media attention for his determination to battle Catholic politicians soft on abortion. This was particularly true regarding Geraldine Ferraro, the Democratic vice presidential nominee in 1988. Ferraro said that she opposed abortion personally but believed that those holding public office were bound to uphold the legislation that gave a woman the right to choose. O'Connor refused to accept this position. For him, any Catholic "advocating legislation supporting abortion, or making public funds available for abortion . . . must be warned that they are at risk of excommunication."

the same time, the offending seminarian would have been given a private slap on the wrist and continued on to ordination. Likewise, the African priests guilty of sexually abusing nuns under their pastoral care continue in their profession while the nuns they impregnated are expelled from their orders. And, in Bosnia, the scandal is that a Catholic doctor giving RU486 to a women who had been systematically raped and tortured would be officially penalized with automatic exclusion from the sacraments while the Serbian soldiers responsible for these crimes would seemingly get off scot-free. In brief, it is difficult not to notice that the cycle of the victimization of women continues within the patriarchal structures of my Church.

In the ancient Greek manuals of medicine, one finds a carefully delineated description of how to find and to prepare drugs that abort a fetus. Abortion, consequently, was always to some degree available and practiced during the last two thousand years. Never, in the history of the Church, does one find a time prior to our own when automatic excommunication was attached to women having abortions. At the first ecumenical council at Nicea in 325, the bishops imposed an automatic three-year exclusion from the community for soldiers who had killed barbarian terrorists in order to protect the security of the Roman Empire. Fourth century bishops saw clearly that the shedding of human blood was abhorrent to the Lord and, accordingly, they required Christian soldiers to exclude themselves from the eucharistic assemblies in order to enter into a three-year period of repentance and rehabilitation. If bishops today required a three-year automatic excommunication for returning soldiers from the Gulf wars, then it might make sense to include in this group those women who had abortions late in the second trimester. If this were to be done, however, they might have also wanted to include all those involved in the rape camps of Bosnia and the dens of prostitution surrounding army bases. And, to retain an even hand, American priests who had sex with minors and African priests who had sex with nuns might also benefit from automatic three-year excommunications. As things now stand, however, the only public crime clearly and repeatedly identified by the bishops is abortion, and the Catholic hierarchy comes off as obsessed with the ideal of eliminating all abortions "from the first moment of conception." Have the bishops never noticed that they are hard on women and soft on men when it comes to sinning?

### **Hazards Involved in the Manufacturing of Consent**

Let's face it, women having abortions are easily silenced. As long as the bishops continue to believe that abortion is the greatest (and maybe even the only) crime against the unborn, then they can be assured that they have the moral high ground and that their hands are clean. After all, no bishop will ever be accused of having an abortion.

Yet, the soft spots of this position will eventually show through. If the bishops want Catholics in public office to bring their faith to bear upon public life (NCR 5/23/03), then the bishops would appear to be asking public officials to persuade the people in an arena where the bishops themselves have not been particularly successful. In the 1988 Guttmacher Institute survey of ten thousand abortion patients, for example, among the 37% who declared a religious affiliation, **Roman Catholic women had the highest rate of abortions.** This is very revealing, and one would think that (if nothing else) the bishops would want to examine their own house: (a) Why does the church with the most absolutist position show the most dismal record when it comes to compliance? (b) How is it that Catholic women choosing to have an abortion continue to identify themselves as Catholic? (c) If bishops have been so ineffective in

persuading their own people, what line of argumentation do they suppose politicians might employ that would guarantee their success?

Maybe persuasion, however, is not what the bishops really have in mind. Maybe they want Catholics in public office to canvas support for legislation that would limit (maybe even outlaw) abortions. At this point, the bishops need to decide whether they really want to establish a political "moral majority" destined to impose its will on an "immoral minority." Bishops also need to decide whether they want legislators to champion a "no exceptions" stance such that abortions would be criminalized even in the case of rape or incest.

Anytime that a bishop begins to attack a public official regarding his/her abortion policy, therefore, the politician might do well to soften this attack by asking the bishop some very simple and very direct questions about whether "persuasion" or "legislation" should be the focus and whether the final goal is to criminalize every abortion, everywhere--no exceptions.<sup>18</sup> Then, both bishops and politicians will at least come to grips with the complexity and the messiness of regulating public morality. The long-awaited dialogue may then finally begin.<sup>19</sup>

The manufacturing of consent has its hazards. To begin with it fractures the possibility of any genuine unity of outlook and purpose among the Catholic faithful. The pro-life sector of Catholics continue to judge candidates for public office on the single issue of abortion and to organize rallies, protests, and acts of civil disobedience bent upon bringing the crime against the unborn to a complete halt. The pro-abortion sector of Catholics, meanwhile, feel that their bishops have blinded their eyes to the pastoral aspects of abortion and have withdrawn their gaze from the horrendous anti-life agenda found in sweat shops, in first-strike wars, in tax reductions favoring the rich, in public policies discriminating against the poor, in a market economy that subverts human and community values to corporate profits. If the bishops were to be honest, they would draw back from their engineering of consent and begin to listen to all sides and start to address the divisions that their own policies have created among the faithful. In effect, they might become true pastors who would build bridges of Gospel consensus and programs of united action that would have the prospect of healing many evils that now exist in our society.

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18.. Ireland has such a law. Any doctor performing an abortion is liable to a twelve-year prison sentence. In effect, however, there is no great pressure for Irish doctors to perform abortions since nearly seven thousand Irish women travel to England to receive safe abortions every year. Only the poor are penalized by this measure, and the bishops of Ireland feel the hypocrisy involved in this arrangement.

19.. Kathy Rudy, in her book, **Beyond Pro-Life and Pro-Choice** (Boston: Beacon Press, 1996), develops the futility of adhering to ideologies that divide the church when what is needed is the pastoral care of all concerned when it comes to new life (pp. 112-129). Robert J. McManus (now a bishop) offers sober cautions to bishops and to politicians in his article, **Bishops, Politicians, and Abortion** ([www.priestsforlife.org/government/mcmanus.htm](http://www.priestsforlife.org/government/mcmanus.htm)).

## Theological Honesty Regarding Abortion

What would theological honesty sound like? To begin with, it would allow that Jesus and the Catholic tradition could be explored without the blinders of propaganda. They might begin with something like the following:

The life taking shape in the womb of every mother is the life of a potential human person. Neither the Scriptures nor Catholic tradition provide any standard by which to judge the exact moment of ensoulment when the fetus becomes a human being. The tradition is clear, however, in signaling that this ensoulment cannot occur until the organic form of the fetus has reached a stage of development wherein human operations are possible. Thus, one can safely say that ensoulment does not take place during the first trimester and that there is honest uncertainty when it occurs during the second trimester.

Going beyond this, however, the bishops might want to speak forcefully of the respect due to embryonic development because of the eyes of faith:

The organic development of the embryo deserves our respect because, in the eyes of faith, the womb is the mysterious workshop wherein a unique human being is being fashioned by God out of the genetic material that the mother and father have contributed. Advances in modern science can lead us to a sense of wonder as to how the individual fingers, eyes, and arteries take shape during the course of embryonic development. Hidden from science, however, is the capacity for interiority, for self-awareness, for thoughts, for dreams, for imagining--aspects of interiority that take a particular shape in each precious human existence. Hidden, too, is the process whereby every unique human being fashions their own sense of self and sense of calling under the influence of the family, the neighborhood, the society, and the divine milieu in which they live. As science reveals the awesome mystery surrounding embryonic development, religion reveals the process whereby God, the designer and creator of this process, goes on to continue to make his/her presence felt in our personal lives.

Relative to the larger fabric of embryonic dangers:

In times past, the seed planted in the fertile womb grew without any awareness on the part of parents that they could alter its development. Modern science, however, has made us aware that smoking, alcohol, and drugs have very adverse organic effects on the fetus and, in some cases, either temporarily or permanently interfere with the growth and development of the fetus itself. Even beyond this, a mother without an adequate diet, without an adequate sense of security, without clean water, earth, and air cannot hope to shield the fetal development in her womb from the harmful effects in her milieu. Care for the environment, therefore, and care for the agricultural and social milieu have their impact upon fetal development. Anyone who narrowly manipulates public protest and distorts true religion by shaming and discriminating against women seeking abortions without paying attention to the entire fabric of embryonic dangers posed by modern society cannot be seen as a true friend to the unborn.

Relative to abortion, then the following might be considered:

Under normal circumstances, a pregnant woman remains bonded to her partner, her family, and her community. The new life within her womb is joyfully anticipated as a new personality, a new dream, and a new adventure in their interwoven lives.

Many women, despite even heroic efforts on their part, have found themselves pregnant in circumstances that are a far cry from the ideal just explained. Her partner, her family, and her community may even be antagonistic, troubled, broken, abusive, or otherwise unwilling to welcome the potential new life. Thus, the woman may conclude that she would be negligent to bring a child into these circumstances. At times, she may make an informed and moral decision to carry her child to term but then to give it up for adoption in a family that is ready and willing to nurture a new life. Alternately, the woman may make a moral decision to ask a doctor to aid her to expel the embryonic organism growing in her womb. In this process, those who see the hand of God at play in the womb will naturally recognize that severe and weighty reasons are needed before disrupting God's designs.

## Conclusion

In this essay I have endeavored to come to grips with our bishops' anti-abortion agenda. I myself explained how I originally naively endorsed the position of the Catholic bishops. During the course of my infiltration of Planned Parenthood, however, women like Amy forced me to downsize my absolute moral norms and to prioritize the complexities of caring for women troubled with unexpected pregnancies. Following upon this, three critical soft spots in the bishops' position were considered.

Until such time as these soft spots are addressed, it will never be clear to what degree the bishops are theologically founded and pastorally sensitive when it comes to the issue of abortion. And, until this foundation is clear, it is disingenuous for bishops (a) to spend millions on slick ad campaigns, (b) to support right-wing Catholic groups that picket abortion clinics, and (c) to deride Catholic politicians because they refuse to impose a theologically uncertain and pastorally disastrous program for the criminalization of abortion upon a diverse American public.

One must also keep in mind that the Catholic Church practically stands alone in its certainty that every act of abortion is "intrinsically evil" and that "human life" exists from the first moment of conception. If these assurances were as evident as the hierarchy makes them out to be, then it is puzzling that most other Christian churches offer their people moral guidance without entering into these dubious absolutes.<sup>20</sup>

After all is said and done, there are strong reasons to suspect that the Catholic bishops have prematurely entered into manufacturing consent for a very controversial and inflammatory cause for which they have failed to do their historical and theological homework in advance. They neglected their homework and still expect to get good grades. The Lord who called them to be pastors in his name can hardly be pleased with their negligence.

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20.. See [www.rcrc.org/religion/weaffirm/affirm.html#ec](http://www.rcrc.org/religion/weaffirm/affirm.html#ec).

More to the point, Jesus in the Synoptic Gospels is remembered as the man who challenged his disciples to cease and desist from exercising their presumed male prerogative of interfering with and controlling women. If the bishops were truly bent upon protecting the life of the womb, they would be taking on the U.S. government respecting the massive number of birth defects due to depleted uranium.<sup>21</sup> One can only be ashamed that Bishop John O'Connor so openly confronted politicians on their abortion record while he passed over in silence the sexual exploitation of third-world women by U.S. soldiers. It is so easy and natural for men to further humiliate and victimize those women who suffer in a society designed by men and for men. Borrowing the words of John Paul II, I would say this is "the most serious wound inflicted on society and its culture by the very people who ought to be society's promoters and defenders."<sup>22</sup>

The time has come for Jesus to again oppose his disciples saying to them: "Let her alone; why do you trouble her?" (Mark 14:6).

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21.. In the State of Mississippi, a study conducted by the Veterans Administration discovered that 67% of the children conceived by veterans returning from the first Gulf War had missing eyes, missing ears, blood infections, respiratory problems, fused fingers, etc. While the U.S. military vigorously maintains that the radiation levels and toxic effects of depleted uranium experienced by troops were within "safe standards," many suffering Gulf War veterans believe they were guinea pigs in a massive military experiment.

According to the College of Medicine of Baghdad University, the postwar congenital malformations of the newborn rose to an alarming 27% of live births. These same malformations also showed up in newborn lambs in southern Iraq. Meanwhile, the tons of depleted uranium dust left behind insure a million years of genetic defects, leukemia, and lung damage for those living in southern Iraq. The U.S. government refuses to acknowledge that depleted uranium has anything to do with the embryonic malformations in Iraq and has systematically silenced any inquiries into this matter ([www.rimbaud.freeseve.co.uk/iraq.htm](http://www.rimbaud.freeseve.co.uk/iraq.htm)).

22.. John Paul II, **Evangeliium Vitae** [The Gospel of Life], sec. 59. John Paul uses these words to squarely confront those supporting abortions. My usage deliberately takes these words out of context.