NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (https://www.ncronline.org)

The U.S. bishops and abortion law -- II

Richard McBrien | Jun. 28, 2010 Essays in Theology

Chapter 8 of Fr. Charles Curran's forthcoming book, *The Social Mission of the U.S. Catholic Church: A Theological Perspective*, to be published by Georgetown University Press before the end of the year, focuses on the U.S. bishops and abortion law.

Curran, the Scurlock University Professor of Human Values at Southern Methodist University and a priest of the diocese of Rochester, N.Y., points out that the U.S. bishops' statement in advance of the 2008 presidential election, "Forming Consciences for Faithful Citizenship," appealed to Cardinal Joseph Bernardin's consistent-ethic-of-life principle, but with a twist that Bernardin himself would not have appreciated.

His understanding of the consistent-ethic-of-life rejected two extreme views: the one which treats all issues as morally equivalent, and the other which reduces the Catholic concern to one or two moral issues.

The bishops' statement, on the other hand, referred to abortion as a preeminent threat to human dignity because it directly attacks human life itself. As such, abortion is intrinsically evil, that is, unlike other moral issues, it can never be justified.

Therefore, being "right" on all other elements of Catholic social teaching can never excuse being "wrong" on abortion. To use the verb that several bishops employed during the 2008 presidential campaign, abortion "trumps" all other moral issues.

Following the main lines of Pope John Paul II's 1995 encyclical, Evangelium vitae ("The Gospel of Life"), the bishops asserted in 2008 that no public official claiming to be Catholic can responsibly advocate for, or actively support, direct attacks on innocent human life.

In the bishops' minds, to be pro-choice, which is a political position in accord with civil law, is equivalent to being pro-abortion.

Father Curran observes that there is some tension in the 2008 statement. The bishops insisted that, while Catholics are not single-issue voters, a candidate's position on abortion may disqual-ify that candidate from receiving a Catholic's support.

At the same time, the bishops employed some casuistry in the document. Thus, a Catholic may reject a candidate's position on abortion, but vote for that candidate for "other morally grave reasons."

Charles Curran argues in his new book that the U.S. bishops have claimed too much certitude for their position on abortion law. Since Catholic teaching recognizes that in theory we cannot be certain when the soul is infused, Catholics have to be careful not to claim apodictically that abortion, even of an early embryo, is murder.

In addition, law and morality are two different realities. Passing a law always raises an issue of feasibility.

In 1981, some right-to-life advocates attacked the U.S. bishops for supporting the Hyde Amendment, which prohibited the use of certain Federal funds to pay for abortions, rather than stronger amendments that would have outlawed more abortions.

The bishops judged that the stricter approaches had little or no chance of being passed.

Furthermore, there are at least two understandings of law, Curran notes, the Thomistic and the religious freedom approaches. The bishops based their position regarding abortion law on the Thomistic approach, which holds that abortion is morally wrong because it is against the natural law, and that the civil law can never go against the natural law.

The religious freedom approach, on the other hand, begins not with natural law but with the freedom of the citizen to act in accord with conscience, also recognizing the rights of others and of society.

In light of the religious freedom understanding of law and the present division in U.S. society, a Catholic could support the present abortion law. Curran points out that some anti-abortion Catholics, both Democrat and Republican, have taken such an approach. For them, "pro-choice" is not the same as pro-abortion.

The bishops, however, claim that abortion is different from other social issues because it is intrinsically evil. But intrinsic evil is a moral term, not a legal term. The Catholic Church also teaches that artificial contraception, masturbation, and lying are intrinsically evil, but no one today claims that there should be a law that criminalizes such acts.

The bishops have a mandate to teach, Curran agrees, but they also have to admit there are other legitimate Catholic positions on abortion law. Likewise they should be careful not to allow their teaching on abortion to become a tool in the hands of those with political concerns.

The following story, not in Curran's forthcoming book, underscores this final point.

An American archbishop has privately acknowledged the great pressure he was under to condemn the University of Notre Dame for inviting President Barack Obama to speak at last year's Commencement and to receive an honorary degree. That pressure, the archbishop disclosed, came from operatives of the Republican Party.

© 2010 Richard P. McBrien. All rights reserved. Fr. McBrien is the Crowley-O'Brien Professor of Theology at the University of Notre Dame.

Source URL (retrieved on *07/27/2016 - 15:16*): https://www.ncronline.org/blogs/essays-theology/us-bishops-and-abortion-law-ii