

## Bishops, abortion and the misuse of authority

Robert McClory | Oct. 5, 2012 NCR Today

Once again, we are in the season of the episcopal mandate, the time when some Catholic bishops feel compelled to tell us exactly how to vote. It happens every four years just before the presidential election, and it can appear at other times, too, especially before midterm elections. But it is strongest when we are choosing our president. It is, of course, appropriate that bishops should provide guidance on important moral issues, but many of us have been turned off by the overwhelming and misleading emphasis placed on one issue just before election: abortion.

Perhaps the most outrageous example to date comes from Springfield, Ill., Bishops Thomas Paprocki's [column in his diocesan paper](#) [1]. He virtually instructs his readers to vote for Romney in November if they hope to escape hell. Similar mandates are coming from other bishops in other parts of the country. What Paprocki and others seem unaware of is the long history of this election-time discussion and dispute. They would benefit, I think, by doing some research.

It was 28 years ago when New York Gov. Mario Cuomo, one of the best-known Catholic politicians of the day, got into trouble with the archbishop of New York City and with a lot of other folks. He refused to veto a bill in the state legislature that would allow state funds to be used for abortions. Cardinal John O'Connor criticized him in public and even threatened him with excommunication for not standing behind the church's teaching on the sanctity of life.

Cuomo did not back down. He said he was strongly opposed to abortion, but he did not use the veto for two reasons: He was absolutely certain his veto would be overridden in the legislature, and no one is obliged to do what is useless. Secondly and more importantly, he said that by maintaining a semblance of cordiality with the legislature's powerful, pro-abortion rights majority, he might be better-situated to spearhead the kind of social legislation that would make abortion a less-desirable choice for pregnant women. Afterward, he delivered a memorable speech at the University of Notre Dame in which he declared that the "legal banning of abortion is not a plausible possibility," adding that even if it could be obtained, "it would be Prohibition revisited."

The Cuomo precedent provoked a lengthy debate. His reasoning did not assuage the strict constructionists who insisted that since abortion is an "intrinsic evil," there is never, ever an excuse for supporting it or voting for any candidate who condones it. Instant, unqualified, knee-jerk rejection of abortion remains the byword of the Catholic right. But Cuomo's ideas did make sense to many, including judicial experts, thoughtful laity and a sizable contingent of moral theologians. They agreed with Cuomo that *Roe v. Wade* is "settled law" in the U.S. It will not be overturned in the foreseeable future, and even if that were possible, there could be devastating social effects such as the criminalization of abortion and the creation of an illegal, unsafe, underground abortion industry.

So they argued that a Catholic can be pro-life, yet in good conscience vote for a pro-choice candidate if convinced that this candidate is committed to providing the kinds of legislation that provides needy pregnant women and overstretched families with necessities such as adequate pre-natal care and counseling, expanded child care, quality Medicaid services or efficient adoption options. These were the sort of things Cuomo

attempted to get passed in the New York legislature in 1984 (when Nixon was facing Mondale), and he succeeded in part.

The U.S. Conference of Catholic Bishops gives a kind of half-hearted fuzzy approval to the possibility of voting for a pro-choice candidate. In their document on politics, *Forming Consciences for Faithful Citizenship*, they say, "There may be times when a Catholic who rejects a candidate's unacceptable position may decide to vote for the candidate for other morally grave reasons. Voting in this way would be permissible only for truly grave moral reasons, not to advance narrow interests or partisan preferences."

Elsewhere they state, "Sometimes morally flawed laws already exist. In this situation the process of framing legislation to protect life is subject to preferential judgment, 'the art of the possible'."

All well and good. But nowhere do they give examples of the "other reasons" a sincere Catholic might follow or suggest what a voter might be preferring when using "preferential judgment." Their points are made in a kind of generic way in the document, so the writers can quickly get back to the major goal of lambasting abortion. It is a fact that over the years, Democratic Party candidates are far more likely than Republican candidates to press for the kind of social services that might decrease abortion. But the bishops' conference dares not come close to endorsing a party or a candidate. Nor can an individual bishop.

Or can he? Paprocki reports he has studied both parties' platforms and has discovered support for intrinsic evils, including abortion and same-sex marriage, by the Democrats. On the other hand, he could find no support for intrinsic evils in the Republican document. He then assures us, "I am not telling you which party or which candidate to vote for or against, but I am saying you that you need to think and pray very carefully about your vote because a vote for a candidate who promotes actions or behaviors that are intrinsically evil and gravely sinful makes you morally complicit and places the eternal salvation of your own soul in serious jeopardy."

If this isn't an endorsement I don't know what could be. Bishops who barrage their flock with simplistic demands and unreasonable threats betray their pastoral responsibilities.

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