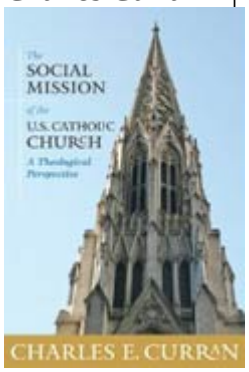
NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

US Catholic bishops and abortion legislation

Charles Curran | Nov. 29, 2010



The following is an abridged version of a chapter in Fr. Charles Curran?s newest book, The Social Mission of the U.S. Catholic Church: A Theological Perspective, *which will be published in early January by Georgetown University Press. This text originally was given as a lecture sponsored by the Cary M. Maguire Center for Ethics and Public Responsibility at Southern Methodist University in Dallas Oct. 28.*

This paper will address the position of the U.S. Catholic bishops on abortion legislation. Four preliminary remarks help situate the discussion. The paper will not address church involvement in the public and political areas from the perspective of the First Amendment. Second, the paper presupposes the position taken by most mainstream Christian churches -- that the Gospel and the church have something to say about public life and the good society. Third, some of what will be said here is somewhat applicable to the leaders of all Christian churches, and even to the preacher in addressing the members of a particular church about social issues. Fourth, the analysis and criticism will come from within the Catholic tradition itself. The paper accepts the moral teaching of the hierarchical magisterium of the Catholic church that direct abortion is always wrong. The paper will disagree with the way Catholic bishops have addressed the issue of abortion law, but only from within the parameters of the Catholic tradition itself.

Read an NCR editorail: **Hope for effective antiabortion strategy** [1]

The consideration will develop in three sections. The first part will focus on what the Catholic bishops themselves have said about how as bishops they should address specific issues of American public policy and what are the obligations of Catholics with regard to this teaching. The second part will describe the growth and development of the specific positions they have taken on abortion law, while the third part will analyze and criticize these positions from within the Catholic tradition itself.

How should bishops teach on public policy issues?

As a matter of fact Catholic bishops and leaders of most other church denominations throughout the history of our country have advocated for particular public policies. From within the perspective of the Catholic church itself, the primary issue concerns how certain and authoritative is the teaching proposed by bishops on a specific

public policy issue: Are all Catholics called to follow this teaching, or is there room for disagreement within the church in these matters? Some have referred to this issue as involving the rightful freedom of the believer within the church.

The U.S. bishops explicitly addressed this issue in writing their pastoral letters on peace and the economy in the 1980s. In writing their letter on peace, which developed through three different drafts, they explicitly wanted to be more specific than papal teaching had been in this area. At the same time, other national groups of bishops were also addressing the issues of peace, deterrence and war. The Vatican under Cardinal Joseph Ratzinger convened a meeting involving representatives of the different bishops? conferences writing such letters and Vatican officials. One of the problems was the fact it seemed that different bishops? conferences would probably take different positions on some of these specific issues, such as no first use of even the smallest nuclear weapon. The memorandum from the meeting called for the bishops in their letters to distinguish clearly between moral principles and their application to concrete realities that involve the assessment of factual circumstances. The authority of the bishops on prudential judgments or the application of principles does not bind all Catholics. There is room for legitimate diversity in the church in the area of prudential judgments.

In keeping with this memorandum, the U.S. bishops? document ?The Challenge of Peace? (1983) distinguishes different levels of moral discourse and teaching authority -- universally binding moral principles (e.g., no direct killing of noncombatants), the teaching of the popes and the Second Vatican Council (1962-65), and the application of moral principles involving prudential judgments based on specific circumstances that can be interpreted differently by people of goodwill. Such prudential judgments are not binding in conscience on Catholics but should be given serious attention by Catholics in forming their moral judgments. The pastoral letter on the economy in 1986 made the same distinction. The bishops in this letter make many prudential judgments that do not have the same authority as the declaration of principles.

The basic reasoning behind distinguishing these different levels of moral discourse and different levels of teaching authority is evident. All recognize that prudential judgments taking into account many different circumstances and their interpretation cannot claim to arrive at moral certitude. Thus the teaching of the bishops in these areas recognizes that other Catholics and people of goodwill might come to different conclusions. A contemporary example of this would be immigration reform. I basically agree with what the bishops have said, but I would also claim, invoking the position of Thomas Aquinas, that some more specific principles can also admit of exceptions. But such a discussion lies beyond the parameters of the present topic.

Another question arises: Should bishops support particular candidates or even political parties? Here the bishops have been both clear and consistent. Prior to every presidential election beginning in 1976, the Administrative Board of the bishops? conference has come out with a document on how Catholics should address the coming election. They have made it very clear from the beginning that they do not endorse any political candidates. In the document preceding the 1988 presidential election, they made one significant change. In 1984 some individual bishops certainly gave the impression of opposing a particular political candidate. The document for the 1988 election insisted that the bishops neither endorse nor oppose a political candidate. In addition they have consistently maintained that they do not seek the formation of a religious voting bloc.

The reasoning behind such positions against supporting a particular political candidate or party and not wanting to form a voting bloc are obvious. The bishops have recognized that on one particular issue there is legitimate room for diversity among Catholics. A candidate takes stands on all the issues involved in political debate. In such circumstances there is clearly much room for the freedom of the believer and no one in the church can authoritatively demand that all Catholics support a particular political candidate. All the more so the bishops do not want to form a voting bloc or support a particular political party.

US bishops on abortion law

There is no doubt the primary involvement of the U.S. Catholic bishops in public life in the last part of the 20th century and the first decade of the 21st century focused on abortion. The bishops as a national body and as individual bishops in their own diocese have spent more time, energy and money on abortion than on any other single issue.

Three reasons explain this emphasis. First, the Catholic moral position has consistently and for a very long time taught that direct abortion is morally wrong. The teaching recognized a very few conflict situations in which indirect abortion could be acceptable for a proportionate reason, but these situations were very narrow and did not even include abortion to save the life of the mother.

Second, in the last 50 years abortion has been the most controversial public policy issue in our country. In the 1960s, efforts were made to legalize abortion in a number of different states, but the bishops as a whole did not publicly insert themselves into opposition to these attempts. In fact a number of the early opponents to relaxing abortion laws in the 1960s were Catholic laity who even complained about the lack of support from clergy and bishops. With the Supreme Court?s *Roe* v. *Wade* decision in 1973, abortion became a very public national issue and the United States bishops became the best-known opposition to this court decision. Beginning in the 1976 presidential election, abortion often became a very significant issue in political contests. In the political arena, controversy also arose between the bishops and many Catholic politicians who were pro-choice.

Third, in this political context the public media paid more attention to the bishops? position on abortion law than to any other position they took on public policy matters. As mentioned previously, the U.S. bishops had taken what could only be called politically liberal positions in their pastoral letters in the 1980s on peace and the economy. These pastoral letters received considerable media coverage at the time, but after a while they were no longer news. However, the abortion issue remained on the front burner since it came up in every national and state election, and also involved the controversy between Catholic bishops and some Catholic politicians. But there have been significant changes and developments in the position of the bishops over the years with a trajectory toward a hardening of their position as time went on.

In the years immediately after *Roe* v. *Wade* in 1973, the U.S. bishops adopted a plan calling for three efforts: 1) an educational, informational program to heighten opposition to abortion directed at Catholics and at the general public; 2) a pastoral effort to support and supply the needs of all pregnant women; 3) a public policy effort aimed at a constitutional amendment providing ?protection for the unborn child to the maximum degree

possible.?

Within the staff of the bishops? conference and among the bishops themselves, some feared that the emphasis on abortion, especially the call for organized political activity, would make the Catholic church into a single-issue voice and put into the shadows Catholic teaching on many other issues involving peace, social justice, and opposition to violence-wielding right-wing regimes in South America. This group was influential in having the Administrative Board of the bishops? conference issue a document on political responsibility before the 1976 presidential election. This document, ?Political Responsibility: Reflections on an Election Year,? insisted the bishops did not want to form a voting bloc or tell Catholics how to vote. Voters should examine the candidates on a full range of issues, and with a consideration of the candidates? integrity, philosophy and performance. The document lists eight issues in alphabetical order, beginning with abortion, but does not give priority to any of these issues.

In the 1980s the bishops as a whole moved toward a comprehensive and consistent approach to all the life issues under the leadership of Cardinal Joseph Bernardin of Chicago. Bernardin had been the first general secretary of the bishops? conference (1968-72); the president of the conference (1974-77); and the chair of the committee that wrote the pastoral letter on peace. In 1983 he became chair of the bishops? Committee for Pro-Life Activities. Beginning with the Gannon Lecture at Fordham University in New York in 1983, and in nine subsequent public lectures, he developed his consistent ethic of life approach. War and abortion are intimately connected. Catholic moral teaching is based on the dignity of the human person and the principles based on this foundation of human dignity apply across the board to all life issues. But Bernardin was also very conscious of the political ramifications of his position. He did not want either political party to hijack the Catholic church for political purposes. The Catholic position on many social issues fell on the liberal side as understood in contemporary American politics, and the opposition to abortion fell on the conservative side. Emphasizing the primacy of abortion tilted the church toward the Republican side.

However, some influential individual bishops did not agree. At a press conference in New York in 1984, Archbishop John J. O?Connor said in reference to a question about Mario Cuomo?s position on abortion that in his personal opinion a Catholic could not in conscience vote for an individual who favors abortion. Later that year he publicly disagreed with Congresswoman Geraldine Ferraro, a Catholic who was running as the Democratic vice presidential candidate, over the issue of abortion law. Also, Archbishop Bernard Law of Boston before the 1984 election called abortion the critical issue and claimed that Catholic politicians were wrong in claiming that they could support free choice as a public policy while being personally opposed to abortion.

Things changed in the 1990s. The documents before the 1992 and 1996 presidential elections repeated the general approach of the past urging Catholics to consider candidates in light of the full range of issues based on the consistent ethic of life, but abortion is now described as the fundamental human rights issue of our day. At their semi-annual meeting in November 1998, the U.S. bishops issued a lengthy document, ?Living the Gospel of Life.? Abortion and euthanasia are pre-eminent threats to human dignity because they directly attack life itself, the most fundamental of human goods. All other rights are illusory if the fundamental right to life is not defended with maximum determination. You cannot build a house of rights on sand. The failure to protect and promote life at its most vulnerable stages renders suspect any claim to ?rightness? in other matters. The document mentions ?the consistent ethic of life,? but dramatically changes the meaning originally proposed by Bernardin. The consistent ethic of life means that opposition to abortion does not mean indifference to those who suffer from poverty, violence and injustice. But being ?right? in all these other areas, including racism, poverty, employment, education, housing, health care and capital punishment can never excuse a wrong choice regarding direct attacks on innocent human life.

In the first decades of the 21st century a new aspect of the abortion issue came to the fore. Some individual

bishops declared that pro-choice Catholic politicians should not receive Communion at the Eucharist and that they should be refused Communion if they presented themselves. In September 2003, the bishops set up a blue-ribbon committee to study the relationship of bishops and Catholic politicians. On the basis of a preliminary report of the committee, the bishops declared that killing an unborn child is intrinsically evil and to make such an intrinsically evil action legal is wrong. The Catholic community and Catholic institutions should not honor pro-choice Catholic politicians or provide them with a platform. But the bishops as a whole could not agree on denying Communion to pro-choice Catholic politicians and left the matter to the decision of the individual bishop in his own diocese. A solid majority of bishops opposed the denial of Communion to Catholic politicians.

The document ?Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States,? in preparation for the 2008 presidential election, differed markedly in length and substance from the previous ones. The intentional taking of human life is intrinsically evil and a legal system that violates the basic right to life is fundamentally flawed. No prudential judgments are involved in the case of abortion. The bishops repeated their new understanding of the consistent ethic of life, which is a middle position between the two extremes of making all issues morally equivalent and the opposite extreme of reducing the Catholic approach to only one or two issues. One must oppose the destruction of innocent human life, but one cannot ignore other threats to human life and dignity -- racism and discrimination, the death penalty, unjust wars, torture, poverty, health care, and immigration, which all involve serious moral challenges. However, in these areas prudential judgments are needed to apply specific principles to particular issues. The applications of principles and prudential judgments made by the bishops do not have the same moral authority as statements of universal moral teachings, but Catholics should still listen carefully to them. Thus the bishops now give a reason to show why their opposition to legal abortion is the primary social issue and differs from all other social issues that they have discussed.

They go on to insist that Catholics are not single-issue voters, but they nuance this somewhat. A candidate?s position on a single issue is not sufficient to guarantee a voter?s support. Yet a candidate?s position on a single issue that involves an intrinsic evil, such as support for illegal abortion or racism, may legitimately lead a voter to disqualify a candidate from receiving support. A Catholic voter cannot vote for a pro-choice politician if the voter?s intention is to support that position. But a Catholic who rejects this unacceptable position may decide to vote for the candidate for other morally grave reasons.

The historical record thus clearly shows that the U.S. bishops have changed their approach to abortion law over the span of 40 years. They now clearly state that abortion is the primary issue. They also have explicitly stated the reason why this issue is primary and differs from all the other areas of social issues that they have addressed. Other issues of public policy and law involve prudential judgments, but in the case of abortion laws they deal with something that is intrinsically evil and does not involve prudential judgments. Catholics have certitude on the abortion law issue.

Analysis and criticism

In my judgment, the U.S. bishops claim too great a certitude for their position on abortion law and fail to recognize that their own position logically entails prudential judgments so that they cannot logically distinguish it from most of the other issues such as the death penalty, health care, nuclear deterrence, housing. Consequently they are wrong in making abortion the primary social issue for the Catholic church in the United States. This section will develop four reasons to prove the thesis that the bishops have claimed too much certitude for their position on abortion law -- the speculative doubt about when human life begins; the fact that possibility and feasibility are necessary aspects involved in discussions about abortion law; the understanding and role of civil law; and the weakness of the intrinsic evil argument.

Speculative doubt about when human life begins

In the Catholic tradition and to this day hierarchical Catholic teaching recognizes speculative doubt about when the soul is infused or when the human person comes into existence. Thomas Aquinas is the best- known theologian who held for delayed animation, although he still opposed abortion. Others dispute why Aquinas held his position. One approach emphasizes that Aquinas? position was based on the faulty biology of his day. Aquinas and his scientific contemporaries knew nothing about the female contribution to procreation with fertilization occurring in the union of the sperm and the ovum. The Latin word for the womb was *nidus* -- the nest. The sperm was deposited in the nest and then had to grow and develop. With the advent of modern biological knowledge, Aquinas would have changed his own position. But an opposing view sees Aquinas?s position of delayed animation as based on his philosophical understanding of hylomorphism, which sees matter and form as the constitutive causes of a being. The matter has to be suitable and capable of receiving the form. From the very beginning, the matter of what we now call the fetus is not apt or suitable for receiving the human soul. Some growth and development are necessary before the human soul can be infused.

The 1974 Declaration on Procured Abortion from the Congregation for the Doctrine of the Faith explicitly acknowledged the speculative doubt. The declaration purposefully leaves aside the question of the moment when the spiritual soul is infused. ?There is not a unanimous tradition on this point and authors are as yet in disagreement.? The document recognizes this as a philosophical problem, but it suffices that the presence of the soul is probable because one cannot take the risk of killing a human person. Pope John Paul II in his 1995 encyclical *Evangelium Vitae* also recognized the speculative doubt. However, from the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of an attack aimed at killing the embryo. Supporters of this position have often used an analogy to explain why the benefit of the doubt must be given to treating the early embryo as a truly human being. If a hunter sees something moving in the brush and she is not sure if it is a deer or a human person, the hunter cannot shoot. The benefit of the doubt must be given to the human person.

On the contemporary scene, Nancy Pelosi said on television that she was an ardent Catholic and pointed out that the doctors of the church such as St. Augustine were not able to determine when life begins. The chairs of two important committees of the U.S. bishops responded that there were disputes about animation in the Middle Ages, but contemporary scientific knowledge about fertilization occurring with the union of the sperm and ovum makes the older biological theory obsolete. (Note that they say nothing about the philosophical theory.) The two bishops contended that from the moment of conception, each member of the human species must be given the full respect due to a human person. In light of what was mentioned above, their conclusion is accurate but not totally forthcoming.

Thus the most accurate way to state the Catholic moral teaching is that direct abortion even of a fertilized ovum is always wrong, but you cannot say it is murder. There is doubt about the reality of the early embryo. Thus the Catholic teaching on the morality of abortion is not as certain as its teaching on other issues such as murder, torture or adultery. In making the moral case against abortion, there is need for a further argument based on the principle that in doubt one must give the benefit of the doubt to the existence of a truly human being.

Feasibility and possibility

Second, the role of feasibility and possibility are present in all questions of law and public policy. An old saying says that the two things one should not watch are sausage-making and lawmaking! Politicians in our country from the president on down have to recognize this reality and often have to be willing to settle for half a loaf rather than none.

To their credit, the U.S. bishops have recognized some role of possibility or feasibility in passing a law against abortion. In the 1975 Pastoral Plan for Pro-Life Activities and in two later publications of the same basic plan, the bishops call for protection for the unborn child ?to the maximum degree possible.? In 1981 the president of the bishops? conference testified before Congress in support of the Hatch amendment. The Hatch amendment did not attempt to repeal *Roe* v. *Wade*, but would send the issue of abortion to the Congress and to the states to decide. Strong pro-life supporters and many Catholics among them were upset with the position taken by the bishops. They wanted to repeal *Roe* v. *Wade* and would settle for nothing less. Under the Hatch amendment, many states and probably even Congress itself would still allow many abortions to be legal. The president of the conference mentioned that the possibility of passing the Hatch amendment was a reason for supporting it. The feasibility and possibility of passing a law is without doubt a prudential judgment, and as the bishops themselves have recognized Catholics can and do differ over such prudential judgments. There is no certitude or even agreement about where to draw the line about what is feasible and possible.

Recently two Catholic scholars from different political persuasions have argued on the basis of their pro-life positions to support pro-choice Democratic presidential candidates. In 2004, James R. Kelly, a Catholic sociologist at Fordham University, wrote an article explaining why he as a pro-life Catholic was going to vote for John Kerry, the pro-choice Democrat. Kelly had come to the conclusion that while the Republican Party in general had supported the pro-life position, the party had done little or nothing to bring it about in practice. He concluded that nothing would happen to change the present policy in the future. He was voting for Kerry precisely because he (Kelly) was pro-life. Kerry and the Democratic Party would work to help poor people, and statistics showed that a disproportionate number of poor women had abortions.

In 2008, a similar position was taken by Douglas Kimec. Kimec described himself as a conservative Catholic who accepts the church?s teaching condemning artificial birth control and also as a conservative Republican who had worked in the Reagan administration. He was going to vote for Obama because Obama would do more to limit the number of abortions than his opponent. In theory one has to admit the role of feasibility and possibility in the discussion of abortion law as the Catholic bishops themselves have recognized. In practice two Catholics from different political perspectives have concluded that support for the pro-choice position can prevent more abortions in reality than support for the pro-life position.

The understanding and role of civil law

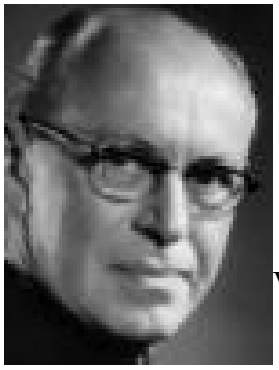
In the Catholic tradition, there have been two different approaches concerning the role and function of civil law -- the older approach strongly influenced by Thomas Aquinas and the newer approach developed in the Declaration on Religious Freedom of Vatican II.

Thomas Aquinas understood civil law in light of natural law. Civil law either republishes the natural law (e.g., murder is a crime) or makes determined what the natural law leaves undetermined. Thus the natural law says automobile drivers should drive safely but the civil law determines speed limits. Human law is truly law and obliges only to the extent that it is derived from natural law. What is opposed to natural law is not a law but the corruption of law.

Aquinas, however, recognizes that morality and law are not identical. Civil law is ordered to the common good. Thus civil law should not legislate all the acts of all the virtues, but only those that affect the common good. In civil society today, for example, there is not and should not be a law against lying but there is a law against

perjury. Aquinas also takes a further step based on his realistic understanding of human nature. Human beings are not perfect. Human law should suppress the most grievous vices from which most people are able to abstain, especially those harmful to others, because such laws are necessary for the good of society.

In another context Aquinas approves of Augustine?s practice of tolerating prostitution and not having a law against it. Civil law, imitating the way God has acted, can tolerate an evil such as prostitution in order to achieve a greater good or to avoid a greater evil.



Vatican II did not treat head on the question of civil law, but it addressed this question in the Declaration on Religious Freedom. In so doing, the document followed the theory proposed earlier by the American Jesuit John Courtney Murray. Paragraph seven of the Declaration on Religious Freedom discusses the juridical question of the role of law with respect to religious freedom and all political freedoms. The basic principle is that the usages of society are to be the usages of freedom in their full range. This requires that the freedom of the person be respected as far as possible and curtailed only when and insofar as necessary. Murray in his commentary on the document insists that secular experts may consider this to be the most significant sentence in the entire declaration. Freedom is the end and purpose of society and the political method par excellence whereby the other goods of society are to be achieved.

Society, however, has the right to protect itself against abuses. The criterion determining the proper intervention of coercive law is the public order, which has a three-fold content -- an order of justice, of public peace, and of public morality. The document and Murray in his commentary do not give any illustrations of such interventions, but it is not difficult to recognize how these criteria have functioned in American jurisprudence. If your religion calls for child sacrifice, civil authority on the basis of protecting justice in the form of basic human rights can and should prevent such sacrifice. If your religion calls for a 200-piece band to parade around a neighborhood at two a.m. on Sunday, the public peace is greatly disturbed. The criterion of public morality insists on the public aspect. One illustration of this in U.S. history, which is not without contention, was the Supreme Court?s decision to prevent Mormons from practicing polygamy.

The pope and bishops have used the Thomistic approach in dealing with the legality of abortion. In my judgment the religious freedom approach is the correct approach and since the Second Vatican Council should be used today by all in the Catholic tradition. Two significant differences come to the fore if one approaches abortion legislation from the religious freedom perspective. First, the religious freedom approach can be used to accept the present legal situation of abortion in this country or could also justify working to change the existing law.

The religious freedom approach starts with the principle of as much freedom as possible and as little restraint as necessary, with the criterion of public order justifying how and when the state should restrict freedom. Even those who hold that abortion involves the killing of a human being could argue there is no consensus on the issue in our society today. As a result, one could give the benefit of the doubt to the freedom of the woman. The prudential recognition that it is impossible to change the present law today makes the argument for accepting the present law on the basis of the religious freedom approach even more cogent.

On the other hand, one could use the religious freedom approach to justify arguments to change the existing law on the basis of the justice component of public order. The primary function of justice is to protect basic human rights, including the right to life, and therefore there should be a law against abortion. For our present purposes, the fact that the religious freedom approach could justify either position regarding abortion law means that in light of the Catholic understanding, neither the bishops nor anyone else can claim certitude as to how Catholics should decide about abortion legislation.

A second important difference coming from the use of the religious freedom approach is that pro-choice necessarily is not the same as pro-abortion. The natural law approach maintains that pro-choice goes against the natural law teaching condemning abortion and therefore is by definition pro-abortion. The religious freedom approach recognizes the freedom and choice of the individual. Precisely in the area of religious liberty and the discussions in Roman Catholic theology in the centuries preceding Vatican II, the opposition to religious freedom arose because accepting religious freedom meant protecting, promoting and accepting false religions. But the change in Vatican II recognized that one must respect the freedom of the person to choose in matters of religion. In this case, one is not supporting a false religion, but rather the freedom of the person to choose.

A theological analogy is apropos. God has given human beings our free will. All of us will use free will at times to commit sin. But God does not advocate sinning! A legal analogy is also helpful. Some people, including conservative Catholics such as William F. Buckley, have argued we should decriminalize hard drugs. They are not necessarily advocating the use of hard drugs, but they see this decriminalization as best for society. By promoting pro-choice legislation with regard to abortion, one is not necessarily also pro-abortion, even though many women will use their freedom to abort. Earlier this paper mentioned a number of Catholics who support pro-choice legislation precisely because they are antiabortion. A truly pro-choice position will in actuality reduce the number of abortions. The more recent religious freedom approach to civil law thus shows Catholics can take different positions on abortion laws and that to favor the freedom of the woman is not necessarily the same as being pro-abortion.

The intrinsic evil argument

Recently the bishops have made the argument that since abortion is an intrinsic moral evil, it thus differs from all other legal issues such as immigration, death penalty, human rights, or the first use of nuclear weapons. This is a faulty argument. The primary problem is that intrinsic evil is a moral term and not a legal term. The fact that something is an intrinsic moral evil has nothing to do with law or legality. Aquinas himself following Augustine was willing to accept no law against prostitution, which according to Catholic teaching is a morally intrinsic evil. Many states in our country do not have criminal laws against adultery, but Catholic teaching insists that adultery is an intrinsic moral evil. No Catholic bishops have campaigned to have criminal laws against adultery. Thus the very fact that something is an intrinsic moral evil does not mean there should always be a law against it. The Catholic bishops have very recently used this argument that there should always be a law against abortion because it is an intrinsic moral evil in order to distinguish their position on abortion law from their position on almost all other public policy issues. The weakness of this argument once again undermines the position of the bishops wanting to see the public policy position on abortion as differing from public policies on most other issues.

To sum up my position, I will cite the quotation with which the respected French Jesuit Paul Valadier in his very recent book, *La part des choses: Compromis et intransigeance*, concludes his chapter on political morality. ?It is not the absence of all compromise but compromise itself that constitutes true morality in political matters? (my translation from the French). The author of the passage cited by Valadier is Cardinal Joseph Ratzinger.

In conclusion, the bishops have claimed too much certitude for their position on abortion law since decisions about the legality of abortion involve prudential judgments. Consequently, on the basis of their own

understanding of the nature of prudential judgments, the bishops logically cannot give priority to abortion over all the other social issues. Unfortunately by giving such certitude and priority to their position on abortion law, the bishops have downplayed and de-emphasized the many other aspects of their teaching on social justice.

[Fr. Charles E. Curran is Elizabeth Scurlock University Professor of Human Values at Southern Methodist University in Dallas.]

What to do about abortion laws? An*NCR* online discussion

Frances Kissling urges pro-choice movement to evolve [2], By Jerry Filteau Feb. 25, 2011

Abortion law 'condones an atrocity,' says theologian [3], By John Yockey Feb. 23, 2011

Abortion debate must consider 'freedom of the person' [4] by Charles E. Curran Feb. 23, 2011

US Catholic bishops and abortion legislation [5] by Charles E. Curran Nov. 29, 2010

Source URL (retrieved on *02/12/2016 - 09:18*): http://ncronline.org/news/politics/us-catholic-bishops-and-abortion-legislation

Links:
[1] http://ncronline.org/node/21418
[2] http://ncronline.org/node/23121
[3] http://ncronline.org/node/23058
[4] http://ncronline.org/node/23062
[5] http://ncronline.org/node/21417