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

The bishops have lost control

Phyllis Zagano | Feb. 2, 2011 Just Catholic

It?s not just in Phoenix, where Bishop Thomas Olmstead erased ?Catholic? from the identity of St. Joseph Hospital. That?s only the latest public issue, some would say scandal, to hit the headlines. A lot of folks could care less what any bishop thinks, and it?s happening all over.

You know the Phoenix story: a twenty-something woman, pregnant with her fifth child, was hospitalized with pulmonary hypertension. The placenta of her 11-week pregnancy was pumping out progesterone, in turn damaging her heart. The medical opinion at the time: continue the pregnancy and they both die. The hospital ethics committee concurred. So the hospital allowed the procedure. The mother lived. The baby died.

One can argue the particulars forever. Once the Phoenix situation hit the news an obviously angry game of ?My Ethicist Can Beat Up Your Ethicist? began. Opinions flew, literally, left and right. At the time it allowed termination of the pregnancy, the hospital ruled it an indirect abortion and a necessary medical procedure. After the fact, the bishop called it a direct abortion.

Each side has dug in its heels. The fight will continue in general and scholarly journals, and in the press. It does not make anybody look good.

From the outside looking in there are several points.

First, no matter nice letters [1] between the presidents of the Catholic Health Association and the U.S. Conference of Catholic Bishops. It seems the bishop and by extension ?the bishops? have lost control of medical ethics in general and Catholic health care in particular. The bishop of Phoenix had to declare a hospital (after 116 years) is no longer Catholic because he cannot convince its administrators to comply with his understanding of Catholic health care requirements.

Second, it appears a large segment of the medical and ethical community, in and out of Arizona, agrees with the hospital?s determination. The hospital most forcefully states it attempts to save the lives of both, but in this case only the life of the mother could be saved.

Third, and we cannot forget this very difficult point, a woman religious who was a member of the ethics committee received a formal notification that her compliance with the procedure incurred a *latae sententiae* excommunication. We don?t know if any of the other six or eight ethics consult team members got the boot. Neither the bishop nor the hospital will say.

Here we go again. In 1984 or so I was snowed in at a conference in Bloomington, Ind., along with Mercy Sr. Agnes Mary Mansour. In 1983, with her bishop?s permission, she became director of the Michigan Department of Social Services. When push came to shove, Mansour supported Medicaid funding for abortion.

That sent the hierarchy into a swivet. Anthony J. Bevilacqua, now the retired cardinal archbishop of Philadelphia and then an auxiliary bishop in Brooklyn, was the Vatican emissary who gave Mansour 10 minutes

to decide whether to leave her job or her religious community. I remember her explanation quite clearly. She spoke quietly, as the pounding snow closed roads and airports. The poor, she said, deserved equal access to abortion. She had to leave her community. When she left her state job in 1987, Mansour became an advisor to Mercy Health Services Special Initiative to the Poor.

Which brings us back to Arizona. In the mid-1980s Catholic hospitals in Arizona sponsored an initiative called the Mercy Care Plan, essentially a means of obtaining Medicaid funding. As it stands now, and until 2013, these hospitals are locked into a state program that provides coverage for direct sterilization, IUDs, and ?medically necessary? abortions, administered by and contracted out to third-party providers. Looks like a bit of a mess to me.

So, where was the bishop of Phoenix when all this was getting started? Where were the rest of the bishops? About 25 years ago abortion became the single issue in the Catholic identity crisis. There was, as now, lots of political blather one way and the other. There was, as now, precious little serious teaching on the matter reaching the church as a whole.

The result? It?s called ?invincible ignorance.? If Bishop Olmstead is correct, and the medical procedure was an unnecessary and direct abortion, then objectively speaking the ethics consult team members voted the wrong way. However, they never would have gone against their consciences. So they would be guilty ? at most ? of invincible ignorance.

So, if this was a direct abortion, who is ultimately responsible? The problem is not with the ethics consult team. It?s with the bishop, his predecessors, and his confreres who are unconvincing and increasingly ignored in matters of faith and morals.

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