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Abortion law 'condones an atrocity,' says theologian

John Yockey | Feb. 23, 2011

March for Life participants kneel in prayer alongside an image of Our Lady of Guadalupe in front of the Supreme Court building in Washington Jan. 24, 2010. (CNS photo/Jim Young, Reuters)

In the Nov. 26, 2010 issue of *NCR*, we published a talk -- "**US Catholic Bishops and Abortion Legislation: A Critique from Within the Church** [1]" -- given by Fr. Charles E. Curran, Professor of Human Values at Southern Methodist University in Dallas.

In his talk, Curran upheld official church teachings on abortion, but was critical of the way the U.S. bishops have handled the matter as a political issue. Following publication of the talk, Fr. John Yockey, a Wisconsin pastor who taught moral theology as an assistant professor at the Washington Theological Union from 1983-1992, asked to respond to Curran?s remarks.

Below is Yockey's response. Look back tomorrow for another piece by Curran responding to Yockey's criticism.

I respectfully reply to Fr. Charles E. Curran, Scurlock University Professor of Human Values at Southern Methodist University in Dallas. During the mid-1980s we were colleagues on neighboring faculties in Washington, DC. I have always found his writing to be an engaging, informative read, and "US Catholic Bishops and Abortion Legislation: A Critique from Within the Church" is no exception.

My response to this article has four parts. It begins with a brief survey leading up to the official Commentary on the revised Profession of Faith (1998), essential for an adequate grounding of political theology "within the Church."

Secondly, it takes a closer look than does Curran at the gravity of procured abortion as such. Thirdly, I concur that a respected scientific consensus should govern the ensoulment debate. Finally, I suggest that the prudential judgment supported by Curran on abortion legislation risks undermining the underpinning of Catholic social ethics.

The Commentary on the revised Profession of Faith (1998)

Vatican II clarified that two sources, tradition and scripture, form one deposit of faith which mediates the Word of God at the heart of the church. Authentic (from the Latin *authenticum*: authoritative or official) interpretation of divine revelation "has been entrusted to the living teaching office of the Church alone."

This teaching office, the hierarchical magisterium of the bishops in communion with the Bishop of Rome, their head, is not above the Word of God but always its servant. With the help of the Holy Spirit, the magisterium listens to the Word of God prayerfully, "guards it with dedication and expounds it faithfully" in order to pastor the People of God and strengthen their growth in holiness.

The successor of Peter, John Paul II, issued an apostolic letter *motu proprio* so that the canon law of West and East reflects the three levels of binding church teaching which he reiterates: infallible dogmas, definitive doctrines related to them, and authentic (i.e., authoritative) doctrines not proclaimed definitively.
In his accompanying *Commentary* then-Cardinal Joseph Ratzinger gives examples for each level of normative church teaching.

At the first level of infallible dogmas which articulate divine revelation and, therefore, require an assent of faith from the whole Church, he lists "the grave immorality of direct and voluntary killing of an innocent human being."

Both Popes John Paul II and Benedict XVI have emphasized repeatedly that abortion is a fundamental violation of an absolute prohibition. They officially teach that abortion is the direct and voluntary killing of an innocent human being, an egregious abuse of a most vulnerable member of the human family, the least of God's little ones with so fragile a hold on life.

I submit that even when making prudential judgments about legislative strategy which arguably can best defend preborn life, the assent owed this strong specification of an infallible dogma must remain in the forefront of practical considerations.

The Gravity of Procured Abortion

Curran agrees that "direct abortion is always wrong." Admittedly, the act itself is not the stated focus of his *NCR* essay, but nowhere in the text does he view such an intrinsic evil attacking the first of our inalienable rights as particularly heinous.

Vatican II, on the other hand, echoes the counter-cultural revulsion of the early Christian churches toward two practices then widespread throughout the Roman Empire. The Council insists that in our day "life must be protected with the utmost care from the first moment of conception: abortion and infanticide are abominable crimes."

Redemptorist Fr. Bernard Haring commented in *The Law of Christ*: "Abortion is the one crime which [like] scarcely any other manifests and characterizes the moral depravity of the modern world." To my knowledge this courageous priest who suffered the horror of two world wars never modified his prophetic judgment.

It is shared by Dr. Bernard Nathanson, moved to embrace pro life activism after performing by his estimate some 60,000 abortions. He does not equivocate even about an early first trimester procedure. He is better informed than most of us on the details of such invasive surgery. "We are taking life, and the deliberate taking of life is an inexpressibly serious matter."

An inexpressibly serious matter, indeed, because we are then killing human life with potential, not potential human life.

Dr. Maureen Condic, associate professor of neurobiology and anatomy at the University of Utah School of Medicine, sums up a consensus in her field. She challenges us to separate our values from empirical, objective facts.

However we evaluate abortion morally, the empirical fact is that human life is an ongoing process, a seamless continuum of closely interconnected stages. At sperm-egg fusion a distinct human organism with a complete genetic code is fully present, needing only a conducive environment to direct all serial development through embryogenesis, fetogenesis, birth, maturation and aging. This seamless continuum of human life ends only in death.

It is arbitrary ideology to select a later point on the continuum and claim that everything before it is prelude. Human life begins at the start of the hominization process. After the union of sperm and egg, what the uterus does not expel (usually because of major defects or chromosomal abnormalities) moves on.

Each integral phase of development unfolds from the previous and carries the process further along in utero as well as after birth. I began as a zygote. Now I am an adult. Small wonder that you and your identical twin have such empathetic similarities. Together you share the same biological origin.

Today we have compelling evidence as to when human life begins. Can we pinpoint the start of personhood?

The Ensoulment Debate

Daniel Helminiak, who wrote a letter in the Dec.24 issue of *NCR* raises the right question congruent with science: Strictly speaking, is embryonic human life a person?

Embryonic human life is a demonstrable fact. Is life in those earliest stages, though, an actual person?

This is a necessary narrowing to guide the still unsettled debate helpfully. We waste time spinning our proverbial wheels if by "ensoulment" we speculate about when truly human life begins. In the age of sonogram technology, it only makes sense to determine when do we have an ensouled human person with inherent rights deserving of legal protection.

The discovery of the female ovum with other advances in 19th century medical research totally discredited Aristotelian biology. Were he living today with his same intellectual acumen, Aquinas could not base delayed animation on either Aristotle's or contemporary science.

But Aristotelian hylomorphic theory still has philosophical relevance. Dr. John Collins Harvey, Professor Emeritus at Georgetown University Medical Center, finds the ancient categories useful to understand that personhood means not a quickening later on during gestation but the entire hominization process.

An embryo exists (being) as a human life (essence). Such life, incapable of morphing, is neither canine, feline nor anything else. From the start a distinct human being exists dynamically never statically, full of potentialities to be actualized historically, all factors being supportive, all systems go.

Harvey maintains that even embryonic life fits the classic definition of personhood (Boethius): an individual substance of a rational nature. Though as miniscule as the dot of a pen, a unicellular human organism is an individual substance with the substrata of rationality there in place, ready to evolve into the complexity of a human brain and related organs. Since every stage of hominization is a needed building block integral to ongoing growth, ensouled personhood, in his view, begins at the very beginning of a uniquely individual identity with inherent human potential.

Harvey lists several prominent embryologists, scientists and ethicists whose professional agreement makes his a solidly probable opinion. Obviously, he recognizes that other experts hold different positions, but he is concerned that those who do not "morally privilege" the potential of a pre-implanted zygote/embryo can destroy or manipulate a life form which they deem insufficiently human.

The hierarchical magisterium shares that same concern. Hence its emphatic prohibition against abortion and embryonic stem cell research in our brave new world. While it allows the philosophical debate to continue, in practice it follows the tutiorist or "safer course" requirement of moral theology strictly, giving the benefit of the doubt to what is now the virtual certainty of an existing person. It insists on unconditional respect for human life in its weakest stages because we can never risk taking the life of another, especially of one who is vulnerable.

Curran refuses to call abortion "murder" since ensoulment remains a disputed question. Yet empirical science is clear: some kind of killing occurs during every abortion. Call it potential life instead of life with potential, the deliberate taking of a human life in process, pristinely innocent of actual sin, is worse than wrong. Vatican II accurately names it an abominable crime.

Abortion Legislation

Before his inspiring walk with terminal illness, Cardinal Joseph Bernardin modified the "seamless garment" metaphor he had used to champion a consistent ethic of life. He admitted that while all rights are interrelated, the rest flow from the right to life itself which is therefore primary.

The hierarchical magisterium prioritizes intrinsic moral evils in deference to the absolute prohibition against the direct taking of innocent human life -- particularly the most fragile. Implementing dogmatic principle, our bishops untiringly resist the injustice of abortion law which embeds the brutal practice as a constitutional right that is culturally acceptable.

They recognize the pedagogical function of law which Curran overlooks. Law teaches. When enforced as a defining norm, it has a profound formative influence in shaping the attitude, values and behavior of citizens who presume "it's okay if it's legal."

Dr. Martin Luther King, Jr., endured beatings, bombings and eventual assassination in order to overturn the injustice of segregation laws with the harmful consequences they perpetuated in American society. His ?Letter from a Birmingham Jail? rebuts the advice of those who urged him to trust that a Booker T. Washington kind of accommodation to the status quo would more effectively bring about Negro advancement.
U.S. bishops do read the political tea leaves. They know very well that unlike Dr. King, they have not yet reached the mountain top; they still have a long way to climb. At the same time, recent polls are encouraging. A constitutional amendment to secure personal rights for the preborn seems a pipe dream now, but the bishops' incremental strategy over three decades is making measurable differences.

While prudential judgments legitimately vary about how best to effect change, the approach Curran favors ignores the dominant ethos in secular America.

Abortion is emblematic of a rugged individualism which defines the person as essentially independent rather than interdependent, fundamentally existing for her/himself, socially bonded with others for mutual utility only, not because of inborn solidarity with the rest of the human family.

As long as it stands, abortion law reinforces this one-sided distortion. It condones an atrocity which has harmed the common good by the termination of over 40 million preborn lives since 1973. It teaches the civic community that this systemic desecration is permissible because individual privacy trumps any other relevant consideration.

"At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe and of the mystery of human life," wrote Justice Sandra Day O'Connor in the plurality opinion of *Planned Parenthood v. Casey*, paraphrasing the controlling philosophy earlier found in *Roe v. Wade*.

A "pro-choice not pro-abortion" position, even as a reluctant toleration of the legalized evil, feeds into an exaggerated individualism which erodes Catholic social ethics. It purports too *laissez faire* a sense of human freedom.

Freedom that befits our personal identity as unique individuals who are constitutively social is the power to do as we ought -- doing whatever it takes to respect the sacredness of every life in process of becoming more fully alive.

[Fr. John G. Yockey is the pastor of St. Jerome Parish, Oconomowoc, Wis.]

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

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

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US Catholic bishops and abortion legislation [1] by Charles E. Curran Nov. 29, 2010

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