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Abortion & Conscience

Michael Sean Winters | Jul. 19, 2013 Distinctly Catholic

I had not intended to make the examination of the Texas abortion laws a three day enterprise, but there is one aspect of the current abortion discussion that merits attention which I have not had a chance to get to yet: abortion and conscience.

This is important for a variety of reasons. First, at a strategic level, the more people focus on what abortion is and does, as opposed to keeping an argument at the level of abstract rights or subjective experiences, the more they are likely to want to limit abortion. Hence the euphemisms employed by the pro-choice advocates. When those of us who oppose abortion insist on conscience protections, we should do so not because of the depth of our convictions, even though those convictions are deep, but because of the nature of the act. Surely, no one should be coerced into participating in an act that is so brutal.

Second, and relatedly, one of the arguments one hears regarding the controversial HHS contraception mandate is that if the government can coerce Catholic institutions to provide contraception coverage, what is to keep them from forcing, say, a Catholic hospital to perform abortions. After all, how hard would it be to find a doctor willingly to say the mandated abortion is ?medically necessary?? (In the Catholic moral universe, even if something is medically necessary, it may not be morally permitted and the intentional taking of a human life is never permitted.) So, the argument runs, we need to fight for our conscience rights whenever we perceive a threat, if for no other reason than to preserve the brand.

This is exactly wrong. The moral difference between the two acts is huge: Buying insurance is not like performing an abortion. And, to be clear, the mandate does not require Catholic university students or nurses at Catholic hospitals to be tied to a gurney and force-fed the pill. My worry is that by invoking conscience rights in this fight we risk diluting the brand, perhaps not as a legal matter but certainly as a matter of public opinion. And, over time, public opinion certainly shapes the legal culture. The Church has not survived for two thousand years by thinking short-term. I have taken the issue of the HHS mandate seriously from the start. When it included the pernicious four-part definition of a religious institution I was downright angry. But, with the accommodations in place, if we can live with, and I think we can, is it not mistaken to associate the transcendent issue of conscience rights with such an at-best murky issue of public policy?

Third, I think the issue of abortion can help our Church regain a Catholic understanding of conscience. In the ambient culture, conscience is little different from whim. This sensibility has sadly entered into the thinking of many in the Church. Conscience is understood as an immunity, an area of private judgment into which no authority can go. To take one example, Fr. Schuller, when he is not walking on water, talks about conscience in precisely this way, as a right, not a prod. This is a uniquely modern understanding, one with which we should be sympathetic to be sure, as John Courtney Murray was. But, historically, when you examine the literature, the conscience pricks, the conscience is a motivator, the voice of God speaking within our hearts, the little angel on the right shoulder urging us not to listen to the devil on the left. Just so, the literature on conscience usually speaks of people doing something against their interests in the name of conscience, doing something because it

is the ?right thing? to do. As Bl. John Henry Newman said, conscience is the ?aboriginal Vicar of Christ.? People should recall those words of Newman?s before invoking his famous quip about toasting the pope, yes, but conscience first.

Conscience, then, must be formed to conform to what we Catholics call the moral law. I have my difficulties with traditional natural law considerations of the moral law, because I believe it ends up in a minimalist, act-centered understanding of morality. But whether you employ this traditional understanding of the moral law or adopt a more dynamic, I would suggest deeper, approach to the moral law of the kind found in the writings of Balthasar and Schindler, either way, the moral law is something we discern, not something we invent. It originates in the relationship with God, not only our human relationships with one another. We are called to conform ourselves to the moral law and so form our consciences that this conformity is understood, properly, as a genuine liberation, a freeing of one?s capacity to choose so that we choose the good. In short, our exercise of conscience is not just a legal claim of immunity, it is the way we respond to God?s invitation of love and communion, letting our desire to share that love dictate our deeds, stepping ever closer until it becomes habitual towards God?s love.

I can think of no other act than abortion on which the role of conscience is so obviously related to the moral law. Yes, as I argued yesterday, we need to understand, with real not feigned sympathy, the difficult situations. Yes, we must engage those whose views are different and do so without maligning their motives. But, who can conclude, in their heart of hearts, that it is permissible to intentionally take an innocent, and thoroughly helpless, human life? I know that many people do not think you have an individual human life, worthy of protection, at the early stages of pregnancy. And, it does no good to point out that even when the fetus is only a zygote, it is still not an acorn and will not grow into an oak tree. The fact that nature washes away many fertilized eggs should make us cautious about being too doctrinaire, but not too cautious because there are many things that nature does that are not considered criminal but which are so considered when a human does them. Trayvon Martin was not killed by a tsunami wave, or a bolt of lightning and if he had been, there would have been no trial. But, when it comes to elective, surgical abortions, who can look at that act with moral indifference? Whose conscience is not stirred?

There was a time in my life when my conscience was not stirred by abortion. My mother was a good woman and a loyal daughter of the Church but she drank in all the propaganda from the pro-choice side and told me when I asked that as a man I had nothing to say on the subject of abortion. Who was I to argue?.until one day I pointed out that I was not a burglar and had never been burgled but thought that burglary should be against the law. But, as I say, I bought the propaganda. I believed that no one could tell a woman what she could do with her body, even though our laws tell women and men that there are many things they cannot do with their bodies, like get behind the wheel of a car while intoxicated, or take illicit drugs, or jump out of a five story window with the objective of killing themselves, or trespass, etc. When Planned Parenthood said they were only concerned about women?s health, and that 97% of their business was not abortion related, I thought well of them ? will someone please ask Planned Parenthood this question: If 97% of your business is not abortion-related, why are you threatening to close all these clinics because of the new Texas law which only requires the expensive upgrading in facilities if the clinic performs abortions? Why not keep the clinics open to conduct the 97% of your business? I will grant, happily, that Planned Parenthood does a lot of good in the world with cancer screenings and the such. But, in the realm of political debate, they lie with abandon. I have seen through their propaganda.

I have also seen through the propaganda of many in the pro-life crowd. I recall the Right-to-Life Committee in Indiana refusing to back pro-life Democrat incumbents. I wonder if George Bush had proposed the HHS mandate if there would be such a brouhaha. I have seen the way a concern, a proper concern, to avoid cooperation with evil has twisted itself into a form of neo-Jansenism.

So, here is my concluding thought. Inform and listen to your conscience. Inform it first and then listen to it. If your conscience tells you that abortion is okay, no big deal, that no one can tell a woman what she can do with her body, you need to form your conscience more. But, too, if your examination of the issue does not lead your conscience to recognize that there are two lives at stake, both of them likely vulnerable, and that unless you are prepared to do more, indeed to do everything, to help the pregnant woman choose life, you, too, need to inform your conscience. And, the next time someone relates the HHS mandate to abortion in terms of conscience, ask them if, God willing, when Roe is someday overturned, they believe that someone should be permitted to claim a conscience exemption to procure one anyway. Many religions, after all, do not share our views on the morality of abortion, and under our much loved First Amendment, the government must treat all religions the same. Conscience matters. We must reclaim what it means for us Catholics before we put it on bumper stickers, be they bumper stickers for Church reform or bumper stickers for religious liberty.

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