ABORTION, RHETORIC, AND POLITICAL JUSTICE

AT THE TIME of the pro-life and pro-choice demonstrations in Washington, D.C., on the Jan. 22 anniversary of Roe v. Wade, newspaper photos showed Molly Yard, president of NOW (National Organization of Women), standing before a monument that was inscribed: "IN MEMORY OF THE COURAGEOUS WOMEN WHO DIED FROM ILLEGAL UNSAFE ABORTIONS BECAUSE THEY HAD NO CHOICE." Without denying the sadness of anyone's dying from abortion, legal or illegal, "safe" or unsafe, we demur from the monument's suggestions, which seem obscene, that abortion is unquestionably an act of courage and that, whether legal or illegal, its only victim is the woman. How about a monument with a different inscription? "IN MEMORY OF THE 25 MILLION BABIES WHO HAVE DIED FROM LEGAL ABORTIONS SINCE 1973 BECAUSE THEY HAD NO CHOICE." Of course, this is to substitute one slogan for another and does not advance the kind of discussion we need in this country now.

We think abortion as practiced in the United States today is horrifying, in its prevalence, in the number of its victims, in its irreverence for human life. We regret that more people do not recognize it for the violence against human life that it is. We would like to believe that everyone knows abortion is a serious matter, but we are not at all sure the current national ethos promotes such seriousness. Certainly we are not reassured by ads and rhetoric from the pro-choice side. We agonize with Cardinal John O'Connor, now the head of the U.S. bishops' pro-life committee, who confessed in his homily at St. Patrick's Cathedral on Feb. 4 that he was distressed not only by the nationwide practice of abortion, but also by the fact that Catholic practice does not seem appreciably different from that of the nation at large. We lament that Roe v. Wade, whose virtual result has been abortion on demand, was imposed on the nation's mores as both a constitutional and a pedagogical fiat. We have said these things in many editorials.

In doing so, we have but reflected church teaching, which down the centuries has been constantly opposed to abortion. The Didache, a first-century document of church belief and discipline: "You shall not kill the fetus by abortion, or destroy the infant already born." Vatican II's Pastoral Constitution on the "Church in the Modern World": "From the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes" (No. 51). Nevertheless, neither Catholic theologians nor laypeople normally call abortion "murder." Nor need we, in order to preserve the church's teaching. This distinction of language is but one pointer toward certain ambiguities—both in the history of Christian debate about abortion and in present-day realities—that church people might now be loath to admit, for strategical or pedagogical reasons, but that must be admitted in all truth. These ambiguities have to do with the conflicting rights of mother and fetus and with the consequent evaluation placed on the nascent life within the mother. It is exactly such ambiguities, which have always been with us, alongside the clarity of the church's teaching, that underlie today's political turmoil. Lisa Sowle Cahill, a Catholic moral theologian, sums it up this way: "Suffice it to say that to the degree that battles over abortion policy continue to inflame national politics, they represent the absence of consensus on fetal status, the relative weight of maternal and fetal rights, and the measures warranted in pursuit of equality for women."

THEREFORE, we have never favored a constitutional amendment to prohibit abortion, not just because we think it unattainable, but because we think it futile, given the lack of consensus in the nation about the morality of abortion. We have favored allowing the state legislatures to restrict abortion according to the perceived ethical and political realities—the traditional legislative will of the people that we think the Supreme Court arrogated to itself in Roe v. Wade. This legislative process is now underway after the Supreme Court's Webster decision last July 3. It may be argued that this process will result in a checkerboard pattern of differing strictures across the land. Even if that were to prove true, such a state of affairs, by imposing at least some restrictions, would be morally and pedagogically preferable to abortion on demand. But we think that the patterns of legislation worked out will come to reflect an American consensus that pollsters tell us exists in the population at large. Most Americans think that abortion should be neither prohibited absolutely nor allowed without restrictions. It is toward this middle, consensual ground that legislation will inevitably head, as it has in the nations of Europe.

Meanwhile, we have commiserated with public officials, particularly Catholics, who in this age of abortion on demand are empowered to enforce laws, or enjoined to protect rights, with whose moral content they do not personally agree. We recognize that the separation of church and state in this country can indeed result in a conflict between what such an official believes and practices

personally, and what he or she must do publicly. When a serious Catholic like Gov. Mario Cuomo of New York has meticulously analyzed these conflicts, and has put himself on record as to their resolution in his mind, we have admired his courage and respected his analysis ("Religious Belief and Public Morality," by Charles M. Whelan, 9/29/84)—even while recognizing that other conclusions could be reached on such matters as public funding for abortion. In fact, we published another such view in that same issue of AMERICA ("Moral Leadership and Partisanship," by Joseph A. Califano Jr., 9/29/84). The point is that different views are possible. For this is the realm of prudential judgment, the only sort of judgment governing how and whether church teaching will be allowed to affect the conduct of a Catholic's public office. Neither can the church dictate these prudential judgments—which in and of themselves are not matters of church teaching (e.g., the disposition of Medicaid funds)—without violating the separation of church and state. These distinctions may seem overly subtle to the overly hasty, but they must be maintained if we are to speak fairly about the Catholic officials elected by all the people, not just Catholics, to oversee these matters.

The alternatives to this tolerance, it seems to us, are these: either 1) that American Catholic politicians will be effectively precluded from holding high public office, because attacked by their own church's officials and otherwise harassed by their coreligionists, or 2) that they may be elected, but precisely because they are portrayed by coreligionists as renegades from their church. We doubt that either of these outcomes would be regarded as satisfactory by church officials. Yet we fear that something very much like the second alternative, mentioned above, is what recently happened in San Diego, when Bishop Leo Maher barred Catholic candidate Lucy Killea from receiving Communion because of her pro-choice political stand. A Democrat, she was elected to the State Senate from an overwhelmingly Republican district (see our editorial, "Mistake in San Diego," 12/9/89).

THEREFORE, we were reassured when New York's Cardinal O'Connor said in January that the last thing U.S. bishops wanted to do was impose ecclesiastical sanctions on Catholic politicians for their positions on the abortion question. This was shortly after one of New York's auxiliary bishops, the Most Rev. Austin Vaughan—who has been active in Operation Rescue and has gone to jail for his beliefs and actions—said that Gov. Mario Cuomo was in danger of going to hell because of his abortion stand. This opinion received wide circulation in the local press but was also disseminated across the nation by newspapers and television—for instance, by Pat Buchanan and "The Capital Gang" on CNN. Mr. Buchanan predictably defended Bishop Vaughan's statement, saying the issue was as simple as the need for the church to speak out on moral issues. But the issue is not simple. First, because the moral issues are not simple, despite the church's clearly restrictive formulations on abortion. Second, because the political implications of these moral issues are even less simple, as Governor Cuomo has admirably shown. (Incidentally, we are not aware that any church official has written more sensitively on these complications than the Governor has.)

Now Cardinal O'Connor has written a column in Catholic New York in which he defends Bishop Vaughan as a fine theologian who has a right and perhaps even an obligation to say what he said. The Cardinal ends his column by commenting that the bottom line is neither "political fortunes" nor "ecclesiastical sanctions," but the fact that abortion is, according to Vatican II, an "abominable crime." With all due respect to the Cardinal's wish to support a dedicated priest and fellow bishop, we think the bottom line here is justice. If abortion is an abominable crime, that is true because it is a grave affront to justice, and as St. Thomas Aquinas taught, Christian love must presuppose justice. But as Dr. Martin Luther King Jr. was also fond of pointing out, in more recent times, justice is indivisible. If it must be accorded to the unborn child, as it must, it must also be accorded to the mother, and, yes, even to the Catholic politician who tries to balance competing rights and claims in a pluralistic society. And if that politician is a just person, then his or her political fortunes are not a nugatory consideration.

As for Governor Cuomo, he is a man who said at Notre Dame: "The Catholic Church is my spiritual home. My heart is there and my hope." We take him at his word. But, even if one were not inclined to do so, one can see in his 1990 State of the State address that he is a serious Catholic struggling with the issues: "No one I know—no matter what position she or he takes in the debate over the right to decide when an abortion is appropriate—would deny that the statistics on abortion in our nation are sobering....[The] continuing failure of society's support systems has produced a phenomenal growth in the trauma, and the tragedy, of abortion....At the very least, young men and women should hear from us that they are not abnormal because they choose to abstain [from sex] until another and better time. I think it is a mistake to believe that history has left the alternative of restraint behind, as a sociological anachronism. My budget will provide funds specifically allocated for promoting the value of abstinence for young people." With all due respect to Bishop Vaughan, these words do not sound to us like those of a man on his way to hell. Granted the Bishop had a right to say what he did, was it prudent, wise or just?

We fear that Catholic candidates may find it difficult to get elected to public office if they are thus denigrated by their own church. In addition, we very much fear that this kind of sniping at Catholic officials and candidates, because of their political judgments about the abortion issue, is subject to manipulation by those who do not care a whit about church teaching but who merely want to block candidates for their own political ends.