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Commentary on Abortion Article

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by evil and sin since the beginning. Wars, natural disasters, illness, death and starvation—all these are forms of evil. Yet there is meaning in them for all of us if we but look to our Lord and Scripture for the answers. God will lift us up from this moral abyss into which our country has fallen and give us the courage to continue in this earthly struggle.

Today's readings are particularly applicable to this land in which abortion is epidemic. Isaiah says:

First he degraded the land of Zebulun and the land of Napthali, but in the end he has glorified the seaward road, the land west of Jordan, the district of the Gentiles. Anguish has taken wing, dispelled in darkness; for there is no gloom where but now there was distress. The people who walked in darkness have seen a great light; upon those who dwell in the land of gloom a light has shown. You have brought them abundant joy and great rejoicing . . .

The gospel for today reiterates this when it describes Jesus withdrawing into Galilee after John had been arrested. He left Nazareth and went down to live in Capernaum by the sea near the territory of Zebulun and Napthali, to fulfill what had been said through Isaiah the prophet:

Land of Zebulun, land of Napthali along the sea beyond the Jordan, heathen Galilee: a people living in darkness has seen a great light. On those who inhabit a land overshadowed by death, light has arisen.

From that time on, Jesus began to proclaim His theme: "Before your lives! The kingdom of heaven is at hand." He taught in the synagogues, proclaimed the good news of the kingdom and cured the people of every disease and illness.

And so it is with our country today. Jesus is with us now in the church and this beloved land of ours. We pray that He will remove the disease of abortion from our midst. We pray that He will forgive those physicians who perform abortions. And we pray that the sickness of mind and heart which brought about this holocaust will be cured by His loving, healing touch, much as that touch cured the lame, the blind, the lepers of long ago. This abortion mentality is truly a sickness of mind and heart, and only our Lord can cure such an illness. As we wait for this change of heart in our nation and its people, we should not become impatient, for today's psalm reminds us, "Wait for the Lord with courage; be stouthearted, and wait for the Lord." Finally, let us remember how He taught us to pray, that this scourge of abortion shall be lifted from our land.

Our Father, Who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. Amen.

—John P. Mullooly, M.J.
solemn declaration of the Second Vatican Council that “abortion and infanticide are unspeakable crimes” (Gaudium et Spes, no. 51) is clearly one and the only normative Catholic position on abortion.

**ITEM:** Commending the American bishops on their unwillingness to make absolute statements in their recent pastoral letter entitled “The Challenge of Peace: God’s Promise and Our Response” (May 3, 1983), even though the bishops made quite a few absolute statements in it. Maguire writes that, on the issue of abortion: “the bishops move from the theological mainstream to the radical religious right.”

FACT: The teaching of the bishops in union with the Roman Pontiff is, and necessarily is, the theological mainstream of Catholic teaching. The same Second Vatican Council also declared: “Bishops, teaching in communion with the Roman Pontiff, are to be respected by all as Divine and Catholic truth” (Lumen Gentium, no. 25).

**ITEM:** Maguire writes that: “It is safe to say that only a minority of Catholic theologians would argue that all abortions are immoral but asserts that the majority of theologians are afraid to let their views be publicly known. From this undocumented assertion (which does have a grain of truth in it, as is clear enough from the publications of a handful of dissident theologians), Maguire asserts that this alleged wide dissent engenders a solidly probable opinion against the teaching of the Church and in favor of the moral defensibility of abortion. Even if this unsubstantiated generality were true (as regards the extent of the dissent), such dissent against a long established and solemnly proclaimed teaching by the bishops of the world and the Roman pontiffs does not engender the solid probability required for the application of the principles of probabilism in the context of authentic Catholic theology. An official Vatican communication to the American bishops has made this quite clear in response to certain questions about contraceptive sterilization. In March, 1975, the Congregation for the Doctrine of the Faith reaffirmed Catholic teaching on contraceptive sterilization and added: “The Congregation, while confirming this traditional doctrine of the Church, is not unaware of the dissent against this teaching from many theologians. The Congregation, however, denies that doctrinal significance can be attributed to this fact as such, so as to constitute a ‘theological source’ which the faithful might invoke and thereby abandon the authentic Magisterium and follow the opinions of private theologians which dissent from it” (Prot. 2027/69, March 13, 1975). Obviously this would be likewise true of the dissent against the Church’s teaching on abortion.

While these items make up the main points of Maguire’s article, much of the rest of it is merely tiresome and irrelevant. He traces the rationale of the Church’s teaching to the fact of an all-male episcopate with a hatred of women. That is just tiresome! He sees a great significance in the fact that the Code of Canon Law inflicts the penalty of excommunication on a person (either male or female, by the way) for aborting what he calls a “fertilized egg,” but not for killing a “baby” after birth. (And incidentally, if a preborn baby is just a “fertilized egg,” then aren’t we all?) The supposed significance that Maguire professes to see in this fact is irrelevant because it manifests an unbelievable lack of sophistication regarding the philosophy and purpose of ecclesial penalties.

There is nothing, of course, all that new in Maguire’s erroneous interpretation of probabilism. The renowned English Jesuit moral theologian, Henry Davis, was running into somewhat the same problem 35 years ago when he wrote, regarding the history of probabilism: “It was even misapplied by too ardent devotees, whose chief fault was that they unselfconsciously extended the meaning of the term ‘probable’ in supposing that any opinion held by any author might be looked upon as probable, a phenomenon that is not very uncommon in young students today” (Henry Davis, S.J., Moral and Pastoral Theology, vol. 1 [London: Sheed and Ward, 1949], p. 92).

It is relatively new, however, that Catholic authors writing in direct contradiction to Catholic teaching (as Maguire has done on more than one occasion [cf. Medical-Moral Newsletter, Jan., 1981]) should receive the approval implied by professional rank in a Catholic university, nor are Marquette and Notre Dame alone in this.

What is new, however, and to be reckoned with, is the revised Code of Canon Law, published by Pope John Paul II on Jan. 26, 1983 and going into effect later this month (Nov. 27, 1983) and prescribing that: “In Catholic universities it is the duty of the competent statutory authority to ensure that there be appointed teachers who are not only qualified in scientific and pedagogical expertise, but are also outstanding in their integrity of doctrine and uprightness of life. If these requirements are found to be lacking, it is also that authority’s duty to see to it that these teachers are removed from office, in accordance with the procedure determined in the statutes.”

“The Episcopal Conference and the diocesan Bishops concerned have the duty and the right of seeing to it that, in these universities, the principles of Catholic doctrine are faithfully observed” (Canon 810, nos. 1 and 2).

We do not, of course, question Dr. Maguire’s “uprightness of life” in any way. As for the qualities of “scientific expertise” and being “outstanding in their integrity of doctrine,” the article in The Christian Century speaks for itself.