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## THE LIMITS OF DISSENT: God’s Law and the Right to Life

By Most Rev. John J. Myers

The Most Rev. John J. Myers is Archbishop of Newark, NJ. This article was distributed as a pastoral teaching to the faithful of his diocese when he was bishop of Peoria, IL. We publish it as an important ecclesial contribution to the national debate.

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At the conclusion of his 1987 pastoral visit to the United States of America, Pope John Paul II challenged us, as Americans, to live the noble precepts of our Constitution completely by respecting the rights and dignity of every human being: “For this reason, America, your deepest identity and truest character as a nation is revealed in the position you take toward the human person. The ultimate test of your greatness is the way you treat every human being, but especially the weakest and most defenseless ones.”

Today, throughout the world, we have witnessed a breakthrough of human freedom based on conviction about the rights and dignity of all men and women. In Russia, Eastern Europe, the Baltic States, South Africa, and many other places the cry for freedom and human rights has resulted in dramatic changes in governments and policies. Likewise in our own nation we have witnessed a growing sensitivity regarding human dignity. [In 1989] the Supreme Court handed down a ruling significantly restoring the authority of public officials to protect the lives of unborn children by restricting the legality of abortion. In response to this decision, many state legislatures have considered legislation affording a greater protection of the rights of the unborn. Our responsibility as citizens and as people of faith is to support these efforts to secure justice for the weakest and most vulnerable members of the human family.

Each citizen, including the Catholic citizen, has both the right and the duty to vote according to conscience. This reflection has no intention of disregarding these rights and duties. It does not favor any political party or any individual candidate for office. It does intend, however, to present objective moral considerations which must guide Catholics of sound and well-formed conscience in making responsible political choices.

Before the Supreme Court legalized abortion throughout the United States, few Catholic politicians favored legal abortion, and few Catholic voters were willing to support office seekers who did not uphold the fundamental right to life of unborn children. It was virtually unheard of for a priest, religious, or Catholic theologian to express support for legal abortion.

Today the situation has changed. Under the strains and tensions of contemporary politics, some politicians who consider themselves good Catholics endorse the view that abortion ought to be legal and even funded by the government. Some appear to have adopted this position out of political expediency. Others seem to have lost sight of the basic dignity of human life at every stage and in all conditions.

Some Catholic voters also appear to falter in their duties in justice and charity to the unborn. Some who maintain a pro-life view neglect to act on their commitment as they exercise their responsibilities as citizens. Certain Catholic theologians, some priests and religious publicly endorse the view that the right to life of unborn children lacks sufficient importance to warrant protection by public law.

In these circumstances, the Church’s constant and certain teaching on the dignity of human life must be clearly restated and steadfastly reaffirmed. Let there be no doubt that supporting legal abortion is radically inconsistent with the Catholic faith. Any citizen or public official who helps to make abortion more widely available, or any priest, religious, or theologian who teaches that it ought to be made available, commits a grave injustice against the most vulnerable members of the human family. Those who openly commit

such injustices while purporting to share the Catholic faith scandalize the faithful and undermine the teaching of the Church. By their own actions they seriously weaken their own relationship with the Church, the body of Christ.

All of us are entitled to make legitimate choices concerning matters affecting our lives, but none of us is entitled to choose that an innocent, helpless human being be put to death. There is, and can be, no such thing as an authentic “pro-choice” Catholic.

It is sad irony that many contemporary cultures that have achieved previously unknown levels of material wealth and comfort now risk squandering the moral and spiritual treasures that are their true patrimony. No society which permits the unjust destruction of human life—born or unborn—can be truly rich. As Mother Teresa reminded us, such a society is suffering a moral and spiritual poverty whose ravages exceed any measure of material want. At this moment, then, it is fitting that the Catholic Church should call on her own faithful and all people of good will to remember their heritage of respect for innocent human life.

Our concern for human life is far-ranging. Our consistent attention and best efforts must be focused not only on protecting life, but also on addressing the issues of poverty, the family in crisis, racism, militarism, and on correcting an economic and political system skewed to serve power rather than the common good of the human family.

## Historic teaching

As Pope John Paul II declared during his first visit to the United States, “In our ministry at the service of life, we are called to testify to the fullness of the truth we hold, so that we may all know the stand of the Catholic Church on the utter inviolability of human life from the moment of conception.”

The practice of abortion has been condemned by Christian teaching since the earliest days of the Church. Over the centuries, the magisterium has never deviated from its clear and firm teaching that the direct killing of innocent human beings, whether born or unborn, is always gravely wrong. Belief in the inviolability of all innocent human life is thus integral to Catholic faith. No faithful Catholic may form his or her conscience according to any norm authorizing the taking of innocent life, whether by abortion or any other act, on the grounds that the life in question is too young, too old, useless, insignificant, unwanted, or otherwise unworthy of protection.

The Church’s condemnation of abortion predates by centuries developments in the sciences of embryology and genetics which place the humanity of the unborn child beyond question. These sciences confirm that what begins at conception is a unique human being.

Its status as human is a biological fact. While dependent on its mother, it is genetically distinct. Its human rights are undiminished by its small size, early stage of development, or condition of dependency. The unborn human being shares with every member of the human family a basic right to life.

The Second Vatican Council called abortion an “abominable crime” and said that “life must be protected with utmost care from the moment of conception” (see *Gaudium et Spes*, 51). Under canon law, any Catholic who formally participates in an effective abortion, knowing that there are special ecclesiastical sanctions attached, is automatically excommunicated. The teaching that abortion is gravely immoral and, where done with sufficient awareness and freedom of the will, mortally sinful, is certain. Dissent from this teaching is theologically illegitimate.

## Public law and the unborn

Public law wisely does not attempt to forbid every immoral act or require that citizens fulfill every one of their moral obligations. There are, however, certain evil acts which the law of any just society must forbid.

One of the central purposes of public authority is to prevent injustices. Gravely unjust acts, especially acts of unjust killing, cannot be legally tolerated. Nor can public law permit the unjust killing of a whole class of human beings while protecting the lives of others.

Catholics and everyone committed to justice in society must seek a just system of laws. We must address ourselves to the public debate with determination and conviction. It is also important that we attend to the tone of the public discourse. We must be mindful of the dignity that Our Lord Jesus displayed in even the most difficult situations. We will do well to recall His constant respect for other people, even those who unjustly sought His death. The Lord calls us to act, surely, but to do so following His example.

Respect for another's conscience should never require abandoning your own. Conscientious opposition to abortion may not be sacrificed to the mistaken consciences of those who would unjustly take the life of an unborn baby.

Opposition to abortion is not a sectarian position. Many Eastern Orthodox and Protestant Christians, Mormons, Jews, members of other religions and of no faith join Catholics in condemning abortion. Catholics who seek basic legal protection for the rights of unborn children are not trying to impose Catholic doctrine on those who do not share their faith. That a new human life comes into existence at conception is a scientific fact, not a theological opinion. That law should protect the lives of the innocent is a fundamental principle for the just ordering of society, not a religious dogma.

While it is true that divine revelation deepens our understanding of the dignity of human life, natural reason can and should acknowledge that all human beings have the right not to be killed unjustly. Justice requires that laws against killing be broad and even-handed, protecting the weak as well as the strong, the poor as well as the rich, the disparaged as well as the favored. Indeed, justice demands that public law have special concern for the more vulnerable members of the human family.

Some advocates of legal abortion say that legislation to protect the unborn is illegitimate in a society that lacks consensus about the morality of abortion. However, the fact that some do not admit the injustice of abortion makes it no less unjust. Slavery was always unjust, even in societies which approved it. "Lack of consensus" excuses no one who recognizes the injustice of abortion from advocating and working for justice on this issue.

## **Our moral responsibilities**

The erosion of respect for the sanctity of human life in contemporary Western societies, including the United States, is a moral tragedy. This erosion is evident in many aspects of contemporary social life, and nowhere more than in the failure of public law to protect the lives of unborn children.

Over the past 17 years, millions of unborn children have been killed by abortions. Many of these killings have been paid for by state governments which provide abortions for indigent women. Thus, not only has government failed in its duty to protect the unborn against unjust aggression, it has often been a cooperator in the evil of abortion.

As voters, Catholics are under an obligation to avoid implicating themselves in abortion. There can be no assurance that voters will invariably have a qualified pro-life candidate to choose. In such a case abstention is a permissible political response. There are certain limited circumstances (as in an election between two pro-abortion candidates, one of whom is more extreme than the other) in which it is possible for a Catholic legitimately to vote for a pro-abortion candidate. However, a Catholic may never count an office-seeker's advocacy of legal abortion or public funding of abortion as a reason to favor that person's candidacy. Indeed, it is wrong not to count such advocacy as a very weighty reason against the candidacy. A Catholic may support the candidacy of someone who would permit unjust killing only where the other real choices are candidates who would permit even more unjust killing.

In reminding Catholic citizens of their obligations to respect the rights of the unborn, the Church does not endorse a policy of “single issue” politics. Issues do not hold office; people do. Candidates for public office are judged above all by their commitments to justice and to the common good. The willingness of an office seeker to permit, and even to fund, the unjust killing of the unborn reveals a shocking lack of commitment to the rights of the weakest and most vulnerable members of our society.

A public official who would deny unborn children the protection of laws enjoyed by other citizens is guilty of grave injustice. Ordinarily it is morally illicit to help such a person achieve an office in which he or she will be in a position to do such an injustice. Those who assist such candidates because of their position on abortion are guilty of complicity in the abortions their election would make possible. Let all Catholics be mindful of the recent unanimous declaration of the National Conference of Catholic Bishops: “No Catholic can responsibly take a pro-choice stand when the choice in question involves the taking of innocent human life.”

The primary, general responsibilities of those in public authority are to do no injustices and, within the limits of their authority, to work for justice. Catholics who hold public office cannot legitimately support legislation or any public policy which deprives unborn children of their basic right to life. The Church is aware of, and sensitive to, the fact that not all public officials have the same capacity to defend the rights of the unborn, the poor, and the oppressed. A member of the judiciary ordinarily does not have the same capacity to initiate change that a member of the legislature has. A member of the executive branch also ordinarily has limited opportunities in this regard, due to the nature of the office. There are also differences between those involved at local, state, and federal levels.

While acknowledging the difficulties and limitations inherent in each level and branch of government, the Church urges public officials to be aware that they cannot hold themselves excused from their duties as disciples of the Lord. They must be able to stand before the Lord with a clear conscience and say they defended the rights of all human beings, at every stage of existence, to the best of their ability. They must never take refuge in the specious argument that they must enforce the law, whatever it may be. Persons of good conscience must refrain from seeking office if the price of holding office is the enforcement of evil laws which allow the killing of the innocent.

Public officials of all faiths and none should remember the harsh judgments that future generations level against those once in public office. One need only recall history’s judgments on those politicians and judges who made or enforced the segregation laws in our own country for so many years. Let them also recall the judgment of nations on officials who attempted to take refuge behind unjust laws during the last world war. No one accepted the excuse then; no one should expect future generations to accept it.

Formal complicity in any legislation or public policy promoting abortion is gravely wrong. Under certain limited circumstances, a Catholic legislator may vote for legislation which does not fully protect the rights of the unborn if the alternative is legislation which even more seriously jeopardizes those rights. Thus, a conscientious Catholic legislator might vote for a measure that would protect some unborn children but not all of them. Support for such legislation is permissible, however, only if the legislator decides there is at that time no reasonable hope of enacting legislation which would protect equally all unborn children; a legislator in this position should make it clear that the legislation for which he or she is willing to vote is not adequate, and should work to make possible the eventual enactment of more just legislation.

The Church has always understood temporal affairs as the special responsibility of the lay faithful. Indeed, the vocation of the laity is to sanctify the world. This sanctification requires, above all, the promotion and protection of human dignity; thus the defense of human rights is an essential part of the lay vocation. As Pope John Paul II forcefully taught: “The common outcry which is justly made on behalf of human

rights is false and illusory if the right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination.”

Pope John Paul II also observed that the laity are themselves sanctified in their professional and social endeavors. Thus, he says, “To respond to their vocation, the lay faithful must see their daily activities as an occasion to join themselves to God, fulfill His will, serve other people, and lead them to communion with God in Christ.” Religious faith, and the commitment to human rights and dignity it inspires, must animate a person’s whole life in the world. Catholic teaching rejects a notion of faith imprisoned in the private sphere of devotional practice. It calls instead for a “unity of life,” whereby faith expresses itself in action which offers up to God a world sanctified by respect for the dignity of all humanity.

Although the duty to affect the legal protection of the rights of unborn children falls primarily on the lay faithful, priests and religious, especially those who are theologians, have a special responsibility to foster the Church’s teachings on the sanctity of human life. Theology has been aptly described as “faith seeking understanding.” Theologians must help the faithful understand the profound truths that all human life is sacred and that every human being is a child of God. It is a particularly grave scandal when a priest, religious, or theologian publicly supports the legal right to abortion.

Moralists distinguish between “formal” and “material” cooperation in wrongdoing. This distinction is highly relevant to the obligations of citizens who must choose between pro-abortion candidates, and legislators who must choose between legislative proposals which do not fully protect the rights of the unborn.

A person formally cooperates in another’s wrongful act when he participates in the immoral act in such a way that it becomes his own. In the case of abortion, a person formally cooperates when he performs abortions, or acts to encourage, counsel, facilitate, or make abortions available. A person is formally complicit in the injustice of abortion when he votes for a candidate even partially on the basis of pro-abortion positions. The same is true when a legislator votes for legislation even partially for the purpose of making abortion available.

A person who supports legal abortion cannot avoid formal complicity by maintaining that he or she wills not abortion as such but only the freedom of others to choose abortion. Anyone who supports legal abortion seeks to remove from one class of human beings a basic protection afforded to others. By helping to make abortion available, a person becomes formally complicit in its basic injustice, whether or not he or she would actively encourage anyone else to have an abortion. From the ethical point of view, there is no distinction between being “pro-choice” and being “pro-abortion.”

A person materially cooperates in another’s wrongdoing when his acts help to make that wrongdoing possible, although he does not intend that wrongdoing. Material cooperation in abortion takes place when a person does not will that an abortion happen, or that the unborn be left unprotected from abortion, but where his actions—although motivated by another purpose—nevertheless help to make an abortion possible.

All formal cooperation in abortion is gravely immoral. So is most material cooperation in abortion. However, there may be limited circumstances under which certain forms of material cooperation are permissible. For example, a hospital worker responsible for cleaning and maintaining an operating room where abortions are sometimes performed may carry out his or her tasks without being implicated in the immoral act. The worker may oppose abortion and intend only to facilitate the morally upright, indeed laudable, surgical procedures performed there. He or she merely accepts as an unintended albeit foreseen consequence that the well-maintained facility will enable physicians to perform abortions. Another acceptable form of material cooperation is that of the citizen who votes for a pro-abortion candidate with the intention of helping to prevent the election of someone whose pro-abortion position is even more extreme. The same is true

for the legislator who votes for legislation permitting some abortions in order to prevent the enactment of legislation permitting even more.

Most material cooperation in abortion is grossly unfair. Only in very limited circumstances will material cooperation be consistent with Christ's command that we do unto others as we would have others do unto us. Even in such circumstances we must take care not to slip into wrongful material or formal complicity in abortion. If our employment or office becomes a serious occasion of sin, our chief responsibility is to find new employment or a different office.

## **Conscience and dissent**

The political debate about abortion has produced much muddled thinking about the possibilities of conscientious dissent from the Church's teaching on the dignity of all human life. It is all too common for Catholic politicians to say they are "personally opposed" to abortion but will nevertheless vote to permit it, and even fund it, out of respect for the consciences of those who hold different views. This "respect" for another's conscience should never require abandoning their own. Conscientious opposition to abortion, rooted in an understanding of the sanctity of human life, may not be sacrificed to the mistaken consciences of those who would unjustly take the life of an unborn baby.

The fallacy of this kind of "personal" opposition should be apparent to anyone who considers the reasons for opposing abortion. A person who acts to permit the unjust killing of the unborn is ordinarily formally complicit in it. Even where such a person's complicity is material, it is usually unfair material complicity. The Golden Rule forbids such complicity: no officeholder would support legislation protecting everyone else's life, but permitting his or her own life to be taken at the will of another. Any politician who wills that the unborn be excluded from the protection of the law therefore commits a grave injustice. No one willing to commit such injustices should be entrusted with public authority.

Some say that Catholics who conscientiously disagree with the Church's teaching on the sanctity of life may, in good conscience, support legal abortion or abortion funding. This position misunderstands the nature of conscience and the role of "authoritative teaching" in Christian life. Although we must all follow our consciences, the task of conscience is not to create moral truth but to perceive it. It is quite possible for an individual to perceive the moral reality of a particular situation erroneously. Such a person may be sincere, but he or she is sincerely wrong.

The Church's moral teaching provides specific norms for the formation of the Christian conscience. Many of these arise from and express requirements of human nature itself. That is the case with the norm against direct abortion. The specific norms taught by the Church in this area are not mere optional proposals. They state what is necessary for Christian life. For a Catholic to refuse, knowingly and willingly, to form his or her conscience in accord with these authoritative norms is to withhold part of his or her heart, mind, and soul from union with Christ and His Church. Such people exclude themselves, in important respects, from Christian life and the Catholic community.

Catholics who publicly dissent from the Church's teaching on the right to life of all unborn children should recognize that they have freely chosen by their own actions to separate themselves from what the Catholic Church believes and teaches. They have also separated themselves in a significant way from the Catholic community. The Church cannot force such people to change their position, but she can and does ask them honestly to admit in the public forum that they are not in full union with the Church.

An authentic conscience is a person's best judgment in matters of moral choice. It is not a matter of "feeling." Nor can it degenerate into rationalizing behavior condemned by Christian teaching. Catholic faith acknowledges the authority of the Church's magisterium to propose norms of behavior for the faithful. Christ Himself through the gift of the Holy Spirit assures the absolute reliability of the teaching of the

bishops in communion with the Pope, when—as in the case of abortion—three conditions have been met: the teaching concerns a matter of faith or morals, the bishops of the whole world have held the same thing on the matter, and they have taught it as a truth which the faithful must accept unconditionally as certain (see *Lumen Gentium*, 25). A faithful Catholic will therefore form his or her conscience in accord with any such teaching of the Church. Does the Church demand of the faithful blind obedience? Not at all. In forming conscience in accord with the magisterium, faithful Catholics act on their conscientious belief that Christ commissioned the apostles and their successors to “go forth and teach all nations.”

Catholic faith does not recognize a “right” to dissent from teachings that have been proposed authoritatively by the Church and are integral to Christian life. A person who practices such dissent, even in the mistaken belief that it is permissible, may remain a Catholic in some sense, but has abandoned the full Catholic faith. For such a person to express “communion” with Christ and His Church by the reception of the sacrament of the Eucharist is objectively dishonest.

### **The Church’s response**

Abortion is a great evil, but the Church has never regarded it as an isolated problem. As an assault on human life at its most vulnerable stage, abortion expresses, and itself engenders, a wider collapse of public morality. A culture in which personal pleasure or personal comfort are exalted, pornography is pervasive, promiscuity presumed, and marital infidelity commonly practiced, is not one likely to cherish unborn life. In order to help end the evil of abortion, the Church must therefore address those social conditions and moral dispositions which make it appear to some as if it were a legitimate, even attractive, option.

The task is twofold. In the first instance, the Church must devote herself with renewed purpose to the promotion of family values. The family reveals to us something of God’s purpose for mankind. In the family, we first meet Christ. In the family, we see human lives at their beginning and at their end. In the family, we see a pattern of protection and love. This pattern is intended by God, who has given us the Holy Family as a model. The Church must uphold her historic teaching that marriage is a commitment for life, that parenthood is a vocation which demands unique sacrifices, and that both marriage and parenthood bring many graces, joys, and blessings.

The Church also has practical responsibilities. It should cooperate with other institutions and agencies in helping women whose circumstances drive them to contemplate the destruction of their unborn children. It should remind the community of its responsibilities to all, particularly the poor, and especially poor women and children. A properly pro-life attitude treats poverty, ignorance, and disease as offenses to human dignity. The pro-life ethic is truly a “seamless garment” of concern for human life in all its stages.

Today women are often tempted to request or submit to abortions because they find themselves in difficult—indeed in some cases desperate—circumstances. All too often, pregnant women are abandoned by the fathers of their children. Often they lack supportive families and other important human and material resources. People of good will, rightly sympathetic to the plight of these women, are sometimes misled into thinking they would be well served by policies allowing them to do away with their “unwanted” offspring. However, it is a misguided compassion which views killing as a solution to these difficulties. Public and private efforts should be made to help pregnant women facing such circumstances. In particular, organizations such as Birthright deserve strong encouragement. Women should be presented with the range of other possibilities besides abortion, including the possibility of adoption, and supported in their efforts to secure a decent and dignified life for themselves and their children.

## **Papal message**

In concluding his last pastoral visit to our country, Pope John Paul II recalled both the bounty of America and the nobility of our national ideals. Every American Catholic should consider prayerfully his prophetic words to us:

The best traditions of your land presume respect for those who cannot defend themselves. If you want equal justice for all and true freedom and lasting peace, then, America, defend life! All the great causes that are yours today will have meaning only to the extent that you guarantee the right to life and protect the human person.

Feeding the poor and welcoming refugees; reinforcing the social fabric of this nation; promoting the true advancement of women; securing the rights of minorities; pursuing disarmament, while guaranteeing legitimate defense; all this will succeed only if respect for life and its protection by the law is granted to every human being from conception until natural death.

Every human person—no matter how vulnerable or helpless, no matter how young or how old, no matter how healthy, handicapped, or sick, no matter how useful or productive for society—is a being of inestimable worth created in the image and likeness of God. This is the dignity of America, the reason she exists, the condition for her survival—yes, the ultimate test of her greatness—to respect every human person, especially the weakest and most defenseless ones, those as yet unborn.

Ultimately, God will not judge our nation on its economic prosperity, military strength, or international influence and prestige, but on how well it promotes and protects the dignity of every human being. May the Judge of nations not find us wanting.