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CATHOLICS AND ABORTION: AUTHORITY VS. DISSENT

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On October 7, 1984, a paid advertisement appeared in the *New York Times* under the sponsorship of a group called Catholics for a Free Choice. The ad contended that there is more than one legitimate—i.e., theologically and ethically defensible—viewpoint on abortion within the Roman Catholic tradition. It called for a dialogue on abortion among Catholics—a dialogue that would acknowledge this situation of pluralism, not only in regard to practice (Catholics have about the same proportion of abortions as Protestants in the United States), but in regard to the ethical state of the question. The ad explicitly asked for the cessation of institutional sanctions against those with dissenting positions on abortion. “Catholics—especially priests, religious, theologians and legislators, who publicly dissent from hierarchical statements and explore areas of moral and legal freedom on the abortion question—should not be penalized by their religious superiors, church employers or bishops.”

The ad was published in the specific context of the presidential campaign, in which a Catholic candidate for vice-president, Geraldine Ferraro, was being characterized by Cardinal John O’Connor of New York as a politician for whom Catholics could not vote because of her mildly prochoice position on abortion. Thus, while the ad’s basic ideas had been circulating among Catholic theologians and ethicists for more than a year, those ideas were made public in this particular manner in order to defend Catholic legislators’ right of public dissent on abortion.

In the months following the ad’s appearance, however, its admonition that dissenters should not be penalized has not been heeded. Threats and penalties have rained thick and fast upon priests, religious and theologians from religious superiors, church employers and bishops. But the chief initiative in this repression has come from a source beyond that envisioned by the writers of the ad—namely, the Vatican.

In early December 1984 there arrived in the mailboxes of the religious superiors or bishops of the four priests and brothers and most of the 24 nuns who signed the statement a letter from Cardinal Jean Jerome Hamer, O.P., head of the Vatican’s Sacred Congregation for Religious and Secular Institutes. Dated November 30, 1984, this letter stated that the position taken in the *New York Times* advertisement was “in contradiction to the teachings of the Church” and that the ad’s signers were “seriously lacking in religious submission to the mind of the Magisterium.” Pointing out that the

revised code of canon law declares that anyone who procures an abortion incurs automatic excommunication the letter then directed the superiors of each of the nuns, brothers and priests to demand that the signer under their supervision make a public retraction. Any signer who declined to make such a retraction was to be warned by the superior with an explicit threat of dismissal from his or her religious community.

The two priests and the two brothers quickly made *pro forma* statements of retraction and got the Vatican “off their case.” None of the nuns who signed was willing to do so since, for them, such a retraction represented a serious violation of their moral conscience. It would also have violated the basic principles of their relationship with their religious orders, which in their view are not simply a part of a military-type hierarchy that could be ordered about from the “top.” Since most of the women superiors of the 13 religious orders involved were not prepared to deal with this issue, an organizational meeting was quickly set up to allow the nun-signers, their lay fellow-signers and the religious superiors to sort out the issues together and create a collective strategy.

For a while, in the early months of 1985, it appeared that the collective strategy the women devised had thrown the Vatican off course. Vatican officials had assumed that each woman would be forced to conform or would be dismissed individually. When the nun-signers, through their religious superiors, indicated that they would not retract the *New York Times*

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statement nor would the superiors threaten them with dismissal, the Sacred Congregation appeared to back off; it asked only that the nuns affirm their support for the “teaching authority of the Church” —a statement that might be construed in several ways. But by March it was made clear that this request meant that the 24 should affirm the church’s teaching authority on abortion—i.e., the monolithic nature of the present official position. To date, none of the nuns has either fully complied with this request or been dismissed from her order. But the Vatican clearly is not pleased with this insubordination, and new efforts to gain compliance or dismissal will doubtless be forthcoming.

By January of 1985 it was evident that reprisals against the lay signers were beginning as well—particularly against Daniel Maguire, professor of ethics at Marquette University, the male signer generally regarded as holding something close to official status as a Catholic theologian. Although Marquette itself refused to bow to pressure from Catholic conservatives to censure or fire Dr. Maguire, he began to receive

cancellations of longstanding teaching and speaking engagements from other Catholic colleges. St. Martin's College in Lacey, Washington; St. Scholastica in Duluth, Minnesota; Villanova University in Pennsylvania and, finally, Boston College canceled speaking or teaching contracts. Maguire had clearly become persona non grata on the Catholic lecture circuit. The exact source of these reprisals is unclear, but apparently they were not the result of direct orders from bishops or the Vatican; rather, they came from college presidents engaging in self-censure out of fear of picketers from the "prolife" movement.

THIS REPRESSION of academic freedom at Catholic universities was taken seriously enough by the American Association of University Professors for it to agree to intervene in the case. The association has asked all four universities to reinvite Dr. Maguire, citing AAUP guidelines on academic freedom. At least one ad signer, well known Catholic novelist Mary Gordon (*The Company of Women* and *Final Payments*), has declined an invitation to speak at Boston College until it complies with the AAUP request.

In addition to the reprisals against Maguire, four lay female academics at Catholic universities have been asked by their bishop to meet with him or his representative to discuss "doctrinal matters." In each case it was stated that the request originated with the Vatican. The Thomas More Society in San Diego had scheduled a speech by Jane Via, one of these academics, but later canceled—by order, she was told, of the bishop of San Diego, acting in response to instructions from Rome to silence her. Via was also told that she would not be able to speak at any public Catholic forum in the diocese until she retracted the statement.

Kathleen O'Connor, a lay-signer and professor at the Maryknoll School of Theology, was asked to speak with the college's president in response to a request from New York's Cardinal O'Connor. In clarifying her position, Dr. O'Connor stated that although she personally condemns abortion, she believes that greater harm would result from its legal prohibition. So far this clarification appears to have satisfied the president and the cardinal. Mary Buckley, a tenured professor of theology at St. John's University, was asked to meet with Bishop Francis J. Mugavero of Brooklyn, along with the president of the university and the chair of the theology department. She declined to do so unless she could have a legal counsel present, and the meeting was postponed until fall. A fourth female academic, who prefers to remain anonymous also was told to meet with her bishop. She refused to do so unless the meeting's agenda was disclosed. To date, no further action has been taken against her by the bishop or the university.

Several other scholars have received notices canceling jobs or speaking engagements under suspicious circumstances in which the signing of the *New York Times* ad was not specifically cited as the cause. But many signers, such as Elisabeth Schüssler Fiorenze, have simply experienced the "drying up" of speaking engagements from Catholic sources. Since the situation has moved quickly from one marked by

cancellations to one in which no initial invitations are extended, it becomes difficult to trace the trail of reprisals against the signers.

These incidents have led the signers and their supporters to redirect their attention from the question of pluralism on abortion to the right of dissent itself. A network calling itself the Committee of Concerned Catholics is gathering signatures for a new ad which will appear in the *New York Times* sometime in October to mark the one-year anniversary of the previous ad. The new ad will repeat the first one's statement on pluralism in regard to abortion, adding to it a statement of solidarity with the original signers and a defense of the right to dissent. The statement of solidarity reads:

Such reprisals consciously or unconsciously have a chilling effect on the right to responsible dissent within the church; on academic freedom in Catholic colleges and Universities; and on the right to free speech and participation in the U.S. political process.

Such reprisals cannot be condoned or tolerated in church or society.

We believe that Catholics who, in good conscience, take positions on the difficult questions of legal abortion and other controversial issues that differ from the official hierarchical positions, act within their rights and responsibilities as Catholics and citizens.

We, as Roman Catholics, affirm our solidarity with those who signed the Statement and agree to stand with all who face reprisals. We shall become the dismissed, the disinvented and the unwelcome. "The ties which unite the faithful are stronger than those which separate them. Let there be unity in what is necessary, freedom in what is doubtful and charity in everything." (*Declaration on the Church in the Modern World, Vatican II # 92*).

The solidarity statement thus takes its text from the defense of religious freedom affirmed at the Second Vatican Council. By seeking additional signers for such a statement, the "concerned Catholics" wish both to widen the support and to diffuse the targets of the Vatican and the bishops. To most Catholics it is less acceptable to censure those who defend the right to dissent than it is to censure those who appear to reject the official position on abortion. American Catholics are Americans culturally, and for them religious and academic freedom is part of the nation's constitutional tradition. With a large increase in the number of dissenters—including, doubtless, many nuns—it becomes harder for the Vatican to take action against them in a consistent fashion.

THERE ARE RUMORS however, that the upcoming synod in Rome in November will be the staging ground for a broad reassertion of centralized ecclesiastical power. The synod is viewed by many as having been called by the pope in order to rescind Vatican II, while ostensibly "affirming and clarifying" its principles. Dissent on

reproductive rights will be only one of many targets in the reassertion of conservative authority. Respected Catholic journalist Peter Hebblethwaite, who regularly reports on Vatican affairs for several major magazines in both the United States and Great Britain, wrote in the August 16 issue of the *National Catholic Reporter* (p.27) that the pope intends to declare the ban on artificial contraception, which was reaffirmed by Paul VI in 1968, to be “infallible.”

Such a declaration would certainly “up the ante” on dissent; it would also make clear that the official catholic rejection of abortion continues to be based on a rationale that rejects artificial contraception as well. Since the most effective way to avoid abortion would be to promote contraception, this double ban indicates that the real battle is not over the lives of fetuses or their mothers, but over the rights of women to be moral agents in the reproductive capacities of their own bodies. The ban on contraception means that the Catholic Church is willing, in practice, to see fetuses and their mothers die for the sake of the principle that women should submit to “nature” and “God” in matters of reproduction.

A declaration that the ban on artificial contraception is “infallible” was specifically ruled out by Paul VI when he issued *Humanae Vitae*. Paul VI, it should be remembered, reasserted the ban after the Papal Commission on Birth Control had arrived at a majority position upholding the moral acceptability of artificial birth control. Thus Paul VI was aware that the ban not only did not reflect the “sense of the faithful,” but also did not reflect the view of the majority of his own experts.

Catholics have not grown any more docile concerning the reasserted ban on contraception in the years since 1968. Rather, it is generally recognized that this particular law is disregarded by the vast majority of Catholics who continue to practice their faith. An effort to declare the ban on contraception “infallible” would have the immediate effect of focusing Catholic dissent on the doctrine of infallibility itself. Such an effect of the birth control ban was anticipated by Hans Küng in his book *Infallible? An Inquiry* (original German edition, 1970), written after the publication of *Humanae Vitae*. For Küng the pope’s declaration that the ban on contraception was still binding, in opposition to the majority vote of his own birth control commission, indicated that infallibility itself was the major block to church reform. In effect, the Catholic Church could not officially admit that any teaching asserted for some period of time in the past was wrong, or in need of change, as long as it could not admit that it could err.

Hans Küng suffered the loss of his official status as a Roman Catholic theologian (*missio canonica*) as a consequence of having raised the issue of infallibility in his 1970 book. Most Catholic theologians declined to join him in his challenge to the doctrine of infallibility, deciding that it was better to ignore infallibility than to confront it head on. But any effort to declare “infallible” a teaching rejected by the majority of both practicing Catholics and Catholic ethicists—such as the ban on birth control—would make a confrontation inevitable.

IT SEEMS LIKELY that the Vatican conservatives and Pope John Paul II himself are seriously out of touch with the mood of the global church on the birth-control issue, as well as on the wider question of the credibility of official church teaching authority. They do not seem to understand that a storm of dissent, and even ridicule, directed at infallibility itself would ensue from such a declaration. They seem to imagine that they face problems with a noisy handful of “insubordinates” who can be put down by methods used in earlier generations, while the “majority of the faithful” submissively look upward to the “Holy Father” for signals as to what to think and do.

Above all, John Paul II and his associates, such as Cardinal Hamer of SCRIS and Cardinal Ratzinger of the Congregation for the Doctrine of the Faith (formerly the Inquisition), seek to reassert centralized, unilateral authority, which they regard as essential to any order or authority in the church. They reject, in principle, the possibility of a pluralistic church in which the right to dissent on important matters of ethics or doctrine is respected. For them “truth” is single, unitary and definable. There is one teaching authority, the pope, who both originates and finalizes such “truth,” without having to listen to or be corrected by other sources of insight such as the *sensus fidei* (the actual beliefs and practices of the people) and the scholarly reflections of biblical exegetes and theologians.

Church councils also are seen as rubber stamps for papal policy, not as autonomous sources of teaching authority that gather up the wisdom of the global church. Thus papal absolutism contradicts much in the historical Catholic tradition that defends these more pluralistic sources of truth that engage in dialogue and make official definitions only when a broad consensus has been established on a particular issue. The Second Vatican Council, simply by being a church council, represented a reassertion of this more pluralistic approach to teaching authority, over against the papal absolutism of Vatican I. Thus, if the Vatican conservatives intend to rescind Vatican II at the November synod, they will be endeavoring to bury the conciliar tradition itself once again, as an alternative source of teaching authority which can check and balance papal power.

It is almost certain, however, that the “toothpaste cannot be put back into the tube,” as one nun expressed the question of getting American nuns back into habits. The same slogan can apply to the efforts of getting Catholics in America, and throughout the world, back into the habit of unquestioning obedience to authority, once they have gotten used to thinking that they too are the church. Ironically, the effort to make “truth” unitary and absolute, as a way of strengthening acquiescence to church teaching authority, has exactly the opposite effect. It means that the credibility of all church teaching is made to stand or fall as a whole. If the church can be wrong on birth control, it can be wrong on anything. If uncertainty exists about something which the church has taught with its full authority, then anything it teaches with its full authority may be wrong.

Catholics are thrown willy-nilly into deciding for themselves which parts of the Christian tradition are meaningful and which are not, with little guidance from bishops,

priests or theologians. Thus Vatican absolutism promotes the very chaos which it most fears. There is no way back to the absolutism of the past. There is only a painful way forward to a church in which people try to listen to and respect differing opinions and to work, through a combination of experience and tradition, to develop teachings that have authority because they are credible to most Christians.
