

# Clericalization and Impotence Of the Pro Life Movement

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ABSTRACT: The essay explains and develops the notion of the clericalization of the pro-life movement as a substitution of the specific task of changing hearts and minds with regard to abortions for the distinct task of defending and saving the lives of the innocent unborn. The first part of the essay grounds and develops the distinction between two moments of abortion, one the inner state of the agent of abortion from the perspective of morality, the other the injustice toward the victim. Each respective moment represents a distinct goal; and each goal requires its own specific methods for its realization. Changing hearts and minds of the moral agents requires a method of dialogue, persuasion, education; defending the innocent victim against unjust aggression requires the use of power and force. The second part of the essay analyzes some of the confusions that have led to the substitution of dialogue for action and the consequences of this substitution.

## PART I: THE NATURE AND THE CAUSES OF THE CLERICALIZATION

### *1. The "Clericalization" of the Pro-Life Movement*

The recent spectacle of a political candidate for the office of President who claimed to be a Catholic and yet 100% "pro-choice" brings home once again a weakness that has bedeviled the pro-life movement ever since *Roe v. Wade*. The pro-lifers are caught between a rock and a hard place. On the one hand, they are counting on politicians in elected office to do something about abortion; on the other hand, they are counting on local bishops to do something about politicians who are personally opposed to abortion but support its legislative protection.

My thesis is that the impotence of the pro-life movement can be in major part ascribed to its clericalization. The weakness and resulting frustration are apparent, despite the claims to progress here and there.

This clericalization is less apparent. But, for all that, it is real and pervasive.

This clericalization can be best captured by the formula “changing hearts and minds.” The pro-life movement is clericalized to the extent that its *goal* or end is to change the hearts and minds of those seeking, procuring, proposing, and legislating abortion as a solution to human problems. I call it a clericalization simply because the primary task of the cleric is to work toward the conversion of sinners, that is, towards a change of hearts and minds. This is legitimate priestly work, but there is something amiss, however, when the aspect of changing hearts and minds *replaces* the task of staying the hand of the thief or murderer as a task for the layman in the civil order.

Perhaps one of the clearest examples of this was an interview in the *National Catholic Register* in November 1999. In response to a question about his first order of business in approaching abortion clinics, Msgr. Philip Reilly [founder of St. Joseph’s Helpers of God’s Precious Infants] is quoted as follows: “We go there for the conversion of the heart of the mother and the abortionist. In other words, our first order of business is not to save the physical life of the baby. You see, before the baby is physically aborted, it is spiritually aborted. So our purpose is to pray for the conversions of heart. You have to change the spirit of the mother and the doctor, and this change does come about through our fasting and our prayer.”

More recently, a Cardinal, observing Respect Life Sunday on October 6, 2002, wrote an excellent letter reminding us of the moral evil of the direct killing of the unborn and of the special moral obligation facing Catholic public officials. Yet, the letter was flawed. Its third paragraph began with the words, “Struggling with *where* and *how* to change the minds and hearts of our fellow citizens, we find direction from the bishops of our country [in the National Pastoral Plan for

Life]....”<sup>1</sup> Focused on the intention “to change minds and hearts,” the Cardinal never touched on the question, “What if hearts and minds are not changed and the abortions continue?”

There is nothing wrong with changing the hearts and minds of sinners, specifically, those seeking and providing abortions. This is called *conversion* in the Catholic tradition. And that is the primary task of the priests or clerics. To use Msgr. Reilly’s words, a priest’s “first order of business is not to save the physical life” of a victim of aggression. Or, in the Cardinal’s words, the priest’s task is to preach the truth, in season and out of season, and to do so with patience and love.

Clericalization begins only when the task of the priest, changing hearts and minds of sinners, becomes a *substitute* for the task of saving the physical life of the baby. This is the task of the layman, or the citizen, in the external or public order.

## 2. *The Methods of Changing Hearts and Minds*

Now, the changing of hearts and minds as a goal not only forbids the use of any kind of force or pressure as something *unjust*; it is also metaphysically *impossible* to change someone’s heart and mind by using force. In other words, the use of force or coercion is both unjust and ineffective. If hearts and minds are to be changed, it will only come by discussion, debate, dialogue, information, education, witness, and, of course, prayer and fasting. And, it is necessary to add, the discussion, debate, dialogue, information, and education must all be marked by a kind and loving patience that understands and tolerates both the problems that an individual may have and his personal dignity, which includes the

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<sup>1</sup> Adam Cardinal Maida, Respect Life Message to be read at all Masses, Oct. 5-6, 2002; <http://www.aodonline.org/NR/>.

capacity to make free decisions in response to the truth.

If we survey the pro-life movement as a whole—its rhetoric and its activities—we note precisely this substitution: the use of methods entirely appropriate for changing hearts and minds. They are substituted for the methods and activities that would be appropriate for saving the physical life of the baby. That is what I mean by the clericalization of the pro-life movement. It has a number of consequences. Before considering these in Part II of this essay, I will make some distinctions important for understanding the clericalization that I have in mind.

### *3. Two “moments” in every abortion: victim and agent*

In every direct killing of an unborn human being there are two moments, necessarily distinct but related. We have, first, the *victim* of an injustice and, second, the *agent* of the injustice. In the above mentioned letter, the Cardinal used the expression “always a moral evil” in speaking of a direct abortion. This is entirely accurate, but it does not bring to the fore the two critically distinct moments in an abortion. For there is such a thing as an act that is a moral evil without causing an injustice to another human being. Thus a secret and solitary act of masturbation, or a solitary binge of drunkenness on some isolated mountain top, or even a furtive fornication between “consenting adults”—all these are *immoral*. The individuals involved, in traditional Catholic language, incur the “stain of sin” and offend God. But strictly speaking, there is no injustice to another human individual. In other words, there is, in this sense, no victim.

The expression “moral evil” with regard to an abortion does not directly refer to the condition of the *victim* as victim of the abortion. He or she suffers the evil that is death, but in doing so, does not become morally evil or offend God. He or she is the victim *of an injustice*.

### *4. The two possible “ends” in the face of every potential abortion*

It follows that every potential abortion presents us with two distinct possible *ends*: first, one may intend to prevent or change the inner condition of immorality or sin of the agent; second, one may intend to defend the victim against the injustice, that is, one may want to prevent

the injustice. This means that two entirely different approaches or methods must be used in order to achieve the respective goals.

(a) If one wishes to prevent or change the immorality that already comes into existence with the decision and intention to abort, it is not enough to change the behavior. For example, a woman may refrain from going through with her decision to abort because we paid her a thousand dollars. The immorality has already occurred even though she did not act on the initial intention. There was no change of heart and mind, but only a change of behavior. The change of mind and heart, as the intended end, forbids the use of force and allows only for dialogue, discussion, teaching, witness, and of course prayer.

(b) If one intends to save the physical life of the child as one's goal, in the absence of a change of mind and heart, one may need to use force.

Therefore, depending on one's intention, there are two entirely different sets of actions and procedures. However, the above mentioned mind set of "clericalization" becomes apparent in the response that my reference to the use of force may elicit. The pro-life movement and its rhetoric show a systematic insistence on a "peaceful" and "non-violent" handling of the issue and an insistence on the methods appropriate for changing hearts and minds. Any suggestion of "force" elicits condemnation from both sides, from the pro-life as well as the pro-choice sides: the one side, by way of warning and repudiation; the other side by way of judgment that the pro-lifers are inherently violent because they wish to impose their opinions by means of coercive legislation.

##### *5. The Distinction between Motives and Goals*

The substitution of "changing of hearts and minds" for "saving babies" is masked or disguised (as the case may be) by a confusion of *motives and goals*. Specifically, one may confuse the motive of "*an end to abortion*" with the goal "*to stop abortions*."

The example of a drought can illustrate the distinction. Everybody hopes for an end to the drought, including cripples. These undertake to pray for an end to the drought. Some of those who are not cripples begin to drill wells and dig canals and seed clouds. They not only intend an end to the drought, they also undertake *to bring about the end*. Still

others who are not cripples, neither pray nor do anything to end the drought. In the first case of the cripples, the end of the drought is the *motive* but not the goal of the activity of praying. If anything, the goal is to recite a number of prayers, let us say, a novena or a rosary. One could also say that the end of the drought is the *reason* that explains their praying. In the second case of those who undertake drilling, or digging, or seeding clouds, the ending of the drought by securing water is the *goal* of the activity. It is something that the individuals performing the task intend *to accomplish through their efforts*. The significant thing here is that different individuals could share the same goal but have different motives. Thus, someone might have the goal of digging wells and canals, but his *motive* for doing so could be other than the end of the drought. He could work towards the goal for the sake of the salary paid for the work. Whether he is of the same mind and heart as those motivated by the ending of the drought is here not the issue.

In our context it should be clear that two pro-life individuals may share the *same motive* and yet have *different goals*. One individual may have the *goal* of presenting information and arguments to legislators in the hope (motive or reason) that they will change their hearts and minds and prohibit abortions legislatively. Another may have the goal of preventing access to a clinic by lying across its entrance. Both want *an end to abortions*. That is the reason or motive for their different goals. The first has the safety of the unborn as *motive* but the education of the abortionist and of the mother as *goal*. The safety of the unborn is *not the goal* of his activity. The second individual also has the safety of the unborn as his *motive*. At the same time, it is *also his goal* since he aims at it directly and intends to achieve it with his effective actions.

The similarity of motive may create unique difficulties. (a) On the one hand, it may lead individuals to assume that they are doing the same thing, although in fact they have different goals and are doing something different. Thus, one may claim that one is "saving babies" in working toward the goal of providing sidewalk counseling or educating educators and legislators. One pro-life group would show, in its promotional and fundraising literature, photos of the babies they had "saved." But when it came to "rescue" activity, that same group refrained and claimed that its mission was an educational one. (b) On the other hand, it may lead one

pro-life group to criticize another for not doing the “right” thing. One assumes that “saving babies” is the goal, where in fact it is the motive, and then goes on to criticize what in fact are legitimate steps to a legitimate but different goal. Thus, those who have the goal of educating politicians and legislators are criticized for not doing enough to save babies, or simply because their efforts do not save babies at all.

#### 6. *The Distinction between “Direct” and “Indirect” Action*

There is nothing wrong in having the “end of all abortions” as a *motive* and at the same time choosing different *goals*. What I called the clericalization of the pro-life movement, I repeat, occurs when one legitimate goal, the *change of hearts and minds*, is substituted for another different but also legitimate goal, namely, securing justice for the intended victims of abortion by *stopping the abortions*. When this happens, the legitimate goal of stopping abortions through direct action becomes in fact excluded. *Justice* may still be mentioned, but it recedes into the background. It may even cease to be the operative principle in one’s actions. As we saw above, it may still be motivated by a desire to bring about an “end to abortions,” but it will no longer have the *goal of stopping abortions* through one’s efforts. One reason for this is a confusion between direct and indirect action.

#### 7. *Direct Action Brings About the “Goal” as its Effect*

The Rescue movement seems to have been marginalized within the pro-life movement as a whole. It has “direct action” as one of its principles. In terms of the preceding, the *stopping* of abortions through one’s efforts and actions is *its goal*. Objectively, the goal of Rescue’s direct action is the just defense of the innocent victims, although sometimes the rhetoric actually used, such as “stopping mortal sin in America” or “just watch me impose my opinions on others,” seems to indicate action directed toward a change of “heart and mind” in the agents of abortion. Again, despite the rhetoric used, the direct action of “Rescue” is intended to be an *effective* action stopping abortion. It includes a just use of force, but it is not “peaceful.” It does not initiate but simply amplifies the conflict situation created by the unjust aggression on the part of the abortionist

and mother against the unborn child. It simply introduces force on behalf of the victim who is helpless to ward off the unjust use of force against himself or herself. The force may be minimal, such as lying across the clinic entrance, or bolting its doors. But it demands a counter force on the part of the abortionists if these intend to carry through the abortion. If they decide not to carry it through, it will be because of the direct pressure brought to bear upon them.

#### *8. Indirect Action Helps to End Abortions but Does Not Stop Them*

The use of sidewalk counseling is an *indirect* relation to the “ending of abortion” when the latter functions as a motive but not as a goal of one’s action. In counseling, the reason or *motive* for counseling is the “safety of the child.” But it is not a *goal* because I have decided, for legitimate reasons, not to perform the act of saving the child by my action. Hence, I must go “through” the mother (or the abortionist). My *goal* is the activity of counseling or educating. I do whatever will help bring about a change of heart and mind—a change that, incidentally, cannot be “done” by me because it involves a free response on the part of the mother or abortionist. If these respond freely to my counseling, it is they, not I, that stop the abortion.

Now, my counseling, to be sure, plays a role, even an important and decisive role in the change of mind and heart. But it is an *indirect* role with regard to the safety of the child. It is not I that performed the act of stopping the abortion and hence of saving the baby. One may say that now we are quibbling over minutiae, over differences that make no difference in light of the “bottom line,” namely, the saving of the child. Yet, the difference between direct and indirect action is critically important if not in terms of the “bottom line,” certainly in terms of the “initial line,” that is, with respect to what can and what cannot effectively *initiate the stopping* of the abortion.

But more importantly, whatever the role of my counseling activity—and it is of great importance and merit—it is *not a direct response to the child’s just claim to assistance*. In terms of the previous considerations, my counseling does not address directly the injustice to the victim and his just claim to assistance. The fact that I am truly *motivated* by the

safety of the child should not obscure the fact that my counseling activity could not itself save the child. Thus the motivation was not directed at the victim in view of the *injustice* being done the victim. This is particularly clear in those cases where my counseling did not contribute to a change of heart and mind.

Using the terminology under consideration, actions such as counseling, which demand a free response on the part of those seeking, providing, or performing abortions, are always *indirectly* related to the stopping of the abortion. In general, activities aimed at changing the hearts and minds of those seeking and providing abortion—activities such as dialogue, discussion, debate, information, education, and witness—are indirect action. The “stopping of the abortion” is dependent on and exercised by the third parties who do the actual “stopping.” Similarly, if we expect God to stop abortions, then prayer and fasting is an indirect action. Direct action always involves the “first party,” namely, “Me,” the subject who is faced with a potential *agent* of abortion and his potential *victim*. Several things have to be noted about direct action.

*9. Direct action does not require a change of heart and mind or agreement on the part of the one against whom it is directed*

(a) Direct action in this matter is the activity that can *actually stop* an abortion *precisely* in the absence of change of hearts and minds of those that intend the abortion. In other words, direct action does not “pass through” the hearts and minds of its agents. It does not require free personal decision on their part. Indeed, direct action will always involve action that goes *against* a freely chosen *behavior* of those intending an abortion.

*10. Direct Action involves power or force*

(b) As such, direct action always involves some level of power or *force* (or threat of force) that actually hinders or obstructs the behavior in question. As such, it will always be experienced by the one involved in the behavior as a *force acting against him*, namely, as a *coercion*. The more the aggressor wants to destroy the victim, the more will he

experience any threat or use of force defending the victim as coercion, as a power acting against him. This is the reason why the pro-abortionists define as “violence” any attempt to restrict abortion by legislation. For the law threatens sanctions for breaking it, and thus uses the threat of force. I will return to the ambiguity of the term “violence” when I discuss the use of force in the abortion context.

*11. Direct action can be immediate or mediate*

(c) Pending consideration of the pro-life movement’s almost pathological fear of force, or, as it is sometime called, “taking the law into your own hand,” I turn to the possible objection that direct action is the competence of the state in its policing function. Private citizens could call “Help!” but should not take the law into their own hands. Such an objection is already itself the result of a failure to grasp the seriousness of the just claim that any victim of injustice has upon any “neighbor” who can help without any or great risk to himself whenever those “officially” charged with defending victims against injustice are either not present at the crime or fail in to carry out their charge.

At the same time, the objection also fails to recognize that even crying “Help!” is itself a direct though *mediate* action directed toward helping the victim. It is a real step or link in a causal chain of events intended to lead to the saving of the victim. Grabbing the hand of the abortionist, for example, would be a direct and *immediate* action. Transporting to the clinic the one who would grab the abortionist’s hand is a direct and *mediate* action.

Direct *mediate* actions against abortion are superficially similar to indirect actions such as counseling and education about the evil of abortion in that they do not, of themselves, produce the desired effect. Nevertheless, the important difference between direct and indirect action remains.

I repeat, indirect action has to “pass through” the hearts and minds of the agents of abortion in such a way that they refrain from or stop the abortion by a free decision of their own *and for the right reason*. In contrast, if we pay sufficient money to a woman not to have an abortion or to the abortionist not to perform it, we have engaged in a *direct* action

that is *also mediate*. We were not the ones who stayed the hand of the abortionist. He did. And naturally, he or she had to make a free decision. But no change of heart or mind on his or her part was necessary. The immorality of his earlier intention and willingness to commit an abortion still remains, even if the gravity of it is diminished by the fact that he did not materially carry out his decision. Through our direct though mediate action we carried out our goal of saving the child.

Direct action, whether mediate or immediate can be directed towards the *goal* of justice for the victim. In contrast, indirect action can have the safety of the child as goal but not the justice. In other words, indirect action may have the value and safety of the child as *motives*; but these are not the *goals* of indirect action.

### *12. The Moment of Impotence in Clericalization*

The clericalization factor in the pro-life movement allows us to cry “Help!”—that is, it allows for some direct mediate actions, but it forbids the immediate act that stops abortion. This is the “moment of truth” towards which all the mediate steps were leading and which gave them their meaning in the first place. Each of the mediate steps was leading to that decisive moment in which the *force* of the final effective step was to reach its goal. All the earlier mediate steps acquired their logic and significance because one had to act *against* the will as well as against the heart and the mind of the one intending abortion. Suspension of that moment of truth and of the action that immediately stops or prevents abortion effectively is a suspension of force. It deprives, in turn, all mediate steps, including the cry, “Help!” of their own effectiveness, and effectively emasculates them of all power. All the mediate steps that could have been real steps towards an effective defense of the innocent have been turned into indirect action, which has its significance precisely because it cannot *cause* justice—it is inherently incapable of causing justice with respect to the injustice of the abortion about to take place. The significance of the cry “Help!” is changed into a “witnessing” and a “speaking” for the unborn or a raising of consciousness and conscience of those observing the spectacle. It no longer mediates effective action.

*13. This Clericalization Excludes the Innocents from Justice*

We see here the operation of a “preferential option” for the conversion of the sinner to the *exclusion*—not of the wish, hope, or desire for the saving of the innocents—but of the innocents in their just claim for effective action against the injustice being done to them. The “clericalization factor” is operative here. Substituting the “changing of hearts and mind” of the sinners for the active saving of the victims of injustice, the “clericalization” also hides and obscures the “moment” of justice that I spoke of earlier. Because one is still *motivated* by the *safety* of the threatened child and would desire to see it safe, one may fail to realize that the safety of the child is *not the goal* of its actions. And thus the *motive* of the action is not *justice* for the child. Its actual goal corresponds to the motive of conversion of the sinner. To the end of that goal, one now uses the appropriate activity of dialogue, discussion, debate, information, education, witness and—of course— prayer and fasting.

For any activity to be *directly* aimed (mediately or immediately) at saving the child it must, as I have shown, be activity that bypasses the minds, and hearts of the agents of abortion (since these were not changed) to secure its end. This means, that *force* opposing the *will* of these agents is an essential element of such activity. That is the very meaning of direct action in our case. The question remains, of course, whether the particular direct action (mediate or immediate) undertaken is *just* or *unjust*. This is a critical but distinct question apart from the obligation of undertaking *some* direct action if one has the power to do so.

*14. The Catholic Clericalization of the Pro-Life Issue*

The clericalization of the pro-life issue is particularly and paradoxically evident in the recent *statement*, “Catholics in Political Life,” passed by a majority vote (183 to 6) by the Catholic bishops of the U.S. at their June meeting in Denver. The *Statement* starts by affirming that

We need to continue to *teach* clearly and to help other Catholic leaders to

teach clearly on our unequivocal commitment to the legal protection of human life from the moment of conception until natural death....

We need to do more to *persuade* all people that human life is precious and human dignity must be defended. This requires more effective dialogue and engagements with all public officials, especially Catholic public officials.<sup>2</sup> [Emphasis in original.]

*Teaching, persuasion and dialogue* are entirely appropriate tools for the changing the minds and hearts of abortionists, aborting mothers, and pro-choice politicians. Their legitimate use presupposes that we are also motivated by the stopping of abortions as a requirement of justice. Can it be assumed that in their *Statement* the bishops are motivated by justice?

The document speaks of "legal protection of human life." It affirms that "human life is precious and that human dignity is to be defended." And it calls Catholics "to act in support of these principles." None of this can be used as confirmation that they are not concerned with the issue of justice for the innocent victims.

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<sup>2</sup> Cf. NCCB, "Statement on Catholics in Political Life" in *Origins* 34/7 (July 1, 2004).

There is, however, a troubling aspect in their *Statement*. Catholic politicians who vote “pro-choice” are left in the hands of their own conscience when it comes to the reception of the Eucharistic Christ. Even though the *Statement* speaks of the denial of the Eucharist to such politicians, it identifies this denial as a prudential judgment to be made by the individual bishops “in accord with the established canonical and pastoral principles.” From the reflections by Cardinals McCarrick<sup>3</sup> and Keeler<sup>4</sup> as well as Archbishop Levada, dialogue and not discipline seems to be the pastoral practice recommended.

We have a clear parallel here. The U.S. Bishops correctly affirm the importance of the methods to be used in view of changing hearts and minds of sinners. But *teaching, persuasion, and dialogue* seem to have suspended if not entirely replaced the concern with justice for the victim not so much in the civil order as within the ecclesial body itself. The Church, to be sure, has no direct power in the civil order or public domain to defend the lives of the innocents. But the *Statement* and the above named reflections seem to indicate that the bishops have also abandoned the power that they possess within the Church. Very simply, they have proposed, as a matter of canonical and pastoral practice, to deliver the Eucharistic Christ as a victim, again, into the hands of His

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<sup>3</sup> Cf. Theodore Cardinal McCarrick, “Opening Comments” in *Origins* 34/7 (July 1, 2004), p. 100; “Interim Reflections of the Task Force,” p. 106ff.

<sup>4</sup> Cf. William Cardinal Keeler, “Summary of Consultations” in *Origins* 34/7 (July 1, 2004), pp. 105-06.

enemies.

What is the Catholic layman to learn from the fact that Catholic “pro-choice” politicians are simply reminded of their duty to examine their own consciences but not denied the reception of the Eucharist? It is clear that Church discipline, despite the manifest and clear meaning of Canon #915, is not recommended with regard to politicians who participate in intrinsically evil and unjust legislative acts that give protection to the so-called “right to abortion.” The 48 Catholic politicians, in their letter to Cardinal McCarrick, claim to be faithful Catholics as they legislatively protect such a “right to abortion.”<sup>5</sup> They affirm an

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<sup>5</sup> Cf. Archbishop William J. Levada, “Reflections on Catholics in Political Life and the Reception of Holy Communion” in *Origins* 34/7 (July 1, 2004), p. 102. Commenting on the assertion by several Catholic bishops that Catholic politicians who actively espouse a position on abortion contrary to the teachings of the Catholic church should refrain from receiving holy communion, Archbishop Levada writes: “In response 48 Catholic members of Congress wrote a letter to Cardinal Theodore McCarrick, Archbishop of Washington, voicing their concerns ‘about the apparent threat of withholding [the] sacrament [of holy communion] to an individual on the basis of a voting record.’ They present themselves as faithful Catholics whose lives of public service are dedicated to the promotion of human dignity in many sectors, although they may disagree among themselves about abortion. They say it is ‘deeply hurtful’ to

analogous “right” to the eucharistic Christ.

Can we expect to be clearly taught, if not persuaded that Christ is equally victim of injustice, whether he is really present in the Eucharist or present in the unborn as the one who gave himself in giving them the gift of life? For in both cases one claims what is not and should not be given to him.

## PART II: CONFUSIONS, CONSEQUENCES AND CORRECTIONS

### *1. The myth of violence in the pro-life movement and its origin*

From the perspective of the “preferential option for the sinner,” the use of force is not only intrinsically ineffective; from the point of view of morality, it is intrinsically evil. If the word “violence” means the unjust use of force, then any use of force in solving the “abortion issue” is violence *if the ultimate solution* to the “abortion issue” is a changing of hearts and minds, namely, a respect for life. Trying to bring somebody around to respect life by the use of *any coercion*, including psychological pressure, is intrinsically unjust and evil. The Second Vatican Council's *Declaration on Religious Freedom* makes this principle sufficiently clear. But such an ultimate solution would not require any laws against abortion. It is an error to appeal to the “ultimate solution” and to ignore the present situation with its injustices that require just legislation. With the failure of the political order a twofold responsibility devolves upon the citizens, the one is the *goal* of changing hearts and minds of a sufficient majority to enact legislation, the other is the *goal* of bringing power and force to bear on the actions of abortion in order to stop them. The myth of absolute democracy strips the second goal of its

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them to be ‘singled out by the refusal of communion or other public criticism’ for doing their civic duty.”

objective legitimacy.

This state of affairs accounts, in various quarters of the pro-life movement, for the various degrees of abhorrence of any use of force aimed at stopping abortions. It also explains the reason for and the success of the pro-choice tactic of identifying the “abortion issue” as a *moral and religious* issue. The “clericalizing factor” plays into the hands of such pro-abortion rhetoric. It explains why someone like Governor Cuomo, in his Notre Dame speech almost twenty years ago, repeatedly referred to abortion as a moral and religious issue.<sup>6</sup> In that talk he chided Catholics for seeking legislative action, that is, the threat of force, against sins they themselves were not able to refrain from. He reminded us, invoking St. Thomas, that not all of morality could be legislated, that is, imposed by legislative sanction. It is the same “preferential option for the sinner” that accounts for a similar rhetoric of abortion as a moral and religious issue in Cardinal Bernardin’s “Georgetown University Talk.”<sup>7</sup> The Cardinal also echoed the slogan that we cannot expect all of morality to be legislated. Both the Governor and the Cardinal were consistent in tailoring a seamless straightjacket. If abortion is a *moral and religious* issue, force and consequently legislative sanctions are excluded. Thus, even the dialogue, discussion, debate, information, and education that are undertaken in view of a consensus that could secure legislation outlawing abortion are classed in the category of violence. The pro-choice movement correctly sees them as directed toward legislation which would involve the use of or the threat of force against

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<sup>6</sup> Cf. Mario Cuomo, “Religious Belief and Public Morality: A Catholic Governor’s Perspective,” speech at Notre Dame University on September 13, 1984; The Pew Forum on Religion and Public Life: [www.pewforum.org/docs](http://www.pewforum.org/docs).

<sup>7</sup> Cf. Joseph Cardinal Bernardin, *A Moral Vision for America*, ed. John P. Langan, S.J. (Washington, D.C.: Georgetown Univ. Press, 1988).

those contemplating abortion.

The pro-life movement is at a loss in dealing with this accusation of violence and produces lengthy statements on the rejection of violence as a method of “fighting” abortion. In effect, it renounces all force, at least in principle and in its rhetoric. I will return to the straightjacket effect of this clericalization below.

The impotence of a movement that renounces all direct effectiveness is in part rooted in the failure to see clearly what in fact is at issue in abortion. What is at stake is the *right to life* of the unborn, the *injustice* of abortion and the *just claim* of the innocent to direct action defending the victim. Once the moment of justice is no longer seen, the relevance and justification for direct action not only vanishes but is magically transformed into violence and therefore into something unjust.

## *2. Direct Action as a Response to a Just Claim*

A distinct feature of direct action is that it alone can be the *response to a claim made in justice* within this world. I have in mind here the sphere of behavior that has external manifestations and consequences in the real world. The sphere of behavior stands in contrast to the sphere of inner attitudes and acts. These inner acts or attitudes are essentially and necessarily outside of the scope of behavior. I mean that no behavior, and consequently, no events in the external world can cause a change in the sphere of inner acts and attitudes.

The decision to abort and the choice of a motive as the reason for the abortion are things that take place in the “inner world” of those that make such decisions and choices. The performance of the abortion is something that occurs in the “external world.” So also the being-aborted of the child. The violation of its integrity and its being-killed are events that take place in the external world of bodies. But in addition to this, there is something else that occurs. Something that belongs to the innocent victim is being taken away from it, namely, its bodily life. The child has *sovereignty over its bodily integrity and life*, and therefore it can, in justice, claim that it may “not be taken by another.” It should be clear, therefore, that such a claim, if it exists, is a claim on something that is or occurs in the *external world*, in the bodily dimension. This

claim is a claim “to something” over “against someone.” A justified claim is what we call a right. It requires direct action in its defense and affirmation against an aggressor.

### 3. “Right” as a Motive Distinct from “Value”

The right-to-life of a person can be a distinct motive in the abortion situation. As such, it would be distinct from the “safety of the child” as a motive. One can intend the “safety” of a being such a baby seal or a snail darter without in any way assuming that it has rights. When I say that the right is a motive, I also mean that the victim’s just claim to his life is affirmed by me.

But in saying that it is a distinct motive I also want to distinguish it from something else, something “different” in the victim that can also function as a motive for “saving” its life. The specific *value* of a human being’s life can function as a distinct, that is, as a motive different from the *right* to life of the same human being.

From its very beginning, the pro-life movement insisted on the *value of life* in opposition to the pro-abortion insistence on the *quality of life*. Although the “right” to life was invoked and frequently mentioned, it was the *value* of human life that was operative in both pro-life rhetoric and motivation. The distinction between the two, I was told thirty years ago, was “too philosophical.” In my judgment, the pro-life movement has paid a heavy price for the failure to make the distinction between value and right operative in its activity.

With the help of John Paul II’s personalism, we can revisit the distinction and make its implications explicit. It is certainly true that the “quality of life” argument is depersonalizing when applied to the human person in such a way that it takes precedence over the person’s value. In the sphere of animal life, the “value” of the animal is in a real sense specified by its adult and mature state, namely, by its “becoming all that it can be.” Another way of putting it is to say that the “value” of an animal depends on its potential and its capacity to realize this potential. If a dog, for example, is so deformed that it cannot realize its canine potential, its value as a dog is diminished. The “quality of life” argument simply carries this principle over into human life and says that if the

capacity of a human being to realize its “human potential” is diminished, its “value” is thereby diminished, justifying its elimination.

The pro-life movement was entirely right in countering this position with the claim that the value of a human being could not be reduced to the question of realizing the immanent potential of human nature. But it had difficulty in explaining the elements involved. It seemed easier and at the same time imperative to engage in political action rather than in complicated theoretical debates. But the failure to distinguish and explain resulted in a straightjacket that restricted the pro-life movement to the “tools of the democratic process”: dialogue, discussion, debate, education, and personal testimony in view of achieving a consensus.

#### *4. The Personalist Perspective*

Yet, even the correct understanding of the value of the human person rests on a clear understanding of what makes a person to be a person. Karol Wojtyła (later John Paul II) insisted that by virtue of the “personalist principle” a person should never be used as a means to an end, however noble and great it might otherwise be.<sup>8</sup> Not even God, Wojtyła tells us, would use the person as a means to an end. The reason for this is that God has given our being into our hands so that we may make of it a “sincere gift of self” to others. In *Veritatis splendor*, John Paul II speaks of love as the “total gift of self.”<sup>9</sup> But since one cannot

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<sup>8</sup> Cf. Karol Wojtyła, *Love and Responsibility*, trans. H.T. Willets (San Francisco CA: Ignatius Press, 1993), pp. 26-27: “For a person is a thinking subject, and capable of taking decisions: these most notably, are the attributes we find in the inner self of a person. This being so, every person is by nature capable of determining his or her aims. Anyone who treats a person as a means to an end does violence to the very essence of the to her, to what constitutes its natural right.... We must never treat a person as a means to an end. This principle has a universal validity. No one can use a person as a means towards an end, no human being, nor yet God the Creator. On the part of God, indeed, it is totally out of the question, since by giving man an intelligent and free nature, he has thereby ordained that each man alone will decide for himself the ends of his activity, and not be a blind tool of someone else's ends.”

<sup>9</sup> Cf. John Paul II, *Veritatis Splendor*, August 6, 1993 (Vatican: Editrice

give what one does not possess, God gave the human person the power of possessing his own being. Unlike an animal, whose “end” is determined by its nature, the human person can choose his end. This end is not something abstract and non-personal. The human being can choose either himself or an other person for his or her own sake, that is, the other person in his or her own inner preciousness or value.

Several things need to be distinguished here: (a) the *power of possessing my being* and directing it to an end of my choice; (b) the *value* or preciousness of my own being; (c) the intrinsic preciousness or *value of the other person* in his or her uniqueness as the reason or motive for the gift of myself to that other. It is the unique personal *value* of persons that is the objective metaphysical explanation of why the person as person also has the power to possess himself or herself. Wojtyła’s concepts of the “mutuality of the gift” and the “law of reciprocity” point to the marvelous truth that each person is given by God as a precious gift to every other person. The reason for this is that God loves the “good” or “preciousness” of the one to whom he gives the gifts of other persons. But because *persons* are involved, both as gifts given and as recipients of these gifts, they cannot be given as things, nor can they simply be “pressed” or forced upon others as if they also were things. The one who is given as a gift to another person must *take possession* of his own being and “go along” by making a sincere gift of self to that Other. (d) There is also the fact that the Other must in turn *receive* the person who is given and gives his or her self. Receiving the gift is a “going along” with the initiative of God who gives us the gift of other persons. This “receiving” something from another also presupposes the capacity to possess one’s self. A being that cannot possess itself can neither give nor receive. So, if the person given to me by God “goes along” with God’s intention and gives himself or herself to me, then my

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Libreria Vaticana, 1993). In §10, John Paul II identifies the moral life as a response of love: “*The moral life presents itself as the response* due to the many gratuitous initiatives taken by God out of love for man. It is a response of love.” In §15 he explains the meaning of the moral law as exemplified in Christ, who makes a total gift of self: “*Jesus himself is the living fulfillment’ of the Law* inasmuch he fulfills meaning by the total gift of self...”

receiving the gift is also a “going along” with that person. In each instance, the “going along,” the cooperation with the respective giver is a “being one with” the giver. It is a step into the dimension of community. Such a community is “completed” when the recipient reciprocates with a gift of self.

#### *5. Differences between a Response to Value and a Response to a Right*

In the above sketched “gift situation” we can distinguish between (a) a *response to the value* of the other person and (b) a *response to the sovereignty* or what we can designate as the “moment of ownership” that is at stake in the gift situation. Linguistically, we can express the proper response to value as *reverence* for the value; whereas the proper response to another’s sovereignty over something is a *respect* for his right, that is, for the legitimate “ownership” of something.

We can illustrate the difference between the two by imaging what St. Francis would do if he met someone who was ridiculing him. The proper response to the sanctity of a saint, of course, is veneration. But if we were to suppose that St. Francis would respond to the ridicule by saying, “Now there, fellow, I demand that you show me veneration,” it would immediately be evident that St. Francis would never have responded in that way if he really had the mark of sanctity. Such a response would be analogous to someone taking pride in his humility. But what is the reason for this incompatibility between the value of true sanctity and the demand that somebody give it the proper response?

#### *6. The Value that “Belongs” to a Being*

Let us consider the case from the perspective of the subject. The value that I have as a human being is equal to that of all other human beings. As such, it “demands” that third parties affirm that value and respond with reverence. The specific content of the value of a human being prescribes the fitting response of reverence. Thus, third parties *ought* to affirm the value that is proper to, say, my being and existence as a human person. With respect to third parties, the intrinsic good of my being and existence has a sovereign status. This value *ought* to be given the due response. Yet, the significant thing is that I, who am the bearer

of the good intrinsic to my being, am not in a position to demand the response that is due to “my” value as a human being. The reason for this is that although it is “my” value, I am not sovereign over it. The various expressions to the effect that I “possess” this value, that it is “mine,” or that it is a “property” of my being simply indicate that they are a *part of my being* and an inseparable part. In a similar way we would indicate something comparable for expressions to the effect that the hair is the “dog’s,” that it is a property of his nature. It simply is a part of his being. In the above cases, neither the person nor the dog *exercise ownership* of what belongs to them as simply part of their being.

#### 7. Right as a Sovereign Ownership over what “Belongs” to a Person

The situation is entirely different in the case of a right. In saying that my being is mine or belongs to me, we now indicate a *sovereignty* over it. In this sense the being and existence of an animal can never belong to it. The feminist is right, though not entirely, when she says “my life, my body, my decision.”

She is right because with this expression she indicates the essential property of *freedom* that belongs to the person as person. This means basically that of certain events in life and existence of a person, the individual can say “I act” rather than “it happened in me or to me.” When a duck flies south for the winter or when I sneeze, both instances, to use a distinction made by Karol Wojtyła, are examples of an “it happens.”<sup>10</sup>

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<sup>10</sup> Cf. Karol Wojtyła, *The Acting Person*, trans. Andrzej Potocki (Dordrecht, Holland: D. Reidel, 1979). Wojtyła explicitly notes the unique approach of his work. Thus the title itself indicates that the person is not a theoretical presupposition for action but rather is given directly and immediately in experience: “For us action *reveals* the person, and we look at the person through his action” (p. 11). Consequently, man is given to himself “from the inside” (p.14) as “irreducibly given,” needing no demonstration yet requiring a “reduction” which explains and interprets what is revealed as one “goes deeper and deeper into the content of experience” (pp. 16-17). This focus on experiences as the “medium” for the revelation of the person means that methodologically Wojtyła is “concerned not with action as the intentional content situated in consciousness, but instead with that dynamic reality itself”

The event is determined in the being by its nature. In contrast, the

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(pp. 19-20), which is the conscious act given to the subject from within. The act of consciousness, then, is not intentional, namely, it does not have itself as a content or object of consciousness. For Wojtyła, consciousness, in contrast to the Scholastic approach is “an *intrinsic and constitutive aspect of the dynamic structure*, that is, *of the acting person*” (p. 31). The difference between “what happens in man and what he does” (p. 31) is central for his analysis and constitutes the focus of Ch.2 (“An Analysis of Efficacy in the Light of Human Dynamism,” pp. 60ff). It is important to note that the givenness of “I act” is a function of the non-intentional character of consciousness, namely, its being given to the agent from within. This aspect of “from within” is the essential meaning of “subjectivity,” which is a part of that theoretical explanation or “reduction” that explicates self-possession and self-determination that constitute that dynamic reality of the person in its “I act.” The dimension of “it happens” is a manifestation of man’s nature in so far as it determines “what happens” in him (p. 78). In contrast, the agency revealed in the “I act” “brings into view a concrete ego as the self-conscious cause of action. It is this that is the person. So conceived the person would differ from the nature in man and would even be in a way its opposite” (p. 79).

writing of this essay is an event that occurs because “I” acted. Although it is accurate, it is not enough to say that “a human being writes an essay.” Syntactically it is not different from saying that “a duck flies south for the winter.” In both cases we indicate the Aristotelian “agent” of an act or activity. In my case, the activity is “mine” in a way that is radically different from the way that the flying is the “duck’s.” The duck was determined by its nature. *My nature only made it possible* for me to write the essay. But it is *I* that *determined to do it*. I decided. This reveals that in this act my body, my being and my life are uniquely my own. They are subject to me. They belong to me as a sovereign over myself. They are mine in a *juridical* sense; as opposed to being mine in an *ontological* sense, namely, simply as identical or merely part of my being.

Wojtyła followed an older tradition and called it an act of self-determination in his work *The Acting Person*.<sup>11</sup> But he enriched this

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<sup>11</sup> Op. cit. Ch. 2 includes an analysis of an essential difference in the actualization of man’s potentialities in the “I act” and “it happens” as they relate to consciousness. In the course of the analysis, Wojtyła notes that he is taking up a question treated in the past. Thus, he tells us that the problem of “dynamic roots of acting and happening, of action and activation...was fully investigated by traditional philosophical anthropology (psychology), and as we are here striving to focus our attention on the person with all his specific dynamism, we will not follow the traditional path of discrimination between man’s particular faculties as such. The road of tradition being well trodden and fully explored we must abandon it at this point. We shall instead follow the basic intuition of the person as it manifests itself in actions” (pp. 79-80). The chapter ends with an identification of freedom as “the decisive moment of the experience of efficacy and at the same time the factor that, on the one hand, actually constitutes the structure of ‘man-acts’ and, on the other, distinguishes it structurally from all that only happens in man (from the structure ‘something happens in man’)....” The analysis continues in Ch. 3 (“The Personal Structure of Self-Determination”), which develops this structure of freedom and “man-acts” in terms of self-determination: “which is the proper dynamic basis for the development of the person, presupposes a special complexity in the structure of the person. Only the one who has possession of himself and is simultaneously his own exclusive possession can be a person” (p. 105). Wojtyła’s own contribution consists in the grounding of self-determination in self-possession:

tradition when he theoretically identified the power for *self-possession* that grounds this capacity for self-determination. Here we note only two aspects of this power of self-possession:

(a) The power of self-possession is an essential element of the *dignity* of the person. Whereas the animal is determined by its nature with respect to the “end” of its existence, the human person can freely choose its end. Taking its being “into its own hands,” the human being “turns” it towards an end of his choice. He “rises” above the determination by his nature. This is the reason why Wojtyła insists that it is a violation of the dignity of a person to use him or her as a means to ends which he or she has not chosen.

(b) In another enrichment of an older tradition, Wojtyła affirms that the power of self-possession has its explanation or justification in the fact that a person is called to *enter into a community of person by a free and sincere gift of self* to the other and ultimately to God. Taking a formula from that tradition, one could say, *nemo dat quod non habet*, no one can give what he does not own.

It is also this *power of self-possession* that is the objective metaphysical ground for what we today call “rights.” We need not pursue further the grounding or the origin of this power in a God who has title or ownership of our being by virtue of creating us. Nor do we need to elaborate on the conditional “transfer of title” in giving our existence, together with that power of self-possession as a gift to us so that we could reciprocate, as persons, with the total gift of self that is both love and justice. To do so would be to pursue a more extended reflection on the very core and essence of personhood.

It is this power of self-possession, as justified by the call and obligation to give oneself to another that establishes a “barrier” or prohibition “over against the other” who would take what “justly” or

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“self-determination is possible only on the ground of self-possession” (p. 106).

“rightly” belongs to me. To say, therefore, that I have a right is to say that it is mine in the *juridical* sense. Rather than abandoning “rights talk,” it would be well to retrieve their metaphysical foundation in the gift of life given by the original and sovereign Owner.

#### 8. *Rights as Absolute*

The sovereignty of a contingent being over what was given to him is *absolute* in the specific manner that is appropriate to a creature and the “thing” given to him. For example, God has “left man in the hands of his own counsel.” With regard to the possession of his own being, he has the freedom to choose his ultimate end: he can choose God or himself. This freedom is absolute. No one can exercise it for him. No one can take it away from him—not even God. Nevertheless, even though it is his and he has a right to use it, it does not follow that he has a right to *what* he chooses. Thus, even though man has an ability “over against” God to use his freedom once it has been given him, when he uses it to choose himself rather than God, this right does not extend to the “ownership” of what he has chosen, namely, the ownership of his own being.

In the *metaphysical* order, that is, with regard to the nature of the freedom to choose, the reason that his right to choose does not give man a right to *what* he has chosen when he chooses himself, is that he is ordained and called by the sovereign and absolutely good God to give himself to God. To this end, he was given the power to take possession of his own being, for no one can give what he does not own.

In the *existential* order, that is, in the order of lived experience, the reason his right to choose does not give him a right to what he has chosen when he chooses himself is that he in fact *loses himself* when he chooses himself. This existential truth is confirmed by Christ’s own words regarding the man who would “save his life,” namely, who would choose himself for his own sake rather than “lose” himself for the sake of Christ. Such a man loses possession, indeed, never acquires what he has chosen. The reason for this actual loss of self lies, again, in the very nature of man’s freedom to choose.

#### 9. *Choice of Self is Loss of Self*

The statement that one “chooses himself” rather than God is not explicit enough in its meaning. Linguistically, it only identifies what is chosen, the *object* of choice. Only implicitly does it refer to the *reason for the choice* of self. This reason has to be made explicit. The traditional identification of the object in terms of one of its real properties, namely, its good, does not *explain* why a man would “save himself,” much less why he “loses himself” in doing so. The fact has to be not only recognized but also explained. In the existential order of personal acts and choices, the *motive* for the “choice of self” is the satisfaction expected. It is *my satisfaction* that is the reason why I “choose myself.” It is also the *goal* of my activities. Now, in choosing or desiring satisfaction as a motive or reason, I *yield* to the anticipated satisfaction. In doing so, I *lose possession of myself* and eventually, unless I “convert” to the good, become driven by the desire for satisfaction.

A right, by its very nature as a legitimate claim to possess something, can have as its object only what can be possessed. One has a right to possess one’s being only if one takes possession of it for the sake of the good, that is, in order to give it to the good. This is the significance of that passage from *Gaudium et spes* §24, so frequently quoted by John Paul II: “Man finds himself,” that is, comes to possess himself, “only when he makes a sincere gift of self to an other.” On the other hand, a right, by its very nature, can not be directed “to” something which it is metaphysically impossible to possess.

#### *10. Right as a Right “Over Against” Someone*

The proper understanding of the way in which a right is absolute depends on another element of its nature, on the way it becomes *actual*. If I am alone in the desert, I have the power of self-possession but I have no rights. A right, then, presupposes an interpersonal situation. But even more importantly, if I live in a community where none of the other members claims or attempts to take possession of what was given me, I “have” no rights. For a right is not only a right “to” something; it is also a right “over against” someone. Once something has been given to me, a right to it becomes *actual* only in the presence of another who would dispossess me of what is my legitimate possession. This is why, for

example, when we hear a couple talking of their marital rights, we can take it an indication that there is some level of antagonism and hostility between them.

A *right* becomes actual only when another would take or dispossess me of what is mine. But a right is grounded in one's sovereignty. And *sovereignty* over what belongs to me, by contrast, is not interpersonal. It does not require the presence of another for me to have sovereignty over what belongs to me. And in the interpersonal situation, the sovereignty of one individual can extend over another without rights ever becoming actual. Thus, it is in principle possible that the question of marital rights never arises in the life of loving spouses who never "take back" what each has given to the other.

### *11. The Fallacy of the "Right to Choose"*

The preceding remarks allow us to focus on the specific nature of the "right to choose" fallacy invoked by the pro-choice positions. The reason for its persuasive power is the implied truth that the human person does have the metaphysical *capacity* to choose his or her ends or motives for actions. It is a violation of personal dignity to attempt to force a person to do what should be done freely.

The error of the position is to ignore the justification for or the reason why the human person has this capacity in the first place, namely, to do good. Thus, it is a violation to force the person to do the good. Given this, if we consider feeding the starving or stopping at a school crossing simply as "doing good," it follows that, strictly speaking, it would be a violation of personal dignity to force somebody to perform the above actions. Yet, closer attention to these examples reveals that it is not so much a matter of forcing somebody to do "good" as it is a protecting of the right of the starving and the right of the children crossing a street. The protection of a right may entail the performance or non-performance of some action. In the case of the starving, one may "force" others to give of their surplus to feed the starving. In the case of the schoolchildren one forces individuals, by the use of a threat, to refrain from an action that endangers the children. If we abstract from the sphere of rights, then, looking at the question from the outside, a

“good is done.” This seems to justify the use of force. But, in fact, those who are forced in this way do not really “do” the good. They have no merit for doing the good when they are forced to do it. More importantly, forcing others to “do good” in this way, apart from the consideration of rights, would be objectively wrong and a violation of the dignity of the one so forced.

Use of the formula “right to choose,” when referring to particular choices and not to the general capacity to choose, necessarily presupposes that one will ignore the rights of others. Logically, its use cancels all rights, including their own, not merely the right of others. Objectively, the rights of innocents to what belongs to them legitimately, namely, to what is given them by God, are the foundation for the legitimate use of force to induce others to respect these rights. Those who do not will to “do the good” cannot be forced to do so. But they can be forced to “do” or “not do” as required by the protection of the *rights* of others. In other words, force can be used to prevent others from taking what is a legitimately possessed by the owner.

The argument that appeals to the “right” to choose abortion has in fact only one presupposition: power. Power justifies everything. In appealing to the state to protect this “right,” one therefore implicitly also reduces the function of the state to power. When this happens, the state becomes a fiction or a myth masking the interests of those who in fact have and wield power.

### *12. Warfare Against God*

At the same time, if we recall that rights become actualized in an interpersonal situation where some hostile other is an aggressor, the invocation of a general “right to choose,” regardless of particular objects chosen, is an affirmation, or rather, a proclamation of war against God.

The human person has no rights with regard to God. For the secular mind, such an affirmation would be the expression of a divine disregard of human rights and therefore the basis for the rejection of any religion. Religion would then, by definition, be an oppression of man.

Nevertheless, in the relation between man and God, we can have an analogy to the life of a loving couple, where rights never become actual.

Neither spouse has to claim anything as his or hers “over against the other.” Analogously, the sovereign God is also a loving God who never takes back what he has given to the human creature. Thus, God will never deprive the human being of the “right to choose,” namely, of the capacity to choose one’s own reasons for his or her actions. So also, with everything else that God has “given” to man, above all the gift of Himself that is included in every other gift that He gives to man. In this sense, man can have no rights “over against” God, who is always loving and never hostile towards man.

At the same time, God has absolute claim on man, a claim under what John Paul II calls the “law of reciprocity.” He has a claim on man not only by virtue of being the Creator. He also has a claim by virtue of being a Father. An essential element of fatherhood is the giving of self in love and out of love. Love means “being for the other.” Thus, even an understanding of the “law of reciprocity” presupposes an understanding of the very essence of a person as calling for a “being for others.”

The actualization of rights (and claims to the enforcement of a legitimate right) shift the focus from the other to oneself as the one who refuses to “be taken” or “deprived” of what belongs to him. The actualization of rights on the horizontal dimension between human beings may allow for the just defense “over against” the aggressor. In any case, it does not change the “over against” situation of hostility that has arisen nor the distinction between the victim and the aggressor.

The significant thing is that the affirmation of a “right to choose” in general and absolutely implies the understanding that one is a victim of everyone else in general and absolutely. But, more importantly, it involves a claim “over against” God Himself. A particular manifestation of this is the claim of a right to abortion. It is a claim not only “over against” other members of society but in particular over against the unborn child and over against God, the Lord of life. But as we have seen, there can be no right “over against” God, who never assumes the attitude of hostility towards man. The so-called right is in this case simply man’s stance *against* God.

In our present historical situation, the affirmation of a right to abortion and the enlistment of governmental authority into a defense of this right is a specific warfare against God. It is a warfare that unfolds

not only in the interior sphere of the antagonist but in the public sphere of those who are “subject” to God. Since God cannot be attained, the strategy consists in depriving God of His subjects. The tactics are to deprive His subjects of innocence. And one particular tactic is to deprive the unborn innocents of the opportunity of every choosing Christ, to say nothing of a Coke or a Pepsi.

### *13. Consequences of the Clericalization of the Pro-Life Movement*

A particular manifestation of the clericalization in question has been the ecclesiastical equivalent of the “right to privacy,” namely, the affirmation that the approach to the sacrament of the Eucharist is a matter left to the conscience of the one who would approach it. In this case, there is failure to see that a legislative act affirming a “right to choose” as if it were an absolute is an act of war against God. To admit such a politician to communicate in the Eucharist is also a failure to grasp the full reality of the sacrament. The consequences of such a clericalization are far-reaching, but a few can be noted here.

#### *(a) A Loss of the Sense of Authority*

One such consequence is the loss of the sense of authority on the part of both the hierarchy and the laity. One sphere of authority is the divine authority that is implied in a unique way in regard to the sacrament of the Eucharist. The ineffable love of God manifested in the Eucharist does not dissolve his Sovereignty. Out of love for man He “gave His only Son” as a victim on Calvary. Out of the same love He entrusted it to his priests on Holy Thursday. Under his sovereign authority they were to “feed His sheep.” Yet, it seems that many priests and members of the hierarchy, apparently out of respect for the authority of conscience of the public enemies of God, allow them to devour the Victim again. For conscience, which is legitimate only when one intends to do the good, loses all authority when one seeks sovereignty over good and evil. The concession of authority to a conscience that does not intend to serve the good—as evidenced by the willingness to perform intrinsically evil acts—is a concession to the general claim of autonomy in the face of divine authority.

(b) *Alienation of Laity from Hierarchy*

A second consequence is the tension between (if not the alienation of) the laity and the hierarchy. A clear symptom of this is that a question such as the admissibility of obstinate public sinners to Communion is no longer a theoretical one debated among academicians but one that arises from the actual use of authority in an existential situation. When such exercise of authority becomes improper or imprudent, it is not the office of bishop that begs confidence but its agent. The lack of clarity in teaching creates expectations, right or wrong, with regard to the exercise of authority. When unclear teaching is compounded by a questionable exercise of authority, a rift between hierarchy and laity seems inevitable.

(c) *"Socialization" of the Church*

A third consequence is the "socialization" or the "collectivization" of the ecclesial community. This follows from a suspension in the "public forum" of the right-to-life of the innocent victim.

As we have seen, the clericalization of the pro-life movement involves a shift from the public forum to the internal forum of hearts and minds. This means that while we are involved in the process of changing hearts and minds by dialogue, teaching, discussion, debate, education, witness, and prayer so that we can obtain the consensus for the legislative protection of the unborn, the unborn are left in the hands of the state. It would be more appropriate in this instance to follow the Soviet practice and say that the unborn are left in the solicitous hands of the *collective*. For the Soviets were at least consistent in establishing a collective whose essential mark is that in it there are no individual subjects of rights and responsibilities. The true state, by way of contrast, has a mission of justice. But justice is meaningful only in a context of free individuals, persons who enjoy a sovereignty over their own *inner* being and a limited sphere in the *external* world. Under the Soviet system any inner freedom exercised in the relation of person to person, any I-Thou relationship, was excluded from the public life of the collective and exercised only in the secret places the state could not reach. In our terminology, the inner life of the individual was radically

“privatized.” No direct relations between persons and person were officially permitted. Everything had to go through the medium of the collective or its “representatives.” In fact, the state committed, as a matter of policy, the radical injustice of depriving the individual person of a legitimate “self-possession,” of “private property” in the metaphysical sense. Any complaint, any protest—to say nothing of any acts by individuals in the name of violated rights—was indicted as “anti-social,” evidence of a “bourgeois” mentality that exalted private ownership to the detriment of the collective. Such an individual was against the “people” and “anti-democratic.”

This brings us to the democratic process in America, which forbids actions not consonant with the majority. In America, as in the Soviet Union, the individual is not allowed to respond as individual to the claims of a right-to-life on the part of innocent victims. The individual as individual is “privatized” and not allowed to act unless he is part of a majority collective.

The American bishops, with few exceptions, at least in the commentaries and reflections of its representatives, have taken the same route, ostensibly in respect of the individual conscience of obstinate public sinners. In doing so, they have accorded a public role and status to these sinners in the public forum of ecclesial life. They have in fact conceded to the “democratization” or “socialization” of the Church, in which the exercise of power and the possession of an office substitutes for authority. Incidentally, the focus of the Church in America on the same “social issues” that were at the heart of socialist propaganda under the slogan of “justice” is neither an accident nor a manifestation of a concern for true justice. Evidence to the contrary would involve an affirmation of a right-to-life that has a legitimate claim on individuals in the public sphere, the legislative, executive and judicial branches notwithstanding. Instead of challenging the usurpation of power and the tyranny of politicians who have sacrificed the individual right-to-life to a public injustice, many in ecclesial authority tolerate the theft of the Eucharist from their own hands.

(d) *Marginalization of the Laity in the Political Order*

A fourth consequence of this clericalization is the objective marginalization of the Catholic laity in the secular order. We have a parallel here. Just as the sinner is allowed to go public within the Church, so also the criminal act of abortion is conceded a public status. How can Church “leaders” be the conscience of a secular society and state when within their own ecclesial community they cannot exercise public discipline? Their insistence on more teaching will have the unfortunate consequence that the laity will learn more from their actions than from their words.

With the substitution of methods proper in changing hearts and minds (admittedly, with the intention of securing legislative protection for the unborn) for those methods proper to the defense of victims of injustice, the American bishops risk *witnessing* to a conviction that the individual as individual does not have to respond to the victims’ just claim to assistance. And if he is not bound, in strict justice, to respond to the claims of the innocent for assistance, then he is reduced to the role of a *voter*, a member of a democratic collective. As one member of the hierarchy put it, he still has a “right to vote his conscience.” But following such a conscience means accepting and voting for abortion “rights” and thus becoming politically indistinguishable from the “pro-choice” citizens.

The Catholic pro-life voter, however, has in fact been disenfranchised from the political process. As the 48 Catholic pro-life politicians stated in their letter to Cardinal McCarrick, this process has guaranteed women the right to abortion.<sup>12</sup>

(e) *State Against the Church*

A fifth consequence implied in the above is a separation between church and state, where the “separation” is to be understood in terms of the “against” discussed above. The state in popular consciousness is something whose essence is to be “against” God. Its fairness consists in the toleration of any religion so long as it does not include the sovereign

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<sup>12</sup> As quoted by Archbishop Levada, *op. cit.*

Lord who is Justice as well as Love.

To the extent that the essential and objective mission of the state is justice, which demands *cuique suum*, that to each be given his own, it has a sacred and solemn task of defending the “ownership” interest of God in an individual *against the criminal*: the rapist, the thief, the murderer, the child molester. Thus, it has, in the first place, the task of protecting what belongs to God. This is a task that falls, by its nature, in the public or external forum. The Church has as her task the protection of the “ownership” interest of God in an individual *against the sinner*: against the individual himself, who would keep for himself what God has given to him. Both the state and the church have a “work” and a “service” to perform with regard to God. Both perform their work in a distinct forum. And both receive their authority from God, the state that of the sword, the church that of the keys and the sacraments.

What the secular state demands is its separation from God, which it secures by acts against God in the public order. One such act is the protection of a right to abortion. What the American bishops have come perilously close to doing is to affirm a separation of the church from God. They will do this when they in fact deliver the Body of Christ into the hands of the “Catholic” politicians who join the secular state *against* God even as they claim to be a faithful “Catholics.” Then, indeed, we will see the creation of a new church composed of “Catholics for Choice,” which will surely constitute what one of my professors at a Catholic graduate school prided himself to be: Christian without Christ.

#### *14. Correction*

The correction to the clericalization discussed is very simple: the recognition that God is a loving and just sovereign who has given life, both natural and supernatural, as a gift. And, as the Pope stated in his pilgrimage to Lourdes of August 2004, “*Life is a sacred gift that no one can appropriate.*” As all things simple, it is rich in implications which go beyond the bounds of this essay.