

The Bishops vs the Bible
By GARRY WILLS
OP-ED CONTRIBUTOR
June 27, 2004

EVANSTON, Ill.

Catholic bishops recently met and sought the best way to enforce "church teaching" with Catholic politicians who fail to oppose laws that allow abortion. Some critics of the bishops see this as a violation of the separation of church and state. Both sides are working from misconceptions. Abortion is not a church issue, so what the bishops have to say about it cannot be an intrusion of the church into state concerns. Abortion is, admittedly, a moral issue — but not one that can be settled by theology or by religious authority.

Modern "right to life" issues — abortion and contraception — are nowhere mentioned in either Jewish or Christian Scripture. Pope Pius XI said they were, in his encyclical *Casti Connubii* (1930), where Onan's "spilling his seed on the ground" (and the reason for his punishment by God) was interpreted as preventing conception and birth. Yet no scholar of Scripture accepts that reading of Genesis 38:9 anymore; it is read as referring to levirate marriage duties. The Vatican now agrees with this interpretation. Even in his own sphere, the revealed word of God, the pope could be wrong.

Some, deprived of the Onan text, say that abortion is forbidden by the scriptural commandment "Thou shalt not kill." But that commandment does not cover all human life. My hair and fingernails, while growing, are alive with my own human life. Semen and ova have human life even before their juncture. They continue to have it after mingling — for example, the fertilized ovum that does not lodge itself in the wall of the womb. Yet no attempt is made to retrieve such "dead" detritus and give it decent burial.

So "right to life" as a slogan is a question-begging term. The command not to kill is directed at the killing of persons, and the issue in abortion is this: When does the fetus become a person? The answer to that is not given by church teaching. Even St. Thomas Aquinas, who thought that a soul was infused into the body, could only guess when that infusion took place (and he did not guess "at fertilization"). St. Augustine confessed an agnosticism about the human status of the fetus.

Natural reason must use natural tools to deal with this question — philosophy, neurobiology, psychology, medicine. When is the fetus "viable," and viable as what? Does personality come only with responsibility, with personal communication? On none of these do the bishops have special expertise. John Henry Newman said, "The pope, who comes of Revelation, has no jurisdiction over Nature."

The evidence from natural sources of knowledge has been interpreted in various ways, by people of good intentions and good information. If natural law teaching were clear on the matter, a consensus would have been formed by those with natural reason. The fact that

the problem is unsettled by them does not mean that a theological authority can be resorted to. An invalid authority (theology) does not become valid *faute de mieux*.

Church authorities have not acted on their own claims. Aborted fetuses, if they are persons, should be baptized, just as infants are, and buried in consecrated ground. But that has not been regular church practice. If abortion kills a person, then the woman who undergoes an abortion should be punished as a murderer — and the worst kind of murderer, a filicide. Church authorities have not demanded such punishment.

"Tradition" does not give an answer where Scripture is silent. Augustine condemned abortion, not because of the status of the fetus, but because it meant that sex was used for reasons other than procreation, which he thought always wrong. He condemned, for that reason, sex after menopause, during infertile periods, during pregnancy — a ban church authorities long ago lifted.

Nothing I have said is a defense of abortion. There are strong arguments from natural reason to oppose it, including a presumption in favor of personhood where the possibility exists. That they are not so strong as to command general assent does not free anyone from the duty of considering those arguments seriously, and of making a decision in conscience based on that consideration.

All I am saying is that the bishops have no special mandate from their office to supplant the individual conscience with some divine imperative. For them to say that this is a matter of theology is, simply, bad theological reasoning. If they, as citizens, wish to express their opinion on the natural-reason arguments, they have every right to do so. But that does not give them the right to deny others the same kind of arguing, on the same grounds. The subject of abortion is not a matter of church-state relations, since the bishops as church authorities have nothing distinctive to contribute to the discussion.

Garry Wills, adjunct professor of history at Northwestern University, is the author of "Why I Am a Catholic."