We are experiencing at this present time in our American life probably the most serious threat to our religious peace and pluralistic coexistence in the past one hundred years. Only the most ignorant or the most callous persons can be oblivious to what can be only a portentous prelude to open religious warfare in our communities and the disruption of the amicable existence of very diverse religious groups in our society. During the last two decades we have witnessed important steps to understanding and toleration among all the major religious groups in the nation. Christians acknowledged, confessed, and began to correct the deep sources of anti-Semitism inherent in their faith. Under the influence of Vatican II, the Roman Catholic Church began to modify and rectify some of their harsh anti-Protestant views; Protestants under the tutelage of persons like Reinhold Niebuhr, John Bennett, and John Courtney Murray began to temper the bigotry born of their Reformation heritage and American nativism. The ecumenical movement, though high level and theological, promised at least a more tolerant and sensitive living together in the American proposition.

But something new in the conflict of values has begun to surface again, almost imperceptibly, in the Roman Catholic Church’s effort to save the parochial school system and the ancient, prohibitory abortion statutes. In New York State as well as other places, the escalation of the religious struggle in its more recent manifestations became apparent in the debate over aid to parochial schools. In the fight over the Blaine Amendment in 1967 to allow such aid, there was a low-keyed, but devious Madison Avenue advertising campaign which insinuated invidious charges against anyone who might on principle oppose direct
aid to parochial education. Open warfare emerged in the shrill, no-holds-barred battle to kill the present New York abortion law, one of the most liberal in the U.S.

In order to understand the conflict of values and theology that is becoming apparent in the controversy over abortion, we must comprehend a truth about our common life in America that is often denied or ignored: the civil amity and the religious harmony we are able to display from time to time present a fragile surface of unity, but underneath there is passion, and wars are going on. Neither phony brotherhood weeks, nor occasional bursts of ecumenical euphony, nor even the common ties of national chauvinism can serve to hide the deep differences and fervent disagreements of our religious beliefs and morality. Our memories need be jogged only slightly to recall the bitter religious rivalry of other times and places and those silent gaps of misunderstanding that so often characterized Catholic-Protestant and Jewish-Christian relationships in the past. Who doesn’t remember those vicious and intolerable stereotypes of each other that we carried, the bad recollections of our former hatreds? After all, the dissonant noise of school boards bickering over religious symbols in the classroom seemed harmless indeed compared with Roman Catholic homes being burned to the ground and pitched battles in the streets of Philadelphia only a hundred years ago. Only a dozen years ago it was alleged that John F. Kennedy should not be president of the United States because he would be loyal first to the pope and the Roman Catholic Church and only secondarily loyal to his country. Many people voted against him because they shared that belief. No one who makes fun of our “new harmony” could wish for the theological fratricide of our past.

Those who wish for true peace based upon social reality must accept two unavoidable premises about the nature of our American experience: (1) There are real beliefs and moral values that divide us so that our differences must not be buried in false unity and superficial harmony. (2) Since those differences exist and the structures of “passion” and “war” are just beneath the surface, the concept of “limited warfare” between differing faiths and ideologies offers the best possibility for contributing to justice in the balancing of interests and claims of diverse religious groups. If all religious groups in our democracy would accept
the principle of "limited warfare," we could plan for the con-
licts that are bound to occur when divergent faiths present their
demands in an open and heterogeneous society. In "limited
warfare" the aim is never annihilation or unconditional surrender
of the opposition. The weapons of "limited warfare" are argu-
ment and rational debate with compromise, accommodation, and
a reasoned respect for the others' point of view. The health and
vitality of our religious communities in America may well be
determined by the way in which we do battle in the common
social and political order.

In the light of these foregoing principles we must view with
alarm the growing escalation of religious warfare evidenced in
the latest activities of the leaders of the Roman Catholic Church
(from cardinal to priest), the National Right to Life Committee,
and even the president of the U.S.A. The first offers the theo-
logical rationale and moral absolutes; the Right to Lifers con-
tribute the demonstration and action that follow when a layman's
inordinate zeal is untempered by the prelates' pragmatic and
cloistered hortatory; and the last adds the imprimatur of the
highest office of the land. We need to look at the nature of all of
these adversaries of a woman's free choice to terminate an un-
wanted pregnancy and observe who they are, what they repre-
sent, and what fundamental moral and political issues they are
raising by their attacks.

First, we should deal with the hierarchy of the Roman Catholic
Church, including the office of the cardinal in New York State,
the Council of Bishops, and similar church officials. They have,
although representing a minority of Catholic believers, denied
the principle of "limited warfare" and have through pastoral
letter, sermons, and public statements destroyed the spirit of
dialogue and debate, opting for sloganeering and religious dem-
agogy unbefitting our more recent experience in understand-
ing and tolerance. A pastoral letter from thirty Roman Catholic
bishops made a verbal assault upon some of our finest and most
humane physicians saying, "Abortionists lost no time plying their
death-dealing trade. Each day they grow wealthier from the
killing of unborn children." In other words, doctors who believe
with conviction that it is a woman's right to terminate her un-

desired pregnancy were accused of killing primarily for money. And all persons connected with attempts to effect abortion reform, regardless of the religious conviction and moral values which motivated them to seek more liberal laws, were accused of seeking to establish a policy that would lead to legalized murder.

Now what is new in this stage of our warfare is not the Roman Catholic Church’s official position on abortion. This stance has been well-known for some time, as has its public position on birth control, censorship, and other moral issues upon which honest persons, with the same and differing religious persuasions, disagree. What is new is the extremism of the Roman Catholic Church’s verbal attacks which smacks of the desperation of “all-out warfare” that will smother the spirit of toleration in bitter divisiveness and return us to an age of religious intolerance and bigotry. Now at issue here is not the right of the Roman Catholic hierarchy to espouse its religious principles and doctrines; that guaranty is written deep in the American political system. What is at issue here, and perhaps more important than where we stand on abortion or aid to parochial schools, is a principle as old as this nation’s history, involving how we live together with deep and diverse religious beliefs and ethical viewpoints in a pluralistic society.

The freedom of religion is a precious part of our American political experiment. I would presume that all religious groups would applaud the decision of the Supreme Court that the Amish people, a small religious minority, should not be forced against their religious conscience to send their children to public schools. All of the legal accommodations and political forbearance shown toward religious groups in order to assure their freedom of belief and practice are acts which all persons in our democracy must cherish regardless of their religious preference.

In regard to the issue of abortion that is part of our present concern, the state has no right to tell the Roman Catholic bishops or the cardinal that they cannot expound their doctrine, expunge their heretical priests, or excommunicate Catholic women for the committing of mortal sin. The government has no right to interfere with the freedom of any religion to function with its theology, dogma, and morality. However, the state has every obligation to refuse to prosecute or criminalize women under legal statutes
for an action that one religious group, or at least a portion of its adherents, declares to be a mortal sin subject to ecclesiastical punishment. Such legal action would be a violation of a fundamental principle implicit in the First Amendment to the Constitution, namely, the freedom from religion. The Roman Catholic Church leaders have no right to expect the state or its legal system to make punishable the violators of its theological dogmas, its moral canons, or liturgical practices. This principle was involved recently in the case of the “St. Patrick Seven,” a group of nuns who protested the war by lying silently prostrate on the floor of St. Patrick’s Cathedral. Prostration in Catholic history used to be a bodily act of humiliating penance; now it is grounds for arrest—shades of modernism! The defense lawyer for the nuns based her case on the principle that the state of New York had no right to decide what was a violation of liturgical decorum. When the Roman Catholic Church refused to enter the case, the state dropped the proceedings. We felt that the Archdiocese hoped the nuns would be punished by secular authorities without giving the Roman Catholic Church bad press.

This freedom from religion is part of the tradition of our American constitutional system. It is just as clear that the courts of the land should not prosecute Jews who violate Kosher dietary laws or Protestants who carry on sexual practices prohibited by their particular sect or atheists who refuse to take the pledge which says “one nation under God.” The principle of the separation of church and state is not an empty axiom but an essential extension of the basic tenet of the freedom of and the freedom from religion in our American pluralism.

The leaders of the Roman Catholic Church in their use of the language of extremism have reverted to an earlier defensive posture which equated theological and moral differences with “blasphemy” and “treason against God and man.” In our differences as religious believers and Americans, we who differ with the hierarchy of the Roman Catholic Church, both Catholic and non-Catholic, have been slandered with names like “murderers.” In language and posture the Roman Catholic Church is sowing the seeds of bitter discord. After all, if people are to be called murderers or criminals or unfit to be part of the church, then it's a small step to denying them freedom and locking them up. If in your opinion and according to your
belief a person is in error, you may disagree with him, or even feel sorry for him. But if you conclude that person is a “murderer of babies,” then you are certain that he or she should be punished!

We must remind ourselves of the terrible omission deep at the heart of our individual faith. The concept of the rights of conscience has been since Nuremberg eloquently stated in the Declaration of Human Rights, the Documents of Vatican II, and our own Supreme Court decisions on dissent on the draft and the war. But the seeds of that belief are found in the works of Thomas Aquinas and great cardinals like John Henry Newman. Have the leaders of the Roman Catholic Church forgotten Cardinal Newman’s eloquent statement in answer to Gladstone’s accusation that Roman Catholics could not be loyal citizens of England owing to their absolute loyalty to the pope? Newman said:

When God became Creator, He implemented his ethical law, which is Himself, in the intelligence of all his rational creatures. The divine law is the rule of ethical truth—the standard of right and wrong, a sovereign, irreversible, absolute, authority . . . is called conscience and though it may suffer refraction into the intellectual medium of each person . . . still has, as such, the prerogative of commanding obedience.²

Or as one of the documents of Vatican II puts it: according to the way a man obeys his conscience, he will be judged. This is not to say that conscience never errs, but even when it is in error, it does not lose its dignity.³

In woman’s age-long struggle for first-class citizenship and genuine equality in the personhood of the human race, one of the last and most formidable barriers for her is in this area of reproductive rights—the personal and private freedom to determine when and how her reproductive organs will function. That fundamental right is now in most of the states abridged by restrictive abortion statutes. Those women, many of them Catholic and Protestant and Jewish, who have decided under the guidance of their consciences and religious convictions to terminate pregnancies, have been declared “murderers” by those who have for-
gotten a fundamental article of faith, the freedom of the individual conscience before God. If by threats and punitive action, conscience is bound and gagged, then all of Christendom is the poorer for it.

In its fight to retain restrictive abortion legislation or to turn back those instances where laws have been liberalized, the hierarchy of the Roman Catholic Church seeks to employ a principle that sets a dangerous precedent at least in our American system where church and state are defined as separate. The Roman Catholic Church is seeking to use the law as the primary sanction to uphold the belief that “abortion is murder.” As an article of faith within the Roman Catholic Church this belief is not even universally accepted, but within the broader scope of people in this country it certainly is not shared. In a pluralistic culture, to rely primarily on law as a means of attaining conformity of belief is a dangerous precedent. What happens in a nation where beliefs and morality are not homogeneous is described aptly by one of the great moral theologians of the Catholic Church, Father John Courtney Murray, who said:

Law is indeed a coercive force; it compels obedience by the fear of penalty. However, a human society is inhumanly ruled when it is ruled only, or mostly, by fear. Good laws are obeyed by the generality because they are good laws; they merit and receive the consent of the community, as valid legal expressions of the community's own convictions as to what is just or unjust, good or evil. In the absence of this consent law either withers away or becomes tyrannical.4

That statement describes what happens with laws restricting abortion. There is no consent or agreement concerning the law so that when there was only restrictive law, thousands of women all over this country got “illegal” abortions. Since the law has changed in some places, women travel hundreds of miles, pay premium prices, and risk their health at times, because there is no consent to the restrictive law. The law is not enforced; women are not tried and prosecuted for their “crimes.” Whether we believe abortion is moral or immoral, right or wrong, it is one of those areas of our moral disagreement that when covered by an unenforceable code creates sham, hypocrisy, and disrespect for law. Once again Father Murray's words are terribly relevant:

The moral aspirations of law are minimal. Law seeks to establish and maintain only that minimum of actualized morality that is necessary for the healthy functioning of the social order. It does not look to what is morally desirable, or attempt to remove every moral taint from the atmosphere of society. . . .

Therefore the law, mindful of its nature, is required to be tolerant of many evils that morality condemns.5

Certain practical consequences follow from this understanding of law and morals. If the Roman Catholic Church believes that divorce is absolutely wrong and a violation of God's commandment, the Roman Catholic Church has every right to teach that doctrine and even try to convince fellow citizens of its truth, but it is not right for that church to insist that laws of civil society either prevent or make it extremely difficult for a person to obtain a divorce. If the Roman Catholic bishops and priests want to teach and encourage their followers to refrain from all “artificial” contraceptives in their sexual lives on penalty of committing mortal sin, that is the church's moral business. But to try to enforce legislation or administrative codes that would deny the choice of birth-control measures to all people in the society is an excessive use of coercion to compel compliance by all people. If the leadership of the Roman Catholic Church believes that the ovum, the embryo, and the fetus are living human beings, then it only follows that for those who hold that view abortion is never allowable. But on the basis of that doctrine, the Roman Catholic Church should not attempt by legal sanction to deny all women the choice of bearing or not bearing an unwanted child.

The action of the hierarchy of the Roman Catholic Church in the excessiveness of its language on the issue of abortion and its all-out warfare to win the abortion issue is forsaking some basic tenets of our living together in an open society. Now the issue that suddenly needs open dialogue and serious debate is not “when does life begin in the womb?” but “when does freedom of choice and conscience end in society?” The question is not whether “feticide is homicide,” but whether in this society any group may impose moral and religious beliefs by legal sanctions upon all of society. Analogous to the abortion issue would be the passing of a law that forces a woman, against her religious

5 Ibid., p. 166.
convictions, to terminate a pregnancy or to be sterilized. That law would also be a violation of the belief in the freedom of religious practices even when those practices go against the seeming best interest of the state or, in another's view, seem erroneous. The principle of religious liberty to follow the dictates of one's own conscience on matters of faith and morals can never be forsaken regardless of the zeal or conviction with which one holds another's conscience to be wrong. It is of supreme importance as we tackle the complex problems of our social and moral existence together in this nation that we limit the "warfare" by a resolution to refrain from the language of extremism that writes off our opponents as evil adversaries, unworthy of being heard. The leaders of the Roman Catholic Church might seek the humility of our Master to love even the enemy of its own cherished traditions.

If the leadership of the Roman Catholic Church represented the verbal and theoretical base for the coming religious warfare, the Right to Life committees represent the ground troops and commandos of the warfare on the abortion issue. Now the facts ought to be made clear about this vociferous and vocal minority who have surfaced in remarkable fashion in the past five years. There have been certain myths about this vocal minority group that ought to be dispelled. First, it is not a heterogeneous, interracial, interfaith coalition of people. This group represents, for the most part, a certain minority group of lay persons in the Roman Catholic Church. Despite all the efforts to symbolize the mixture of this group, its membership is about 85 to 90 percent Roman Catholic with a few exceptions of well-publicized participants from orthodox Judaism and conservative Protestantism. Another myth about this group is that it is a conspiracy of the Roman Catholic Church, paid for and completely subsidized by that church. There are no facts to substantiate this charge with the exception perhaps of provision of space in which a Right to Life group meets and some militant priests who lend an institutional aura to their makeup. Although the Right to Life group is not conspiratorial in any sense, it is a fanatical minority in the Roman Catholic Church and community and is dangerous, not because it is subversive, but because it is divisive in the deepest sense and as such is a threat to civil peace.

When we label the Right to Life group as fanatics, we are not
attempting to lay that charge against individual participants, but we are describing some important characteristics of the group as a whole. One dictionary describes a fanatic as one who has an intense, uncritical devotion. When a person has such a devotion, he tends to believe that all people should believe as he does. So he tries to enforce that belief upon all, denying to others the freedom to act upon the basis of their own belief and conscience. We can see the dangers of fanaticism in the Right to Life stance in terms of its adherents' unquestioned assumptions about abortion and their efforts to enforce their belief upon all others.

The fanatic cannot accept the possibility that the truth which he holds may be partial or limited. When this view of truth is related to ethics, the fanatic's belief that there is no possibility of his being wrong turns an ethical choice into unbearable moral arrogance. However, the fanatic believes so strongly that his truth is indisputable that his actions are, to him, unquestionable.

In the abortion issue, the Right to Life group is fanatical in that they see no moral complexity or question involved in the decision to have an abortion. For them, abortion is murder. Their visual material uses photographs of a twenty- to twenty-four-week aborted fetus; but according to their theology, at whatever stage the conceptus is terminated—whether an ovum in the second week, an embryo in the third week, or a fetus in the fifth week—the act of termination is a murder, just as if one took the life of a thirty-year-old person.

This view of the biological process gives it a right that transcends any human consideration or intentionality. The biological process is ordained as an Ultimate Good with absolute rights, whether at the stage of ovum, embryo, or fetus. The Right to Life adherent transposes the ovum, embryo, or fetus, by an act of faith, into the repository of spiritual soul and human quality identical to that held by a fully developed human being. The enlarged photograph of the fetus doesn't prove to the Right to Lifer that the fetus is a child—the pictures are simply proof to him of what he already believes. The enlarged photographs are used then to convince the "unbelievers" that in the womb is a fully developed human being. No one can fault this transposition by the fanatic—there is nothing wrong with his act of faith and the ethics he derives from it. But if one is able to infuse the
ovum, embryo, or fetus with humanity and spirit (some people do that with animals and insects, and others called "animists" do it with rocks and trees), then it is an easy next step to talk about women and doctors who terminate pregnancies as "murderers."

However, there is an interesting inconsistency in the inordinate concern of the Right to Lifers about abortion and the natural process. About one-third of all the pregnancies in the world are aborted, not by doctors or women or midwives, but by an Unseen Hand called by some religious persons "the will of God" or "natural necessity" (which is translated into natural law). All of these millions of abortions are acceptable because "nature" or "God" dictated that these pregnancies should be aborted for some reason of imperfection or malformation. However, should nature slip up and a physician discover a malformed fetus, neither he nor any mortal for any reason has the right to intercede because "God's will" or "natural necessity" elects that the fetus should be born. If this were not the case, the fetus would have been aborted. Now if there were some consistent concern for the right to life apart from theological assumptions, the devotees would have to protest these absurd and unreasonable abortions—fetuses killed without any good human reasons.

The Right to Life adherent does not seem to find it possible to accept the possibility that he has seen the truth in a distorted and limited way. By converting the embryos and fetuses into an Ultimate Good, he engages in a myopic, "one-dimensional" morality in which the talk of a woman's right is meaningless compared to that of a deified conceptus. For him there are no reasons, however persuasive, that could possibly justify not homicide (because we have laws for justifiable homicide) but deicide. The deification of the conceptus must be as repugnant a form of idolatry to the Holy One as the pagan idolatry which demanded human sacrifice. But the most popular idolatry in which we humans engage is to take finite, partial, and limited truth and by this alchemy of a kind of moral insolence convert it into an absolute value or idol. The mark of the fanatic is nearly always some form of idolatry.

Because fanatics believe that the truth they espouse is not capable of containing any error, they consider compromise and accommodation to be betrayal and their opponent to be not simply
wrong but diabolical or evil. Therefore the fanatic is not interested in conversation and dialogue. He seeks only conversion, and his weapons are always slogans and name calling. Of course, if one possesses the only truth and that truth is absolute, it stands to reason that one might be preoccupied with making converts. This form of religious imperialism is not confined to Right to Life adherents. But when people believe that they are the real protectors of life itself, then that belief imparts the kind of zeal which enables them to stand in front of abortion facilities and scream "murder" at women who are following their own beliefs and consciences. Most of us have not been able to condone those who have labeled as murderers members of the armed forces leaving for Southeast Asia to burn and commit mayhem on a whole populace. We respect the conscience that takes one man to war and another to prison in protest against that war. Yet those in the Right to Life groups, most of whom are Catholics in belief and practice, call their coreligionists and sisters "murderers" simply for choosing an elective medical procedure which is allowed by law in certain states. This reaction is a form of cruel and inhuman treatment that only an extreme fanaticism could condone. When children from parochial schools are dismissed and sent to run through the legislative halls with "Abortion Is Murder" labels pasted on their lunchboxes and when legislators are threatened with political extinction if they dare to disagree with the "truth" as it has been revealed, then dialogue has ceased and demagoguery has won.

The Right to Lifers without any exception believe in a compulsory childbearing law (a kind of "forced labor" for all women), which is perhaps one of the last and most formidable blocks against a woman's true freedom and equality. As long as she must forever bear and care for the products of conception, and her mind, body, and spirit are bound by a "biological determinism," she cannot know true liberty. The Right to Lifers might recall a famous American patriot who said, "Give me liberty or give me death." Patrick Henry was not denigrating life or saying it wasn't precious, but he was saying that under certain tyrannies death is preferable. It is a matter of record that some women consigned and required by the law of the land to bear children against their will (which is a kind of legalized rape) have in the past preferred death or the risk of death to living under such oppressive laws. The women in
the nation must in due time see the dangers of a compulsory child-bearing law that restricts their freedom of choice and right of conscience whether they be Catholic, Protestant, Jew, or of no religious preference.

Another argument that Right to Lifers have concocted is that there is no such thing as an unwanted child. That assertion is used to answer those “bleeding hearts” who keep asking about the fruits of compulsory childbearing laws—unwanted children. This piece of fiction is like saying there are no unwanted blacks in white neighborhoods, no such things as unwanted Jews in WASP enclaves, no unwanted Puerto Ricans in white ethnic strongholds. There are plenty of unwanted children, in orphanages and even in their own homes, and only the most desperate hope could create this gigantic illusion that there are none. Even if wishing could make it so, what about a law that compels women to be “baby-makers” for other women, forcing women to be bearers of the burdens of another’s desires? The only thing missing is free choice. For the women who love to have babies and give them away it would be wonderful, but for all others an unthinkable bondage.

Finally, a word about the political role in the abortion controversy is in order. Richard M. Nixon lent all the prestige of the office of President of the U.S.A. to help defeat the present liberal law in New York State, which his opponent for the presidency was trying to leave to the decision of the state. Mr. Nixon promoted the question to a national issue by his intervention. It is not extraordinary that Mr. Nixon’s view on the worth of human life should be inconsistent or even contradictory, and no one can fault his expressing his own belief on any subject. What is shocking is that he saw fit in his high office to join the hierarchy of the Roman Catholic Church in a public endorsement of its effort to reinstate in New York a compulsory childbearing law that would force every pregnant woman to bear her child, even if it was against her own religious conscience and convictions. That act alone was the most defiant violation of the principle of the separation of church and state in recent history. The intervention of the president of this country in such a highly volatile, religious controversy while it was being deliberated by a state legislature and pending before the Supreme Court can only be interpreted as an action of the most partisan, political opportunism. In a letter to
Terrence Cardinal Cooke commending his efforts to repeal New York's abortion law, the President wrote:

... unrestricted abortion policies ... seem to me impossible to reconcile with either our religious tradition or our Western heritage. One of the foundation stones of our society and civilization is the profound belief that human life, all human life, is a precious commodity. ... ⁶

Against that one can recall that Richard Nixon has ordered the dropping of more than seven million tons of bombs on Vietnam, killing hundreds of thousands of human beings.

No one can say what the future holds for this issue and the controversy that is abroad in the land, but at this point the Roman Catholic Church has cast caution to the wind in an attempt to retain restrictive abortion laws where they exist and to repeal liberalized abortion laws. For the Roman Catholic leaders this effort is a reckless race against time. The Gallup poll does show an amazing shift in attitudes. In 1968 less than 15 percent believed in liberalized abortion laws. However, in that same year out of a sampling of 6500 women going through our abortion counseling service in New York City, 33 percent were Roman Catholic women. In 1972, 64 percent of persons believed in more liberal abortion laws, and even among Catholics, 56 percent favored liberal laws,⁷ in a church where denial of sacraments and excommunication are what one may expect for following one's conscience. This poll bodes well for the future. This trend does not mean necessarily that more Catholic women will get abortions and forsake their church's teaching. It does mean that increasing numbers of all people in this nation, including Catholics, believe that the matter of abortion is something that the law should not dictate, but that every woman must possess the freedom, guaranteed by the Constitution, to follow her religious conscience in the determination of whether she will or will not bear a child.