

KISSLING SPINS CANON LAW

Catholics For a Free Choice (CFFC) recently released a new pamphlet, titled, “Catholics and Abortion: Notes on Canon Law.” Its aim is to counter “finger-pointing” and “misinformation.” No one who is familiar with Frances Kissling’s group should be surprised that the only techniques used in the pamphlet are just that—finger-pointing and misinformation.

The introduction whines, “Everyone is an expert, claiming that prochoice Catholics are ‘heretics’ or have been ‘excommunicated’ because they have had an abortion or have supported legal abortion.” And here’s some misinformation: CFFC claims, “We respect the church’s law.”

The pamphlet focuses on two relevant passages in the 1983 Code of Canon Law—the one prescribing automatic excommunication for those who have a completed abortion (canon 1398), and the passage that stipulates automatic excommunication for “accomplices” without whose help the grave sin could not have been committed (canon 1329 §2).

In the next ten or so pages, the pamphlet’s author, Sara Morello, wrangles word-by-word with the passages from Canon Law, attempting to show that mitigating factors can lessen the likelihood that someone who has had an abortion actually incurs excommunication. But any Catholic already knows that there are conditions to be met (grave matter, full knowledge, and deliberate consent) before any sin incurs its full penalty. (Incidentally, the word “sin” appears nowhere in the leaflet.)

In a huge leap of logic, the brochure tells us, “In cases where it is difficult to argue that the primary actor incurs a penalty, it would also be very difficult to justify punishing accomplices.” In other words, since we cannot say for sure

whether the woman undergoing an abortion meets the requirements under Canon Law for responsibility for her actions, then we cannot even begin to judge the actions of accomplices, such as Kissling. Thus “the routine activity of hospital administrators, directors of abortion clinics and prochoice politicians does not make them eligible for punishment under this canon.”

One doesn't have to have a degree in Canon Law to see this is nonsense. Canon 1329 states that anyone who aided in the commission of an offense such that it would not have been committed without their help suffers the penalty attached to that offense. For example: an accomplice to a murder is subject to the same penalty that the actual murderer is, regardless of any mitigating factors operating on the murderer. If the murderer is in a blind rage and acts in the heat of the moment, he may be less culpable; but a man who calmly gives him a knife and leads him to his victim enjoys no such advantages. Each individual is subject to penalties based on his own mental state and actions.

Frances Kissling and other facilitators of abortion are probably not under the emotional pressure of those with unplanned pregnancies. And CFFC is fully aware of the Church's actual teaching; they produced this tract on Canon Law, didn't they? And it even grudgingly acknowledges, “getting an abortion is against the church's law.”

In other words, Frances Kissling and her ilk have no excuse. And whether or not you believe that she has acted directly as an “accomplice” through her work with CFFC and the pro-abortion lobby, there remains the fact that she operated one of the first legal abortion clinics in New York, and ran illegal ones in Mexico and Rome; all of which she still defends. If that's not direct complicity, then the law is meaningless.

It's not our place to declare people excommunicated, but we

will point out their disingenuous reasoning. Kissling's motive in producing the tract is transparent: she hopes to silence her opposition, who place her and her organization outside the Church. But Canon Law is clear on one matter, and the American bishops agree: Catholics For a Free Choice is anything but Catholic. And no glossy pamphlet that butchers Canon Law will convince us otherwise.