

**THE CASE NOT HEARD: THE PHOENIX “ABORTION” CONTROVERSY—
SELECTED SESSION**

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| Topic: | The Case <i>Not</i> Heard: <i>Moral Triangle Analysis of the Phoenix “Abortion” Controversy</i> |
| Convener: | James T. Bretzke, S.J., Boston College School of Theology & Ministry |
| Moderator: | Judith A. Merkle Niagara University |
| Presenter: | James T. Bretzke, S.J., Boston College School of Theology & Ministry |
| Respondent: | Ron Hamel, Catholic Health Association of the United States |

Brief Overview of the Chronological Timeline of the Phoenix Case

In November, 2009 a mother of four children had her pregnancy terminated for medical reasons at St. Joseph’s Hospital in Phoenix, Arizona. The reasons for the pregnancy termination were reviewed by the ethics board of the hospital, chaired by Sr. Margaret McBride, and in the board’s judgment the termination of the pregnancy constituted an “indirect” abortion and thus was allowed by the relevant sections of the U.S. Bishops’ Ethical and Religious Directives for Catholic Health Care Services (ERDs). The pregnancy was terminated and the fetus died. The mother survived. Some months later this case came to the attention of the local bishop, Thomas Olmsted. This set off a series of events that included a statement by the bishop in May, 2010 that Sr. McBride had incurred an “automatic” *latae sententiae* excommunication for her role in this decision. Subsequently the bishop stripped the hospital of its “Catholic” status on December 21, 2010 when its administrators refused to agree to his ultimatum that included an admission that the original decision amounted to a direct abortion and a serious violation of the ERDs. After the December decision a number of groups, including the Catholic Health Association issued statements backing St. Joseph Hospital’s original position on this case. This support led then to a contrasting statement by the president of the U.S. Catholic Conference of Bishops, Archbishop (now Cardinal) Timothy Dolan, which expressed support not for the “reading” of the case by Bishop Olmsted, but for his jurisdiction and authority to take the actions he deemed appropriate.

Presentation and Response

James Bretzke asked what really was at stake in the Phoenix case. Questions which illustrated the complexity of this case were the following. Was it an anguished decision to save the only life possible, or was it a case of sacrificing the innocent life of the fetus to rescue the mother, or was it actually a more complex issue of ecclesial authority over teaching and administration? To approach a more irenic discussion of these vexing questions Bretzke developed what he termed the “Moral Triangle” of moral analysis. This triangle of analysis was constructed of an Issues Angle whose two legs are Working Assumptions connected with what were considered to be the Morally Relevant Features. The Judgment Angle’s legs are Truth Claims, which in turn ground the resulting Moral Principles, and the Application’s Angle’s legs articulate desired Goals and corresponding Strategies that hopefully will achieve those Goals.

The entire Moral Triangle approach was grounded in St. Ignatius of Loyola’s well-known *Presuppitio* of the *Spiritual Exercises* (SE, no. 22). Ignatius here proposes an initial stance of presuming good faith on the part of all concerned and then outlines a practical

methodology of first asking questions for clarification on points that remain troubling and only after that moving towards a New Testament communal correction. Bretzke asserted that these clarification questions would help uncover misunderstood elements in any of the legs of the Moral Triangle which in turn might have led to mistaken or misguided applications of say the moral principle of "formal cooperation with evil" or the absolute prohibition of a "direct abortion," and so on. Bretzke then presented each leg of the Moral Triangle to unpack the various competing conceptualizations of the complex Phoenix case. He presented that the medical care practitioners concentrated on the "Issues Angle," whereas Bishop Olmsted focused on the "Judgment Angle" (with serious erroneous conclusions based on invalid Truth Claims) and Cardinal Archbishop Dolan in his role as President of the USCCB viewed the case largely in terms of the Application Angle with the primary goal to be upholding the jurisdictional authority of the local bishop. Bretzke raised the question of Bishop Olmsted's interpretation of formal cooperation, and asked whether formal cooperation had been conflated with material cooperation.

In response Ron Hamel noted that the spirit and tone of Ignatius' "presupputio" would indeed help the current environment where disputed cases arise; however, the case unfortunately is that parties who disagree often think the other as not only wrong but also lacking in orthodoxy. Hamel found that the Moral Triangle was not only helpful in unpacking complex moral situations but also underscored the reality that what we see, value, understand, and judge to be true are influenced very much by where we stand—by our identities, background, roles and responsibilities. However, Hamel also raised the question of whether the Moral Triangle leads us to judgment after we become aware of the divergent perspectives involved. He asked whether the language used to communicate the case made it possible for Bishop Olmsted to understand the procedure as an "indirect abortion." He questioned whether the timing of the communication, not immediately after the procedure was performed, could have suggested to the diocese that there was some laxity in the observance of ERDs. Among other concerns Hamel raised were whether the procedure was an indirect or direct abortion, or an abortion at all. He reminded the group that we can lack an adequate conceptualization of very tragic cases, ones which the moral manuals in the past have defined as "those in which there are simply no good choices." These tragic situations do not easily fit into our traditional moral categories. They remain challenges to our present ecclesiastical environment, and communication with our bishops. This session was well attended and prompted an eager exchange not only in the question and answer period but after the session ended.

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