

## CHRISTOPHER PEARSON'S MORAL THEOLOGY

There is clearly a defect in the formation of the convert Australian Catholic journalist, Christopher Pearson. In his *Op Ed* piece for *The Australian*, 20-21 June 2009, *Conservative's hero a hard man to read*, he writes—

“Classical moral theology has for centuries recognised a husband’s right to choose to save his spouse’s life at the expense of the child’s, if the medical advice is that he has to make an either-or choice...”

The constant teaching of the Catholic Church over 2,000 years contradicts the existence of this alleged right. Thus, in December 1930, Pius XI—

“[H]ow deeply we feel for the mother whose fulfillment of her natural duty involves her in grave danger to health and even to life itself. But can reason ever avail to excuse the direct killing of the innocent? For this is what is at stake. The infliction of death whether upon mother or upon child is against the commandment of God and the voice of nature: *Thou shalt not kill!* The lives of both are equally sacred and no one, not even public authority, can ever have the right to destroy them. It is absurd to invoke against innocent human beings the right of the State to inflict capital punishment, for this is valid only against the guilty. Nor is there any question here of the right of self-defence, even to the shedding of blood, against an unjust assailant, for none could describe as an unjust assailant an innocent child. Nor, finally, does there exist any so-called right of extreme necessity which could extend to the direct killing of an innocent human being. Honourable and skillful doctors are therefore worthy of all praise when they make every effort to protect and preserve the life of both mother and child. On the contrary, those who encompass the death of the one or the other, whether on the plea of medical treatment or from a motive of misguided compassion, act in a manner unworthy of the high repute of the medical profession.”  
(*Casti Connubii*, 31.12.1930)

It is precisely because judges have failed to uphold the moral principle at the heart of the matter—the sanctity of human life, *of all human life*—that western countries like Australia find themselves in their present appalling moral state. The only thing ‘classical’ about the view Pearson defends is the case it embraces, a type used all too frequently by those content to ignore principle for the sake of expediency.

Hard cases, as any lawyer will tell him, make bad law. Hard cases provide no excuse for the denial of principle.

Michael Baker

21<sup>st</sup> June 2009—*Twelfth Sunday of the Liturgical Year*

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### ADDENDUM

It has been suggested that Christopher Pearson was referring to the exceptional case covered by the Principle of the Double Effect such as arises, for example, with an ectopic pregnancy. The Principle of the Double Effect provides that it is not licit

to perform an act wherefrom flow two effects, the one good, the other evil, unless four conditions are fulfilled:

- i. the act itself is good, or at least morally neutral;
- ii. the good lost by the evil effect does not outweigh the good of the good effect;
- iii. the good and evil effects flow at least with equal immediacy, but never the evil before the good; and,
- iv. the good effect alone is intended.<sup>1</sup>

Now Pearson grounds his opinion on this premise—

“...if the medical advice is that [the husband] has to make an either-or choice...”

That this falls *outside* the principle can be shown from an analysis of its application. If an ectopic pregnancy was allowed to proceed, there is no ‘either/or’ about the issue. Its continuance would kill BOTH mother and child because the child is developing in an organ other than the womb. The principle allows the removal of the fallopian tube to save the life of the mother: the death of the child, though it is an inevitable consequence, is not intended: nor can any guilt attach when the operation is performed. Similarly, there is no ‘either/or’ about the issue confronting the fighter pilot who shoots down an airliner commandeered by Muslim extremists before it collides with a skyscraper. If the pilot does not act, BOTH passengers and the occupants of the building will be killed. If he does act the lives of those in the building will be saved.

Pearson’s remarks can only be taken to refer to the situation of the difficult childbirth where the life of the mother is threatened.<sup>2</sup> It is not licit, in such a case, to prefer the life of either, as Pius XI makes clear.

Pearson is wrong again in the assertion contained in his next sentence—

“[N]o moral theology... could conceivably extrapolate from an extreme case and conclude that anyone who wanted it should have easy access to an abortifacient as of right.”

The evidence is overwhelmingly against him. It is not a matter of “moral theology” building on this extreme case, but the public perception (manifested in the country’s laws) building on it. Because of the influence of Protestantism rather than Catholicism on the thinking of English legislators, statute law in England in the early 20th century was modified to protect a surgeon who intervened to kill an unborn child whose birth threatened the life of the mother. The betrayal of moral principle entailed here was incorporated into legislation in Australia shortly afterwards. With this permission, it became licit to kill in some circumstances. Thenceforth the rule of morals was no longer absolute.

Once you admit a principle, the consequences flow. The law having admitted the principle that evil may be done that good may come of it, the foundation was laid for the granting of greater, and greater, concessions. The judges of England and

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<sup>1</sup> Cf. St Thomas Aquinas, *Summa Theologiae*, II-II, q. 64, a. 7

<sup>2</sup> Thanks to modern medicine, this is a situation which almost never occurs today.

Australia extended them after Dr Aleck Bourne, an English gynaecologist, decided to test the law by aborting a young girl raped by four guardmen in 1938. He was acquitted in a celebrated trial (*Rex v Bourne*). Now, in the early 21<sup>st</sup> century, we have reached the point where any alleged threat to the mother's wellbeing will suffice to permit her to kill her unborn child. It is impossible to police these claims and the inevitable consequence is with us: abortion on demand. It is little consolation to the world that Dr Bourne later repented of the action he had taken. But the harm was done not by him, but by the influence of Protestantism on English and Australian legislative thinking.

However, let us concede the point that Mr Pearson may have intended to refer only to cases covered by the Principle of the Double Effect, and that he has expressed himself badly. Who among his readers, the vast majority of them secular and atheistic, would know that he was referring to a principle whose application is so carefully surrounded with conditions? And why did he not make it clear, if this is what he was referring to?

At the very least his remarks are misleading. At worst, they are a scandal.

MJB

28<sup>th</sup> June 2009—*Thirteenth Sunday*