

AN APPROACH TO THE DEBATE SURROUNDING *LIVE ACTION*

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The whole concern of doctrine and its teaching must be directed to the love that never ends. Whether something is proposed for belief, for hope or for action, the love of our Lord must always be made accessible, so that anyone can see that all the works of perfect Christian virtue spring from love and have no other objective than to arrive at love.¹

THE CONTEXT OF THIS DISCUSSION: AN INTRODUCTION

In February 2011 a debate arose in the media and on the internet related to online videos released by the pro-life advocacy group Live Action. The videos are edited versions of undercover footage made in January 2011 during several “sting” operations at Planned Parenthood clinics in New Jersey, New York, Virginia, and the District of Columbia.² Live Action’s new project continues a legacy of the group’s use of undercover journalism aimed at “exposing” Planned Parenthood, in work such as their *Rosa Acuna Project* and *Mona Lisa Project*.³ This latter endeavor is described, on the group’s website, as providing evidence of Planned Parenthood’s “willingness to repeatedly violate mandatory reporting laws

¹ *Roman Catechism*, “Preface”, 10. Qtd. in CCC 25.

² “Exposing Planned Parenthood’s Cover-Up of Child Sex Trafficking,” Live Action, <http://liveaction.org/traffick>.

³ “Mona Lisa Project,” Live Action, <http://liveaction.org/monalisa>; “Rosa Acuna Project,” Live Action, <http://liveaction.org/rosaacuna>.

for statutory rape that protect children.”⁴ Their latest work is directed toward a similar goal: the subjects of the videos are actors who, posing as pimps and underage prostitutes, request services of Planned Parenthood such as abortion and disease testing, in order to see whether clinic workers will report the illegality of their sex work to authorities or instead become complicit in illegal activity.

The debate produced by the videos has become active in many quarters, from the mainstream media to the floor of State and Federal Legislatures. One particular facet of the debate, which it will be our concern to address in the following pages, is the conversation among Catholic commentators and bloggers over the moral liceity of Live Action’s tactics in light of Catholic moral doctrine. As the amount of opinion published on this topic is already staggering, we cannot possibly hope to journey down every avenue of consideration that has been taken. Rather, our approach will be to address the general tenor of the debate as it has been engaged thus far; to point out certain methodological errors which seem to be plaguing the discussion; and to suggest a methodology for consideration in addition to specific resources which, in our opinion, best serve the goal of reaching conclusions that are in keeping with the Church’s teaching.

THE TENOR OF THIS DISCUSSION: AN EXHORTATION

In his Apostolic Exhortation on the sacrament of Penance, *Reconciliatio et Paenitentia*, Pope John Paul II addresses the matter of catechesis as a directive of

⁴ “Mona Lisa Project.”

the Church aimed at leading people to conversion and reconciliation. Speaking of the various initiatives of “dialogue” undertaken by the Church, such as ecumenism and evangelization, the Holy Father identifies a prior imperative for “a sincere effort of permanent and renewed dialogue within the Catholic Church herself.”⁵ Crucial to this endeavor are the traits of docility and obedience within the Church, whereby members “relinquish our own subjective views and seek the truth where it is to be found, namely in the Divine Word itself and in the authentic interpretation of that Word provided by the Magisterium of the Church.”⁶ Emphatically, the Pope reminds us at the end of his treatment of this matter, “dialogue, whatever form it takes... can never begin from an attitude of indifference to the truth. On the contrary, it must begin from a presentation of the truth, *offered in a calm way, with respect for the intelligence and consciences of others.*”⁷

In the debate surrounding Live Action, members of the Church admirably have taken up the Holy Father’s call to engage in the process of internal dialogue and reflection which must form the basis for our mission of “the new evangelization.”⁸ The issue raised by Live Action’s projects – the question of how to effectively promote a culture of life within our society without sacrificing

⁵ Pope John Paul II, *Reconciliatio et Paenitentia*, 25. Subsequently *R&P*.

⁶ *Ibid.*

⁷ *Ibid.*; emphasis added.

⁸ Cf. Pope John Paul II, *Novo Millennio Ineunte*, 40.

our own moral integrity – has spurred a moment of urgency for those Catholics who wish to authentically witness to the Gospel in our age. However, in the midst of this urgent reflection and dialogue, the equally imperative concern of *charity in truth* – of which our present Holy Father has again lately reminded us – has sometimes fallen by the wayside.⁹ To take one example among many that could be elicited, a recent commenter on a blog post by Catholic apologist Mark Shea, had this to say: “I can’t imagine anything more sanctimonious than this effort to suggest that people who support Lila Rose are immoral people who tell lies. What have you done for the unborn lately Mr Shea?”¹⁰

On the other hand, what has been written in approbation of Live Action’s tactics has perhaps not taken great enough pains to underscore the mission of charity in these iterations: the goal of fraternal correction directed, in love, to greater unity in God’s Church and a better service, in turn, to those to whom we are called to witness in the world. Along the same lines, the arguments themselves – on either side – have failed to humanize the subjects of Live Action’s “stings” and to frame the evaluation of the moral situation in terms of the charity which is due just as much to workers of Planned Parenthood as to any of God’s children. And yet this matter of charity and service to the other, the “logic

⁹ See Pope Benedict XVI, *Caritas in Veritate*. Subsequently *CV*.

¹⁰ [Commenter name withheld], “Friday, Feb 18, 2011 10:32 AM (EST)” at Mark Shea, “Last Comments on Lying for Jesus,” *National Catholic Register: March Shea*, Feb. 18, 2011, <http://www.ncregister.com/blog/last-comments-on-lying-for-jesus/#blogComments>.

of gift” which Pope Benedict XVI has called us to manifest in our social works, *must* be part of any determination either countenancing or disapproving the Live Action operation.¹¹ In order to fulfill the call to dialogue aimed at attaining the truth, more attention must be given to the dignity of “the other,” in the form of our interlocutors as well as those around whose actions the debate revolves.

One more brief observation might be made about the character of the debate as it has progressed so far. The unique venue of the internet can confound us with its belying simplicity. It is too easy to click “send” or “post” and transfer our thoughts into the ether without hope of redaction or amendment. Furthermore, one can miss on the internet distinctions among levels of discourse which are more patently obvious in other media. Academic considerations by credentialed experts in a field may appear syndicated alongside the musings of teenage hobbyists and every other class of intellectual in between. This is one of the most exciting and democratic functions of the internet and should rightly be celebrated; however, it also underscores a need for greater discernment among information consumers, especially Catholics. Fundamental to the Church’s moral doctrine is the moral requirement for every individual to form his or her conscience according to reliable sources. This teaching, laid out in *Dignitatis Humanae* by the Fathers of the Second Vatican Council, connects to what has been said previously: for, in light of the complexity involved in forming our own

¹¹ Cf. *CV*, 34.

consciences, the Sacred Council teaches, “the charity of Christ urges [us] to love and have prudence and patience in [our] dealings with those who are in error or in ignorance with regard to the faith.”¹² In a discourse, therefore, in which fastidious referencing and citation is not required, one must read between the lines to sort reliable and verifiable assertion from the mere conjectures of opinion, particularly when the subject of discernment pertains to weighty matters of morality.

THE PROBLEMS OF THIS DISCUSSION: AN ANALYSIS

As stated above, it is hopeless to try to catalogue every argument which has been offered for and against Live Action’s use of misrepresentation. Even presenting an overview of the discussion represents a primary difficulty, insofar as many of those in the debate seem to be addressing the issue under the auspices of different questions. We will organize our approach around three of these divergent questions which seem to be directing the debate, in an effort to regain clarity and put the various arguments in stasis to one another. These questions are: (A) whether, if Live Action’s tactics constitute *lying*, this may not be justified as the lie seems directed toward a good cause; (B) whether Live Action’s project can be categorized under another moral identification instead of lying; (C) whether Live Action’s situation – lying or not – is congruous to others (such as war) which complicate the categories of moral reasoning by which we ordinarily evaluate personal actions.

¹² *Dignitatis Humanae*, 14.

Whether a lie may be justified. This argument, tempting in its simplicity, was early abandoned by most commentators on the present issue when the relevant doctrine was brought to light and put forth for consideration. Nevertheless, some may still be concerned to establish whether even a lie, so defined, is not *ever* justified.

The Catechism of the Catholic Church states that, “by its very nature, lying is to be condemned.”¹³ For its definition of the *nature* of a lie, the Catechism follows the formulation of Saint Augustine, citing his work *De Mandacio*: “A lie consists in speaking a falsehood with the intention of deceiving.”¹⁴ Now, it is interesting that the Catechism should draw here from Saint Augustine when the matter had also been treated extensively by Saint Thomas Aquinas. If we look to the discussion of lying by Aquinas, we find the same passage cited from Augustine.¹⁵ Aquinas, however, nuances the discussion by distinguishing between “formal” and “effective” falsehood. The essential nature of a lie, he says, stems from “formal falsehood, from the fact namely, that a person intends to

¹³ CCC, 2485.

¹⁴ CCC, 2482; cf. St. Augustine, *De mendacio*, 5: “But none doubts that it is a lie when a person willingly utters a falsehood for the purpose of deceiving: wherefore a false utterance put forth with will to deceive is manifestly a lie.”

¹⁵ *S.T. IIa-IIae*, CX, i, *sed contra*.

say what is false.”¹⁶ The intention to deceive, for Saint Thomas, “does not belong to the species of lying, but to perfection thereof.”¹⁷

The teaching of Aquinas does make its way into the Catechism implicitly, as it seems to undergird the statement that a lie is sinful *sua natura* – by its very nature. By this distinction, the Catechism is qualifying a lie in terms of that specific “source” of morality known as the “object of the act,” which is distinguished from intention and circumstances as the primary criterion of evaluating moral action.¹⁸ So called *intrinsically evil* acts are those which, according to their objects, can never be justified through appeals to intention or circumstances.¹⁹ In fact, John Paul II famously condemned precisely such a kind of justification in his landmark moral missive, *Veritatis Splendor*.²⁰ So, then, the Catechism does seem to follow the opinion of Saint Thomas that “every lie is a sin.”²¹ Furthermore, if we take a cue from the Catechism to trust the authority of Saint Thomas in this matter, we can find an even more topical answer to the

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ CCC, 1750.

¹⁹ CCC, 1756; it is useful here to note that the “end” of an act has to do with its ultimate intended effect(s) and may not be reduced to or conflated with the moral object; thus, the goal of saving a mother’s life cannot be used as validation for cases where the moral object is direct abortion (which excludes cases of double-effect). The distinction of “ends” and “means” as it is used in common discussion is often trying to get at this distinction in weaker terms, and this can produce confusion if the distinction between the proximate object of the moral act and remote intended ends of moral action is not observed. Cf. CCC, 1751-1753.

²⁰ Pope John Paul II, *Veritatis Splendor*, 56. Subsequently *VS*.

²¹ *S.T. IIa-IIae*, CX, iii, *responsio*; this is also the conclusive opinion of Saint Augustine, however it is not as emphatically or clearly stated there.

question at hand. Thomas responds explicitly to the objection that a lie seems a lesser evil to risk when the matter is ultimately directed to saving someone from being slain, stating candidly: “[I]t is not allowed to make use of anything inordinate in order to ward off injury or defects from another... [t]herefore it is not lawful to tell a lie in order to deliver another *from any danger whatever*.”²²

A question remains, though, as to why the Catechism borrows its distinction of the *nature* of lying from Aquinas, but uses for a *definition* the formula of Augustine which *includes the notion of intentionality*. Jeffrey Mirus, writing in *This Rock* magazine, has suggested that the Church is moving towards a definition of lying in which intentionality is constitutive of the act along with its object, and that this is represented by the inclusion of Augustine’s phrasing.²³ He sees further significance in the fact that, in the Catechism’s original issue, a statement was included declaring, “To lie is to speak or act against the truth in order to lead into error *someone who has the right to know the truth*.”²⁴ This wording, however, was redacted in later editing (i.e., “someone who has the right to know the truth”);²⁵ and while Mirus recognizes this, he is interested in its one-time

²² *Loc. cit.*, *adversus iv*; emphasis added. I reiterate that Aquinas is specifically addressing the objection that it seems permissible to lie in order to save someone from murdering or being murdered.

²³ Jeffrey A. Mirus, “Is Lying Ever Right?” *This Rock*, September, 2008, <http://www.catholic.com/thisrock/2008/0809fea3.asp>.

²⁴ CCC, 2483; emphasis added.

²⁵ Frustratingly, the translation of the original still appears in the English edition presented on the Vatican’s website.

inclusion and what it may represent about the trajectory of the doctrine on lying. His hope is founded on the phrase's implicit argument that, "a person's intention to use particular knowledge for an evil end... would presumably forfeit his right to know. Thus it would be morally acceptable to speak a falsehood to... murderous thugs."²⁶ Yet, as we have seen, Aquinas' presentation of lying specifically addresses this matter; in light of which fact, one could arguably see more significance in the *final emendation* of the Catechism text than in the initial phrasing.

Nevertheless, we raise this issue insofar as the dual use of Augustine's intentional argument and Aquinas's formal argument presented together in the Catechism remains an interesting point for further study and reflection. Leaving the matter for now, we will return to it briefly further down in our attempt to outline a path for fruitful future discussion.

Whether Live Action's tactics constitute lying – or something else. In the centuries following Aquinas, a debate arose – itself an eloquent testimony to the firmness of Aquinas's position on the nature of a lie – about what allowances can be made for situations where knowledge of the truth would serve to support or enable evil actions. If one cannot *lie* even to prevent murder, is there anything that one *can* do in order to prevent evil coming about as a result of truth-telling? Part of the impetus for this question is found in Augustine and Aquinas, for both

²⁶ Mirus.

make allowances that “it is lawful to hide the truth prudently, by keeping it back” in certain situations.²⁷ One such method of “keeping back” the truth is simple silence. The other most common approach is the notion of broad mental reservation.

The *Catholic Encyclopedia* succinctly covers the distinction between broad and strict mental reservations.²⁸ Essentially, in a broad or wide mental reservation, the speaker uses ambiguity of spoken words to allow the hearer to deceive himself according to their proper meaning, and thus fail in attaining the truth; in strict mental reservation, on the other hand, the reservation which qualifies the utterance as true is added in the mind of the speaker alone, while the words uttered are false in every other sense. A specific formulation of the latter kind of reservation was condemned by Pope Innocent XI in the Seventeenth Century, and subsequently the practice has found little favor among theologians.²⁹ Support for mental reservation in general – or equivocation, as it is sometimes called – did continue to garner favor, especially in the teaching of Saint Alphonsus Liguori, who reiterated Innocent XI’s condemnation of the “pure” reservation.³⁰ It should, however, be noted that Liguori’s constructs of mental

²⁷ *S.T. IIa-IIae, CX, iii, adversus iv.*

²⁸ *The Catholic Encyclopedia. Vol. 10, s.v. “Mental Reservation,”*
<<http://www.newadvent.org/cathen/10195b.htm>>

²⁹ *Ibid.*

³⁰ See “Roman Catholic Moral Theology No. III,” *The Catholic Layman* 4, no. 43 (Jul. 19, 1855): 77-79.

reservation underwent harsh criticisms in many quarters, and notably Bl. John Henry Cardinal Newman took exception to this doctrine.³¹ Newman, in contrast, countenanced tactics of evasion and silence in the aim of withholding truth from those who would do evil with it, but remained firmly opposed to lying and – interestingly – perhaps more strongly to equivocation, which he saw as undermining the integrity of the Church’s clergy in the mission of dialogue with those outside of communion with the Church.³²

Nevertheless, for the present we will prescind from the debate surrounding equivocation in order to look at whether it even attains in the case of Live Action. In the situation under consideration, actors present themselves by their words and actions to be pimps and prostitutes. In the transcript of the sting operation in the Bronx, the male actor says to the Planned Parenthood worker, “We’re involved in sex work.... We have some girls that are kind of young like, 14, 15, that they might need an abortion.”³³ Now, for this to qualify as equivocation, the sense of these words would need to be ambiguous such that falsehood is intuited by the hearer based on a plausible interpretation, but the truth must be evident in the words such that it *might* be interpreted if supplied the information reserved in the

³¹ See Joseph L. Althoz, “Truth and Equivocation: Liguori’s Moral Theology and Newman’s ‘Apologia’” *Church History* 44, no. 1 (March 1975): 73-84.

³² *Ibid.*, 81-82.

³³ David Schmidt, “Analysis: Bronx Planned Parenthood Failed to Report Child Sex Trafficking,” *Live Action Blog*, February 9, 2011, <http://liveaction.org/blog/bronx-planned-parenthood-report-failure/>.

mind of the speaker. In this case, if it be mental reservation at all, it must be *strict mental reservation*, which is illicit. What is spoken is patently false, rather than ambiguous; the only avenue through the utterance to the truth is in the mind of the speaker, and is not expressed in the words. The speaker knows and withholds that he and his accomplice are not, in fact, sex workers. But there is no ambiguity in the words themselves that allows for this interpretation.

Supposing for the sake of argument, however, there is an ambiguity to the situation, what could we say then? For instance, one might argue that the moral absurdity of the situation means that a person of good reason and moral character would see through it – that the instinct of an upright person in such a case would be to doubt the plain meaning of the words. In such an argument, the ambiguity is accounted for by the particular situation of their utterance, to a person whose moral integrity is compromised such that he or she is disposed to an interpretation other than that which would occur to a person of sound character. While this argument presumes a kind of judgment of character which is, at best, unseemly for a Christian, we will pass over this and proceed with the consideration for the sake of illustration. Thus, let us allow that Live Action *is* making use of a mental reservation and that this is, indeed, a *broad* mental reservation. The question then becomes whether the circumstances merit use of the mental reservation as such.

According to the *Dictionary of Moral Theology* prepared by various Vatican dicasteries during the course of preparation for the Second Vatican Council, there

are four conditions justifying the use of mental reservations or ambiguous statements to conceal the truth. They are: (1) if there is a grave duty to conceal knowledge, such as that of a priest confessor; (2) if a revelation could be damaging to the character of oneself or others; (3) if “the inquirer is rash, indiscreet, or probes purely private or personal affairs”; or (4) if the reservation makes use of “conventional phrases... generally accepted and recognized by society as containing a concealment of truth.”³⁴ It is not plain that Live Actions tactics, as represented by the quoted excerpt above, would fall into any of these categories. Therefore, the situation does not seem to be apt for the use of mental reservation.

We may add to this consideration another important point: that mental reservation has always been offered as a way to avoid evil coming about through the use of truth. Now, interestingly, in our case, the truth does not seem linked with the potential for a direct occasion of sin for the Planned Parenthood workers: their knowledge of the ruse would not, as its direct result, be likely to cause any

³⁴ “Lying,” *Dictionary of Moral Theology* 1st English ed. (Westminster, MD: Newman Press, 1962): 721. In the case of this last qualification, which is strangely worded, we must infer the meaning from what we already know about mental reservations. The argument is that a euphemism or other convention of language would be used which, by its general recognition as a euphemism or tactic of evasion, would lead at least some people to intuit the truth from the statement itself. Employed as a mental reservation, the assumption would be that the speaker hopes that the hearer will miss or is unaware of the convention, and thus interpreting the plain meaning of the words outside of their common usage be led to a false conclusion. The *Dictionary* makes clear in the sentence following this enumeration that, “[i]n these and similar instances the inquirer or hearer is required to exercise good sense in interpreting the nature of the reply given to him.”

particular sin with any immediacy.³⁵ On the other hand, the false representation by Live Action might be argued to represent a temptation to sin in itself. By providing the workers with an opportunity to will to become complicit in immoral and criminal behavior, the scenario of a Live Action sting could be seen to construct an occasion of sin: for sin, defined by the Catechism, is “an utterance, a deed, or a *desire* contrary to the eternal law.”³⁶

While it seems that the immediate situation of Live Action’s tactics imply not the prevention, but the occasion, of sin, some may still object that the situation is more complex. One could argue that the reservation is allowable because there is no real opportunity for acting in sin represented by the sting operation, since the pimp and prostitutes are actors not really looking for immoral services; whereas, the exposures accomplished by these operations can help to prevent real sin from being committed at a future date. The problem with this line of reason is two-fold. On the one hand, it involves a fallacy of hasty generalization. We cannot say with logical necessity that the situations which the tapes represent, which seem to indicate a will to commit evil or criminal action by Planned Parenthood, are situations that outside the scenarios of the tapes; such a claim would depend on additional evidence for support. More importantly, though, there is an implied

³⁵ As an indirect result, of course, the anger of the workers might be invoked as a sin. The point here is to see that whatever evils are perpetrated by those who work for Planned Parenthood are removed in some considerable degree from the moment of the encounter in a Live Action “sting”, the result being that all arguments of proportionality become rather tenuous.

³⁶ CCC, 1849; emphasis added.

flaw in moral reasoning having to do with the failure to personalize the moral subjects involved in the case.

John Paul II, in *Reconciliatio et Paenitentia*, distinguishes that the subject of every sin is an individual person. Because of the norm of solidarity, this means, in turn, that all sins are “social” in a sense. But, in the Holy Father’s words, when we “place the blame for individuals’ sins on external factors such as structures, systems or other people,” we stray from moral truth. As the Pontiff notes, “there is nothing so personal and untransferable in each individual as merit for virtue or responsibility for sin.”³⁷ The actions of nations or institutions which form social evils, says the Holy Father, can only be spoken of as “social sin” in an analogous sense of the word sin. The importance of this point to the present discussion is that the “sin” of Planned Parenthood, as such – terrible as it is in terms of physical evil with real ramifications in society – is “anonymous” in terms of moral value when we speak in these general terms. In contrast, the individual abortions and other acts performed and consented to within the clinics – by doctors, workers, and clients – *are* subject to real and attributable moral values. In John Paul II’s emphatic phrasing, “A situation – or likewise an institution, a structure, society itself – is not in itself the subject of moral acts. Hence a situation cannot in itself be good or bad.”³⁸ Since we are called to work for conversion first and foremost,

³⁷ *R&P*, 16.

³⁸ *Ibid.*

then, it is problematic to overlook the potential for individual sin in an attempt to attack a larger “structure of sin.” We run the risk of putting a moral subject’s soul in danger in order to defeat a material situation of evil which is, at root, based in personal human action anyway. Effective dealing with situations of sin, therefore, must take as their primary concern the welfare of the individuals involved; this is, after all, the matter of eternal importance.

Whether Live Action’s situation is analogous to complex and specified fields of moral consideration, such as war. Implicit in this argument is the notion that certain situations – such as war, undercover journalism, etc. – are bound by unique systems of ethical norms which qualify and interpret the more general norms of religious morality. Writing on the *CatholicVote.Org* blog under the heading, “Did Live Action Lie?”, Dr. Monica Migliorino Miller notes that Aquinas defends ambushes and concealment of strategy from the enemy as just conduct in war.³⁹ In effect, Dr. Miller is pointing out that war allows for a special kind of mental reservation or deception aimed at succeeding in battle by use of the element of surprise. Now, it is not yet clear that the ethics of warfare are applicable to discerning the moral situation at hand. Nevertheless, what is important to take from the present point is the fact that war is governed by a specific set of ethical considerations. This body of ethics, however, is as disputed

³⁹ Monica Migliorino Miller, “Did Live Action Lie?”, *CatholicVote.Org Blog*, February 12, 2011, <http://www.catholicvote.org/discuss/index.php?p=14015>.

as any field in moral reasoning; indeed, far from bringing light to our present considerations, an attempt at applying war ethics may only serve to complicate matters.

In the *Encyclopedia of War and Ethics*, an article on “The Ruses of War” treats of the complex legal distinctions in generally recognized manuals of war ethics regarding the use of various ruses. Quoting *The Law of Land Warfare*, the article notes that “the line of demarcation between legitimate ruses and forbidden acts of perfidy is sometimes indistinct.”⁴⁰ The authors note other sources attesting to distinctions among ruses in war, such as the Hague Convention, which made illicit “deliberate lying that involves a breach of faith or when there is a moral obligation to speak the truth.”⁴¹ War ethics, then, appeals to the norms of ordinary moral distinctions for its own purposes in the recognized texts of war law. Even in war, a question lingers as to “determin[ing] when, if ever... a moral obligation” to speak the truth attains to a situation of battle deception.⁴² An even blurrier distinction seems to exist with regard to the notion of spying, which has also been invoked as a model for the tactics of Live Action. According to the *Encyclopedia* entry on this topic, war ethics did not seem to countenance spying until the 19th Century, and the persisting severity of punishment for spies – as

⁴⁰ “Ruses,” *The Encyclopedia of War and Ethics*, ed. Donald A. Wells (Westport, CT: Greenwood Press, 1996): 420.

⁴¹ *Ibid.*

⁴² *Ibid.*

compared to other enemy combatants taken prisoner in war – attests to the generally low estimation of this tactic of war.⁴³ In any event, it is unclear that the admittedly dire situation of rampant abortion in America constitutes a situation of “war” in such a way that it can be considered under the unique brand of ethics appropriate to that exigency. Moreover, the effective rhetoric of such an approach might violate the primary mission of conversion and repentance to which the moral law of the Church is ordered. We will return to this matter further down.

Similarly to war ethics, the ethics of investigative journalism is a complex and evolving body of thought. While journalism is evidently much more analogous than war to the project of Live Action, this recognition might not be as helpful to our discernment of the matter as we might hope. For instance, one commentator on the issue of “Lying to Get the Truth” in the *American Journalism Review* suggests six norms which journalists “must satisfy to deceive or to misrepresent.”⁴⁴ Among them are the tenets that “all other alternatives for obtaining the same information have been exhausted” and that “the harm prevented by the information revealed through deception outweighs any harm caused by the act of deception.”⁴⁵ In terms of our present concern, it is certainly not obvious that the former criterion has been met; whereas, to the second, we

⁴³ “Spies”, *The Encyclopedia of War and Ethics*, 434.

⁴⁴ Mark Lisher, “Lying to Get the Truth,” *American Journalism Review*, October/November, 2007, <http://www.ajr.org/Article.asp?id=4403>.

⁴⁵ *Ibid.*

have seen above how the problematicity of personal sins in the context of “structures of sins” suggests that the application of this criterion is at best difficult.

THE FUTURE OF THIS DISCUSSION: A PROPOSAL

It is not suggested that the foregoing considerations are in any way an end to this debate about the moral quality of Live Action’s undercover projects. Nor – and we must make this perfectly clear – do they in any way represent a judgment on the morality of the subjects involved on either side of the matter. Rather, the goal has been to bring clarity and elucidation to certain problematic terms of that debate, in order to foster a more fruitful dialog moving forward. In respect to this, we will briefly outline a proposed methodology of moral consideration which may be useful for future discussion, and suggest some resources for becoming familiar with that methodology.

As we saw in our explication of the treatment of lying in the Catechism of the Catholic Church, the history of revision, in addition to the concurrent resourcing of Augustine’s and Aquinas’s seemingly distinct definitions of the topic, indicate this to be a doctrine in active development. This may be disconcerting for some, who turn to the Catechism for answers to the complexities of Christian life, expecting firm and solid direction rather than an insight into an evolving question. An important document in this respect is the “Informative

Dossier” on the Catechism issued by its Editorial Commission in 1992.⁴⁶ Among the many matters addressed in this brief issuance, the Commission discusses specifically the “limits” of the Catechism of the Catholic Church. The authors note that the Catechism is only one of the means of catechesis available to the Church, albeit a “privileged” one.⁴⁷ In turn, “[c]atechesis is also **one of the expressions** (not the only and exclusive one) of the prophetic ministry of the Church” which also includes “evangelization, the homily, *theological research*, [and] the teaching of religion.”⁴⁸ Therefore, far from being disconcerted, we should see our invitation to research the deeper sources of theology – from the Word of God foremost to the teachings of Councils and the Magisterium, the Liturgy, and the Lives of Saints – as an opportunity to enter more deeply into the prophetic call of our Baptism.

Furthermore, the preface to the Catechism states that “the whole concern of doctrine and its teaching must be directed to the love that never ends.”⁴⁹ Another aspect of our Baptismal signification is the call to unity and charity as members of the Lord’s own family. In this respect, in our cooperation in the Church’s prophetic ministry, we must work together in solidarity and mutual respect, being

⁴⁶ Editorial Commission of the Catechism of the Catholic Church, “Informative Dossier: Limits of the Catechism of the Catholic Church,” *Libreria Editrice Vaticana*, June 25, 1992; available via the United States Conference of Catholic Bishops, <http://www.usccb.org/catechism/general/dossier.shtml#limits>.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*; prior emphasis in original, second emphasis added.

⁴⁹ *Roman Catechism*, “Preface”, 10. Qtd. in CCC, 25.

“co-workers of the Truth.”⁵⁰ The Fathers of the Sacred Council had this to say with respect to our prophetic mission as Baptized members of the Church:

[Christ] continually fulfills His prophetic office... not only through the hierarchy who teach in His name and with His authority, but also through the laity whom He made His witnesses and to whom He gave understanding of the faith (*sensu fidei*) and an attractiveness in speech so that the power of the Gospel might shine forth in their daily social and family life.⁵¹

A central concern of our methodology as we proceed in this debate, therefore, must be *whether* and *how* our words serve this role of prophetic ministry. Our goal should be to shine forth the Good News of Christ, to give witness to His Truth; and our conviction should be to do it always with Love.

Finally, a course for investigation which seems to be largely overlooked in the discussion thus far is the promising perspective of “virtue ethics.” In a paper entitled “Conscience, Truth, and Prudence,” delivered by Dominican Father Servais Pinckaers to a conference in 1994 in Rome, he notes two traditions of moral theology which have been in dialogue and tension throughout history, but particularly in the years following John Paul II’s landmark encyclical, *Veritatis*

⁵⁰ Cf. Josef Cardinal Ratzinger, *Co-Workers of the Truth* (San Francisco, CA: Ignatius, 1992).

⁵¹ *Lumen Gentium*, 35; emphasis added.

Splendor.⁵² The first school, says Pinckaers, “covers the study of acts, of cases on conscience, and the obligations determined by laws and norms.... The study of virtue was left [by this tradition] to ascetical theology in keeping with the search for perfection, which goes beyond the limit of right and wrong proper to morality.”⁵³ In the other school, in contrast, theology is built upon and emphasizes the role of virtues; here, prudence, rather than conscience, takes center stage.⁵⁴ Pinckaers emphasizes that this latter school, virtue-based morality, focuses *not merely on the avoidance of evil* and the discernment of what is proscribed by the Law; rather, “[the Law is] presented as a gift of [God’s] wisdom and mercy, demanding a response of love.”⁵⁵ Pinckaers continues: “charity... remains the principle of the moral life, even before that of moral obligation. In other terms, [*Veritatis Splendor*] changes the cornerstone of moral life. *Morality must be built on the greatness of love rather than on a legal-type obedience.*”⁵⁶

If Pinckaers is correct – if *Veritatis Splendor* “changes the cornerstone of moral life” – then it seems timely that we revisit that document as a primary resource and consider whether its wisdom is fundamental in our present discourse

⁵² Servais Pinckaers, O.P., “Conscience, Truth, and Prudence,” in *Crisis of Conscience: Philosophers and Theologians Analyze Our Growing Inability to Discern Right from Wrong*, ed. John M. Haas (New York, NY: Crossroad Publishing Company, 1996): 79-80.

⁵³ Pinckaers, 80.

⁵⁴ Ibid.

⁵⁵ Pinckaers, 83.

⁵⁶ Pinckaers, 83; emphasis added.

or left to the periphery. We might additionally look to the many theologians like Pinckaers and Benedict Ashley and others who have followed in this tradition of “virtue-based morality;” through study of them, we can enter more deeply into John Paul II’s landmark teaching and interpret it more soundly.

We propose these resources and the methodology of prophetic mission as at least supplementary aspects under which to continue our current discussion of the liceity of Live Action’s project, and as possibly helpful for future discussions of other moral matters. Ultimately, it is our hope that the inspiring project of virtue-based morality will bring into clearer focus the virtue of charity as the principle of moral life, shifting our paradigm of discernment away from the question of what is *permissible* to do under the Law, to the loftier question of what is *best* to do under the standard of love in truth.