

The following article was published at Catholic Vote and is also available at:

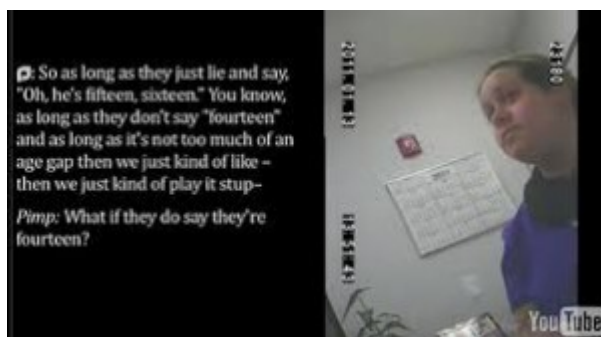
<http://www.catholicvote.org/did-live-action-lie/>

Did Live Action lie?

By **CatholicVote**

Dr. Monica Migliorino Miller teaches moral theology at Madonna University in Livonia, Michigan. A pro-life activist for many years, Miller is director of prolifesociety.com. She wrote this guest article for CatholicVote.org.

In late January 2011, a video was released on the Internet in which two pro-life activists, having assumed the role of a pimp and a prostitute, entered a New Jersey Planned Parenthood abortion clinic. The activists, associated with the pro-life group Live Action, shot the video undercover while they conversed with Amy Woodruff, a clinic staff member, on how to facilitate abortions, contraception and medical care for their fictitious pool of prostitutes. The abortion clinic worker was told that some of these prostitutes were 14 and 15 years of age, some did not speak English and were in the country illegally. The video, and several others recently released by Live Action, has received a great deal of attention from both the pro-life community and the secular media.



The ten minute video shows the Planned Parenthood worker counseling the pimp and prostitute on how it is possible to get around the law and perform abortions on the 14 year old girls and even refers them to another abortion clinic that is not as careful as theirs. The pimp asks the staff

member how soon after the abortions may his girls be put back to work. He is told that they must wait two weeks after the abortions before they can resume sexual intercourse. The pimp asks how, in the meantime, might he continue to make money with these prostitutes? Without batting-an-eye Woodruff tells him: "from the waist up" and that he could still use the girls to attract business. The Planned Parenthood staff member never questions the legality or immorality of what the pimp and the prostitute are doing to these girls and it is as shocking as it is revealing of the sleazy practice one might find in a Planned Parenthood abortion facility.

The Live Action tactic is extremely effective. The group's director, Lila Rose has many times passed herself off as a minor interested in obtaining an abortion and secretly taped her conversations with Planned Parenthood clinic staff. She is perhaps most well known in pro-life circles, and pro-abortion circles as well, for disclosing Planned Parenthood's willingness to cover up statutory rape cases. Of course, Lila Rose is not the first pro-lifer to pretend to be someone seeking an abortion in order to obtain information from abortion clinics. The fact is, pro-lifers have been doing this for years in an effort to stop the killing of the unborn. The writer of this article is no stranger to these methods. However, because this latest Live Action video has attracted much attention, many are asking whether pro-lifers lied in the undercover tactic they employed—namely: is the behavior of pro-lifers as seen in the Live Action video contrary to the precepts of the 8th Commandment—thou shalt not bear false witness against thy neighbor? In his treatise “On Lying” St. Augustine taught that: “a man lies, who has one thing in his mind and utters another in words, or signs by whatever kind.” St. Thomas Aquinas, building on Augustine, similarly stated that a lie is: “a statement at variance with the mind.” My commentary is intended to provide some insight into and arguments why Live Action did not lie in its Planned Parenthood undercover operation. I hope this treatise will provoke thought and I welcome responses.

(click “Continue Reading” not “Read Entire Post”)

The Catholic Church teaches that lying is intrinsically evil—thus directly deceiving one's neighbor either by words or gestures with the intention to deceive is never justified.

However, it is also Catholic teaching that a person is not necessarily obligated to reveal the meaning of one's words or gestures every time one communicates to another, especially if some great good must be protected by the withholding of some truth. There is a long-standing moral tradition in the Catholic Church that accepts the use of mental reservation—and also the idea that one is not obligated to reveal the truth to those who commit injustice and moral wrong-doing. Indeed, there is a discrepancy, even within the editions of the new Catechism of the Catholic Church (CCC) on this very point. The first edition of the Catechism, Art. 2483 stated: “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....” (emphasis added). Art. 2488 states: “The right to the communication of the truth is not unconditional... This requires us in concrete situations to judge whether or not it is appropriate to reveal the truth to someone who asks for it.” Art. 2489 states: “No one is bound to reveal the truth to someone who does not have a right to know it.”

These quotes from the first edition of the CCC clearly show that truth may be kept secret from those who do not have a right to it. Indeed, Art. 2483 permits even speech as well as actions to be deceptive if the communication is made to someone who doesn't have a right to the truth. Here is where the debate comes in. The newer version of the CCC altered Art. 2483. It now reads: "To lie is to speak or act against the truth in order to lead someone into error" period. It leaves off the original qualifying statement "someone who has the right to know the truth." Supposedly the Vatican made this change in the later edition because certain moral theologians lobbied, then Cardinal Ratzinger, now Benedict XVI, that the idea "The truth may be kept from those who are unjust" was tainted by Protestant opinion. However, even now both versions of the Catechism are accessible on the Vatican's official website—the older one is in the archive. Furthermore the Church has never issued a statement as to why this change was made. In other words, the Vatican has never said that the CCC was edited because the original Art. 2483 was in error or that it would be misused or misunderstood. The Vatican has never formally repudiated the original Art. 2483.

St. Thomas Aquinas taught that laying an ambush in war could be morally justified (ST. 2, 2, Q40, art 3). His analysis may be of some help. He argued against the opinion that ambushes in war are immoral. He certainly did say in his first response that speaking falsehood and breaking a promise is always unlawful; "No one ought to deceive his enemy in this way, for there are certain rights of war and covenants which ought to be observed even among enemies." The question may be asked, nonetheless, if deceiving the enemy always violate rights and covenants? By covenants Aquinas had in mind treaties and formal agreements between two warring factions. The original Latin word, translated "covenants," is "foedera." The word specifies an agreement established by treaty, an alliance between states, a contract or formal promise. According to the rights of war a person does not have the right to deceive the enemy in violation of such agreements.

In his second response Aquinas states: "A man may be deceived by what we say or do, because we do not declare our purpose or meaning to him. Now we are not always bound to do this, since even in the Sacred Doctrine many things have to be concealed, especially from unbelievers, lest they deride it according to Matthew 7:6: 'Give not that which is holy to dogs'. Wherefore, much more ought the plan of campaign be hidden from the enemy...such like concealment is what is meant by an ambush that may be lawfully employed in a just war."

Aquinas goes on to say: “Nor can these ambushes be properly called deceptions, nor are they contrary to justice or to a well-ordered will.”

It is important to note that Aquinas is not simply justifying the passive withholding of information from the enemy. He states quite clearly that this concealment may involve actually “what we say and do.”

In early February Joseph Bottum, of the Weekly Standard, wrote a short commentary [here at CatholicVote.org](https://www.catholicvote.org) on the Live Action tactics and rightly pointed out by way of analogy, that deception is a morally licit protocol in naval warfare. According to the ruse de guerre, a ship may fly false colors to fool an enemy prior to engaging in battle. He also very correctly observes that the fight for the unborn is a war: “Its battlegrounds are political and social worlds, and for those worlds, Lila Rose’s ruse seems to be both fitting and clever.” I would add that the abortion war is a spiritual war before it is anything else.

St. Augustine was very clear that one may not speak a falsehood even to save his life or the life of another. However, it is at least a bit interesting that even Augustine, in his treatise “On Lying” defended certain Old Testament figures who—according to his definition—clearly told lies. For example, Esau, in fulfillment of prophecy, that “The older (son, Esau) shall serve the younger (son, Jacob) disguised himself as Esau to receive the blessing of Isaac. When Isaac asked Jacob: “Which of my son’s are you?” Jacob says directly: “I am Esau, your first born.” Augustine argues, that since certain Old Testament persons are examples of “perfect virtue” and “worthy of credit” Jacob didn’t lie, rather he spoke prophetically. Never mind that Jacob clearly intended by use of a disguise to deceive his father for the purposes of obtaining the birthright which Augustine states was “due to him by right.” According to Augustine, when Jacob said that he was Esau, what he really meant was a “mystery, namely that, the younger people, i.e. the Gentiles, should supplant the first-born, i.e. the Jews.”

I am not arguing that this in any way negates Augustine’s position. However, it does show that this great thinker was at least willing to entertain that a deception—even to the point of taking another identity and name, is not always a lie. Indeed, might it even fulfill wide mental reservation—permitted by Catholic teaching— if when Esau told his father “I am Esau, your firstborn.” he intended to mean something like, “I am truly to you what Esau ought to be—the one who deserves your blessing” and thus not have offended against the order of truth?

The Church does not consider it wrong for persons to assume a “false” identity. For example, a Jew in Nazi Germany could attempt to escape the country by assuming the identity of a Gentile. The Jew could even change his physical appearance, forge false documents, use a false name and so on. When it comes time to get past the Nazi check point he may indeed “pass himself off” as someone else. And even should the Nazi guard ask him point blank: “Are you Mr. Schultz?” when in “fact” he is Mr. Reuben, the Jew may answer: “Yes, I am Schultz.” What the victim of injustice is really communicating, according to broad mental reservation is “I am Schultz insofar as this is my way of protecting myself against your unjust intention of killing me.” The Nazi guard indeed has no right to know the Jewish identity of the man trying to escape.



Please also consider that the Church certainly permits Catholic police officers and spies to assume false identities all the time. A female police officer may take the role of a prostitute, dress like one, speak like one, stand on a street corner and solicit a proposition etc. She may even have a fake name, get into the car with the person

who propositioned her and continue the ruse. The point is that persons may take on another role or identity and allow those who “have no right to the truth” to believe that you are someone else. In your own mind you are saying: “I take on this role. Others, who have no right to the truth need not be let in on the role that I am playing.” The Catholic Church does not prohibit undercover police work and espionage, even though such professions often require the taking on of “false” identities.

Art. 2469 of the CCC states: “The virtue of truth gives another his just due.” Again, may this article be interpreted to mean that truth may be withheld when the person engaged in evil, to whom you are communicating, is thus not entitled to such a “just due.”

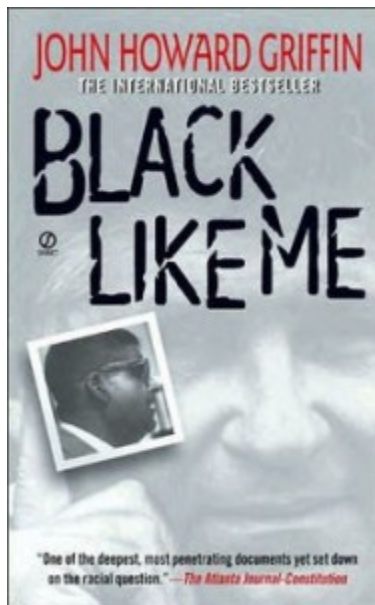
Also, the revised Art. 2483 states: “To lie is to speak or act against the truth in order to lead someone into error.” What is meant by the word “error”? Moral error—intellectual error? Perhaps it is both. Is “error” simply a matter of not leading someone to think something is true (i.e. information) when it isn’t true? If this were the case, then undercover officers would have to quit their work and the Jew would have to say that indeed his name is “Mr. Reuben” and allow the Gestapo to take him into custody. So may the question be asked: Is one guilty of violating the truth when veiled language and

behavior lead others to wrong-doing? The meaning of speech and words is determined by the moral context of the communication. Speech becomes a lie when it offends against the moral order that needs to be protected. Thus even the Catholic Church recognizes that a rape victim may use contraception to thwart the effects of rape and one may “confiscate” another’s private property when the order of justice requires it. Thus speech and behavior is not just a matter of communicating literal, factual information and all else be damned. Rather speech and behavior is ordered to protecting the good against those who would misuse the truth—that is; use the truth for evil ends.

I think it is important to note that, while the Church has edited the teaching of the first edition of the CCC regarding Art. 2483: that the truth is owed only to those who have a right to know the truth, nevertheless, we can look to the pastoral practice of the Church regarding this issue. The Church does not discipline, excommunicate, treat it as mortal sin when persons deliberately take on another identity in order to gain information from those who do evil. If this were the case, then every Catholic spy or undercover officer would be required by the sacramental laws of the Church to go to Confession before they may be worthy of receiving Holy Communion, and this is not the case. If they are permitted to receive Communion, then taking on false identities under certain conditions cannot be sin.

Now let us examine more closely what Live Action did in their sting operation. Pro-lifers passed themselves off as a pimp and a prostitute in order to discover how certain Planned Parenthood abortion providers would respond to their requests with the intention of preventing Planned Parenthood from committing further evil. They indeed, passed themselves off as other than who they were. I believe that they can say to themselves, “we are role-playing to see how this person who engages in evil will react to what we say to her.” When they role-play they indeed play a part and enter into speech. In this case they tell the PP worker that they prostitute 14 and 15 year-olds, some who speak no English, all of whom are being morally and illegally exploited. The pro-lifers are in some sense running a test. In order for the test to work, they cannot reveal to the PP worker, engaged in evil activity, that they are performing a test. This is no different than researchers who conduct sociology or psychology experiments. For example, let’s say that a researcher ran an experiment and had a heterosexual pass himself off as a homosexual with Aids to test how others in an office setting or a church setting would respond to him. The purpose of the experiment is to gather data on what kinds of people might be more accepting—and less accepting. If the experiment

intended to deliberately lead others to do evil and indeed caused others to commit real evil acts, the experiment and the role-playing would be evil. But if it was simply to gain information on which kinds of people would be more accepting and understanding of a homosexual with Aids—the role playing would be morally licit.



In 1959 white journalist, John Howard Griffin, pretended to be a black man and wrote of his experience in a popular book *Black Like Me*. Though he did not change his name, Griffin passed himself off as someone other than who he really was. He even had his skin color chemically altered. Now Griffin is respected as someone who helped further the cause of civil rights—not derided as an evil man guilty of lies and deception.

The pro-lifers—if their intention was to see how the PP worker would respond to them—did not commit sin by assuming identities not their own. And if it is true that the “truth is not owed to those who do evil—either in speech or in action—then the pro-lifers did not act immorally. The sad thing is—that the PP worker was not coerced by the pro-lifers’ ruse to respond the way that she did. Indeed, the fictional immoral activity of the “false” pimp and prostitute was so outrageous that the PP worker should have called the police right then and there—but she didn’t! The evil fictional activity of the roles that the pro-lifers took on wasn’t even subtle! The Planned Parenthood worker was in no way compelled or “tricked” by the pro-lifers. Her response was free and what happened indicated, sadly, that she would have acted exactly the way that she did had those in front of her been a real pimp and prostitute. In this regard, not only is Live Action not guilty of lying, but it is also not guilty of entrapment. They were not hoping to catch the Planned Parenthood staff member in a moment of weakness or temptation and exploit that moment.

My final comment on pro-lifers who seek information from abortion providers is this: A lie is speech or action communicated to someone who has the right to know the truth. However, I believe that language and actions do mean something and that it is very important for Christians to not violate the integrity of the truth. This means that persons must tell the truth—but the truth is context based and even the CCC states that: “the right to the communication of the truth is not unconditional” (Art. 2488). Even with this being said, the truth requires that our speech and actions conform as closely as

possible to a literal communication of reality. We cannot simply bend the meaning of words, employ mental reservation, or play act in relation to others whenever it suits our purposes. And we may not commit intrinsically evil acts that good might come of them. We have a duty to be as transparent to others as possible—and this is always the case to those who have a moral right to the truth. The activity of Live Action needs to be pondered carefully. Moral integrity requires it. As a pro-life activist leader and a theologian I want to caution that the morality of such actions in defense of the unborn be scrupulously examined. We have a duty to God and others to do what is objectively right and act with an upright conscience.

There are those who will simply not understand the issue of truth telling and assert that any attempt to conceal the full message of one's speech or actions is a lie and conclude that it is morally wrong. This is similar to those who argue that no moral difference exists between abortion and capital punishment, natural family planning and artificial contraception or between divorce and annulment. Such people are really innocently misinformed or they (i.e. advocates of abortion) wish to remain ignorant of these differences in order to accuse pro-lifers and Christians of hypocrisy. I hope what I have written here, on the subject of the Live Action strategy, will at least begin to provide some clarity on a difficult and much debated moral issue.