

Human Personhood and Ill-Advised Catholic Bishops

By Judie Brown

The Montana Catholic Conference has released a statement critical of the efforts of the state's pro-lifers who are seeking recognition of human personhood via a state constitutional amendment. In their statement, the bishops declare:

We have been advised by leading pro-life attorneys that the strategy to pass a state constitutional amendment declaring personhood is problematic, in part, because of its heavy reliance on unpredictable courts and dependence on future legislative actions to define and implement the law. They have also expressed concerns that state personhood amendments might trigger an appellate process that could strengthen *Roe v. Wade*.

I am well aware of the opinions of the "leading pro-life attorneys" who are giving these bishops bad advice. I have found their arguments flawed on several levels. In fact, I recently addressed those of one such attorney, Clarke Forsythe of Americans United for Life, who has insisted that those of us who are working toward human personhood are "heading toward a brick wall."

Sadly, his arguments, along with those of James Bopp Jr., Bopp, Coleson & Bostrom's senior partner and the National Right to Life Committee's general counsel, appear to have resonated with Catholic bishops for reasons I find both disturbing and antithetical to Catholic teaching.

I am not a theologian nor am I an attorney, but I do know what the Catholic Church teaches about the identity of the human person and the dignity inherent in each. This is neither a political nor a legal question. It's a question of whether one accepts or rejects the fundamental truth that human beings all deserve to be equally recognized as human persons endowed with human rights.

For nearly 40 years, the American legal system has been morally imprisoned by a set of U.S. Supreme Court decisions (*Roe v. Wade* and *Doe v. Bolton*) that deny the humanity of the child prior to birth by setting aside all scientific evidence, not to mention common sense. The inanity of these decisions is clear, but apparently to some, how to go about undoing the damage they have done is not.

This is where the human personhood movement comes in, and it's about time Catholic bishops thought about this from a perspective not clouded by the politics of false prudence, legal positivism or incrementalism. Too many dead bodies lie on that road; it's time to change course!

There is no reliance within the human personhood movement on unpredictable courts, Your Excellencies. There is a firm, undeniable reliance on exact scientific evidence, which leads to the philosophical conclusion that a human being, from his or her

beginning, is a human person. This is proven beyond doubt by studying the facts, not by fearing or misrepresenting court decisions. As a matter of fact, the human personhood movement does not address Roe v. Wade or Doe v. Bolton, for obvious reasons.

Pro-life Americans, including Roman Catholic bishops and their associates in the various state Catholic conferences, have to move beyond the politics and understand that Roe and Doe are symptomatic of a culture that long ago set out on the path of dehumanizing vulnerable persons. Roe and Doe were the result of a permissive attitude toward denying the personhood of human beings deemed "inconvenient" or "undesirable."

If we honestly examine the Supreme Court's infamous Dred Scott decision, we learn a valuable lesson. The Supreme Court never recanted or overturned the prejudice on display in that decision. Citizens took it upon themselves to correct the injustices being perpetrated throughout society and by government against members of the human race. The result was a movement to renew the culture and restore justice by way of a constitutional amendment.

Similarly, it is not the human personhood movement's goal to overturn Roe and Doe. Our goal is to restore recognition of personhood to all human beings. We do not need the court's permission to do that.

It occurs to me that this fact flies in the face of all that the so-called leading pro-life attorneys have been saying to Catholic bishops nationwide. First and foremost, there is no human being who exists because of the Supreme Court, Congress or any other body of individuals. Each exists by the grace of God, His creative power and His endowment of personhood at the instant a human being is created. There is no doubt about this, particularly if one is a person of deep religious faith, as is each Catholic bishop.

Further, the human personhood movement relies heavily on a two-pronged educational strategy. We share the science and then we share the reasoning behind the movement. This is why we can state unhesitatingly that not only is legal recognition of human personhood the right goal for pro-life Americans, it is only logical way for society to once again acknowledge the truth of who the human being is and why each is so precious.

We encourage the Catholic bishops of Montana and elsewhere to set aside the disingenuous argument that the passage of a personhood amendment to a state constitution might "trigger an appellate process that could strengthen Roe v. Wade." There is absolutely no way that anyone knows whether or not such a trigger would be pulled, but we all know that maintaining the status quo is unthinkable.

We cannot be satisfied, as servants of life and, more importantly, servants of God, with the "common sense restrictions" on abortion that seem to be the standard fare offered by many, including those leading pro-life attorneys relied upon by Montana's bishops. It

has never been the pro-life movement's goal to restrict the killing so that it happens less. If one knows that the act of abortion is murder, then how could we ever defend the argument that restricting acts of murder so that fewer people are murdered is a worthy goal? What sort of twisted idea is that?

Also contained in the Montana Catholic Conference statement is the following strategic recommendation:

The key to advancing the culture of life in Montana is addressing the privacy provision in our state constitution which provides a right to abortion. Therefore, we are working with constitutional experts to develop an amendment which would exclude abortion from the privacy provision in the state constitution.

Passing such a constitutional amendment would open the way to addressing real change in the state. We could then pass laws to enact restrictions such as requiring short waiting periods before an abortion can be performed and requiring parental notification in cases when the person seeking an abortion is under age. These restrictions have been noted in a recent study as being effective in reducing abortion. Passage of such laws would save numerous lives on the way to changing hearts and minds as we work to achieve our ultimate goal of overturning *Roe v. Wade*.

This statement confirms my worst suspicions. Let me be perfectly clear.

There is no legitimate right to privacy in matters of life and death. No one can in good conscience argue that a "right to privacy" permits murder. Further there is no right to abortion, as Pope John Paul II reminded us in *Evangelium Vitae* (#20) when he taught what the consequences of such an argument are:

To claim the right to abortion, infanticide and euthanasia, and to recognize that right in law, means to attribute to human freedom a perverse and evil significance: that of an absolute power over others and against others. This is the death of true freedom: "Truly, truly, I say to you, everyone who commits sin is a slave to sin" (Jn 8:34).

There is no doubt that the type of amendment that the Montana Catholic Conference is proposing would lead to a recognition of aborting a human being as a legitimate practice as long as such a practice was restricted in some way. The skewed thinking behind such a proposal is too inconceivable to even contemplate.

It is my fervent hope and prayer that Most Rev. George Leo Thomas, Bishop of the Diocese of Helena, and Most Rev. Michael W. Warfel, Bishop of the Diocese of Great Falls-Billings, will reexamine why they would endorse a flawed policy and oppose human personhood efforts in their state.

The unity of purpose that once made the pro-life movement in America so great was

that we understood that unless and until every innocent human being was equally protected under the law and in the culture, there would be no end to the senseless murder of the innocent. That unity of purpose appears to have died, and we strive to revive that as well.

We are praying that our Catholic bishops will lead the way toward this lost unity of purpose, for as Saint Thomas Aquinas explained, "[H]uman law is law inasmuch as it is in conformity with right reason and thus derives from the eternal law. But when a law is contrary to reason, it is called an unjust law; but in this case it ceases to be a law and becomes instead an act of violence" (Evangelium Vitae #72).

Human personhood now!