

New York state law 2019

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February 10, 2019

In January, the New York governor signed the newly passed Reproductive Health Act (RHA). It expanded state statutes that were initially signed in 1970 when abortion on demand was passed by the legislature. That was three years before *Roe v. Wade* became federal law. The RHA adds new elements, particularly that abortion for the life and health of the mother is legal at any stage of pregnancy. (Yes, life and health are not really defined.) While physicians may still authorize the termination of pregnancy, nurses and midwives will be among those also authorized. If I understand correctly, where causing the loss of an unborn baby because of an assault on its pregnant mother once figured into the punishment of the perpetrator, it will no longer be an aggravating factor in sentencing.

The debate leading up to this revised law lasted for 12 years, so it is not possible to bring the reader up to date in a brief column. Since 1973, people have forgotten that Catholic teaching opposes abortion on demand not because we are Catholic, but because it is a wrongful taking of human life. We are against stealing because it is wrong, not because the Bible says so. So while our religious sensibilities are offended by the RHA, human reason has suffered with each expansion of laws that deny that the unborn do not share more of the safety and protections of the human community.

The New York bishops worked to subdue this kind of legislation for decades. In January, they publicly protested the signing of the RHA both as individual leaders, and as members of the New York State Catholic Conference (NYSCC) that speaks for the Church in legislative matters. I share their alarm, disgust and sadness.

The repercussions are felt across the country as other states try to “catch up” on women’s reproductive rights. The fallout is widespread, but I would point to some particulars. Each time a state creates a right, it has to provide someone responsible to help exercise the right. So if there is a right to capital punishment or euthanasia, someone has to be authorized to facilitate it. By insisting that abortion on demand is more available, it was argued that there were not enough physicians to satisfy timely demand. So now a higher percentage of New York residents are included among those who can cause abortions.

The Catholic Church has a long tradition in support of rights, but makes a distinction. To be brief, a human right is something endowed by the Creator. Such were acknowledged in the Declaration of Independence. A civil right is something granted by a legitimate government. While these may mirror each other in many instances, they should not be confused.

Another consequence in the global discussion about abortion is how it leaves out men and boys, and their rights and responsibilities.

Human reason suffers. Right now, about 55 percent of pregnancies in New York state are said to be “unintended.” On whose part? Men, women, both? It is one thing to say something is unwanted, but how can we attribute a lack of intention when the biology of human sexual behavior is hardly a secret? If a driver chooses to ignore a red light and injures another person, the result may be unwanted, but he cannot plead unintentionality and avoid consequences.

I know that this is a difficult subject area, and people will point out difficult cases as moral exceptions. But public policy and state laws are typically not based on hard cases. It is a challenge to be a legislator or a faithful believer in an era where individuals more and more come to view themselves as exceptions to both ethics and to laws.

The NYSCC's brief statement concludes by commending us to pray for women, mothers and unborn children. At the very least, praying will help us to strengthen our own moral and behavioral commitments, even if it does not seem to affect legislatures. As The Christophers motto reminds us, it is better to light one candle than to curse the darkness. This is a good daily discipline.