



Paper of

**Irish Catholic Bishops'
Conference**

delivered to

The Citizens' Assembly

on

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Presentation to the Citizens' Assembly – Sunday 5 March 2017

On behalf of the Irish Catholic Bishops' Conference, I wish to thank you for your invitation and may I assure you of our prayers for the ongoing work of the Assembly. May I also say that the Bishops of Ireland recognise the significant responsibility that has been placed on the shoulders of each one of you and we wish to acknowledge the amount of work undertaken by you to date, and done on a voluntary basis.

We would like to draw your attention to the submission which was previously prepared by the Bishops' Conference entitled *Two Lives, One Love*.

Three Perspectives

In your important work of discerning what decision to take regarding Article 40.3.3. of the *Constitution of Ireland - Bunreacht Na hÉireann*, we would like to offer three perspectives for your consideration:

a) Our modern culture places a high value on individual rights. That is good. But these are not exclusive. As a progressive and compassionate society we need to remember always the rights of "others". While interrelated, the child is not an extension of the mother. The child in the womb is another human being, another person who possesses his or her own inalienable rights. It is strange that in a culture that values individual rights, the most fundamental personal right of all - the right to life - is increasingly being questioned and denied in the case of the baby in the womb. And let us remember that we are talking about a baby in the womb. For instance, most of us have heard, at some point, the good news of a pregnancy announcement in our own circles, which would have been described as a "baby". Even in our contemporary celebrity culture, when the recent news broke of the high-profile pregnancies of Amal Clooney, and Beyoncé, the media reports referred to their respective unborn "babies", and not to their unborn fetuses.

Many pregnant women will speak of the sense of wonder at the child growing within them and of spending a lot of time speaking to their parents, sisters and friends about the wonder at this special and natural phenomenon. They also read up on the internet or in books about their own baby's development. They find out when their baby's heart starts beating (at the end of the fourth week), when he or she can hear (18 weeks), at what stage a baby is fully anatomically formed (24 weeks). All the personal feedback and material gleaned speaks of "your baby" because that is exactly what is developing: a baby.

While we are all at different points on our life journey, we all have an innate sense of responsibility towards each other, and this includes the vulnerable child in the womb. This human "equality" is at the heart of the positive goal of Article 40.3.3.

b) A second perspective for your consideration. How a society responds to the weakest and most defenceless is an indication of that society's level of humanity. We can think here of the situation of an unborn child with a life-limiting condition. We know from our own families and from our pastoral experience in parishes just how distressing it is for a mother and father to discover that the baby in her womb is seriously ill and, very possibly, may not live. The situation is comparable to that of a born child or adult at an advanced stage of

terminal illness. One of the particular challenges facing parents of unborn children with life-limiting conditions is the lack of coordinated support for them. We believe a lot more needs to be done to provide appropriate perinatal hospice services, which offer warmth, tenderness, nutrition and hydration and, in that way, support parents in caring for their sick children until natural death. This is a practical suggestion to support parents and their baby in their time of most distress and this, rather than the repeal of Article 40.3.3, should be the focus and determination of government policy. This is the life-affirming objective towards which we, as a society, should all be working.

c) A third perspective. To make any condition or situation of one human being, even if that situation is difficult and sad, such a priority that it would harm another human being is an essential loss of our own humanity. Some people argue that the right to life of the unborn should be a matter of personal choice. While we acknowledge the profound pain and anguish of difficult and challenging situations, we cannot support a suggestion that one person can decide when it is time for another person to die. None of us can ever say, "I'm unlimited, my freedom is unlimited, I can do away with what seems to limit my freedom". That is a temptation in our world today. However, the truly compassionate choice is never easy and involves sacrifice.

To be responsible stewards of creation, responsible to one another in shaping a world characterised by love for one another requires, we believe, firstly, that we recognise God the Creator made each of us; and then we should recognise the other person as "another me". To serve the common good for this and for future generations - and especially to care for the voiceless and the weak - we need to seek to avoid a culture where power can become the domination of one person over another. And such an outcome, tragically, almost certainly would result if we remove such a substantial principle as we have enshrined in our *Constitution* where it refers to the "right to life of the unborn" and "due regard to the equal right to life of the mother".

It is only by tuning into God's plan that values the uniqueness of each individual that we can build a society that is a safe home for all. Each person in this room is unique! Once a society begins to put a hierarchy on the value of life, it is in trouble. After all, we live in a civil society that was instituted to affirm equality and freedom and to defend life. It is now our opportunity to avoid taking a decision or course of action that would actually in the long run be inimical to equality, freedom, and life.

Three points regarding Article 40.3.3.

There are a number of aspects of Article 40.3.3 that we believe to be significant and we respectfully ask you to consider them in your deliberations:

a) Article 40.3.3 describes the right to life of the unborn as "equal" to the right to life of the mother. It quite rightly does not place the right to life of the unborn above that of the mother. On this important point, may I briefly clarify some popular misconceptions about Church teaching on the subject of the right to life:

- The Catholic Church has never taught that the life of a child in the womb should be preferred to that of a mother. By virtue of their common humanity a mother and her unborn baby have an *equal* right to life.
- Where a seriously ill pregnant woman needs medical treatment which may, as a secondary effect, put the life of her baby at risk, such treatments are always ethically

permissible provided every effort has been made to save the life of both the mother and her baby. Abortion, by contrast, is the direct and intentional destruction of an unborn baby and is gravely immoral in all circumstances. Abortion is not a medical treatment.

- When, sadly, a baby dies naturally in the womb before birth, there is no question of the mother being obliged to proceed with the pregnancy. There is now only one “patient”, the mother. The mother becomes the sole focus of any medical care that is required. Along with the father, the mother is entitled to the best pastoral care that we can offer, as they grieve the loss of their child.

b) In Article 40.3.3, it is not the State “granting” the right to life to the unborn. The State doesn’t have the power to “give” us the right to life. Rather the State in article 40.3.3. is *acknowledging* that right as a fundamental right, which belongs to the unborn by virtue of his or her being a person. A person is an individual member of the human family, to use the description given in the *Preamble* of the *Universal Declaration of Human Rights*. While the State doesn’t have the power to “give” us the right to life, a State parliament can legislate in ways that diminish and radically eliminate the enjoyment of that right. The purpose of the Eighth Amendment is to prevent such legislation.

c) Article 40.3.3 does not guarantee, in all circumstances, to be able to defend and vindicate the right to life of the unborn, any more than it can in the case of people who are born and living in our villages, towns and cities. The State does, however, guarantee to respect the right to life of the unborn in its laws, just as it does in the case of other persons. The right to life is unique, of course, because, in the absence of that right, no other civil or natural right can be exercised, either now or in the future.

In recognising the challenging decision that you will soon have to make, it is our considered view that Article 40.3.3 reflects the appropriate balance of rights of both the mother and baby in the womb.

Thank you for listening and I look forward to answering any questions that you may have.