

NEW YORK'S ABORTION LAW AND THE ASSAULT ON MORAL SENSITIVITY

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The abortion law recently passed in the state of New York constitutes a new and frightening chapter in our nation's searing ongoing debate about how to balance the God-given rights of unborn children with the legitimate effort to mitigate the suffering of pregnant women in very difficult circumstances. The exuberant celebrations that accompanied the signing of the New York legislation signified the radical nature of this turning point in American law and public policy, and the language surrounding those celebrations emphasized the three threats to the sacredness of human life that the New York statute embodies.

The first of three threats is direct: the individual lives that will be lost because in its concrete effects the new legislation more fully authorizes truly viable unborn children to be put to death. It is impossible to believe that our society has come to a point where states are willing to kill even those unborn children closest to the moment of their birth. In past decades, this horrific reality was consensually recognized to be inhuman and

inhumane; the thought of killing such children was a source of repugnance, not celebration. Now we live in a time when the argument for the autonomy of the mother has even legitimated discussion about whether children immediately after birth have the right to life-sustaining measures.

This transformation points to the second dimension of the threat posed by the New York abortion law and its proponents: its assault upon the basic moral sensitivity of the American public. Pioneering psychological researcher James Rest established that the first stage of moral development rests upon moral sensitivity, the ability to recognize that a situation has an ethical dimension which affects multiple actors. Throughout the last five decades of intense debate about abortion in the United States, the broad American public has continuously recognized that the unborn child possesses an ethical identity with ethical claims. This basic insight of moral sensitivity arises from the public recognition that in abortion we are dealing with human life.

The New York legislation and its proponents have launched a frontal assault upon that fundamental premise. For the legal and ethical calculus which underlies this new legislation absolutely and forthrightly extinguishes the human and moral identity of the unborn child. The New York statute in its real world application approaches the question of late-term abortion

not as a question of the competing moral claims of a mother and child, but simply the claim of the mother in isolation. The child has been eliminated, both conceptually and in fact. It is this de facto extinction of the moral claim of the unborn child that is the most damaging and chilling effect of this new legislation. For it seeks to be a prelude to a broad reimagining of the issue of abortion in the national consciousness in which the primary moral insight which the broad American public has always had about the humanity of the unborn child is simply swept away. It is hard to think of a more debilitating attack upon our nation's moral sensitivity.

The third threat to our national well-being posed by the New York statute is that this new law points toward an ever more radical legal split in our nation that will leave many states in total denial regarding the most basic protections for unborn children. This is the great problem with a state-based solution for our inability to dialogue meaningfully on a national level. The New York abortion law stands as a firebell in the night, calling for us to advocate on an urgent basis for federal legislative and judicial protections for unborn human life in the coming years so that our country does not become a house divided, state by state, on this most volatile issue of human life and human dignity.