

ANOTHER “RIGHTS” LEGEND DIES

Catholic League president Bill Donohue comments on the death of Christopher D. Stone:

Christopher D. Stone is not exactly a household name, but he clearly left his mark on the “rights” movement. The University of Southern California law professor recently died. More well known was his father, I.F. Stone, whom the New York Times obituary on Christopher called a “crusading reporter.” They left out that he was also a Soviet agent.

Should trees have rights? Christopher D. Stone was convinced they should.

“I am quite seriously proposing that we give legal rights to forests, oceans, rivers and other so-called ‘natural objects’ in the environment—indeed, to the natural environment as a whole.”

Stone made his case in a famous 1972 article, “Should Trees Have Standing?—Toward Legal Rights for Natural Objects.” He has not been without success.

Supreme Court Justice William O. Douglass agreed with him, and cities such as Pittsburgh and Santa Monica have followed suit, offering legal protection to natural resources. New Zealand has gone further, declaring “all the rights, powers, duties and liabilities of a legal person” to a national park.

It is true that corporations are seen as legal entities deserving of rights, but they are made up of individuals.

If trees are deserving of rights, it seems logical that Stone would argue for the rights of the unborn. In fact he did not. In his classic article in the Southern California Law Review on the rights of trees, which was published the year before Roe v. Wade legalized abortion, he makes reference to abortion

in a footnote.

He recognizes competing rights, but he never argues that the right of the baby to be born is paramount. The best he can do is offer a rather pedestrian observation. "The trend toward liberalized abortion can be seen either as a legislative tendency back in the direction of rightlessness of the foetus—or toward increasing rights of women."

Stone had a great influence on environmentalists, including John Holdren, who was President Obama's science czar. He endorsed Stone's thesis that trees have rights.

After Holdren was confirmed by the Senate, more was found out about him. His enthusiasm for population control led him to entertain plans to force single women to abort their babies or put them up for adoption. He also considered forced sterilization, even to the point of putting chemicals in food and water that would make people sterile.

Why is it that inanimate objects, along with animals, have gained the support of legal theorists and lawmakers but not unborn babies?

Consider, for example, a front-page story in the June 2nd edition of the New York Times about President Biden's decision to suspend oil drilling in the Arctic National Wildlife Refuge. The area, the story notes, is "home to migrating waterfowl, caribou and polar bears." The article continues inside featuring a picture of a polar bear in the area.

Biden has shown great interest in protecting the environment and showing respect for the rights of animals. When in the Congress, he co-sponsored legislation to label tuna "dolphin safe." He urged the Canadians to end its commercial seal hunt. He supported legislation against commercial whaling and opposed some traps used to capture animals. He also co-sponsored a bill to prohibit some research practices on cats and dogs.

However, when it comes to the rights of the unborn, he says they have none. Zero. Some animal traps, he says, are “inhumane.” But not the practice of smashing the skull of a baby undergoing a partial-birth abortion.

Christopher D. Stone is dead but his selective interest in the distribution of rights is very much a part of our cultural and legal landscape. Indeed, his influence is evident in the White House.

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POPE ISSUES MUCH NEEDED REFORMS

Catholic League president Bill Donohue comments on changes in canon law issued on June 1:

Pope Francis has done the Catholic Church a great service in issuing some much needed changes in the Vatican’s Code of Canon Law. The revisions, which reflect many years of work, touch on serious subjects.

There has been great progress made to counter clergy sexual abuse of minors, yet still missing, until now, have been steps to get out in front of this issue. The new reforms provide sanctions against priests who “groom” or “induce” minors to perform sex acts. Similarly, the possession of child pornography is declared a crime deserving of punishment.

The most dramatic changes affect sexual abuse committed by priests against another adult. This is seen as an abuse of

power. To be exact, if a priest “forces someone to perform or submit to sexual acts,” he will be punished. The penalty may include “dismissal from the clerical state if the case so warrants.”

It remains to be seen how the norms that affect adults will be enacted. Will they, for example, be invoked against priests who engage in homosexual acts with other priests? This has been a longstanding problem in need of reform.

We know from the reports on the American clergy issued by researchers from John Jay College of Criminal Justice that those priests who identified as homosexual were more likely to be sexually active after they entered the priesthood than those who identified as being heterosexual. Also, priests who have positive views toward homosexuality were more likely to have sex post-ordination.

The social scientists also found that the majority of those priests who had sex with men before they entered the seminary often had sex in the seminary. More important, priests who had sex with another man before they entered the seminary, and who abused a minor after ordination, were more likely to victimize a male than a female.

Jason Berry wrote an important book on this subject and concluded that “Every gay priest I know is sexually active, without exception.” He also learned that 90 percent of gay priests reject mandatory celibacy. Typically, sexually active gay priests rationalize the Church’s teaching on celibacy, saying it does not apply to them; they say it means being single and not having a wife.

The changes that affect sex with adults will clearly apply to persons such as former cardinal Theodore McCarrick; he used his power to seduce seminarians. But will the Vatican insist that consensual sex between priests is also verboten?

Another area of controversy is sure to be the norms that

provide sanctions for “the attempted ordination of women.” Currently, there are many dissident Catholic organizations that openly reject the Church’s teaching on ordination. They include Women-Church Convergence, the Association of Roman Catholic Women Priests, CORPUS, DignityUSA, The Loretto Women’s Network, the National Coalition of American Nuns, Women’s Alliance for Theology, Ethics and Ritual (WATER), and the Women’s Ordination Conference.

It is refreshing to read that the new norms apply to lay leaders in the Church who abuse their office. We frequently hear that the laity are the answer to clergy sexual abuse. This ignores the fact that many of these members of the laity often knew that miscreant priests were sexually abusing minors yet did nothing about it. Moreover, they will now be held accountable for their own behavior. Their offenses are subject to punishment.

Fortunately, the changes, which go into effect on December 8, 2021, will provide improvements in the due process rights of priests. Too often these strictures are giving short shrift by those in authority. No priest should be assumed guilty when charges are made against him.

These reforms by Pope Francis will likely be welcomed by the vast majority of Catholics. Those who are likely to be troubled by them need to engage in some serious self-reflection.