



DEFENDING HUMAN
RIGHTS BY VOTING
NO ON PROPOSAL 1

*(NEW YORK STATE'S
"EQUAL RIGHTS
AMENDMENT")*

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“It is not strength that overcomes darkness, but light.” This stunning line from Season Two of Rings of Power – a series based on the great myth-world of J.R.R. Tolkien – offers some wisdom for our cultural moment. The hostile rhetoric and scorched-earth strategies so common in our political culture are driven by a violent strength that strives to dominate and deride the other in act or in word, or to propose political actions that are unclear or deceptive. But Tolkien vividly shows that violent strength is itself darkness, and to use it – even in the name of justice, peace, or human rights – will only hasten the setting of the sun. It is only light itself, the luminous character of *goodness*, that will truly overcome the darkness; this is why *light* should be preferred to *strength*.

Over the centuries, the Catholic Church has taken up her mission of being “the light of the world” (Mt 5:14) by proclaiming continually that each human person possesses unassailable and unqualified dignity. In the midst of violent strength and darkness, she “rises before the world as a shining beacon” (Pius XII), especially in her saints. This proclamation is founded upon the great mystery revealed definitively by Jesus: that God created every human person *out of* love and *for* love, and that the Second Person of the Trinity chose – with no impelling necessity – to become man and to personally lay down his life for each of us. The dignity of the human person is confirmed and amplified by this incredible revelation: if God created my neighbor out of nothing other than love, and if he died for him or her out of this same love, should I not also treat my neighbor with love and reverence?

The Catholic Bishops of New York State have recently served as this shining beacon, pointing out to us a significant threat to the universal dignity of the human person. In their September 5th statement, “Proposal 1: A Wolf in Sheep’s Clothing,” the Bishops warn against Proposal 1, a proposed amendment to section 11 of the New York State constitution that would expand protections against discrimination in civil rights to be based on *ethnicity, national origin, age, disability, or sex, including sexual orientation, gender identity, gender expression, pregnancy and pregnancy outcomes, and reproductive healthcare and autonomy*. Anti-discrimination protections and the civil defense of human rights manifested by such protections should certainly constitute a foundational dimension of political community (see Catechism of the Catholic Church, §1935). Further, enshrining human rights protections in the constitution – a constitutional guarantee of civil rights no longer subject to changes in laws and legislative

pendulum swings – is understandable and laudable. However, this particular proposed amendment’s expansion of anti-discrimination protections reveals a deeply problematic vision of human rights: as the Bishops note, “it would enshrine a fundamental right to abortion on demand [up to the moment of birth] in the state Constitution,” and “the amendment’s sweeping language and inclusion of ‘age’ as a protected class could also lead to parents’ rights being stripped away. Courts could decide that parents have no authority over their minor children on important matters and permit children to make destructive and permanent decisions on their own which they could well live to regret, including but not limited to so-called ‘gender affirming’ treatments and surgeries.”

We are well aware of what happens when human rights, based on the inviolability of human life and its unassailable dignity, are rejected. The last century was the bloodiest in human history; individuals and whole governments systematically rejected any concept of universal human rights, and the whole world has suffered – and will continue to suffer – for their wanton destruction of human life through genocide. But in the cultural climate that developed, particularly in the West, after these horrific experiences – wherein universal human rights became a prominent centerpiece of governance – Pope St. John Paul II detected a new and pernicious danger that was taking root: instead of attacks on human life happening in the context of a *denial of* human rights for all, attacks on human life now occur *in the name of* human rights: “these attacks tend no longer to be considered as ‘crimes’; paradoxically they assume the nature of ‘rights,’ to the point that the State is called upon to give them legal recognition and to make them available through the free services of health-care personnel” (*Evangelium Vitae*, 11). This is true in the case of Proposal 1: human rights are not explicitly *denied*, but rather *expanded* to cover violent actions against human beings: instead of *protecting* human persons against violence, “human rights” have evolved to include protecting actions that offend against a person’s dignity or against a person’s life. Pope Francis recently warned against the introduction of “new rights that are neither fully consistent with those originally defined [in the Universal Declaration of Human Rights] nor always acceptable”; such rights “are often set in opposition to the fundamental right to life.”

This is why a constitutional amendment like Proposal 1 is such a serious concern: defining human rights requires significant moral discernment to ensure that we are not codifying violence into the very text of our State constitution. In the case of

Proposal 1, the image used by the Bishops to describe this amendment – a “wolf in sheep’s clothing” – is both justified and fitting. In the name of “equal rights,” this constitutional amendment would indeed forfeit *any recognition whatsoever* of a preborn human’s rights in New York State. In the name of “equal rights,” this constitutional amendment would also render inviolable any desire of gender-distressed or gender-dysphoric persons (including teens) to transition, very often without full knowledge of the increasingly prevalent “arc of detransition” and the bans or restrictions on puberty blockers that have swept Europe in recent years. This would amount to a constitutional defense of the person’s right to self-harm (including the possibility of sterilization) which offends against their own human rights. In the name of “equal rights,” it is also easy to see how the inclusion of “age” into this constitutional amendment, if passed, would set the stage for a restriction of parental rights, concerning transgender interventions, as well as other controversial ‘treatments’ on the horizon, including those not even envisioned in our own day.

The text of the proposed amendment does not use the terms ‘abortion,’ ‘transgender,’ and ‘LGBTQ’. But the concrete interventions associated with these terms – surgeries, the termination of a preborn human life, puberty blockers, etc. – are clearly intended vis-à-vis coded language (*gender identity, gender expression, pregnancy and pregnancy outcomes, and reproductive healthcare and autonomy*). This should make us even more concerned about an intentionally vague and potentially dangerous expansion of the understanding and application of human rights which disguises potential attacks on human persons. A foggy, overly broad conception of human rights can be just as dangerous as an overt rejection of universal human rights.

If we are to protect and proclaim the equality of human rights, it is prudent to reject any such unclear, overly broad, and even loaded amendment to a state constitution. Voting ‘no’ on Proposal 1 is not to trample on the rights of others, but to defend universal human rights and to ensure that attacks on human life are not constitutionally enshrined as civil rights. The Church, in her wisdom, has perennially proclaimed the sanctity of life from womb to tomb. In our time, this proclamation remains a beacon of light, and the Bishops of New York State have issued a necessary warning and illuminated the sensible path forward.

At the same time, we should acknowledge that the defense of human life requires so much more than opposing a constitutional amendment. Factional politics and the allure of its violent strength will only damage our culture further, hastening the cultural eclipse of respect and love for our neighbor – in his or her inalienable dignity – in the everyday. It is only the bearing of the light, the pursuit of authentic goodness in every moment, and the positive proclamation of the enduring and unassailable value of every human life, that will truly be strong enough to overcome the darkness of inequality and the dimming of human rights in New York State and in the wider world.
