



Archdiocese of Vancouver
ARCHBISHOP'S OFFICE

Statement on Catholics Who Support Gestational Legislation

The Archdiocese of Vancouver strongly supports the prolife movement in Canada. We encourage prolife legislators, activists and groups to work cooperatively towards achieving recognition in Canadian law of the right to life of every person from conception to natural death. Cooperation does not always mean unanimity regarding a given strategy; open and civil debate about the wisdom of any specific strategy is healthy. We affirm the freedom of each member of the movement to discern the wisdom of proposing and following a particular plan of action. In every instance, it is necessary to be guided by a well-informed conscience regarding the moral liceity of an initiative.

So as to reassure the consciences of Catholics within the movement, the Archdiocese wishes to address the confusion that has arisen in recent years regarding the moral correctness of support for “gestational” legislation, which would limit access to abortion after a specified period of gestation.

Blessed John Paul II articulated the Church’s teaching on the moral liceity of support for incrementalist legislation which, in place of a more permissive law, provides for a more restrictive law aimed at limiting the number of authorized abortions. Gestational legislation is one kind of incrementalist legislation. In *Evangelium Vitae*, the Pope wrote:

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on.... In a case ... when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known,

could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects (n. 73).

This teaching makes clear that legislation which intends to limit the harm done by a pro-abortion law is not itself cooperation with an unjust law but rather “a legitimate and proper attempt to limit its evil aspects.” A law aimed at limiting the number of legally authorized abortions does not entail the approval of those abortions that it fails to criminalize.

In order that the attempt to pass a “more restrictive law” is not misunderstood, even implicitly, to “authorize” any act of abortion, the “absolute personal opposition to procured abortion” of the legislator making that attempt, and by extension of the prolife activist or organization, must be “well known.”

In the absence of a “pro-abortion” law within the Criminal Code of Canada, that is, of a law that explicitly permits abortion, some think that gestational legislation – or any incrementalist legislation – might create a new law that implicitly authorizes abortion. However, in Canada, a series of court rulings, a failure on the part of the federal Parliament to pass criminal legislation, and a variety of provincial laws, regulations and funding formulas intended to provide access to abortion, have the effect of a *de facto* legal regime that permits abortion with almost no restrictions. Legislation intended to restrict access to abortion would *not* create a new legal situation in Canada which would authorize abortions, but instead would intend to limit the number of abortions already authorized under the law. Moreover, such legislation intends to limit the harm done to public morality by the injustice already present in the *de facto* legal situation.

We wish to reaffirm that the Catholic Church has always taught that “direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being” (*Evangelium Vitae*, n. 62). As such, no law can claim to legitimize abortion. No law that seeks to reduce the number of

“authorized” abortions can ever legitimize any act of abortion. A strategy that proposes legislation to restrict a more permissive abortion law or legal regime should therefore envisage such legislation as a step along the way to the eventual full legal protection of the right to life of all unborn human beings. An incrementalist law that continues to allow abortion is not – and should not be seen to be – the goal of the legislator or group proposing the legislation.

The teaching of the Catholic Church on this matter is clear. Under the conditions articulated in *Evangelium Vitae*, n. 73, it is morally licit to work for and to vote for legislation, including gestational legislation, which limits the harmful effects of an unjust legal regime that permits abortion.

At the same time, it is also morally licit to withhold support for gestational legislation – and other incrementalist legislative strategies intended to limit access to abortion – if, after prudent reflection, one is convinced that it is an unwise legislative strategy.

The conditions articulated in *Evangelium Vitae*, n. 73 can be applied to the situation in Canada today with regard to gestational legislation. The Catholic faithful are free to support such legislation in good conscience. This does not mean, however, that Catholics are compelled to support gestational legislation.

We pray that the prolife movement may not be divided in spirit by disagreements regarding the practical wisdom of gestational legislation. We implore all within the movement to refrain from questioning the good will or motives of those who have taken a different stand from their own on this issue.

Let us all redouble our prayer and sacrifice that the Lord’s peace will prevail within the prolife movement, and let us ask for his blessings on our efforts to promote genuine respect for the life of each human person from conception to its natural end.



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