

The Catholic Lawyers' Moment

Edward Mechmann

Delivered to the Catholic Lawyers Guild

October 7, 2011

All Glory and Honor to God, and thanks to Him for the opportunity He has given me to serve Him. "I can do all things in Him who strengthens me."

I don't like speaking about myself, but fortunately I don't have to, because this award is really not about me. It's about a cause.

I have been involved in public policy work for the Archdiocese for many years. It's a tough job, especially here in New York. Back in June, the Legislature voted to re-define marriage, a bill we worked very, very hard to hold off. Afterwards, I was asked how I can keep doing this, how I avoid getting discouraged. Part of it is because I'm Irish, and I love a cause that's worth fighting for, even if it is against all odds.

But it's also because I see a big picture, one that — by the grace of God — gives me great hope and determination.

In 1987, Pastor (later Father) Richard John Neuhaus wrote a book called "The Catholic Moment". He argued that a unique opportunity had arisen for the Church to offer moral guidance for the development of public policy, particularly in promoting a culture of life.

I believe that we are still in that Catholic Moment, and what's more, I think there is a particularly important role for Catholic lawyers. I believe that we are in a "Catholic Lawyer's Moment".

We all know the challenges. Our world is deeply in the grips of a culture of death. Attacks on human life from conception to natural death. Genetic manipulation that threatens the integrity of humanity itself. Hostility to fertility that is becoming more and more a hallmark of health care policy and practice. A redefinition of marriage, overturning the foundation of society. And increasing threats to the religious freedom of churches and individuals, threats that come from a secularist mindset that would exclude religion entirely from the public square.

In our profession, this secularism finds a partner in a soul-free legal positivism. I recall my first year of law school, where we were taught from the beginning that there are no objective or transcendent values in the law. Natural law was derided as outdated and sectarian. Instead, we were told over and over that law is whatever the legislator or judge decides it is, based on their own values. It is entirely an act of political will. As one of my law professors liked to say, "It's all up for grabs". I once gave a talk to a group of lawyers and when I mentioned natural law one of them said to me "I thought we got rid of that years ago." Really? I'd like to see the bill that did that.

We see this alliance of secularism and legal positivism in many places. Just yesterday, it was before the United States Supreme Court, in the most important religious liberty case in decades. At stake is the ability of churches to operate without interference and control by the government

in the selection of clergy and other staff members who have religious functions. A key question for the Court is the nature of religious freedom — is it something inherent that requires special protection in the law, or is it something that the government can grant or withdraw, as it pleases? The Administration filed a brief that took such a narrow view of religious freedom that both Justice Scalia and Justice Kagan expressed their surprise during oral argument.

It is ironic that, even as the secularists try to push religious belief out of public affairs and the positivists deny objective moral truth, there is a strong desire for guidance from the Church and from Catholics. In debate after debate over tough moral issues, the media and public officials and regular people want to know where the Church stands. They expect us to play a major role, and they look to Catholics for direction, even when they are sure to disagree.

In 2008, when the Holy See issued a major statement on bioethics, it was a major news story. The media gave it extensive coverage — even in the New York Times. Leading secular bioethicists and policy makers paid very close attention. The same thing has happened in many other major debates — over the health care bill, the redefinition of marriage, cloning, assisted suicide and so on.

Why? Because there is a hunger for truth and clarity, and Catholics can provide it. We have a rigorously reasoned approach to difficult topics that is the result of careful analysis and has been developing for centuries.

We also have an understanding of the human person that is attractive and compelling — because it is true. The secularist and positivist view of human nature is materialistic, morally relative, and utilitarian. It is pessimistic and hopeless and dehumanizing — and false. And people know that in their hearts.

Our view of the human person is Incarnational. We believe that every human person is made in the image and likeness of God, and we believe that Jesus Christ, true God, became a true man. We know that people aren't just objects to be discarded when they are no longer useful or have become a burden. We recognize that we are meant to be a gift to others, and not exploit them for our own benefit. We understand that our spirituality is central to who we are, and it can't be ignored or relegated to the sidelines. I cannot be a religious person in private, and a secularist in the public square — I am not two people, but one. We are realistic about humanity, with all our flaws and problems, but in the end we are positive and hopeful.

We also know that there is objective truth, and there is a law of good and evil that has been written by God into the human heart — the natural law. It appeals to people because it is true, because it speaks to the truth in their hearts. And it gives us a common language for debate with others in the public square.

Two weeks ago, Pope Benedict spoke to the German Parliament about the foundations of law. The Holy Father stressed that politics and law cannot be based solely on a drive for success or power — but that is the inevitable tendency of legal positivism. Instead, he said that all law must be rooted in reason and natural law — only then will it respect the dignity of every human person.

This understanding of law is the antidote to the pessimism and nihilism of the secularists and positivists. It gives us the foundation to uphold what is right and good and most human — policies that embody justice, charity, and the common good, and laws that protect the most vulnerable, and defend freedom and human rights.

We are called to do this in the public square, in our work, in our law practices, and in our everyday lives. I look around the room and see people who are doing this, and I am in awe of them. Supporting organizations and political candidates who defend human life. Filing briefs to defend crisis pregnancy centers or to oppose exploiting women by buying their eggs for cloning. Giving practical assistance to mothers in crisis. Representing doctors and nurses who are facing enormous pressure to sacrifice their religious values and participate in abortions.

And getting into the arena as advocates for justice and truth — that is what we are trained to do, and nobody does it better.

At the end of the fight over marriage in Albany this Spring, the day before the final vote, it was crazy in the Legislature. A key Senator was called off the floor to meet with some constituents. He walked through the corridors — filled with shouting protestors with their anti-religious signs and slogans. There in the hallway, he met with a Catholic family — a husband and wife and their small children. And there, amidst all the chaos and madness, they spoke quietly to him about the nature of marriage, family, and conjugal love. It was a powerful and beautiful moment.

Our society is yearning for that kind of moral leadership. We as Catholics and especially those of us who are Catholic lawyers can respond to that need.

It is very humbling to receive this award, named after Charles Carroll. Two hundred and thirty five years ago, in 1776, he recognized that a special moment had come, and he responded — and signed the Declaration of Independence. That document appealed to the natural law, and proclaimed the inalienable rights given to us by God, including the rights to life, liberty and the pursuit of happiness. Charles Carroll and the other signers pledged to defend those rights with their lives, their fortunes, and their sacred honor.

I hope that none of us will have to risk our lives or fortunes, as Charles Carroll did. But I believe that we now stand at another special time in history, and we too have a cause. We have an opportunity to build a culture of life, to defend the dignity of every human person, to protect families and the vulnerable, to stand up for the liberty of religious people, and to safeguard the freedom of our beloved Church.

We are Catholics, we are Catholic lawyers, and this is our moment. This is a cause for which we can pledge our sacred honor. This is a cause worth fighting for.