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The Colorado Hospital Case

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Distinctly Catholic

At first blush, this story about a Colorado Hospital arguing that a fetus is not a person, in a court suit for wrongful death in the case of two unborn children who died with their mother, seems like the rankest of hypocrisies, or, to put a kinder face on it, another instance of Church leaders granting too much authority to their lawyers. And, the bishops of Colorado are looking into the matter.

But, a closer examination of the issue illustrates the complications involved. It does not appear that the lawyers for the Catholic hospital argued a fetus is not a person. They argued that Colorado law does not recognize the personhood of the fetus and so, on its face, the suit could not go forward. That may seem like a distinction without a difference. And, if the lawyers had asked my opinion, I would have suggested that their brief indicate that the hospital does not agree with Colorado law about this but that, nonetheless, Colorado law, not canon law, is binding on the judge's decision. Or, they could have declined to make the argument at all, letting the judge rule on the matter, as rule the judge must, in accordance with Colorado law. I don't think it is wise, or accurate, to paint this as a case of hypocrisy. Oversight, perhaps. Lack of thoughtfulness about the need to consistently repeat the Church's position, undoubtedly. But, I do not see any evidence of hypocrisy here. And the fact that the article is playing mostly among those who are either rabidly pro-choice or rabidly anti-abortion should give everyone pause. It also shows, once more, how there exists a symbiotic, and unhealthy, relationship between the organized pro-choice and pro-life groups.

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