

Petition to Pope Benedict XVI

Letter of May 30, 2006, with supporting documentation that petitions Pope Benedict XVI to review and reverse the fateful theological decision of Pope Pius IX in 1869, which declared the doctrine of immediate hominization that negated centuries of church teaching and that of St Augustine and St. Thomas Aquinas of delayed hominization and which led them to affirm that "Abortion, if early is not homicide". What new information did Pius IX have in 1869, not available to previous Pontiffs that led him to proclaim a theological doctrine that is more harmful and injurious to humanity than the erroneous doctrine that condemned Galileo for teaching that the earth was not the center of the universe.

LETTERS OF CORRESPONDENCE TO:

30	May	2006	Pope Benedict XVI
9	August	2006	Apostolic Nuncio, United States
28	August	2006	Apostolic Nuncio, United States
21	November	2006	Apostolic Nuncio, United States

FROM THE APOSTOLIC NUNCIO

19	August	2006	James W. Prescott, Ph.D.
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MANUSCRIPTS

18	April	2006	Abortion and the Legislation of Religion
27	October	2006	Abortion, Pope Pius IX and The Separation of Church and State: An Appeal to Pope Benedict XVI

INSTITUTE OF HUMANISTIC SCIENCE

1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://tfuture.org/Prescott>
<http://montagunocircpetition.org>

30 May 2006

Pope Benedict XVI
The Vatican
Rome, Italy

Your Holiness,

I have requested Cardinal Theodore E. McCarrick, Washington, D.C. to forward this letter and manuscript: "Abortion and The Legislation of Religion: Galileo Revisited", as background for the request that I am presenting to you for consideration.

You are aware of the great divisions that have fractured humanity and that religious warfare has been one of these great divisions. It is no secret that the theistic religions have waged war with each other ever since their creation--killing each other and each other's children that continues to this day. What is wrong with these religious systems that they cannot learn to live in peace and harmony with each other?

Gibbon (1737-1794) has noted that religious warfare did not exist on this planet until the rise of the monotheistic religions (Prescott, 2005).

Another great division and source of eternal warfare is the role of women in society and the equality of the feminine with the masculine. It is no secret that full equality of the feminine with the masculine has been uniformly denied by the theistic religions of the world whether monotheistic or polytheistic. This hostility to the feminine by the theistic religions of the world has assured continuing violence between the masculine and the feminine and her offspring that must be resolved, if peace and harmony are to be restored to this planet.

The Reverend Robert F. Drinan, S.J., reminded us in *Can God & Caesar Coexist?* (2004), a part of that history:

The Crusades, the Inquisition, and the Holocaust are part of the collective memory of Europe. Also among Europeans' recollections is the syllabus of errors of 1864, when Pope Pius IX condemned the idea that the church should be separated from the state. (p.89).

Some of the rules articulated by the world's major religions, however, continue to subordinate women...Of course, some practices have been utterly discredited; one could point to the new awareness of and protection against female genital mutilation. (p.135)

Are there other beliefs, traditions, and practices injurious to women that would also merit condemnation? (p.143).

One of these beliefs that have proven injurious to women is the departure of the Roman Catholic Church from its early teachings of *delayed hominization* in favor of the doctrine of *immediate hominization*, which was unilaterally declared by Pius IX in 1869.

Can you imagine what the world would be like today if the Church had remained faithful to its long tradition of teaching the doctrine of *delayed hominization* that would have remained faithful to the teachings of St Augustine and St. Thomas Aquinas, which led them to the conclusion that "Abortion, if early is not homicide"? Can you imagine the magnitude of worldwide infliction of pain and suffering imposed upon women by the decision of this one man (Pius IX) that abandoned the teachings of St. Augustine and St. Thomas Aquinas on *delayed hominization*?

There are few theological doctrines that have had such grievous consequences for humanity than has the doctrine of *immediate hominization*. The theological doctrine of *immediate hominization* is more injurious, pernicious and equally in error than the theological doctrine that proclaimed the earth is the center of the universe. Galileo (1633) stated in testimony before *The Inquisition*, the following:

... I have been pronounced by the Holy Office to be vehemently suspected of heresy, that is to say, of having held and believed that the Sun is the center of the world and immovable and that the Earth is not at the center and moves. Therefore, desiring to remove from the minds of your Eminences, and of all faithful Christians, this vehement suspicion justly conceived against me, with sincere heart and unfeigned faith, I abjure, curse, and detest the aforesaid errors and heresies and generally every other error, heresy, and sect whatsoever contrary to the Holy Church, and I swear that in future I will never again say or assert, verbally or in writing, anything that might furnish occasion for a similar suspicion regarding me...I, the said Galileo Galilei, have abjured, sworn, promised, and bound myself as above; and in witness of the truth thereof I have with my hand subscribed the present document of my abjuration and recited it word for word at Rome, in the convent of the Minerva, this twenty-second day of June, 1633. (Rowland, *Galileo's Mistake* : 2001, pp. 256-257).

It need not be emphasized that the Trial of Galileo represents the clearest example of science trumping religious faith, which took some 400 years for the Church to acknowledge. You are, of course, aware that with the temporal powers held by the Vatican at that time, Galileo was sentenced to house arrest for the rest of his life.

Ecclesiastical authorities cannot afford the continuation of another grave theological error that does not admit the continuum of biological development. An acorn is not an oak tree. Continuous warfare between science and religion can only be assured under such circumstances.

More personal tragedies are assured. Cook (2005) reports on a teenager convicted of "fetal murder" and sentenced to life imprisonment. The federal "embryo-fetal personhood" law ((Unborn Victims of Violence Act 2004-H.R.1997) provided the judicial framework for a more draconian state law that permitted a "fetal murder" conviction. Notwithstanding our Constitution that prohibits the legislation of religious belief (doctrine of *immediate hominization*), the Republican Congress and President Bush made the impossible possible--the legislation of religious belief. Pius IX theological blunder has created a monstrosity for humanity.

A difficult dilemma poses itself. With the acknowledgment of errors in Papal Declarations and of theology (including the reversal of Papal Doctrine on *hominization* and the doctrine of "fit matter"), will you confront another major error of teaching by the Church and affirm the doctrine of *delayed hominization*, as the doctrine of the Church, which would remain faithful to the teachings of St. Augustine and St. Thomas Aquinas?

It is well known that the Church accepted the *Gratian Code* in 1140, which affirmed that "abortion was homicide only when the fetus was formed"; that in 1588, Pope Sixtus V's Bull *Without Restraint*--reacting to prostitution in Rome--proclaimed that excommunication would be the punishment for those who used contraception or abortion; and that three years later, after the death of Pope Sixtus V, Pope Gregory XIV (1591) reversed Pope Sixtus V's Bull, as being "in conflict with penitential practices and theological views on ensoulment", which lasted until 1869 when Pius IX proclaimed-- out of thin air--the doctrine of *immediate hominization*, which rejected centuries of Church teaching on the doctrines of ensoulment (*delayed hominization*) and of "fit matter"(CFFC, 1996).

Some questions must be asked and answered. What new knowledge did Pius IX have in 1869, that was not available to previous Popes, which permitted him to overturn centuries of Church teaching on the doctrine of *delayed hominization* and which compelled St. Augustine and St. Thomas Aquinas to be teaching errors of theology on *delayed hominization*?

Given the silence of Biblical Scripture (Old and New Testaments) on the morality of elective abortion, what is the source of knowledge that permits the Church to make pronouncements of moral authority on elective abortion? If God the Father, His Son Jesus Christ and his primary emissary, St. Paul were silent on the issue, whence comes your moral authority? Divine Revelation is the only other source of knowledge that is claimed in such matters and the question must be asked what was new in 1869 that was not available to previous Pontiffs on the subject of elective abortions through Divine Revelation?

I realize that this request to review the Papal decision of Pius IX on the soundness of his theological declaration of *immediate hominization* is extraordinary but so too is the pain and suffering inflicted upon humanity by the doctrine of *immediate hominization* extraordinary. Humanity can live with the doctrine of *delayed hominization*, that "Abortion, if early, is not homicide", which affects not only women and the consequences of compulsory motherhood but that of scientific research on embryonic stem cells, which holds such promise for the alleviation of illness and disease.

Reversal of Papal Doctrine and error is not without historical precedent and it takes a great man to admit error and fashion a different path for humanity. Let us hope that it will not take another 400 years to admit to this theological error for I do not believe that *homo sapiens* can survive another 400 years or even 100 years with the life path of violence that has been forged by our species.

I realize that Cardinal McCarrick will soon be leaving and that Cardinal Donald W. Wuerl will soon be Archbishop, Washington, D.C. I expect that Cardinal McCarrick will want to defer this letter to Cardinal Wuerl for action.

I am also copying this letter to the Reverend Robert F. Drinan, S.J., Georgetown University, as his work *Can God & Caesar Coexist* has been most helpful and illuminating. Perhaps it is appropriate to conclude this letter with two of his observations:

"The relationship of church and state was a thorny problem both before and after Christ told his listeners to render to God what is God's and to Caesar what is Caesar's" (p.145),
and

Will there ever be an age when God and Caesar can co-exist in peace? Law is a feeble instrument to bring about that laudable objective. (p.245).

Attached is a book *Abortion Rights and Fetal 'Personhood'* (1989), proceedings of a conference that is edited by Edd Doerr and James W. Prescott, that summarizes the legal, constitutional, religious, philosophical, psychological, sociological, anthropological and biological arguments for a different perspective on "fetal personhood" and which are consistent with a theological theory of *delayed hominization* and not that of *immediate hominization*.

Your attention to this request is most appreciated.

Respectfully,

James W. Prescott, Ph.D.
Director

Cc: Cardinal Theodore E. McCarrick
Washington, D.C.

Robert S. Drinan, S.J.
Georgetown University

REFERENCES

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1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://tfuture.org/Prescott>
<http://montagunocircpetition.org>

9 August 2006

Archbishop Pietro Sambì
Apostolic Nunciature to the United States of America
3339 Massachusetts Avenue, NW
Washington, DC 20008

Dear Archbishop Sambì,

The Rev. Carter Griffin, Secretary to the Archbishop, Washington, DC has advised me that my request to forward my letter of 30 May 2006 to His Holiness Pope Benedict XVI be best directed to your office.

Please find enclosed that letter and related correspondence that was directed to the Office of the Archbishop of Washington, DC. The manuscript "Abortion and The Legislation of Religion: Galileo Revisited" and a copy of a book which I co-edited with Edd Doerr "Abortion Rights and Fetal "Personhood" can be obtained from the Archbishop of Washington, DC, as the copies intended for Pope Benedict XVI are in their possession.

The central message in my letter to His Holiness is a request for information on what new knowledge did Pope Pius IX have in 1869, which was unavailable to prior Pontiffs, that led him to declare the doctrine of *immediate hominization*, which rejected centuries of Church teaching on the doctrine of *delayed hominization*; and to provide a Papal ruling that returns to the teaching of the early Church and that of St. Augustine and St. Thomas Aquinas that "Abortion, if early, is not homicide". The historical arguments in support of this action are detailed in my letter to His Holiness Pope Benedict XVI.

You would agree that the doctrine of *immediate hominization*, proclaimed by Pius IX in 1869, has inflicted more harm upon women and humanity than has the theological error associated with the alleged theological crime of Galileo that proclaimed the Earth was not the center of the Universe.

Theological doctrine has inflicted much pain, suffering and harm upon humanity and it is timely to reverse the Papal error of Pius IX, as has the Papal error of Pope Sixtus V (Papal Bull "Without Restraint", 1588) had been reversed by Gregory XIV in 1591.

Reversing Papal error is not without precedent and my petition to His Holiness, Pope Benedict XVI is to review the doctrine of *Immediate hominization*, as in error, and to affirm the validity of early Church teaching of *delayed hominization* and that of St. Augustine and St. Thomas Aquinas.

Your assistance in this matter is gratefully appreciated.

Respectfully,

James W. Prescott, Ph.D.
Director

Cc: Cardinal Donald W. Wuerl
Archbishop of Washington, DC

Robert F. Drinan, S.J.
Georgetown University Law Center

INSTITUTE OF HUMANISTIC SCIENCE

1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://ttfuture.org/Prescott>
<http://montagunocircpetition.org>

28 August 2006

(Rev. Msgr.) Martin Krebs
Charge d'Affaires a.i. to
His Excellency, Archbishop Pietro Sambi
Apostolic Nuncio, United States of America
3339 Massachusetts Avenue, N.W.
Washington, D.C. 20008-3687

Ref. No. 2543

Dear Rev. Msgr. Krebs,

This is to acknowledge receipt of your letter of 19 August 2006, which has informed me that my letter with attachments has been forwarded to His Holiness, Pope Benedict XVI for review by the Holy See.

Your assistance in this matter is most appreciated.

Respectfully,

James W. Prescott, Ph.D.
Director

Cc: Cardinal Donald W. Wuerl
Archbishop of Washington

Professor Robert F. Drinan, S.J.
Georgetown University Law Center

INSTITUTE OF HUMANISTIC SCIENCE

1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://tfuture.org/Prescott>
<http://montagunocircpetition.org>

21 November 2006

His Excellency, Archbishop Pietro Sambì
Apostolic Nuncio, United States of America
3339 Massachusetts Avenue, N.W.
Washington, D.C. 20008-3687

Att: (Rev. Msgr.) Martin Krebs, Charge d'Affaires

Ref. No. 2543

Your Excellency,

This is a follow-up inquiry to my letter of 9 August 2006 and your response of 19 August 2006 as to the actions taken by the Holy See to my communications (enclosed).

In order to facilitate my request to Pope Benedict XVI that he review and reverse the decision of Pius IX on *immediate hominization*, I am enclosing an essay "Abortion, Pope Pius IX and the Separation of Church and State: An Appeal to Pope Benedict XVI" that reviews some highlights of Papal error and their reversal, as reviewed by Garry Wills in *Papal Sin: Structures of Deceit*.

The future and condition of humanity calls for a return to the religious dogma inherent in the doctrine of *delayed hominization*, as was the reversal of the conviction of Galileo on the nature of the physical universe.

It is recognized that Pius IX was not well educated in matters of theology, as is Pope Benedict XVI, which gives further reason to grant review and reversal of the doctrine of *immediate hominization* that has led to so much human pain and suffering.

Your assistance in this matter is most appreciated.

Respectfully,

James W. Prescott, Ph.D.
Director



3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

No.2543.....

August 19, 2006

This No. Should Be Prefixed to the Answer

Dear Dr. Prescott:

In the temporary absence of His Excellency, the Most Reverend Pietro Sambi, Apostolic Nuncio, I write to acknowledge receipt of your kind letter of August 9, 2006 with which you forwarded your letter of May 30, 2006 addressed to His Holiness, Pope Benedict XVI, in regard to the theory of immediate hominization.

Please be advised that your correspondence will be transmitted for the consideration of the Holy See.

With cordial regards and best wishes, I am

Sincerely yours in Christ,

(Rev. Msgr.) Martin Krebs
Chargé d'Affaires a.i.

James W. Prescott, Ph.D.
Institute of Humanistic Science
1140-17 Savannah Road
Lewes, Delaware 19958

ABORTION AND THE LEGISLATION OF RELIGION: GALILEO REVISITED

James W. Prescott

INSTITUTE OF HUMANISTIC SCIENCE

18 April 2006

James W. Prescott, Ph.D.
1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://www.tfuture.org/Prescott>
<http://www.montagunocircpetition.org>

ABORTION AND THE LEGISLATION OF RELIGION: GALILEO REVISITED

James W. Prescott

Abortion is preeminently a religious issue and not subject to civil legislation. Abortion legislation will necessarily violate the religious beliefs of one group or another. It is for this reason that the First Amendment to the US. Constitution expressly prohibits the Congress from passing any legislation that recognizes one religious belief over another: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

This is particularly relevant when it comes to the definition of when human life (personhood) begins. Within the Judaeo-Christian tradition there has been and continues to be great disagreement on this question. Biblical scripture gives no guidance on this question, as it is silent on the question of elective abortion in both the Old and New Testaments. If neither God the Father nor Jesus Christ or St. Paul spoke against abortion (intentional or otherwise), where does the religious opposition to abortion come from?

The only reference to abortion, a miscarriage, is found in the Old Testament (*Exodus 21:22-25*):

When, in the course of a brawl, a man knocks against a pregnant woman so that she has a miscarriage but suffers no further hurt, then the offender must pay whatever fine the woman's husband demands after assessment.

Wherever hurt is done, you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, bruise for bruise, wound for wound
(The subject of this "hurt" --fetus or mother-- is not specified).

In *Genesis 2:7*, the origins of human life is given: "Then, the LORD, God formed a man from the dust of the ground and breathed into his nostrils the breath of life. Thus the man became a living creature". It is this "breath of life" that defines when "man became a living creature"--a "nephesh" or living person. (Fetal lung development does not permit "breathing" before about 22-24 weeks of gestation). The fetus does not breath and thus is not a person.

The American Jewish Congress published its Declaration "Abortion and the Sacredness of Life": An Open Letter To Those Who Would Ban Abortion" in the *New York Times* on 28 February 1989. This Declaration stated, in part: "Did you know that abortion can be a religious requirement? Not just

permitted, but *required*? In some religious traditions, if the fetus endangers the life of the mother, abortion is not a matter of choice; it is mandatory!"

(AJC,1989). Fig 1.

Efforts to legislate a specific religious belief that human personhood begins at conception, where abortion is alleged murder, violates the religious beliefs of the Jewish people.

The First Christianity

Given the silence of "moral authority" from biblical scripture on the abortion question from whence did the abortion question become a moral problem? The teachings of the early Roman Catholic Church with respect to when human personhood begins were man-made and are illuminating. First, abortion was punished as evidence of sexual sin, i.e. fornication and adultery, which were considered minor sins. The second issue revolved around the issue of "Hominization", the time during gestation where the developing embryo becomes a human being through a process called "animation" or "ensoulment".

The theological speculations of those times posited an ensoulment of three souls in the fetus: the vegetative, animal and rational/cognitive souls. Human personhood was conferred when there was an infusion of the rational/cognitive soul, 40 days for the male fetus and 80 days for the female fetus. The ensoulment was contingent upon the principle of "fit matter". St. Augustine states: "The great question about the soul is not hastily decided by unargued and rash judgment; the law does not provide that the act (abortion) pertains to homicide, for there cannot yet be said to be a live soul in a body that lacks sensation when it is not formed in flesh, and so not yet endowed with sense." (*On Exodus*, 21.80; CSEL 28,147); and "But who is not rather disposed to think that unformed fetuses perish like seeds which have not fructified." (Augustine, *Enchiridion*).

Another concept in these theological speculations was the principle of Hylomorphism, which taught that the human being as a unity of two elements of *primary matter* and *substantial form*, which represents the actualizing principle of the soul. This doctrine implied delayed hominization, as the immature fetus did not have the *substantial form* to support the ensoulment of the rational/cognitive soul. For these reasons St Augustine and St. Thomas Aquinas taught: "Abortion, if early, is not homicide". It

should be recognized that St. Thomas Aquinas is considered to be the "teaching authority of the Church". In short, a human person cannot exist in the absence of the rational/cognitive soul.

This teaching of the early Church of *delayed hominization* was rejected by Pope Pius IX in 1869 which declared by Papal fiat the doctrine of *immediate hominization*, i.e. the rational soul is conferred at the time of conception, which banned all abortions. This teaching reversed centuries of early Church teaching during the first six centuries and during the Middle Ages (600-1500 A.D.), which violated the principles of ensoulment and "fit matter" inherent in *delayed hominization* that were affirmed by St. Augustine and St. Thomas Aquinas. It should be emphasized that the dogma of *immediate hominization* is not covered by the faith principle of Papal Infallibility, i.e. this Papal teaching could be in error.

This monumental theological error of *immediate hominization* has placed theology on a collision course with the science of human development and the future of humanity and questions must be raised whence came the authority of a single male (Pope Pius IX) to make such a man-made dogma that violates centuries of Church teaching and the religious conscience of many faiths with the right to impose this false religious dogma upon others?

This tragic theological error of Pius IX has been the source of untoward human pain, suffering and death that exceeds the consequences of the theological "error" of Galileo.

Galileo and the Inquisition

We know the battle between science and faith that is reflected in the trial of Galileo of 1633 where science was subordinated to faith where faith convinced of its theological truths, derived from biblical scripture and divine revelation, compelled the denial of the scientific truths that the earth was not the center of the universe and revolved around the sun.

We are faced with the same confrontation between science and faith that rejects the theological "truths" of *immediate hominization* and the role of women, as fully equal to men, in human societies. Vatican theology on the nature of human nature, on women in society and on the nature of human sexuality suffers from the same source of errors that governed the proclaimed theological truths on the nature of the Cosmos, namely biblical scripture and divine revelation.

The sworn testimony of Galileo is given, in part, to convey the words of denial that were forced upon Galileo by The Inquisition and their implications for today's modern societies.

Therefore, desiring to remove from the minds of your Eminences, and of all faithful Christians, this vehement suspicion justly conceived against me, with sincere heart and unfeigned faith, I abjure, curse, and detest the aforesaid errors and heresies and generally every other error, heresy, and sect whatsoever contrary to the Holy Church, and I swear that in future I will never again say or assert, verbally or in writing, anything that might furnish occasion for a similar suspicion regarding me... (Rowland, *Galileo's Mistake*. 2004, pp.256-257).

Galileo was sentenced to house arrest for the remainder of his life.

It has taken some 400 years for the Vatican to apologize for this theological error and we cannot afford to wait another 400 years for its apology of its theological errors on *immediate hominization* and the role of women and sexuality in human societies. Once again, we are being forced to deny the biological reality that an "Acorn is not an oak tree."

Abortion: An Act of Murder or Act of Compassion

If abortion is an act of murder, cultures that support abortion should manifest other behavioral characteristics of a murderous culture. "The Abortion of The Silent Scream: A false and wrongful cry for human pain, suffering, and violence" summarizes a number of studies by this author which found that tribal cultures that support abortion are non-violent cultures; legislators who oppose abortion support legislation that promotes violence; are significantly less nurturing; and lack compassion in their opposition to the authorization of medical heroin to relieve pain in dying cancer patients (<http://www.violence.de/politics.shtml>)

In a study of 21 tribal cultures where information was available on abortion practices (11 cultures that punish abortion severely and 12 that support abortion), it was found:

92% of cultures that do not punish abortion do not practice slavery;
55% of cultures that punish abortion practice slavery.

100% of tribal cultures that punish abortion practice polygyny;
58% of cultures that do not punish abortion do not practice polygyny.

78% of cultures that punish abortion punish premarital sexuality;
67% of cultures that do not punish abortion permit premarital sexuality.

88% of cultures that punish abortion punish extramarital sexuality.
67% of cultures of cultures that permit abortion permit extramarital sexuality.

80% of cultures that do not punish abortion do not kill, torture and mutilate enemies captured in warfare;

73% of cultures that punish abortion, engage in killing, torture and mutilation of enemy captured in warfare.

100% of cultures that punish abortion are patrilineal;

71% of cultures that do not punish abortion are matrilineal

In a series of studies of 1974 voting patterns in the U.S. Senate between abortion being opposed (Bartlett Amendment that prohibited Medicaid funds from being used to pay for, or encourage, abortion) and various measures of violence (1978), it was found that:

74% who support capital punishment do not support abortion (S1401)

64% who do not support capital punishment support abortion.

84% who support the Vietnam War do not support abortion (S2999)

62% who do not support the Vietnam War support abortion.

86% who support the Nixon "No-Knock" Laws do not support abortion (S3355)

55% who do not support the "No-Knock" Laws support abortion

The votes against abortion on the 1974 Bartlett Amendment were also related to ratings of the National Farmers Union (NFU) on how well Senators supported farm family programs. Scores ranged from 0-100. It was found that the average NFU score was 96 for those Senators who supported abortion and were opposed to capital punishment; and the average NFU score was 44 for those Senators who opposed abortion and supported capital punishment.

A study involving the 100 Members of the House of Representatives who most strongly supported abortion were compared to the 100 Members of the House of Representatives who most strongly opposed abortion with respect to their votes on the use of medical heroin for dying cancer patients. It was found that

95% of the anti-abortion congressman voted against the use of medical heroin for dying cancer patients;

72% of those congressmen supporting abortion supported the use of medical heroin for dying cancer patients (Human Pain and Suffering Bill --H.R. 5290-Hughes Amendment, 1984).

The Hughes Amendment specified the circumstances for the use of medical heroin, when pain "may not be effectively treated with currently available analgesic medications."

In an analysis of voting records of the Pennsylvania House on abortion (6/24/77) and the criminalization of fornication and adultery (4/3/73)--Mullen Amendments--it was found that:

85% support abortion rights and the non-criminalization of consenting sexual behavior
86% oppose abortion rights and the criminalization of consenting sexual behavior

These data and others summarized in *The Abortion of the Silent Scream* (1986) support the conclusion that anti-abortion cultures are authoritarian and violent in nature, lacking in compassion and nurturance; support the criminalization of sexual behavior among mutually consenting persons; and support the subordination of the rights of the individual to the power of the state. All of these comparisons are statistically significant.

The Abortion of The Silent Scream

The film "The Abortion of The Silent Scream" was suddenly withdrawn from the market with the publication of the essay "The Abortion of the Silent Scream: A false and wrongful cry for human pain, suffering and violence" in 1986 by *The Humanist*. In that essay this writer raised the following questions:

In the production of *The Silent Scream* questions must be raised as to the elements of compassion and malevolence that made that film possible. Presumably, those who abhor abortion under any circumstances would not support any abortion, including participation in filming an abortion they consider to be a murder! Why did the anti-abortionists not stop the filming of the abortion and the abortion itself, which made the film possible? Or is the fetus simply an object to be exploited for ulterior motives—like the children of the anti-abortion cultures?

Is it appropriate to compare from a moral perspective the production of *The Silent Scream* and the production of "snuff" films in which women are enticed into a sexual encounter and, unknown to them, are scheduled for sexual torture, mutilation, and murder? Assuming that abortion is murder and "snuff" is murder, do the producers and supporters of these two kinds of films share a certain common morality? If so, what would be the nature of that common morality?

When the Reverent R.L. Hymers, Jr., pastor of the Fundamentalist Baptist Tabernacle in Los Angeles, called Supreme Court Justice William J. Brennan, Jr., a "baby killer" and led his four-hundred member congregation in prayer to ask God to kill Brennan so that President Reagan could replace him with a judge who opposes abortion, does this not reinforce a common morality of violence in the anti-abortionist mentality as it is reflected in *The Silent Scream* and the fire-bombings of abortion clinics and personnel? (See, *The Washington Post*, June 2, 1986.)

The Roman Catholic Church and Capital Punishment

The history of the Roman Catholic Church on capital punishment has varied over its two thousand years of existence from the Papal and Spanish Inquisitions to present day America. The

document "A Culture of Life and the Penalty of Death" was approved by the full body of Bishops of the *United States Conference of Catholic Bishops* at its November 2005 General meeting.

This document declares: "This is a time to teach clearly, encourage reflection, and call for a common action in the Catholic community to bring about an end to the use of the death penalty in our land".

It was not always this way. At its November 7, 1974 meeting of the *National Conference of Catholic Bishops*, a fifteen-hundred-word statement that was opposed to capital punishment was debated and rejected. On November 21, 1974, the bishops accepted a substitute motion on capital punishment, which stated: "The United States Catholic Conference goes on record in opposition to the death penalty" by a vote of 108 to 63. It should be noted that 37 percent of the Catholic bishops voting supported capital punishment.

Clearly, Church history does not reflect "A Seamless Garment Of Respect For Life", as some Catholic hierarchy have claimed but we are encouraged that its moral principles are continually evolving and not fixed in concrete. A return to the teachings and faith principles of St. Augustine and St. Thomas Aquinas with respect to when human personhood begins would avoid much of the moral and constitutional conflicts associated with the doctrine of *immediate hominization* that is represented in H.R. 1997, the "Unborn Victims of Violence Act (2004).

H.R. 1997: The "Unborn Victims of Violence Act (2004)

H.R. 1997, an Act of Congress that was signed into law by President Bush, legislates into civil law with criminal penalties the erroneous religious doctrine of Pope Pius IX of *immediate hominization*, which is strictly prohibited by the First Amendment.

H.R. 1997, Sec.2, Sec 1841 (d) states: "As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb".

This Section of H.R. 1997 violates the **14th Amendment, Section 1**, which states: "All *persons born* or naturalized in the United States (not the unborn) and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law

which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (emphasis mine).

The 14th Amendment clearly defines "citizens" as "persons born", not the unborn, who are entitled to protection under the U.S. Constitution. The States are expressly prohibited from passing any laws that "abridge the privileges or immunities of *citizens*"; "nor deny to any *person* within its jurisdiction the equal protection of the laws". "Person" within the U.S. Constitution means, "persons born"--not the unborn. Thus, any State Law that addresses the issue of abortion--a religious issue--is unconstitutional, particularly when such State laws grants "personhood" to the "embryo-fetus". Similarly for Federal Law, e.g. H.R. 1997.

Other Constitutional Rights Violated

The denial of abortion rights to women entails a necessary consequence of Compulsory Motherhood, which is as onerous as compulsory abortion. The **13th Amendment, Section 1**, states: "Neither slavery nor involuntary servitude (to religious dogma), except for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

It is unconstitutional to impose a religious belief upon another, which violates the First and Thirteenth Amendments. Compulsory motherhood invariably involves state control of the woman's body with all that this entails and risks the health and well being of the mother, her fetus and her born unwanted child.

The **4th Amendment** states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated..."

When "embryo-fetal rights" are placed in conflict with maternal rights, a state of warfare between mother and fetus is created that can only be damaging to the maternal-fetal relationship. Could the state take into custody a pregnant woman to protect alleged "embryo-fetal rights" that are allegedly endangered by the mother, analogous to seizure of the child because of child endangerment? Will miscarriages carry a threat of prosecution for involuntary manslaughter due to alleged "maternal negligence"? Will the horrors of Margaret Atwood's 1985 novel *The Handmaid's Tale* become a reality?

On June 07,2005 a press report informed us of a case of "teen fetal murder":

Nineteen-year-old Gerardo Flores of Lufkin was sentenced to life in prison Monday in a landmark test case of a state fetal protection law. An Angelina County jury deliberated just under four hours, finding him guilty on two counts of capital murder for his part in killing his unborn twins...

The law includes the definition of a person — with full rights to legal protection — as existing from the moment of conception. Prosecutors chose not to pursue the death penalty against Flores, meaning he received an automatic life sentence with parole possible after 40 years.

Cox Texas Newspapers, L.P.-The Lufkin Daily News.

On 18 January 2005, the Social Justice Council, First Unitarian Church, Ithaca, NY approved a "Petition to the Congress" that was endorsed by members of that Congregation which requested that the Congress nullify H.R. 1997, as a blatant violation of their religious rights and other Constitutional protections. The Unitarian Universalist Association at its 1982 General Assembly meeting passed a resolution that "oppose(s) all efforts through legislation or constitutional amendment to restrict that right or to impose by law a "theology of fetal personhood".

This Petition to Congress was submitted to Senators Schumer and Clinton and Representative Boehlert and Hinchey. These and related documents can be found at:

<http://unitarian.ithaca.ny.us/socialJusticeCouncil.html#petition> and

<http://www.violence.de/politics.shtml>

Unfortunately, this "Petition to the Congress" fell on deaf ears.

Frances Kissling, in an essay "Is There Life after Roe" (*Conscience*, Winter 2004/2005) has expressed a different view on the "Unborn Victims of Violence Act" (H.R.1997), which this writer had strongly disagreed with in *Conscience* Spring 2005 and for the reasons cited above:

The most emotionally charged legislation was the Unborn Victims of Violence Act which introduced an extra penalty for anyone convicted of harming a fetus during the commission of certain federal crimes (separate from penalties related to the injury or death of the pregnant woman). It gave separate legal status to a fertilized egg, embryo or fetus, even if the woman did not know she was pregnant. Crafted in the wake of the death of Laci and Conner Peterson, the legislation captured people's sympathy. Prochoice responses that focused on the fact that the legislation was not needed or that argued that it was a back door attempt to eviscerate the right to abortion made us seem heartless. As difficult as it may be, this may have been one piece of legislation we could have tolerated. In the war of ideas, not every hill is worth climbing (p.14)

What would have been the consequences to world history and humanity if the teachings of the early Church Fathers, particularly St. Augustine and St. Thomas Aquinas of *delayed hominization*,

remained the accepted moral doctrine of Roman Catholicism? Questions must be raised as to the sources of new knowledge and authority that Pius IX exercised in 1869 that declared the doctrine of *immediate hominization*--a unilateral man-made decision not made in concert with the Congregation of the Bishops, which rejected the teachings of St Augustine and St. Thomas Aquinas and where biblical scripture is silent on this issue.

The fatal decision of Pius IX that declared the doctrine of *immediate hominization* is a turning point in human history, which exceeds the theological errors that declared the earth as the center of the universe and which placed humanity on a path of eternal warfare between science and religion.

There are five Roman Catholic judges on the U.S. Supreme Court and they will be confronting the most momentous judicial decision in their life. Will they subordinate the U.S. Constitution to Vatican Law by affirming the religious decision of Pius IX of *immediate hominization* ? Or rule against the constitutionality of all civil laws on abortion, as such laws must necessarily support one religious doctrine over another, which is expressly prohibited by the U.S. Constitution?

Spiritual Bribery and Assaults Against the Legislature.

On November 15, 1989, Bishop Leo T. Maher, Bishop of San Diego (now deceased) wrote a letter to then Assemblywoman Lucy Killea, at her official California District Office address, that informed her:

I regret to inform you that by your media advertisements and statements advocating the "pro-choice" abortion position in the public forum you are placing yourself in complete contradiction to the moral teaching of the Catholic Church and consequently, I have no other choice but to deny you the right to receive the Eucharist in the Catholic Church. No Catholic can responsibly take a "pro-choice" stand when the 'choice' in question involves the taking of innocent human life (<http://www.violence.de/politics.shtml>). Figure 2.

Bishop Maher violated the California Government Code, Article 3, "Crimes Against The Legislative Power", Section #9054 that states: "Obtaining a thing of value to influence improperly a member of legislature", which states:

Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim, or representation that he can or will improperly influence in any manner the action of any member of a legislative body in regard to any vote or legislative matter, is guilty of a felony.

Within the terms of the above language "other thing of value" consists of:

- a) Holy Communion--the Food of the Soul--without which salvation is not possible (Value to Assemblywoman Killea) and is offered by Bishops Maher to a Catholic legislator in return for her voting and speaking in public on a legislative matter according to the dictates of Bishop Maher;
- b) Bishop Maher's power and control over a Catholic legislator, which is also a value to the Roman Catholic Church; and
- c) Bishop Maher's use of religious money from his parishioners to illegally lobby and "improperly influence...any member of a legislative body in regard to any vote or legislative matter, is guilty of a felony".

Bishop Maher also violated Section 8920 (Code of Ethics), Article 2 that prohibits any legislator from "Receive(ing) or agree to receive, directly or indirectly, any compensation, reward or gift (Holy Communion) from any source (Bishop Maher) except the State of California for any service, advice, assistance or other matter related to the legislative process...".

There is not a State in the Union that has not legislated "bribery of a member of the legislature", as a felony.

Rita Risser, a California attorney at law, (now retired), wrote Catholic Attorney General John Van de Kamp (20 February, 1990), requesting that he "undertake an investigation, pursue a criminal complaint and produce an Opinion concerning a violation of the California Constitution Article 4, section 15", which provides that it is a felony for any person to influence, or attempt to influence, a legislator by "bribe, promise of reward, intimidation or other dishonest means." A "bribe" is defined in Penal Code section 7(6) as anything of value or advantage, present or prospective.

Attorney General Van De Kamp in a letter dated March 6, 1990 refused to provide an "Opinion", stating: "The law does not provide for the preparation of an Opinion upon your request. Opinions of the Attorney General are provided only to specified public officials and only upon specified conditions". He referred Attorney Risser's request to pursue a criminal investigation and complaint to Catholic District Attorney of San Diego Edwin L. Miller, Jr. who refused, as he refused the request for a similar action by this author. These letters of correspondence are contained in an article "Did Bishop Leo T. Maher Commit a Felony?", which are posted at <http://www.violence.de/politics.shtml>.

The refusal of Catholic State District Attorneys and Catholic Attorney Generals to pursue violations of law by the Catholic hierarchy is further evidenced by their refusal to investigate and indict Catholic Bishops, Archbishops and Cardinals for their complicity in aiding and abetting the sexual abuse of children by knowingly transferring Catholic priests to other parishes where they commit additional sexual crimes against children.

Such Catholic hierarchy are no different than the driver of the getaway car in a bank robbery who is held equally accountable for the bank robbery before the law. Questions must be raised whether Catholic District Attorneys and Catholic State Attorney Generals can enforce the law when it comes to prosecuting the violations of criminal laws by their religious superiors.

Resignation of Governor Keating From The National Catholic Review Board.

Former Governor Frank Keating, Chairman of the *National Catholic Review Board*, which had oversight responsibilities for the sexual abuse cases in the Roman Catholic Church, resigned on 16 June 2003. His letter of resignation to Bishop Gregory, President of the United States Conference of Catholic Bishops, stated in part:

Never again will any bishop be able to hide or avoid the scandal of sex abuse in his diocese...

My remarks, which some bishops found offensive, were deadly accurate. I make no apology. To resist grand jury subpoenas, to suppress the names of offending clerics, to deny, to obfuscate, to explain away; that is the model of a criminal organization, not my church...

The humiliation, the horrors of the sex scandal must be a poisonous aberration, a black page in our history that cannot ever recur. It has been disastrous to the Church in America...

Congressional Letter to Cardinal McCarrick

In a letter dated May 10, 2004 to Cardinal McCarrick (Washington, D.C.) from some forty Catholic Congressman, stated in part:

We the undersigned are Catholic Members of Congress who are increasingly concerned about statements made recently by some members of the Catholic hierarchy indicating that the sacrament of communion should be withheld from certain Catholic legislators

because of their votes on public issues. The focus has been on legislators' pro-choice position on abortion but this raises much broader issues that concern all of us...

At the same time, we live in a nation of laws and the Supreme Court has declared that our Constitution provides women with a right to an abortion. Members who vote for legislation consistent with that mandate are not acting contrary to our positions as faithful members of the Catholic Church. We also do not believe that it is the obligation of legislators to prohibit all conduct which we may, as a matter of personal morality, believe is wrong. **Likewise, as Catholics, we do not believe it is our role to legislate the teaching of the Catholic Church.** For any of us to be singled out by any bishop by the refusal of communion or other public criticism because we vote in what we believe are the requirements of the United States constitution and laws of our country, which we are sworn to uphold, is deeply hurtful. We would remind those who would deny us participation in the sacrament of the Eucharist that we are sworn to represent all Americans, not just Catholics. Church leaders must recognize, as did the great Catholic theologian and scholar John Courtney Murray, that in public life distinctions must be made between public and private morality. Because we represent all of our constituents we must, at times, separate our public actions from our personal beliefs (emphasis mine)(<http://www.violence.de/politics.shtml>).

President John F. Kennedy stated in an address before the Houston Ministerial Association on September 12, 1960: "I believe in an America where the separation of Church and State is absolute".

Can God and Caesar Coexist?

The Reverend Robert F. Drinan, S.J., the author of a book by the above title that was published in 2004 raised a number of questions that bear on the issues raised in this essay. A few selected quotations are taken from his text that highlight his concerns:

The Crusades, the Inquisition, and the Holocaust are part of the collective memory of Europe. Also among Europeans' recollections is the syllabus of errors of 1864, when Pope Pius IX condemned the idea that the church should be separated from the state. (p.89).

The 1981 United Nations Declaration on Religious Freedom is very clear in its assertion that disregard of the right to freedom of religion has 'brought, directly or indirectly, wars and great sufferings to humankind'. (p.15).

The CEDAW (Convention on the Elimination of Discrimination against Women) condemns all of the handicaps and disabilities that women have inherited from the centuries during which they were treated by custom and by law as inferior, or at least subordinate, to men" (p.140).

Women who are denied an abortion in some nations can claim that their convictions that derive from 'religion or belief' have not been respected"...This issue obviously highlights a clash of fundamental views about the value of life, the rights of pregnant women, and the message sent to society by the availability of abortion" (p.147)--and I would add the denial of abortion--jwp .

The relationship of church and state was a thorny problem both before and after Christ told his listeners to render to God what is God's and to Caesar what is Caesar's" (p.145).

Perhaps the greatest sin committed against humanity by the theistic religions is their disenfranchisement of fifty percent of *Homo sapiens* for just being born female. No greater inequality can be envisioned to account for the universality of crimes against humanity than this one doctrinal creed. It is recognized that this defamation of woman goes beyond theistic religious beliefs and that the roots of this hostility to woman can be seen in virtually every human culture throughout human history. Laws should not affirm this great human inequality, which denies the Constitutional and human rights of women to be mothers by choice. See:

<http://www.violence.de/prescott/women/article.html>

Toward The 21st Century

Given the above and the recognized religious pluralism of America, the United States Supreme Court should declare as unconstitutional all laws and regulations that attempt to regulate abortion, as it is unconstitutional to legislate religious belief. The forthcoming review of Roe V Wade by the U.S. Supreme Court offers an extraordinary opportunity to ensure the freedom of religious belief for all Americans, as is our Constitutional Right.

The American Jewish Congress in its statement "Abortion and the Sacredness of Life" concludes:

We do not propose that a particular religious view of abortion find expression in legislation. That would be violating someone else's religious freedom. And many people's moral choices regarding abortion are deeply personal, and not determined by any particular religious tradition.

In the face of such great moral and religious diversity, the proper role of government in a free society is to allow different traditions to advocate their respective views, and to leave the decision to the woman, answering to God and to her conscience.

The author is a retired developmental neuropsychologist and cross-cultural psychologist residing in Lewes, DE. He was Chairperson, Task Force on Women's Reproductive Rights, Social Justice Council, First Unitarian Church, Ithaca, NY (2003-2004) and is currently a member of the Social Justice Committee, Unitarian Universalists of Southern Delaware.

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James W. Prescott, Ph.D.
1140-17 Savannah Road
Lewes, DE 19958
302.645.7436
jprescott34@comcast.net
<http://www.violence.de>
<http://www.tfuture.org/Prescott>
<http://www.montagunocircpetition.org>

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**ABORTION, POPE PIUS IX AND THE SEPARATION OF CHURCH AND STATE:
An Appeal to Pope Benedict XVI**

James W. Prescott

There were good reasons that our Founding Fathers erected a wall of separation of church and state in the First Amendment of our Bill of Rights: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"...and the X111 Amendment:

Neither slavery nor involuntary servitude (to religious dogma), except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Freedom of Motherhood cannot coexist with compulsory motherhood and involuntary servitude (abortion denied).

We are fortunate to have been protected from the ravages of religious warfare in this country, which is now threatened by the rise of religious extremism that attempts to impose its religious doctrines upon all Americans.

The religious liberty clauses of the First Amendment has two constraints: 1) no citizen or group of citizens has the right to impose their religious beliefs upon others; and 2) no citizen or group of citizens has the right to inflict harm or injury upon another citizen in the exercise of their religious beliefs.

Religious extremists have claimed the moral high ground in their defense of the unborn that has lead them to the abrogation of our First Amendment rights and which claims a moral higher power in the exercise of those religious claims that supercedes the U.S. Constitution. The question that we must confront is whether religious belief and law or the U.S. Constitution shall be the law of the land.

A brief review of the history of abortion from its moral perspectives is in order. The moral foundation of the Judaeo-Christian -Islamic religions is to be found in Biblical Scripture--the Old and New Testaments and later in the Koran for the Islamic faith. It is well known that Biblical Scripture is silent on the morality of elective abortion. Neither God the Father, his Son Jesus Christ nor St. Peter or St. Paul has addressed the morality of abortion, let alone calling abortion a sin and condemning the act of abortion.

If these sources of morality are silent on the issue of elective abortion whence is the source of moral authority for elective abortion? Whatever that source may be it is clearly not of divine origin but of

human origin with all the errors inherent in being human (*Abortion Rights and Fetal "Personhood"*, Edd Doerr and James W. Prescott, Eds).

An examination of the religious beliefs and practices by the First Christians is instructive. First, no Pope has proclaimed the prohibition of abortion as an "infallible" teaching, thus admitting to human error in its teachings. Secondly, the rise of sexual Puritanism among the First Christians dominated their thinking about sexuality and the role of women in society, where in the extreme sex was evil even for reproduction and sexual pleasure an abomination. Chastity became a supreme virtue and abortion evidence of sexual sin.

Equally important was the controversy over "hominization", when during embryonic and fetal development does the fetus become "ensouled" with the rational soul that makes the fetus human? In Catholic theology, there are three souls, the vegetative, animal and rational souls where "fit matter" is necessary for the respective souls, thus the differences between vegetables, animals and humans. It is the ensoulment of the "rational soul" that makes one human, where the time during fetal development to receive the "rational soul" has not been specified.

St. Augustine (354-430) was the moral authority on matters of sexuality, reproduction and abortion and writes:

The great question about the soul is not hastily decided by unargued and rash judgment; the law does not provide that the act (abortion) pertains to homicide, for there cannot yet be said to be a live soul in a body that lacks sensation when it is not formed in flesh, and so not yet endowed with sense" (*On Exodus*).

St. Thomas Aquinas (1225-1274) affirmed the unity of body and soul (hylomorphic conception of human beings), which demanded *delayed hominization*, where there cannot be a human (rational) soul in a less than a fully developed human body. The developing fetus does not have "fit matter" to receive the rational soul--the substantial form of the human person, thus the necessity for *delayed hominization*.

This was the teaching authority of the early Roman Catholic Church until 1869 when Pope Pius IX declared unilaterally and without the support of a Council, the doctrine of *immediate hominization*, which rejected the teachings of the Council of Vienne (1312) that confirmed the teachings of St Augustine and St. Thomas Aquinas on *delayed hominization*, where "abortion if early, is not homicide".

Pope Sixtus V (1588), concerned about prostitution in Rome, issued the bull *Effraenatam* (Without Restraint) that provided the penalty of excommunication for abortion, the same penalty for homicide.

Pope Gregory XIV (1591), three years after Pope Sixtus V's, *Effraenatam*, issued *Sedes Apostolica* that rejected Pope Sixtus V *Effraenatam* by advising "where no homicide or no animated fetus is involved, not to punish more strictly than the sacred canons or civil legislation does."

This all changed in 1869 with a rejection of much theology of the early Church including the teachings of St. Augustine and St. Thomas Aquinas by Pope Pius IX on *delayed hominization* and abortion.

Some questions must be asked.

What new information did Pius IX have in 1869 that was not available to previous Pontiffs and which permitted him to reject centuries of Church teachings on *delayed hominization* including that of St. Augustine and St. Thomas Aquinas? *The First Vatican Council* (1869) of Pius IX did not address the issues of *immediate and delayed hominization*. <http://www.piar.hu/councils/ecum20.htm>

What was the political and theological process and rationale for adopting the doctrine of *immediate hominization* that rejected centuries of Church teaching of *delayed hominization* and given the absence of any discussion of this ruling by Pius IX in *The First Vatican Council*?

There exists historical precedence for a Pontiff reversing the decrees of prior Pontiffs (Pope Sixtus V and Pope Gregory XIV), which give encouragement to Pope Benedict XVI to review and reverse the declaration of *immediate hominization* by Pius IX and restore centuries of Church teaching of *delayed hominization* taught by St. Augustine and St. Thomas Aquinas.

Garry Wills in *Papal Sin* discusses the historical record of Papal error and the reversal of such errors:

Augustine, on the other hand, though he recognized a special office in the Pope, was not surprised by the notion that Popes could err, just as Peter had in Antioch. In fact, in 418, Augustine would stymie an attempt by Pope Zosimus to intervene in African church affairs by citing a conciliar canon against him, and in 419 he helped mobilize pressures that made the same Pope reverse himself--from exonerating the heretic Pelagius to condemning him. (p282). And

Augustine says that he and his host--Bishop Aurelius of Carthage, seated with Augustine in the cathedral--are bishops, and some might think that puts them beyond other's reprimand. But how can that be when their great predecessor, Peter, needed to be

recalled from error? "Where Peter was corrigible, dare I claim to be beyond correction?" (p.290).

Does Papal authority supercede Scriptural authority? Garry Wills has provided some additional insight on this question in Chapter 17 "Acton's Reckless Truth" that discusses the politics behind the establishment of the doctrine of Papal Infallibility:

Theologians from the past were marshaled in its defense--like one who defended indulgences by saying, "We have not the authority of Scripture [for this] but we have the higher authority of the Roman Pontiffs" Or like that of a bishop who said "that in matters of faith he would believe a single Pope rather than a thousand Fathers, saints and doctors [of the church]." (p.247).

Scripture was overridden by Papal authority and the doctrine of Papal Infallibility was established. The politics behind the establishment of the doctrine of Papal Infallibility provided by Garry Wills is more than illuminating when he observed:

Pius himself conceived such an intense dislike for Acton, whom he saw behind all the opposition to his favored dogma, that he refused to give a blessing to his children at an audience" (p.254). and

I am so determined to push on that if the Council maintains its silence on the matter I will dismiss it and proclaim the dogma on my own authority (p.244). and

When the preliminary vote on this text (Papal Infallibility) was taken, 88 bishops voted against it, and 62 others voted for it in part (*juxta modum*--their objections was probably to the addition underlined above), and between 80 and 90 abstained from voting. This tally cannot register possible objections from another 80-90 who had drifted back to their dioceses in the course of the long Council and could not vote at the end. (p.255).

Is this the source of authority for the Papal declaration of the doctrine of *immediate hominization* - the personal whim of a single man that has inflicted such world-wide suffering upon women and her born unwanted children?

Robert F. Drinan, S.J. has reminded us in *Can God and Caesar Coexist* (2004) the devastating assault against democratic nations by Pius IX in his *Syllabus of Errors* that makes any reconciliation between religion and reason impossible:

The Crusades, the Inquisition, and the Holocaust are part of the collective memory of Europe. Also among Europeans' recollections is the syllabus of errors of 1864, when Pope Pius IX condemned the idea that the church should be separated from the state. (p.89).

The *Syllabus of Errors* strikes at the heart of the U.S. Constitution, where the "separation of church and state" is one of the core doctrines that defines our government. How is it possible for this

Papal doctrine be reconciled with the U.S. Constitution that permits, if not commands Papal doctrine to supercede the U.S. Constitution? Similar questions must be raised with respect to other Papal doctrines, specifically the doctrine of *immediate hominization*.

This command imperative of Papal doctrine is reflected in the action taken by Bishop Leo T. Maher against California Assemblywoman Lucy Killea (November 15, 1989).

<http://www.violence.de/politics.shtml> (Abortion and the Legislation of Religion).

Every Bishop, Archbishop and Cardinal of the Roman Catholic Church should be asked where their primary allegiance lays--Papal Doctrine or the U.S. Constitution, specifically with respect to the separation of church and state and the doctrine of *immediate hominization*. Can God and Caesar Coexist?

The reversal of Pius IX's Papal doctrine of *immediate hominization* would restore theological integrity to Church doctrine, would be consonant with modern scientific evidence that a human person is not equal to an embryo or fetus (an acorn is not an oak tree--"fit matter"); prevent untoward human pain and suffering inflicted upon women and her born unwanted children and permit embryonic research that holds such promise for the restoration of health. The modern world can live with the doctrine of *delayed hominization* but not with *immediate hominization*.

Humanity cannot afford a repeat of the sins of Galileo, where theological doctrine compelled belief that the earth was the center of the universe and where science ultimately trumped theology (Rowland, 2001). Some 400 years have passed before the Vatican formally acknowledged its theological error and the world cannot wait another 400 years to correct the theological error of *immediate hominization*. Given the increasing violence of *homo sapiens*, it is doubtful that we can survive another half-century of our pathological violence. Prevention of unwanted and abused children in the world would prevent a major source of violence in the world and the perpetuation of that violence, generation after generation.

The dynamics and chronology of violence against children, consequent to abortion being denied, has been detailed elsewhere and need not be repeated herein (Prescott, 1975,1976).

The American Jewish Congress published "Abortion and the Sacredness of Life: An Open Letter To Those Who Would Ban Abortion" (FEB 28,1989) that stated: "Did you know that abortion can be a religious requirement? Not just permitted, but **required?**; and the solution:

In the face of such great moral and religious diversity, the proper role of government in a free society is to allow different traditions to advocate their respective views, and to leave the decision to the woman, answering to God and to her conscience.

This is a formal appeal to Pope Benedict XVI to review and reverse the doctrine of Pius IX on *immediate hominization*; reaffirm the doctrine of *delayed hominization* that would restore centuries of Church teaching on the beginnings of human personhood and respect the religious traditions of those faiths which have different beliefs. (<http://www.violence.de/politics.shtml>)

The question posed to candidates for political office on the abortion question is whether personal religious beliefs and doctrines will be permitted to prevail over the U.S. Constitution, where the XIV Amendment states: "All *persons born* (not the unborn) or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside".

The unborn are not citizens of the United States entitled to protection under the U.S. Constitution, whereas the Woman--Mother-- is entitled to equal protection under the laws:

...nor shall any State deprive any *person* of life, liberty, or property, without due process of law; nor deny to any *person* within its jurisdiction the equal protection of the laws.

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James W. Prescott, Ph.D.

Institute of Humanistic Science

1140-17 Savannah Road

Lewes, DE 19958

302.645.7436

jprescott34@comcast.net

<http://www.violence.de>

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