

DIGNITAS HUMANA

Catholic Commission for Justice and Peace

Christchurch Diocese, September 2000

Cannabis Law Reform

The problem

There has been much talk recently about the decriminalisation or possible legalisation of cannabis. If cannabis were decriminalised, possession of more than a certain amount of the drug would lead to an instant fine, much in the same way as parking infringements are dealt with. If it were legalised, then anybody would be able to grow, sell and possess the drug without fear of the criminal law.

Recent statistics leave no doubt that there is substantial use of cannabis in New Zealand, often by school children. There have even been reports of the drug being used by children as young as ten or eleven. By any standard, this represents a serious misuse of cannabis and a failure by society to deal with the problem.

The cannabis problem must, however, be seen in context. Cannabis is only one of a range of drugs available to people. Some of these drugs are legal and some are not. Both tobacco and alcohol are legal drugs which cause ill-health and suffering on a massive scale in our society. Despite their best efforts, no government has been able to eradicate either these drugs or their effects. Illegal drugs come in a variety of forms. Some, like cannabis, are referred to as 'soft' or non-addictive, while others, such as heroin, are highly addictive and can cause death. While the scientific evidence is not clear, it seems that cannabis can have an adverse effect on the brain development of young persons and can stay in the body for more than a week after ingestion. It can also affect behaviour and exacerbate mental illness. Maori leaders in particular have ex-

pressed concern about the health and social effects of the drug on their people. There is also some evidence that cannabis is a 'gateway' drug since it leads people to progress to hard drugs.

While some would argue that these are reasons enough to keep cannabis illegal, others argue that prohibiting the drug just makes it more attractive to young people. They also argue that prohibition leads to criminal involvement in the growing, supply and distribution of cannabis and that legalisation would deprive criminals of income, as well as freeing police for more important tasks. The money saved and the revenue derived from legal sales of the drug could also be used for anti-drug awareness programmes.

The Church's teaching on drug use

There are several aspects of the Church's teaching which are relevant to the question of the decriminalisation or legalisation of cannabis. The first is that life and physical health are precious gifts from God and that all must take reasonable care of them, taking into account the needs of others and the common good. We should not therefore misuse *any* drug to the extent that it causes damage to life or health. In addition to this, we should cultivate the virtue of temperance which disposes us to avoid excess in all things, including food, alcohol, tobacco and medicine. Furthermore, the Church makes no distinction between hard and soft drugs. The Pontifical Council for the Family in a 1997 statement entitled 'Should 'Soft' Drugs be Legalised' wrote 'it is not the drugs that are in question, but the human psychological and existential issues implicit in this kind of behaviour [drug taking]'. Because of this, the Pontifical Council says:

Products [drugs] may differ but the basic reasons remain the same. Thus the distinction between 'hard drugs' and 'soft drugs' is irrelevant.

The problem is essentially not one of drugs but of the person who in the words of Pope John Paul II 'flee from self and ... seek illusory pleasures in an escape from reality ...' The use of drugs of any kind, whether hard or soft, legal or illegal inflict grave damage on human life and health and their use is regarded by the Church as always harmful to the person and thus a grave offence.

The **second** aspect of the Church's teaching which is relevant to this problem is its injunction against the production and trafficking of such drugs are described as scandalous practices. The *Catechism of the Catholic Church* goes even further saying that these practices are a 'direct co-operation in evil, since they encourage people to practices gravely contrary to the moral law'. If the state were to participate or connive in these practices, they would be undermining the moral law. As the Pontifical Council for the Family says:

The legalisation of drugs implies the risk of causing the opposite effect to that sought. In fact, it is easy to admit that what is legal is normal and therefore moral. Through the legalisation of drugs, it is not the product that is thereby legalised, but rather the reasons leading to the consumption of this product that are justified. Now, no one will deny that drug use is an evil. Whether drugs are illegally purchased or distributed by the State, they are always harmful to man.

The **third** aspect of the Church's teaching which we need to take into account is the promotion of the common good. Would the decriminalisation or legalisation of cannabis lead to more harm or good for society as a whole? Would it lead to the progress of persons and families within New Zealand society or will it retard their progress? Would it affect the state's obligation to have particular regard to the care and safety of children and those other members of the community who

are particularly at risk, especially Maori? These are not easy questions to answer and should not, perhaps, be seen in isolation from the same questions which can be asked about alcohol or tobacco use. What is certain, however, is that the government needs to look very carefully at its policy towards drugs as a whole and to ensure that it develops an approach which is both consistent and aimed at promoting the health and well-being of all New Zealanders as well as the development of the common good. The Pontifical Council for the Family leaves no doubt on the factors which ought to guide the government's policy. It says:

The State's assistance to its citizens must correspond to the principle of impartiality and subsidiarity: that is, it must first protect the weakest and poorest of society's members, despite themselves. It cannot therefore relinquish its duty to protect those who have not yet reached maturity and are potential victims of drug abuse. Furthermore, if the State adopts or maintains a consistent and courageous stance on drugs, combating them regardless of their type, this attitude will at the same time help the struggle against alcohol and tobacco abuse.

Taking into account all these observations it would seem that the Pontifical Council for the Family is against the legalisation of any class of drugs since their use is destructive of the human personality and unlikely to be in accord with the state's obligation to protect the common good. It seems that in the battle against drugs (including alcohol and tobacco) the answer lies not in legalisation but in reaffirming the dignity of the human person and making a greater effort to educate young people in the dangers of drug abuse.

East Timor

On 30 August 1998, the people of East Timor voted in a United Nations supervised referendum to become an independent state. This was supposed to bring an end to the well-documented

human rights violations which had been perpetrated against the population of the territory since its invasion and occupation by Indonesia in 1975. Although seventy-eight per cent of the population voted for independence, the result unleashed a wave of violence and terror across East Timor by Indonesian-backed militia members. Thousands of East Timorese became refugees in their own homeland, and many were forced into camps in neighbouring West Timor. Many hundreds of people were killed by the rampaging militia, including priests and nuns. Even Bishop Belo's house, where large numbers of East Timorese had taken refuge, was attacked and burnt to the ground. The presence of UN personnel, the Red Cross and the world's media, which reported the horrific events in graphic detail, had no effect on the militia's deprivations. It was not until Indonesia agreed to allow Australian-led UN peacekeepers into the country that the carnage was brought under control. Even since then, however, there have been sporadic outbursts of violence.

The Indonesian-backed militia's legacy to East Timor was one of utter desolation. In Dili no building was left standing and the peacekeepers arrived only to witness the effects of a scorched earth policy. This was the way in which the life of the world's newest state – Timor Lorosae - began.

With the establishment of a minimum level of security, the construction of civil society has had to begin in Timor Lorosae literally from the ground up. Schools, hospitals, municipal buildings and houses have all had to be built anew. All the elements of civil society have had to be put in place, including training the police, army, judges, prison service and civil servants. With the loss of agricultural production over the last year, food has had to be distributed and training in sustainable agricultural development has also been necessary.

The Catholic aid agency, Caritas, which has always had a strong presence in Timor Lorosae continues to work on projects which yield prac-

tical assistance to the Timorese people. So while the future of Timor Lorosae looks brighter than it has done for many years, it will still need all manner of aid and practical assistance for a long time yet. It should also not be forgotten that the suffering of the Timorese people continues, not just those whose family and friends were killed in the post-referendum violence, but those who are still detained in 'refugee' camps in Indonesian West Timor and who cannot yet return home.

The Property Relationships Bill

The Commission has sent a submission on the proposed bill being considered by the Justice and Electoral Committee. The bill aims at giving de facto marriages, same sex relationships and marriages the same status in terms of property rights when relationships cease. The Commission opposes this legislation and supports the view that the traditional family underlying our society needs to be honoured and reinforced by the provisions of law which have a powerful educative force. The government should promote legislation that protects the common good of society; in this case represented by the traditional family based on marriage between man and woman. The Commission believes that the proposed legislation would downgrade the status of marriage and hence endanger society as a whole. As the influence of the Church in society had declined the Commission argues that the state has an even greater responsibility, in terms of the common good of society, to promote traditional marriage in all legislation and to highlight its distinctiveness.

Other relationships cannot be regarded as equivalent to marriage, against the bill, either morally or on the social level. Marriage is unique in its contribution to society through its stability, through the environment it provides for the growth, development and health of children and for the protection of spouses and children.

Today's society has difficulty in communicating the significance of long term commit-

ments, including that of marriage. Excessive concentration on the individual results as well in a neglect of the need for a stable community, of which the first is the traditional family. The economic and social pressures on families today mean that many young people are growing up with the support of vibrant and stable families. The turmoil resulting from uncommitted and recreational sexual activity in terms of physical, emotional and financial costs is known to all. In contrast, the Church has consistently taught that sexual intercourse between husband and wife has two intrinsic meanings - it shows and deepens the bond of self-giving that unites them and it serves the procreation of new life.

[Copies of this submission can be obtained by writing to Angela Woolstencroft, Cathedral House, PO Box 4544, Christchurch.]

The Church and Genetic Modification .

The situation

Genetic modification is a social concern of burning importance. There is widespread interest and debate in New Zealand about the desirability and safety issues relating to field trials involving both plants and animals. A voluntary moratorium has recently been established until the issues can be examined in public hearings. There is government agreement in both Australia and New Zealand about the consumer right to know whether food contains ingredients that have been genetically modified but the implementation of such labelling is proving difficult. In recent days, newscasts have announced the stupendous cracking of the human genetic code in the human genome project.

Evaluating the situation

Genetic modification / engineering / manipulation clearly has a broad reference. It can involve embryonic cells from aborted fetuses and their use in research, obviously against the teaching of the Church. However, the term can include the genetic modification of living organ-

isms, including humans, by the introduction of genetically altered organs or cells. It can refer also to the engineered production of new hybrid plant types. So much research is taking place and so many results being published that there is some delay before the official teaching of the Church can emerge.

The Pontifical Academy for Life

On October 12, 1999, the Pontifical Academy for Life, through its vice president Bishop Elio Sgreccia, presented the results of two years of discussion and study on ethics and genetic technology. Here is a summary of the findings of the Academy.

Plant and animal genetic techniques:

- The advantages of genetic engineering of plants and animals are greater than the risks. The risks of such genetic engineering should be carefully followed through openness, analysis and controls .
- It is licit to genetically modify animals to improve human health and living conditions but unacceptable to cause suffering to an animal without a reason proportional to its social usefulness.
- The environmental risk of genetic modification should be evaluated case by case.
- As genetically altered foods are put on the market, health effects should be monitored carefully; consumers should be informed that foods have been altered.
- When patents are issued, a distinction should be made between what is found in nature and what specifically is designed for commercial sale.
- The use of animal organs as transplants in humans offers potential advantages. Such transplants at present however are to be considered unacceptable because they risk

transmitting serious diseases to the human species.

- Human genetic techniques:
- Human cloning, the reproduction of a genetically copied human being, is immoral because it violates the individual's human dignity and because the procreation technique used is morally illicit.
- The human genetic code, human embryos and human cloning procedures should never be patented.
- Prenatal genetic diagnosis is acceptable in cases of medical need as long as the health of the mother and child are respected.
- Prenatal genetic diagnosis of embryos before implantation in the womb is immoral because it represents a selective method that results in the destruction of "sick" embryos and in general, is used along with in vitro fertilisation.
- Gene therapy to treat a human disease or predisposition to illness is acceptable as long as the risk is proportionate to the benefit.
- Germ-line gene therapy, designed to prevent the passing on of genetic defects from a parent to a child is ethically unacceptable because it involves a high-risk technique used on embryos, usually coupled with in vitro fertilisation and poses long-term risk for future generations.
- Post-natal genetic diagnoses - disease screening for people getting married, applying for a job or deciding to have children, for example, is morally licit under certain conditions. It must benefit the physical and emotional health of the individual undergoing the test; it must not be used as a discriminatory method; the subject must give consent; the individual's right to privacy must be respected; and the diagnosis of genetic disease

must be presented to the subject only when he or she reaches adulthood.

Promoting Human Dignity in Oceania

A conference with this title took place in Melbourne in May this year. It was a Jubilee Year initiative of the Pontifical Council for Justice and Peace. Such a conference would normally be held in Rome however, the Council president Archbishop Francois-Xavier Nguyen van-Thuan decided if 'Rome' came to Oceania many more countries could take part. The conference was organised by Caritas Australia and one hundred and twenty delegates from all parts of the Pacific came to Melbourne for the five day conference.

Keynote speakers addressed the conference on the spiritual, social, economic and political implications of promoting human dignity in Oceania. Archbishop vanThuan in a very moving opening address offered us three guiding principles for reflection:

- The quest for peace is intrinsically linked with the struggle for justice.
- Justice and peace are themselves bound up with another virtue, the crowning virtue of charity, which binds the two together.
- This quest for justice and peace, in love, is part and parcel of the Church's essential mission.

Towards the end of his speech, the Archbishop spoke briefly of his thirteen years in a Vietnam prison, of which nine years were spent in solitary confinement. 'Even in the darkest cell, there can be love, there can be peace, there can be justice. Christian love alone -- not weapons, not threats, not media campaigns - is the path to justice and peace in the world'. One night in his cell the Archbishop realised that he was still very fortunate because he had the love of Christ in his heart and that he had to learn to love his guards as Christ loved him. Little by little he won their trust and the guards became his friends.

Several New Zealanders presented papers. Bishop Dolan and Anne Dickinson's talk 'Overview of Social Justice issues in the Oceania region' looked at nine areas of concern. For example, education was seen as a high priority in many parts of the Pacific region. Other topics included violence, gender issues, exploitation of natural resources (logging in the Solomons) and indigenous peoples' issues. In conclusion, the speakers reminded us that we live in one of the most beautiful regions in the world and that we are predominantly Christian people with gifts and resources to share. We have every reason to be people of hope.

In Dr. Ruth Smithies' address 'Entertaining Angels in Oceania' she reminded us that in the Letter to the Hebrews (13,2) we are told to 'always welcome strangers, for by doing so some have unknowingly entertained angels.' Although it is not so common today to look on migrants as angels, it is useful to realise that the Biblical call of welcoming strangers has always been counter-cultural. Dr. Smithies spoke about the Church's perspective on migration and refugees and how the pursuit of the common good is a moral task for governments and individuals.

Some highlights of the conference included the cultural diversity of the daily liturgies. Hearing the 'Our Father' and the psalms prayed in so many different languages reminded the delegates of the universality of the Catholic Church and the tremendous support and network that is available. The friendliness and kindness of all the delegates will be remembered for many years to come.

Justice and Peace in Fiji

Few people in Fiji are enjoying justice and peace. In fact many people are living in daily fear for their lives as the recent shootings, home burnings and kidnappings reveal. The current developments in Fiji are a product of

a long history of discrimination and privilege. Most of the Indians, who are descendants of indentured labourers from the late 1800s and early 1900s, have always been treated as second class citizens and among the Fijians an ascribed system of chiefly control of the commoners has prevailed. For many, the hopes and aspirations for a better future were abruptly and sharply curtailed by two military coups by Rabuka in 1987. And now we again see the largely ethnic Fijian army playing a central part in the lives of most people. It was a small, break-away special forces contingent of the army which engineered and maintained the hostage-taking stand-off during June and July. At the present time with the army as the main source of order, we must be ever mindful of the Church's teaching of the common good. Society is to be arranged so that all people benefit because all have a common humanity and a common dignity, given by God. An element of the common good is the rule of law, which means that the supreme power in society is constitutionally enacted legislation rather than the gun .

The restoration of democracy, maintenance of essential services (the main source of electricity supply was still not functioning at the time of writing), return to gainful employment for wage earners and provision of emergency relief supplies are all developments which the social teachings of the Church call us to strongly support. There is, however, one social teaching of the Church, the preferential love for the poor, which speaks most clearly to the situation in Fiji. The deposed Chaudhry government represented the interests of the many people in Fiji for whom poverty has been a fact of life for a long time. This includes the bulk of the Indian cane farmers whose daily livelihood is jeopardised by an insecure land tenure system and many urban and village Fijians who are largely unskilled and marginalised from the productive economy.

During its one year in power, the Chaudhry government remained loyal to the constitu-

ents who elected it. A reduction in food prices was pushed through. Other measures were to be implemented to improve the lot of the both poor Indians and Fijians. It is to the plight of these people who have again been politically dispossessed that we must devote our greatest concern. The benefits that will flow from the eradication of poverty in Fiji will enhance justice and peace for all people in Fiji.

West Coast Forestry

The situation

The Government is moving to repeal the West Coast Accord, which was an agreement between environmental groups and the timber industry on the sustainable management and use of native forest on crown land on the West Coast. Before the General Election last year, the Labour Party campaigned on the policy of bringing an end to all logging of native forest on crown land. As the election loomed, the then National Government took action to let fresh contracts giving cutting rights to timber from native forest on Crown land, contracts since abrogated. compensation for loss of income and jobs, the Government has made \$120,000,000 available to the West Coast for regional development purposes.

This direct contradiction in policies of successive governments regarding West Coast native forests highlights the different value systems operating. The Government appears to put an untouched and unspoiled natural environment on the West Coast ahead of forest harvesting techniques sustainable in the long term. This conclusion seems to follow from its decision to prevent the proposed sustainable logging schemes being subjected to examination by a scheduled Resource Management hearing.

Church teachings on ecology

What light does Church teaching cast? The Church agrees, with many others, that there is an ecological crisis. This is due to lack of respect for nature, plundering of natural resources and widespread destruction of the environment. Consumerism, the accumulation of excess goods and the squandering of natural resources by a privileged few amongst the world's peoples, point to a deep moral crisis. The sophistication and power of technological advances and scientific discoveries have also produced harmful long-term effects. One example is the gradual depletion of the ozone layer with the resulting greenhouse effect. Scientific and technological progress require an ethical and moral vision capable of ensuring that they do contribute to the common good of the world's peoples.

Education in ecological responsibility is urgent, responsibility for oneself, for others, and for the earth. This ecological responsibility, however, cannot be founded on sentiment or empty wishes. It cannot be based on a rejection of the modern world or a vague desire to return to some paradise lost.

From the global view point the world needs all the forests that can be preserved. This end, sustainable forest harvesting techniques need to be developed and implemented. It could be that New Zealand forest scientists had an important contribution to make.

Membership of the CCJP

The membership of CCJP has been renewed by the Bishop John Cunneen for a further period of two years commencing in September 2000. The

current members of the Commission are Bishop John Cunneen, Msgr Barry Jones, Scott Davidson, Arnold Parr, Liz Pennell, Margaret Sivertsen, Mark Solomon, Liz Toomey, Nigel Trolove and Angela Woolstencroft (Secretary to the Commission).

DIGNITAS HUMANA (Latin for the dignity of the person) is the name of this newsletter because it expresses the cornerstone principle of the Church's teaching about society and social justice. Every human person has an intrinsic and unchanging dignity, conferred by God the Creator. 'The human person is and ought to be the principle, the subject and the end of all social institutions'. (CCC, No. 1881.)

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