

5th SUNDAY OF EASTER – C (May 15, 2022)

We just heard Jesus tell the apostles at the Last Supper to ‘love one another’, and he repeated himself more than once. And he means ‘love’ in the sense of making a gift of oneself to another for the sake of the other—that deepest ‘agape’ love as I spoke about two weeks ago. How do we live out that command to love in our own time, in the midst of current controversies and debates?

To consider one example right out of today’s headlines: on May 2, someone on the U.S Supreme Court staff leaked a draft of an opinion that would supposedly overrule the 1973 Roe v. Wade decision that created a constitutional right to abortion. The firestorm erupted immediately around the country, some involving violence and vandalism. In Madison WI, a pro-life group’s headquarters was set ablaze and nearby graffiti left the ominous message: “If abortions aren’t safe you aren’t either”. This past weekend protests took place outside a number of Catholic churches around the country; some of those protesters went inside and disrupted the Mass itself.

Before going on, I need to make two brief points:

- Neither the Church in general nor I in particular condemns or judges in any way any woman who has had an abortion. Oftentimes that decision is made under great duress and pressure from others and with great sorrow and regret afterward. The Church is always present to assure her of the healing grace, mercy and love of God through Project Rachel and other such ministries.
- The Church is often accused of caring only about the unborn but then ignoring the needs of everyone else. That is false, and ridiculously so. No person or institution has done and does more than the Church to defend and promote the dignity of the newborn, the child, the sick and dying, the prisoners, the immigrants, the poor, the homeless—everyone in need. Having said that, the Church does indeed and without apology give special attention to the unborn child. St. Teresa of Calcutta reminded us that if the unborn child is not protected, then no one is safe. Her words were nothing less than prophetic, and the evidence is all around us.

So what happened on May 2? Someone within the Supreme Court staff leaked a draft of an opinion that indicates that a majority might be willing to overrule Roe. This was not a final or official decision; it’s regular practice for judges to circulate among themselves draft or proposed opinions on cases before them—this helps them in their ongoing discussions and debates. Before I went to seminary in 1984, I had worked for a few years as a law clerk on the staff of the Iowa Court of Appeals in Des Moines. I worked for one of the judges which involved doing research on law points, writing a draft of an opinion based on the judge’s initial thoughts about how the case should be decided. The idea of any of us clerks ever leaking such a draft to the media or anyone else was simply unheard of—if any of us were caught doing so, we would have been fired on the spot, and rightly so. Shame on the person who leaked this Supreme Court draft, and shame on the media that published it. It’s an obvious attempt to pressure the Court to back down from a possible reversal of Roe.

It also must be said that Roe v. Wade was a disastrously bad opinion--first and foremost, of course, because it led directly to the death of over 60 million unborn children in this country alone since 1973. Sixty million—it’s hard for us to grasp that kind of number. Abortion is wrong because it ends the life of an unborn child, a living, growing child who is a distinct and separate person from his or her mother. Science and biology are crystal clear on the fact that a new and separate life begins at conception, contrary to those (including some in high public office) who claim that we don’t know when a new life begins. The firmness of the Church’s teaching on this subject is grounded on this scientific reality as well as on the words God gave to Moses on Mt. Sinai: “You shall not kill.”

Roe is also a disaster on the constitutional level. Our courts are not supposed to make or create law; instead, they are to interpret and apply the laws enacted by the other branches of government. That is part

of the genius of our Constitution and the separation of powers that it outlines. The Court in 1973 simply created out of thin air a ‘right’ to abortion even though our Constitution says nothing whatsoever about it. Many legal scholars over the years, including many who fully support legalized abortion, recognize that the Roe Court completely overstepped its bounds in its decision. If Roe is in fact overruled, abortion will not be banned across the country. It will simply turn the decision-making process on this issue back to the individual states where it belonged in the first place. So if California, New York and others want to have abortion legal even to the moment of birth, they will be free to do so. If other states want to protect the right to life for the unborn, they will be able to do so.

What about the claim of “choice” and “pro-choice” with respect to abortion? We Americans certainly value our freedoms and the right to choose how we live and conduct ourselves. But there is no such thing as ‘choice’ in the abstract. The act of choosing necessarily involves deciding to engage in a specific act. Many choices have no moral consequences at all, e.g. ‘do I wear black socks or brown socks?’ But many choices involve much more serious actions. A brief history reminder here makes the point. Back in 1858, Abraham Lincoln and Stephen Douglas opposed each other in the Illinois Senate race. Slavery was the burning moral issue of the time, and Douglas was in favor of slavery being legal. Listen to his words and see if his argument doesn’t sound disturbingly familiar: “My object was to secure the right of the people...to decide...to have slavery or not, just as they **chose**...the right every community to judge and decide for itself, whether a thing is right or wrong.”

Did you catch that? Douglas wanted to preserve the people’s right ‘to have slavery or not, **just as they chose.**’ In other words, Douglas was clearly ‘pro-choice’ on slavery. Lincoln’s response to this was clear and irrefutable: he said that Douglas was correct **if** there is nothing wrong with slavery, “but if you admit that it is wrong, he cannot logically say that anybody has a right to do wrong.” See what I mean? Substitute the word ‘abortion’ for the word ‘slavery’, and you have precisely defined the current argument over abortion. Slavery is inherently wrong, and no one has the right to do what is inherently wrong. The very same argument applies with respect to abortion—the very same.

We certainly pray that the Supreme Court will overrule the fatally-flawed decision of Roe v. Wade. But our prayers need to go farther, and here we return to the gospel and Jesus’ command, his unconditional command to love. He didn’t say “love...unless the other is doing something wrong or evil or unjust”. Another act of vandalism of a pro-life pregnancy center last week took place in Texas, and the local bishop publicly responded: “Please pray for the person who perpetrated this, for their interior healing and moral conversion.” That is an important and powerful way for us to follow Jesus’ command to love:

- pray that the Supreme Court will have the courage to make the right and life-affirming decision regarding the tragedy of Roe v. Wade;
- pray for the conversion of our public officials and others in positions of influence who are on the wrong side of this issue;
- pray for all women who face difficult or crisis pregnancies, especially those facing pressure from others to do what, in their heart of hearts, they really don’t want to do;
- pray for healing and peace for those who suffer pain and sorrow for past decisions that they now regret.

And may God help all of us and all people everywhere to see in every human being—born and unborn—someone who is made in the image and likeness of God, redeemed by Christ, and who has the right to life and to love and to be loved as God has first loved us.