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Twenty-Seventh Sunday in Ordinary Time

The Pharisees approached and asked, "Is it lawful for a husband to divorce his wife?" They were testing him. He said to them in reply, "What did Moses command you?" They replied, "Moses permitted him to write a bill of divorce and dismiss her." But Jesus told them, "Because of the hardness of your hearts he wrote you this commandment. But from the beginning of creation, 'God made them male and female. For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.' So they are no longer two but one flesh. Therefore what God has joined together, no human being must separate." In the house the disciples again questioned him about this. He said to them, "Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery." And people were bringing children to him that he might touch them, but the disciples rebuked them. When Jesus saw this he became indignant and said to them, "Let the children come to me; do not prevent them, for the kingdom of God belongs to such as these. Amen, I say to you, whoever does not accept the kingdom of God like a child will not enter it." Then he embraced them and blessed them, placing his hands on them.

Mark 10:2-16

Safe, then Legal

Fr. Frank Pavone
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Abortion supporters have always tried to argue that making abortion illegal will make the procedure unsafe for women. Ironically, however, the text of Roe vs. Wade itself provides a rebuttal to this argument.

The Court's opinion in Roe indicated several historical reasons behind laws prohibiting abortion. One of those reasons, the Court said, "is concerned with abortion as a medical procedure. When most criminal abortion laws were first enacted, the procedure was a hazardous one for the woman. This was particularly true prior to the development of antiseptics. Antiseptic techniques, of course, were based on discoveries by Lister, Pasteur, and others first announced in 1867, but were not generally accepted and employed until about the turn of the century. Abortion mortality was high. Even after 1900, and perhaps until as late as the development of antibiotics in the 1940's, standard modern techniques such as dilation and curettage were not nearly so safe as they are today. Thus, it has been argued that a State's real concern in enacting a criminal abortion law was to protect the pregnant woman, that is, to restrain her from submitting to a procedure that placed her life in serious jeopardy."

The decision goes on to explain, "Modern medical techniques have altered this situation. Appellants and various amici [documents submitted to the Court] refer to medical data indicating that abortion in early pregnancy, that is, prior to the end of the first trimester, although not without its risk, is now relatively safe. Mortality rates for

women undergoing early abortions, where the procedure is legal, appear to be as low as or lower than the rates for normal childbirth. Consequently, any interest of the State in protecting the woman from an inherently hazardous procedure, except when it would be equally dangerous for her to forgo it, has largely disappeared" (Roe, at 149).

So Roe vs. Wade asserts that abortion had already become safe. Its "safety" was not because of any change in the law, but because of developments in medicine, such as antibiotics. The Court does not say that making abortion legal makes it safe. It says, rather, that it should be made legal because it is already safe.

Apparently, abortion proponents haven't read Roe vs. Wade in a while. They should decide which argument they want to use, because they can't have it both ways.

For various reasons, we can expect to hear arguments about abortion's "safety" more frequently. For one thing, the pro-life movement has made political gains in the last two elections and can be expected to make even more progress. This causes abortion supporters to start warning people of the "dangers of illegal abortion."

Moreover, efforts like the Silent No More Awareness Campaign -- a project of Priests for Life and NOEL whereby those injured by abortion speak out publicly -- are forcing the pro-abortion crowd to reassert that abortion really isn't as bad as these women say it is. But you can't deny experience. Neither laws nor antibiotics can take the pain out of abortion.

The Ten Commandments

(First of two parts)

When I was eleven years old I went on an adventure. With several classmates from Blessed Sacrament Catholic School, I took the elevated train to downtown Chicago without my parents for the first time. We had lunch together at Marshall Field's and made our way to the McVickers Theater. We had reserved seats for the two o'clock matinee. The lights dimmed, the music played and we sat back into our seats as the three hours and thirty-nine minutes of Cecil B. DeMille's production of "The Ten Commandments" unfolded.

The scene that made the greatest impression on me was the giving of The Law. Amidst thunder and lightning, the fiery "finger of God" inscribed the commandments upon the red granite of Mount Sinai. Elmer Bernstein's stirring Wagnerian music galvanized each fiery inscription. Charlton Heston, as Moses, with a chiseled face that resembled Michelangelo's magnificent sculpture of the law giver, embraced the still smoldering tablets and said, "Written with the finger of God."

Seeing this film, which more than forty years later still attracts a vast audience, had a twofold effect upon me. It kindled a life-long interest in the extraordinary art of motion pictures. More significantly, it reinforced the deep interest in Scripture that my parents, Evelyn and Cullen Braxton, had already instilled in me at a time when it was not popular for Catholics to read the Bible. This interest in Scripture deeply influenced my vocation to the priesthood and nourished a lifetime of study of the best available Scripture scholarship.

Because of this background, I followed with great interest this summer's controversy that led to a federal court order overruling Chief Justice Roy Moore of the Alabama Supreme Court and decreeing that a large stone monument of

the Ten Commandments must be removed from the Alabama State Judicial Building amid protests and outcries, believers saying "This is a Christian country!" "We should obey God's Law not man's law." The monument was removed. But Governor Bob Riley, aware of the serious tension caused by the conflict, found an acceptable location to display the commandments away from public view.

First time readers of the Declaration of Independence might be surprised to find that while reference is made to "our Creator" the word God does not appear. Nor are Jesus of Nazareth and Christianity mentioned in the document.

The argument for removing the monument suggested that its presence clearly violates the First Amendment which declares that there is a wall of separation between church and state. The actual words of the First Amendment are "Congress shall make no laws respecting the establishment of religion," which later came to be interpreted as "the separation of church and state." In recent decades this interpretation has been used to oppose even voluntary prayer in public schools, Christmas nativity scenes on government property and the phrase "one nation, under God" in the Pledge of Allegiance. It is interesting to note that Moses and the Ten Commandments, along with Mohammed and the Koran and Hammurabi and his law (all contributors to modern systems of laws) are a part of ornamentation of the Supreme Court where this issue may finally be decided.

This conflict may be an expression of what some commentators have called the schizophrenic status of the American psyche on the question of religion. On the

one hand, we are the most secular, materialistic culture in the world. On the other hand, we have a very high percentage of people who say they believe in a personal God, in life after death, and in heaven and hell. We also have the most religiously pluralistic country in the world. Christianity (in its many manifestations), Judaism, Islam,

Buddhism, Hinduism, Zoroastrianism, African animistic religions, New Age religious movements, etc. are all present in this country. There are many Americans who profess a deep "spirituality" who have no affinity to any religious community. More than that, a significant number of Americans speak of themselves as agnostics or atheists.

Since the Ten Commandments are derived from Exodus, a book of Jewish Scripture that is also part of the Christian Old Testament, they are a part of the Judeo-Christian tradition. But they are not a part of sacred writings of other religious traditions. Yet many ethicists would argue that many of our civil laws presume a "higher law." Murder and stealing, for example, are not wrong simply because of a consensus of the governed to accept a law that says they are wrong in the manner of John Locke. They are wrong, ethicists and theologians argue because **they are wrong** whether or not the majority of people think they are wrong. Adultery is condemned in the Commandments, in part, because it undermines the traditional structure of the family (husband, wife, children). Many theologians, religious traditions and some ethicists argue that adultery is wrong. But today the civil laws against adultery that exist are not strongly enforced. Many American citizens apparently no longer consider

adultery to be wrong. American law now accepts divorce like most countries. Same sex marriage is legal in a growing number of countries, including Canada.

One author has called the Ten Commandments a set of operating instructions included with every human being by the Manufacturer. When you buy a new computer you will find that it will do wonders but only if you follow the operating instructions of the manufacturer. These operating instructions for human beings are moral norms "written with the finger of God" in the human heart, in human nature, in the natural law. We human beings can also do wonders if we follow these instructions. Whether or not a stone monument of the Commandments is allowed in a public building, they are always in the court of every human conscience, a monument more lasting than bronze. In this view, the Commandments transcend the Jewish and Christian faiths. Every one "knows" them even if they deny the existence of the "Divine Manufacturer."

The Catechism of the Catholic Church has this to say. "The Ten Commandments belong to God's revelation. At the same time they teach us the true humanity of man. They bring to light the essential duties, and therefore, indirectly, the fundamental rights inherent in the nature of the human person. The Decalogue contains a privileged expression of the natural law: From the beginning, God had implanted in the heart of man the precepts of the natural law. Then he was content to remind him of them. This was the Decalogue." (St. Irenaeus) Pope John Paul II seems to have this in mind when he urges Europe to acknowledge its religious and Christian roots in its new constitution.

(To be continued)

The Question of Imperfect Legislation

By Cardinal John O'Connor

Some evils are what we call intrinsic evils, that is, evil in themselves, so that no circumstances can justify them. Direct abortion is such an evil. For example, a mother of a pregnant teenager does not want her daughter to have an abortion because of the emotional and spiritual damage it will cause her daughter. At the same time the mother does not want her daughter to have a baby and perhaps have to give up her future dreams. Is there a legitimate choice here? Can abortion be considered a "lesser evil?" No, because it is an intrinsic evil. It simply cannot be justified.

This principle holds even in regard to rape or incest. An unborn baby is an innocent human being who has committed no crime, regardless of how conception came about. It is never morally right to destroy an innocent human being.

Lesser of Evils

It is true that many in the pro-life movement temporarily settle for "imperfect" law, that is, law which permits abortion under severely limited circumstances, such as in cases of rape or incest. Such legislation is "supported" only as the lesser of evils and those who support it will continue to work toward legislation which prohibits the killing of any unborn, for any reason.

This does not imply that abortion in cases of rape or incest is less of an "intrinsic" evil than in other cases, or that pro-life people accept it as a morally lesser evil. One might call it a legally lesser evil. It implies that at a particular point the political reality may be that it is impossible to bring about legislation that prohibits all abortion. In such circumstances, moral theologians

point out that it is better to achieve "imperfect" legislation that may save the lives of a great many unborn babies now, while continuing to work strenuously for "perfect" legislation that may save the life of every unborn baby at some future date.

Unfair to Accuse

In my judgment, it is unfair to accuse those who fight for imperfect legislation, as the best they can get at a given time, of "sacrificing the lives" of those unborn they know they cannot protect at the same time. I personally know public officials who have spent their entire political lives fighting to protect all unborn children. To date they have not been successful, but I thank God that they have succeeded in protecting huge numbers. Moreover, they have helped keep alive in our country the belief that all abortion is evil. They have helped keep the entire pro-life movement alive. Many of them have consistently risked their political futures to do this, and have taken bitter abuse from the pro-abortion movement. For anyone in the pro-life movement to accuse them of "trading off" babies conceived by rape or incest, as though they were callous to the sacredness of human life, or simply trying to protect themselves politically, would be unjust, uncharitable and terribly counterproductive to the cause of life.

Conditions Must be Present

The conflict over imperfect law has definitely been divisive to the pro-life movement. It seems to me that our goal must always be to advance protection for the unborn child to the maximum degree possible. It certainly seems to me, however, that in cases in which perfect legislation is clearly impossible, it is morally acceptable to support a pro-life bill,

however reluctantly, that contains exceptions if the following conditions prevail:

- there is no other feasible bill restricting existing permissive abortion laws to a greater degree than the proposed bill;

- the proposed bill is more restrictive than existing law, that is, the bill does not weaken the current law's restraints on abortion; and

- the proposed bill does not negate the responsibility of future, more restrictive laws.

In addition, it would have to be made clear that we do not believe that a bill which contains exceptions is ideal and that we would continue to urge future legislation which would more fully protect human life.

Prudential Judgment

I recognize that some in the pro-life movement may consider it politically or strategically unwise to take the course outlined above, but that is a matter of prudential judgment. It is not a matter of supporting intrinsic evil as such.

I agree with and strongly encourage the following from the Joint Committee on Bio-Ethical Issues of the Catholic Bishops' Conference of Great Britain.

"In a society which widely permits and procures abortion (e.g. by publicly funding it), some may judge that justice and the common good are most fittingly served by campaigning uncompromisingly for the 'politically impossible': full legal protection for the unborn. Others may judge it right to concentrate on pressing for a measure of protection which is less than complete but which is greater than the accorded by today's unjust law and has, they consider, a better prospect of being soon enacted and brought into force.

Those who choose the

stricter course should not adversely judge those who promote imperfect legislation, provided that the actions and attitudes of the latter are consistent with all other guidelines... Nor should those who promote imperfect legislation make adverse judgments on those whose preference for the stricter course seems to hinder the pursuit of the politically possible. Either group's adverse criticism of the other may undermine the common effort - to extend the equal protection of the law to all." (Briefing 89, Vol. 19, No. 14, July 7, 1989.)

Cardinal O'Connor was Archbishop of New York and chairman of the Committee for Pro-Life Activities of the National Conference of Catholic Bishops. This essay is from a special edition of "From My Viewpoint" which appeared first in **Catholic New York**. Abortion: Questions and Answers, June 14, 1990. It is reprinted with permission.

Special Note [from Cardinal O'Connor]: The following edition of "From My Viewpoint" is provided for Catholics in the Archdiocese of New York. Other readers, in New York and elsewhere, may find it of some interest, but I wish to make clear that I offer it as Archbishop of New York to try to meet the needs within my own archdiocese. I do not offer it in my capacity as Chairman of the Committee on Pro-Life Activities of the U.S. Conference of Catholic Bishops. It is not intended to represent that committee, and does not pretend to speak for the Bishops of the United States.