

By Nicholas Salvatore Di Iorio

Taking Roe to the Pulpit

Analysis and review for the everyday parishioner

The Catholic Church has been, and will always be, the guardian of all innocent human life from its natural beginning to its natural end. The dignity of the human person is the standard by which all Catholic moral doctrine and policy is set.

In the face of a culture aimed at individual rule and human autonomy, this universal statement guarding human dignity has lost its place as the primary standard of human existence. In the context of American legal jurisprudence, the moment that is essential to understanding this confrontation between the individual and the human family is the 1973 United States Supreme Court Decision, *Roe v. Wade*.

This decision, more than any other, revealed the present-day struggle between the genuine freedom we all enjoy as human beings, and the call we have to live as one human family. This seven-to-two opinion of the Supreme Court that turned 36 in January 2009 has shaped how most Americans and most Christians view human life, human dignity, but most importantly, human freedom.

It is the intention of this article to first review the proclamations of the Church regarding human life, human dignity and human freedom.

Second, we will analyze *Roe v. Wade*, which will bring us to the purpose behind this article, knowing why the statements made by *Roe v. Wade* were and continue to be affirmed by most Americans and many Catholics.

The Gospel of Life and the Gospel of Freedom

Knowing *Roe* and explaining its impact will help us to know why Catholics are confused, why the faithful are questioning our moral doctrine, and how we answer their calls to preach the Gospel of Life and witness to the love it proclaims.

The Gospel of Life professed by the Catholic Church is built around the human person and the freedom God pours out to us. Every human person is made in the image and likeness of God, so that humanity and his creator may become friends (Catechism of the Catholic Church, No. 355).

The ability to know, to love and to be with God is the reason for our elevated dignity, balancing the gift of existence with the gift of freedom. Freedom is our birthright, and truth is the responsibility we receive to use our freedom virtuously, searching for God, the source of the freedom we cherish.

The manner by which we display the free, creative power given to us by God is the physical union of man and woman. Because of this responsibility, we recognize that an intentional, offensive act set to end the life of an unborn child lies in opposition to the purpose of our freedom.

The abortive act is not the primary evil, but is secondary to the human person's freewill assent to choose abortion. Only in a misappropriated use of freedom can the parents of an unborn child choose to have an abortion.

Decision Not Free

It should be understood by all the faithful, particularly those called to be ministers of the Gospel, that most decisions to abort are not "free." Family, society and other external forces exert an enormous amount of influence on the mentality and psychology of the parents dealing with a problem pregnancy.

Also, physical and financial hardship are at the forefront of daily living, and they play a crucial role in the mind of parents enduring any pregnancy, whether it is expected or not. In the face of these seemingly insurmountable circumstances, it is the prayer of the Church that all parents who are in the midst of a pregnancy may prevail in truth to love the miracle of life which has been given to them by God.

It is the Gospel of Life, directed at both parent and child, faithful and faithless, which will enable all to know what we believe, why we believe it and how to bring it to the rest of our human family.

The Case Law of Roe v. Wade

We will now discuss the central judicial decision dealing with abortion: Roe v. Wade. On Jan. 22, 1973, the Supreme Court, by a seven-to-two majority, ruled that the Texas statute limiting Jane Roe's right to abortion was illegal because it unconstitutionally infringed on her privacy rights enlisted mainly in the 14th Amendment's Due Process Clause (Shapiro, *Ian. Abortion, Supreme Court Decisions 1965-2007*. Pg. 24).

The primary element to this decision was the privileged autonomy given to the mother. The Court, aware of this circumstance or not, revealed the constitutional struggle that has always placed the citizen against the state, so that they no longer walk in union with one another, but apart, locked in a constant struggle to gain power over each other.

In the history of the United States Supreme Court, the Roe decision was a legal anomaly (Shapiro, xxxiii). Most opinions given by the Supreme Court render a simple verdict on the law in question, and if unconstitutional, the law is sent back to the court from which it came.

Here, the majority designed a complex dual framework, aimed at harmonizing the relationship between the rights of the mother and the rights of the state. Also, it is important to note that the Court's sole intention was and will always be to determine the constitutionality of the law in question, and not to determine when human life begins.

To begin looking at the case law, we notice that Ms. Roe, an unmarried Texas woman, was seeking an abortion, yet Texas law prescribed that no woman could do so unless the pregnancy threatened the life of the mother. Because Ms. Roe did not qualify for an abortion, she issued a complaint against the District Attorney of Dallas County, Henry Wade.

She claimed that the Texas statute was unconstitutional by infringing on her right to privacy outlined in the First, Fourth, Fifth, Ninth and 14th Amendments, with a concentration on the Due Process clause enumerated in the 14th.

Roe v. Wade was decided in her favor, with three areas of interest: first, maternal rights to privacy, second, state interest in the life of the mother and potential life of the fetus, and third, the health interest of the mother throughout pregnancy. In this decision, the Court designed two frameworks or standards by which these three areas of interests were to be judged.

First, they designed the trimester framework, which set three, 12-week periods, by which to judge the term of the pregnancy.

The second framework used was the viability test. This test began at 28 weeks in the Roe decision, but over time medical advances showed viability occurred earlier in pregnancies.

The trimester framework set three periods in the pregnancy which determined legal standing between mother and state.

In the first 12 weeks, the mother had complete privilege over her decision to abort.

As the second trimester began, the mother lost the right to choose abortion without the consent of a doctor. In this trimester, a doctor, upon a physical and mental examination, would determine whether an abortion was physically and psychologically in the best interest of the mother.

In the third trimester, the mother lost all consent to the abortion, except in the case of a life-threatening pregnancy, in which case she could petition the state for legal consent. The state regulated all abortions through certification of doctors and hospitals.

The second test, the viability standard, measured the moment when the fetus could exist on its own, outside the mother's womb. For the Court, a pregnancy that has yet to reach viability is under the authority of the mother and her physician exclusively.

At viability, the state gained greater authority in the pregnancy beyond its certification of doctors and hospitals. The state then became the only avenue by which a mother could apply for, and undergo, a legal abortion. This was the case because the state would have a legal responsibility to act in the best interest of the child as a future citizen of that particular state.

Both tests were designed to complement one another in unifying the interests of mother and state. The trimester test created an extended circle of privacy that allowed the mother to use any justification for abortion, and the viability test was a standard that allowed judges to grant abortions on a case-by-case basis.

Therefore, any regulation enacted by the state was measured against these standards which are not founded on any universal principle. In such a framework, because all pregnancies are unique in circumstance, it was impossible to weigh the merits of one abortion against the merits of another. This failure of Roe, to set a universal standard, destroyed the framework it attempted to repair, a framework that has mother and state pitted against one another.

Roe and the Faithful in the Present Day

In the present day, the legal doctrine put forward in the Roe decision is non-existent (Shapiro xxiii). The trimester test and the viability test no longer exist as the Roe court designed them. They have become fossils of the American legal system, archeological pieces of what was in the history of American abortion jurisprudence. However, the importance of Roe remains, stemming from its overtones about the relationship between the human person and the surrounding community in which all of us exist.

Roe, for many, including some Christians, is a moment of victory for the human individual. The morality of abortion notwithstanding, Roe is the legal sanction for the human person to create truth on his or her own, and is validation for the human person to act without any care or concern for the surrounding human family.

The Christian ideal, with regard to an individual's relationship to the greater community, is the perfection of both member and community through all of the virtues, particularly justice, fidelity, courage and charity.

In this light, Roe speaks to the disunion between member and community, and is representative of the present-day relationship between freedom and truth for the human person. Because of the break between member and community, we no longer realize that our personal decisions are public and that they influence and sometimes scandalize the community to which we belong.

The decision to have an abortion can no longer be considered a matter of privacy, because pregnancy itself is not a private act. An unborn child belongs to our human family, with gifts and talents to offer later in life. When we lose one of our members, one of our family, we lose the

ability to know and to learn from that future adult. We as a community, endure a setback and a loss that will never be repaired or overcome.

Changing how we understand community begins with changing how we understand freedom. The realization to love all mothers, all pregnancies, is a social question, a question founded on our place in the human family and our responsibility to care for all of its members. We must illustrate to all people, just as the Gospel does, that the most beautiful freedom is self-less. Selfless is the life of Christ; therefore, selfless must be the life of the Church and self-less must be the life of the Christian. TP

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By Msgr. Owen F. Campion

Patron of Priests Knew What Life Was All About

For many decades, St. Jean Marie Vianney, a priest of the Lyon archdiocese in France, has been presented as the model for priests. Popes have given him this distinction, always mentioned in superlatives, for his commitment to and service in behalf of his vocation.

For 40 years, he served as pastor of the little community in the village of Ars-en-Dombes. In his day, the population never exceeded 250 people. It was, as it is, out of the way, anything but an important or bustling or cosmopolitan place.

Yet, Jean-Marie Vianney knew life. He came to accept his vocation knowing life at his time very well. In other words, he knew what the world had to offer, and he knew what it could never offer.

Born on May 8, 1786, in Dardilly, near Lyon, his birth coincided with the turmoil of the French Revolution. The little town of his birth was far removed from Paris in more ways than one. The Revolution was centered in Paris. There its Reign of Terror took the greatest toll. There the movers and shakers of the Revolution, Georges Jacques Danton, Maximilien Robespierre, and even Napoleon Bonaparte, schemed and pitched back and forth on the angry waves of change and upheaval.

That was Paris. However, no community in France was free from the chaos and cruelty that accompanied the Revolution, which continued through the last decade of the 18th century.

For the young Jean Marie, for his family and for his neighbors in Dardilly, certainly a major outcome of all that was happening in the name of the Revolution was the pressure brought to bear on the Church.

France and the Church

Beginning virtually at the very dawn of the history of France as a national state, the Church had had a close relationship with the powers that were. Until the Revolution these powers were the monarchs who successively reigned over, and indeed ruled, the country.

It was not a relationship that without interruption was cordial, and arguably it was not a relationship that in every respect benefited the Church.

Of course, there were good days for the Church, especially in the Counter-Reformation as it unfolded in France. It was during the Counter-Reformation that many of the grandest names in Catholic sainthood came onto the stage of the Church. St. Vincent de Paul made his magnificent mark for Christian care for the sick, poor and incarcerated. He founded the Vincentians and the Daughters of Charity.

His associate in so many great endeavors, St. Louise de Marillac, was a laywoman. She, too, gleams as a great example of the noblest Christian witness in an era in which many such names shine.

St. Jean Baptiste de la Salle founded the Brothers of the Christian Schools, or Christian Brothers, to educate poor boys, thereby giving them opportunities for better lives.

Jean Jacques Olier formed the Society of St. Sulpice, or Sulpicians, ultimately to enrich the clergy by operating seminaries in which the best intellectual formation, as well as preparation for lives lived close to the Gospels, was the goal and indeed were provided.

Great missionaries, such as St. Isaac Jogues and St. Jean de Brébeuf, who came to America, and who died as martyrs here, went forth to bring Christ to native peoples and to immigrating French in all parts of the increasingly large colonial empire of France.

Asceticism had the great benefit of the deep reflection and profound holiness of figures such as St. Margaret Mary Alacoque, whose visions initiated devotion to the Sacred Heart of Jesus, and St. Francis de Sales, the Frenchman who was officially the Bishop of Geneva, but who lived in Annecy in France.

It was a glorious time, the time of Catholicism in France before the Revolution.

But there were shadows. When the Reformation began to develop, it affected France as much as elsewhere. Regarded properly as one of the leaders of the Reformation was a Frenchman, Jean Cauvin, or John Calvin to use his name as it is rendered in English.

Eventually settling in Geneva, Switzerland, but on the very outskirts of France, Calvin established not just a theocracy in Geneva but an entire theology at odds with many of the teachings of the Catholic magisterium.

Calvin's theology quickly found its way into France, resulting in the very rapid and considerable growth of a French Protestant community, called the Huguenots.

Official governmental response to this growth of Protestantism, and its implications for Catholicism (long the established religion of the French state and the French monarchy, all powerful as the monarchy was in the life of the French state) varied over the course of some generations.

The Huguenots

One French king, himself a convert to Catholicism from Calvinism, Henri IV, actually accorded some rights and privileges to Huguenots, pitiful as these rights might today be seen in the light of modern concepts of religious liberty and in the face of today's pluralism.

Nevertheless, these rights meant that Huguenots could live with some peace in France, although they were not atop the mountain of advantage and esteem.

However, in 1685, Henri IV's grandson, King Louis XIV, reversed the concessions given to the Huguenots. While Huguenots were not required by law to convert to Catholicism, they were forbidden publicly to worship or to rear their children as Protestants. Only Catholic marriages were respected under the law. Huguenot clergy were banished.

For any Huguenot failing to comply, the penalties were severe, and they were gruesome. Some noncompliers were sentenced literally to being pulled apart by horses tied to the victim's limbs and driven in opposite directions.

People do not forget such horrors. Many Huguenots fled, among them the forebears of many distinguished figures in American history, such as John Calhoun and Francis Marion.

Others remained, many sullenly adopting the appearances of Catholicism, but never converting in the authentic sense.

The Rise of Free Thinking

The brutality of Louis XIV's order, and the disgust if not fury of the Huguenots themselves, set the stage for at least one aspect of the rise of free thinking and a deism devoid of institutional Christianity that took hold of French philosophy in the years before to the Revolution.

At the same time, as for so long, the reality was that the Church and the monarchy, despite differences and strained relations from time to time, were united in the worst of symbiotic relationships. Each fed the other. Each fed on the other.

When the walls of the very French culture came tumbling down in the Revolution, the Church faced the rage of the revolt as much as the monarchy itself.

The crowning sacrilege, one among an untold number of outrages, was the seating of a prostitute on the high altar of Notre Dame Cathedral in Paris and paying her homage as a goddess.

More than a few priests and religious climbed the steps to guillotines. The new, or formative, revolutionary regime attempted to separate the Church in France from Rome.

Even when Queen Marie Antoinette, the widow of the executed Louis XVI, awaited her turn with the death sentence, she refused to see a priest sent to her to prepare her sacramentally for death, because he was one of those clergy who had repudiated allegiance to the Pope.

"I die in the Roman, Apostolic and Catholic faith in which I was born," the doomed queen insisted.

The upheaval in religion confronted not just the royals. Jean Marie Vianney's family, simple folk as they were, stood with the Church and in the Church, although they had to do so quietly, even secretly.

In fact, Jean Marie Vianney had to make his first confession and receive his first Communion in secret. His family insisted upon a loyal priest, and priests loyal to the Church dared not function in the open.

The Church was in utter disarray. More broadly, French life, to its core, was in disarray. None of this situation would ease.

It began to ease with the ascendancy of Napoleon Bonaparte, the Corsican army officer who, by hook and by crook took power, eventually establishing himself as "Napoleon I, Emperor of the French."

Napoleon reinstated the Church as the religion of the state, well, after a fashion, and he renewed recognition of the Petrine Supremacy, again, well, after a fashion.

He also launched a military strategy that took the French flag, behind bayonets, all across Europe and even into the Middle East.

Jean Marie Vianney was called to military service. He went, but he also assisted in hiding what today would be called a conscientious objector.

When the wars ended, and Napoleon was exiled, first to Elba and then to St. Helena, Vianney was able to follow his long desire to study for the priesthood.

His lackluster performance as a student of theology is very well chronicled. He persevered, struggling against great odds. At long last, he was ordained. His ordination began the priestly ministry that has now made him the model for priests, the saintly patron of priests.

Rather than retelling the story of his anguished path through the seminary and its demanding courses in formal theology, it is interesting to put this effort to reach the point of ordination at the end of a process of discernment.

The French Revolution was much more to the French than the American Revolution was to the people of the thirteen Atlantic colonies in what became the United States.

In the United States, the system of government changed with the Revolution, along with certain concepts. But, the culture remained what it was, the social conventions and values and even the basic laws of Britain occurring as strongly in the fabric of the United States as they had in the days of the Colonial Era.

As for France, everything changed. Nothing was secure. Much was violently eliminated. The French Revolution, understandably, is regarded by historians as being as much an earthquake in the social order as were the Russian Revolution in 1917 and the Iranian Revolution 60 years later.

Removing God

Underscore these points. Everything in French life changed, and much more often than not it changed radically. Nothing was secure. Much was violently eliminated. Add to it the rejection of God, and expressly of the Church, and as importantly, the exaltation of the human mind and of human instinct.

In the process of attaining a sense of life and of purpose in this time of uproar and even terror, Jean Marie Vianney demonstrated not intellectual dullness but instead commendable wisdom, showing that he possessed an insight denied to others regarded as much brighter.

The turbulence in which he was born and through which he lived as he grew into adulthood, and even the different atmosphere that pertained in the days of Napoleon's empire, gave him a perspective from which to view life.

He was able to see that the human struggle to build a perfect society on its own, deliberately removing God from the equation, ultimately produced nothing good or permanent, to understate the situation.

He saw that there was more to the Church than its organization or its grand edifices. Its prize is in the Gospel committed to it by the Savior. He was able to see that the Church's glory was not in its umbilical link with the monarchy of the "Most Christian kings," to use the honorific the papacy

itself had conferred upon the monarchs of France, but in the sanctity and in the witness of the likes of Vincent de Paul, Louise de Marillac, Margaret Mary Alacoque, and Isaac Jogues.

Impelled by the thought that this Savior personally had called him to the priesthood, and so utterly convinced of the eternal, unique value of Christianity, Jean Marie Vianney worked so hard to be worthy of the Church's expectations for those seeking ordination, and he worked so hard to serve his vocation by serving God's people through all the legendary experiences that now fill his biographies.

As this Year of the Priest commences, it is a time to look upon the life of St. Jean Marie Vianney, the Cure d'Ars, and to ponder that in his life he was so taken by the belief that God alone matters and that life in God is the only reward. Nothing else matters.

The gift of the priest is that in Holy Orders, and in ongoing priestly ministry, the priest holds the key, namely in the sacraments, in his unity with the Church, and in witness to the Gospel, to give others access to this supreme reward.

Realizing the power and critical need of the priesthood in human lives led St. Jean Marie Vianney to live as he lived for so many years, until his death in Ars on Aug. 4, 1859.

It is his example of living the priesthood that the Church offers priests in this year. It was his life as a priest that led the Church to recognize his holiness and to declare him a saint in 1925, only 66 years after his death.

First and foremost, he was the Lord's disciple. He loved the Lord. The Lord had proved to him that nothing else mattered other than to love God and to follow God's Son. TP

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