

Roe v. Wade and Catholic Morality

By Fr. Dave Heney

The Roe v. Wade case is about the life of a child and the autonomy and freedom of a mother. However, this controversial issue is often not understood well. There are two basic questions: how are decisions made in our Government and how are moral decisions made in our Catholic faith? Knowing both can bring clarity, understanding ...and even peace at this contentious time.

“We the People” decide our nation’s laws

These three words begin our Constitution. After years of autocratic rule by foreign Kings and Queens, our founders created a document that placed all authority *in the people*. They had great respect for the power of individual persons to make wise decisions for their own welfare.

However, the founders also feared “mob rule” so the *people’s will* would be expressed through their elected representatives in our Congress, who then must also face re-election often. All those elections made them connected and accountable to the people.

Rule by the People was the root idea ...of a metaphorical *tree* that grew three ***branches*** that describe our government authorities today. Here is an easy to remember summary.

The Congress branch passes laws our constitution ensures must “*promote the general welfare.*” It is the job of elected representatives, and *only* them, to pass laws that do just that.

The Executive branch *executes* or ensures those congressional laws happen and are followed. All the cabinet departments help put into action those laws, and those that the Constitution directly mandates, such as foreign policy, and enforces them all through the Department of Justice.

There is much debate today about the extent of those Executive branch regulations, such as OSHA Vaccine mandates, and laws the congress passes. Can unelected cabinet officials enact mandates that

have the same power as a law? The courts continue to clarify that relationship today in various lawsuits.

The Supreme Court branch ensures that the laws that Congress or States pass are in accord with the

Constitution. *The Court cannot pass judgments on what might be good or bad general welfare policy for the country but only on the constitutionality of a specific law.* General welfare laws are the job for the US or State lawmakers to provide, *not the Supreme court.*

Justices have lifetime terms to protect them from the shifting winds of politics and public opinion. If a law is ruled unconstitutional then the US or State con-

gresses can rewrite it.

Sometimes the Supreme Court will reverse earlier rulings, which it has done many times when it feels an earlier ruling was wrong. This is the issue today about the *constitutionality* of Roe v. Wade and its follow-on laws.

Revisiting the Roe v. Wade decision of 1973

There is full scientific agreement today that a child begins at conception, however, the constitutional issue then was *when does a child receive civil rights in relation to the autonomy rights of the mother?*

On January 22nd, 1973, Roe v. Wade affirmed the State’s interest to protect the life of a child and also created a trimester format in all states for allowing abortions with different rules for each trimester. It also created “*fetal viability outside the womb*” as a



general but somewhat vague line limiting abortions to before that time of viability outside the womb.

On the same day, another ruling (*Doe v. Bolton*) allowed all abortions based on the mother's health *even up to the moment of birth*. A later ruling (*Casey v. Planned Parenthood*) ensured that States can still regulate abortions but that no "*undue burden*" could be placed on a mother seeking abortion. Of course, "*undue burden*" is a also vague term that seeks more clarification. These child and mother's rights are still debated today.

What is the new case now?

The recent Mississippi Law (*Dobbs v. Jackson Women's Health Organization*) seeks to limit abortion to before viability, at 15 weeks, which it affirms is when a child first feels pain. An even newer Texas Law seeks to limit abortions to before the moment a child's heart beats.

The issue in the Court now is to discern the constitutionality of these child development stages and when the State can protect the life of the child or allow abortions. Is it viability, feeling pain, mother's health, heartbeat, something else?

What makes these cases so contentious is the issue of interference. How can the constitution authorize interference or protection in such personal events as a mother's pregnancy or a vulnerable child's life?

My Body ...my choice

Pregnancy and abortion are complex events. In every pregnancy there are always, at least, two people involved, the mother and child. The mother has two bodies intimately connected in her pregnancy, hers and her child within her.

Her pregnancy also reveals an amazing biological truth. *Her womb is the only organ in her body that is entirely oriented to another person*. Her child is a separate new human person. Does the mother have the right to end the life of this unique child that has an independent dignity from her? Therefore, the

court must balance the life of a unique child with the liberty and autonomy rights of the mother who has this new semi-autonomous person *within* her.

The popular phrase "*My Body ...My Choice!*" should really be "*My Bodies ...My Choice*" since her decision affects two separate bodies and not just one.

What will the Supreme Court Decide?

There are three possible outcomes of the Supreme Court which is only ruling on the Mississippi case of a pre-viable child feeling pain.



(1) It could deny the case entirely leaving *Roe, Bolton, and Casey* intact.

(2) It could decide the 15-week limit is the new abortion limit, modifying earlier cases.

(3) It could reverse *Roe, Bolton, and Casey* and declare no constitutional limit for states to regulate abortions.

Number three would simply affirm that the constitution is *neutral* on abortion and so return regulating abortions back to the States. Each State

could then set the limits for abortion as its people decide through their elected representatives when their State offers protection for the life of a child and autonomy of the mother. This decision will be announced in June of 2022.

How are Catholic Moral decisions made?

You are made in the image of God. That phrase from the first book of the bible affirms the dignity of all innocent human life from conception to natural death. All Catholic morality flows from that moment of your God-given creation. Of course, not every conception happens peacefully.

Many unwanted pregnancies happen under great emotional stress, such as family discord, youth, poverty, or tragically, even violent abuse.

However, if these tough issues are resolved well, then the desire for abortion often goes away. When we discover "*What else is going on*" in the life of a

mother seeking abortion and resolve those issues well, then her *natural desire to have a child often returns*. No mother should ever feel alone.

Providing that help ensures both mother and child enjoy the life that is God's will for both of them.

Life of the child vs autonomy of the mother

This is a false opposition. *While the life of a child and mother is always affirmed, there is no such thing as full liberty or autonomy for anyone*. We are social beings to the core. No one causes their own birth, or makes it through life alone.

You always live in a larger community of people ...from your own conception, to family life, to school years, to your marriage, career, and in your neighborhood. You always live in a complex mix of relations with others. No one is an island.

Of course, the mother did not conceive her child on her own either, so the father must also provide material and emotional support for both mother and child.

The church already has many programs for women and families in need, and will always seek to do more.

Viability outside the womb has been a famous term throughout this debate for a new child. Catholic morality affirms ensuring real viability for the mother, father, and this new family as well. Our deep interconnectedness is a bedrock of what it means to be human persons all created together in the image of a loving God.

Pro-Life values call on the whole church and state to support life at every age and every circumstance. Every pregnancy is both a church and state concern.

What about other moral issues?

How can we prioritize all those other issues that also need your attention, such as capital punishment, world hunger, poverty, climate change, addiction, immigration, health care, terrorism, contraception,

divorce, same-sex marriage, transgender issues, child abuse, euthanasia, and doctor assisted suicide?

These are all important, and the information about each issue could fill an entire book! ...That book image might help.

You can imagine each moral issue as a "book" that includes all information about it, and then imagine each book taking its place in some kind of order on a "moral issues bookshelf."

Depending on how you see each issue you might rearrange the shelf differently, putting this or that

book ahead of others because you feel it is more important. There can be good and sincere debate about that bookshelf order.

Where should you place the "book" that has Pro-Life arguments on your moral bookshelf? Well...perhaps you could say thatit does not belong on the shelf at all!

It is more accurate to see that a pro-life affirmation of protecting innocent human life is actually the shelf itself, and that you cannot possibly

understand ANY of the other moral issues without understanding what it means to protect the *dignity of all innocent human life* from the first moment of conception to natural death.

A pro-life idea is the *shelf* or *foundation* for authentically understanding all the other moral issues in all the many other "books."

You can more fully understand what it means to take human life in capital punishment or even war, when you first know what it truly means to be truly *innocent*.

You can feel more accurately what it means to be unemployed, or a victim of discrimination, or abuse, when you first feel what it means to have *human dignity* from the first moment of conception and throughout life, as created by a God who loves you at every moment.



A Pro-Life position is the firm ground upon which you can understand all other moral issues.

What about being Pro-Choice or Pro-Life?

Catholic morality involves living according to our faith but also living alongside people who don't. Our democratic system and our Catholic faith are both designed to help neighbors who live according to different beliefs to also stay neighbors peacefully.

What about being Pro-Choice? Isn't respect for our "freedom to choose" a naturally good thing as well? Some affirm they are personally opposed to abortion but just do not want to take away the freedom for others to choose abortion.

Still others feel abortion is immoral but don't want to make it illegal. After all, not everything that is immoral, such as lying, marital infidelity, or selfishness, is illegal. Why should abortion, even if immoral, also be illegal?

Yet, we all affirm there are some actions that everyone *naturally* understands are immoral *and* should also always be illegal and never free to choose.

I am confident you are opposed to slavery, human-trafficking, murder, rape, and incest, and would have no problem affirming your strong opposition to these horrible crimes against innocent people no matter what anyone else thinks or whatever is the law. You would never allow anyone the "freedom to choose" these evils. How much more then should we choose to protect the dignity of life even before it is born?

Choosing the death of an innocent person just doesn't make common sense, while supporting the life of both mother and child seems naturally more in tune with our human nature.

While we are always opposed to abortion, and polls show that most people favor some restrictions, our pro-life stance is never an imposition on anyone

else. It is simply the free exercise of our First Amendment right to free speech and our free exercise of religion, as well as a normal common-sense idea.

Speaking our Pro-Life Morality

You can never stand by and watch others being hurt, whether mothers or unborn children. You can also deeply respect anyone who disagrees, but respect and tolerance are never an excuse for silence.



Tolerance is not silence, and respect is not passivity. Love always seeks the good of others so true love demands that you never let sin stand, and so you speak and act on those motivations of love.

You must always speak out on moral issues, you must always speak respectfully ...but you must always speak!

Truth is never "relative."

An idea either is or is not the truth about things. While sincere people can disagree about what it is, everyone can agree that, at least, it is "out there" to be discovered and not just something subjective we each create for ourselves. An idea is either true or not, whether or not it is popular.

Those who say, "all truth is relative ...or there is no absolute truth" have just spoken something they believe to be, well ...*absolutely true!*

Supporting life at every age is our true, heartfelt, and serious mission. It arises from the truth of our human existence. All the other important issues listed earlier flow from our being made in the image of God, and what it means to protect the dignity of innocent human life from the first moment of our conception to our natural end.

This an eternal truth we can all support.

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