

As a division broke out in the crowd some of the guards went to the chief priests and Pharisees to report the trouble. The chief priests and Pharisees were looking for an opportunity to condemn Jesus and so they were dismayed that the guards had not arrested him on sight.

Nicodemus stands up for Jesus. He asks the question, “Does our law condemn a man before it first hears him and finds out what he is doing?” (Jn 7:51). Nicodemus is familiar with the Jewish Law which demands that impartial judges listen to complaints and administer true justice regardless of one’s race. Certainly, the society of that time favored a countryman over a resident alien (Dt 1:16) but justice demands fairness for both parties.

The question posed 2,000 years ago is worth revisiting today. Does our law condemn before it first hears and understands? Certainly, the court of public opinion is quick to judge the church in a negative light based on a partial understanding of the situation. Church teachings in matters of faith are often condemned in the court of public opinion as being out of touch with reality and discriminatory.

It is helpful to clarify what is meant by discrimination:

- Unjust discrimination is to treat someone unfairly. We want the law to be fair and impartial and make a judgement based on merit. Every sign of unjust discrimination in this regard should be avoided.
- Discrimination can also be used in a positive sense to recognize what is right and what is wrong.

Laws that offer rights such as fair housing, the extending of medical benefits to a person that one cares about or equal pay are necessary because of unjust discrimination.

Civil law often differs from church teaching in recognizing what is right and wrong especially in the area of marriage. Jesus taught “a man shall leave his father and mother and be joined to his wife and the two shall become one flesh” (Mk 10:7-8). Jesus also taught “What God has joined man must not separate” (10:9). Civil law only recognizes marriage as a union of two people that may be temporary in nature. The church situates marriage within the design of an unbreakable covenant between God and a husband and wife.

“God created human beings as male and female. In so doing, he gave equal dignity to both man and woman. In his plan, men and women should respect and accept their sexual identity. [Sexuality] is a gift of God by which men and women participate in his saving plan and respond to his call to grow in holiness.”ⁱ God’s saving plan calls for a husband and wife to be faithful to one another. “God established marriage as a reflection of his fidelity to us. The vows made by the spouses at their wedding to be faithful to one another forever should witness the very covenant God has made with us.”ⁱⁱ

God’s saving plan calls for a husband and wife to be fruitful. They must be open to children naturally conceived and should not use artificial means to inhibit fertility. Sacrifice, abstinence and chastity are also called for in order to be respectful of God’s saving plan. “The acquisition of chastity depends on self-discipline and leads to an internal freedom, which enables human beings to temper sexual desires according to God’s plan for the appropriate expression of love in the marital relationship of a man and a woman.”ⁱⁱⁱ

Does our law condemn before it first hears and understands? When we learn what the church teaches and experience it firsthand in the joy of a lifegiving marriage, we may be surprised at how truly liberating God’s saving plan is.

ⁱ United States Catholic Catechism for Adults . United States Conference of Catholic Bishops. Chapter 30.

ⁱⁱ Ibid

ⁱⁱⁱ Ibid