

## A Theological Case for Incrementalism After Dobbs

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The Supreme Court's ruling in *Dobbs v. Jackson* was a victory for human dignity and constitutional law. The Court ruled that the U.S. Constitution does not confer a right to abortion, thus, overturning fifty years of erroneous law created by *Roe*.<sup>1</sup> But *Dobbs* does not end the assault on the unborn. *Dobbs* sent the abortion issue back to the states, where voters will decide the fate of millions of unborn lives. Therefore, pro-lifers must continue to win voters' hearts and minds.

When *Roe* was overturned, pro-lifers assumed states would vote along political spectrums. States with trigger laws would pass constitutional amendments restricting elective abortion.<sup>2</sup> Most assumed *Roe*'s demise would make abortion legislation more predictable and more polarized.<sup>3</sup> But voter response has proven to be more fluid than first anticipated. Surprisingly, pro-life ballot initiatives in conservative states such as Kansas and Kentucky failed to gain the needed votes to amend their constitutions. And Gallup recently noted that since *Dobbs*, 69% of Americans support some form of abortion in the first trimester.<sup>4</sup> Meanwhile, Americans wanting abortion banned in all circumstances have fallen. Before *Dobbs*, 21% favored a total abortion ban; after *Dobbs*, the number dropped to 13%.<sup>5</sup> In sum, *prima facie*, it seems post-*Dobbs* Americans increasingly favor some form of abortion. Consequently, if pro-

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<sup>1</sup> "19-1392 *Dobbs v. Jackson Women's Health Organization*" (06/24/2022), Pp. 30-32.

<sup>2</sup> Rachel Rebouché and Mary Ziegler, "Fracture: Abortion Law and Politics After *Dobbs*," *SMU Law Rev.* 76.1 (2023): 21.

<sup>3</sup> Rebouché and Ziegler, "Fracture," 21.

<sup>4</sup> Lydia Saad, "Broader Support for Abortion Rights Continues Post-*Dobbs*," June 14, 2023, <https://news.gallup.com/poll/506759/broader-support-abortion-rights-continues-post-dobbs.aspx>.

<sup>5</sup> Saad, "Broader Support for Abortion Rights Continues Post-*Dobbs*."

lifers are going to pass laws to protect the unborn, they will need to continue crafting a unified message that reaches a broad and diverse constituency. Subsequently, pro-lifers must diligently work to capture the hearts and imagination of voters.

However, pro-lifers face new challenges in the Dobb's era. Dobbs decentralized the pro-life establishment, which placed more emphasis on local voices to persuade hearts and minds. Consequently, many legal scholars believe that the atomization brought on by Dobbs has contributed to the ascendancy of abortion abolitionists.<sup>6</sup>

Abortion abolitionists argue for an “all or nothing” strategy in abortion legislation and criminal punishment for women if they violate abortion law. Abortion abolitionists had remained on the fringes of the abortion debate, but post-Dobbs, abolitionists have gained a prominent voice within both Protestant Evangelical and Roman Catholic circles. A 2022 Pew Research report notes that 14% of Roman Catholics stridently support an all-or-nothing approach to abortion legislation.<sup>7</sup> And in anticipation of Dobbs, the largest evangelical denomination in the U.S., the Southern Baptists passed a resolution rejecting incrementalism in favor of immediate abolitionism.<sup>8</sup> The abortion abolitionist movement threatens to alienate many constituents needed to pass pro-life legislation. Consequently, abortion abolitionist voices undermine the unified message and incremental strategy that served to dismantle Roe.

Nevertheless, the pro-lifers benefit by maintaining a unified message and legislative strategy. Legal scholars contend that an incremental strategy is the best way to enact major

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<sup>6</sup> Rebouché and Ziegler, “Fracture,” 56.

<sup>7</sup> <https://www.pewresearch.org/religion/2022/05/06/americas-abortion-quandary/>

<sup>8</sup> Bob Smietana, “Evangelical Pro-Lifers Clash Over Criminalizing Abortion,” *Christianity Today*, May 19, 2022, <https://www.christianitytoday.com/news/2022/may/abortion-abolition-criminalize-women-tom-ascot-roe-v-wade-n.html>.

policy changes.<sup>9</sup> In the book *Abortion Politics in Congress: Strategic Incrementalism and Policy Change*, Scott Ainsworth and Tadd Hall contend that incremental strategies offer significant advantages over “all or nothing” approaches. Roman Catholic scholar Joe Kral argues, “the civil injustice of abortion is taken apart by incrementally passing legislation that limits its various evils.”<sup>10</sup> And Southern Baptist ethicist Daniel Heimbach argues that incremental strategies are the most effective way to save as many unborn lives as possible while still contending for abolition.<sup>11</sup> This essay argues that within the Catholic and Evangelical traditions, theological principles exist that support incremental strategies against abortion. While Catholics and Evangelicals may disagree on significant soteriological matters, Catholics and Evangelicals maintain significant theological agreement to oppose abortion while offering merciful support to post-abortive women. First, I will argue that St. John Paul II’s *Evangelium Vitae* offers a sound apology for incrementalism within the Catholic natural law tradition. St. John persuasively argued that incrementalism is a matter of juridical prudence; therefore, legislators do not illicitly cooperate with an unjust law when voting to lessen a more permissive one.<sup>12</sup> But because Evangelicals are not under magisterial authority, nor do Evangelicals universally ascribe to natural law philosophy, *Evangelium Vitae* does not provide the authority to curate broad Evangelical support. Second, I contend that within the doctrines of divine revelation, salvation, and eschatology, there is enough theological agreement for Catholics and Evangelicals to reject abolitionist strategies while faithfully contending against the culture of death.

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<sup>9</sup> Scott H. Ainsworth and Thad E. Hall, *Abortion Politics in Congress: Strategic Incrementalism and Policy Change* (Cambridge University Press, 2010), 11.

<sup>10</sup> Joseph Kral, “Legislative Incrementalism, Regnative Prudence, and Three Pro-Life Issues,” *J. Bioeth. Law Cult.* (Winter 2018).

<sup>11</sup> Daniel R. Heimbach, “Why We Opposed an Anti-Abortion Resolution at the Southern Baptist Convention,” June 22, 2021. <https://www.thepublicdiscourse.com/2021/06/76465/>.

<sup>12</sup> John Pope Paul II, *The Gospel of Life: [Evangelium Vitae] / Pope John Paul II* (Random House, 1995). No 73.

## Catholic and Evangelical Cooperation

For fifty years, Roman Catholics and Evangelicals have worked to maintain a unified message that opposes the culture of death. In the 1994 statement, *Evangelicals and Catholics Together: The Christian Mission in the Third Millennium*, both groups affirmed the following,

We, therefore, will persist in contending—we will not be discouraged but will multiply every effort—in order to secure the legal protection of the unborn. Our goals are the following: to secure due process of law for the unborn, to enact the most protective laws and public policies that are politically possible, and reduce dramatically the incidence of abortion.<sup>13</sup>

While Catholics and Evangelicals disagree on several areas of theology, they share common convictions regarding life, sexuality, family, and abortion. One may even suggest that Catholics and Evangelicals have found a modicum of relational healing in their unified cooperation against Roe. Consequently, Christ's prayer in John 17:23 is powerfully displayed in the Catholic and Protestant Evangelical alliance against the culture of death.

Catholics and Evangelical Protestants agree that just human laws necessarily correspond to God's will. St. Thomas argued that the natural law is simply rational creatures sharing in God's eternal law.<sup>14</sup> According to St. Thomas, human law is the dictate of practical reason; thus, human reason advances from the precepts of natural law, and natural law is necessarily derived from God's eternal law.<sup>15</sup> St. Thomas contended that any law inconsistent with the natural law is necessarily contrary to reason, which puts it at odds with God's eternal law. Consequently, St.

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<sup>13</sup> Charles W Colson, *Evangelicals and Catholics Together: Toward a Common Mission*, ed. Richard John Neuhaus (Dallas, TX: Word Pub, 1995), 16.

<sup>14</sup> Summa Theologica, I-II, Q. 91. A.1.

<sup>15</sup> Summa Theologica, I-II, Q. 95, A.1

Thomas fixed just human laws within God's eternal law, which is apprehended through reason in natural law.

Moreover, the Magisterial Reformers also believed that just laws corresponded to natural law. Luther and Calvin believed God's revelation in nature was knowable to all. Luther recognized natural law in his "orders of creation."<sup>16</sup> And Calvin argued that God's revelation through nature was knowable through the *Imago Dei*.<sup>17</sup> Calvin argued that civil law must be understood in relation to the natural law, which historically and psychologically precedes it. In his sermon series on the Ten Commandments (1555) and civil law, Calvin taught that civil law is nothing less than a witness to the natural law, which God has engraved upon the conscience of men.<sup>18</sup> In his July 3, 1555 sermon on Deut 5:19, Calvin called his congregation to "return to the natural law, which is, that we ought to do unto others as we want them to do unto us."<sup>19</sup> And in his exegesis of Deut 5:22 on July 16, 1555, Calvin expounded,

Therefore, the first (tablet of the Ten Commandments) requires that we acknowledge that God wants to be honored by us; the second (tablet of the Ten Commandments) is that we render to our neighbors what belongs to them and observe the natural law of not doing anything to anyone unless we want them to do the same to us. . . if we seriously want to regulate our life, let us continually maintain the intention to honor God and then to live with our neighbors in complete justice and equity.

Like St. Thomas, the protestant reformer also believed that human law must conform to the natural law. However, the Magisterial Reformers did not believe the natural law, apart from divine special revelation, was epistemologically sufficient for crafting civil legislation.<sup>20</sup> Calvin

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<sup>16</sup> Martin Luther, *Luther's Works, Vol.1: Lectures on Genesis: Chapter 1-5*, (ed. Jaroslav Jan Pelikan, Oswald Hilton, and Helmut Lehmann T. vol.1 (Saint Louis, Mo: Concordia Publishing House, 1958), 69.

<sup>17</sup> Jean Calvin, *Institutes of the Christian Religion* (Hendrick Publishers, 1816), 9.

<sup>18</sup> Jean Calvin and Benjamin Wirt Farley, *John Calvin's Sermons on the Ten Commandments* (Grand Rapids, MI : Baker Book House,1980), 24.

<sup>19</sup> Calvin and Farley, *John Calvin's Sermons on the Ten Commandments*, 189.

<sup>20</sup> Jennifer A. Herdt, "Calvin's Legacy for Contemporary Reformed Natural Law," *Scott. J. Theol.* 67.4 (2014): 416.

believed that sin so greatly affected human reason that natural law was functionally ineffectual. Calvin's interpretation of Romans 2, found in his *Institutes of the Christian Religion*, revealed that he believed that natural law functioned only to bring about judgment and sensations of guilt.<sup>21</sup> In his commentary on Romans 2:14–15, Calvin contended that unbelieving gentiles do indeed have the ability to understand a “righteous rule.” But Calvin argued that the unbelieving gentiles do not create civic codes and laws because they had stumbled upon some internal sense of moral virtue; instead, they formed civic codes and laws because these laws were advantageous to self-preservation.<sup>22</sup> Thus the “rule of righteousness” here is not a moral quality of righteousness but a rule of action. So, if any act were thought to be profitable, it could be considered a “virtuous action” in the conscience of the unbeliever. For Calvin, civil law must be derived directly from principles found within the divine law which are only knowable through the Holy Scripture. The Magisterial Reformers' understanding of total depravity and epistemology has dramatically influenced how Evangelical Protestants understand natural law philosophy. Consequently, Catholics and Evangelical Protestants affirm the existence of natural law but disagree about its epistemological sufficiency apart from special revelation.

### *Evangelium Vitae*

St. John Paul II's 1995 encyclical *Evangelium Vitae* is a tour de force in fluidity and coherence. John Paul's lucid thought and application of scripture throughout most of the encyclical are applauded among pro-life evangelicals. But John Paul framed several arguments in a way that makes broad-based Protestant Evangelical agreement difficult. First, John Paul fixed his support

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<sup>21</sup>Jean Calvin, *Institutes, II. 2.2., Institutes of the Christian Religion: A New Translation / by Henry Beveridge*. (James Clarke & Co., 1953), 325–324.

<sup>22</sup>Jennifer A. Herdt, “Calvin's Legacy for Contemporary Reformed Natural Law,” *Scott. J. Theol.* 67.4 (2014): 414. Herdt, “Calvin's Legacy for Contemporary Reformed Natural Law,” 414.

for incrementalism on natural law philosophy and Roman Catholic tradition as taught by the universal Magisterium.<sup>23</sup> Second, the encyclical's justification for legislative incrementalism is presented as a matter of juridical prudence rather than an explicit argument from a biblical text or theology. John Paul undoubtedly provided scriptural support for conscientious objection on life matters in the encyclical's opening paragraph of section 73. But his argument for juridical prudence in the final paragraph was based primarily on principles of reason. The Pope said,

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. . . .when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.<sup>24</sup>

Pope John Paul used the principle that harm is to be minimized and the principle of double effect to ground his argument.<sup>25</sup> The principle of double effect requires the operation of five indispensable conditions: 1) the act in question has both good and bad effects; 2) the evil effect is not the means to the good effect; 3) the evil effect does not outweigh the good effect; 4) only the good effect is intended; and 5) the act in question is a last resort because there are no other viable options.<sup>26</sup> But critics of the double effect principle contend that the proportionality condition (condition 3) is unclear and too general.<sup>27</sup> James Streba notes that the principle of double effect

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<sup>23</sup> Pope, *The Gospel of Life*, no. 62.

<sup>24</sup> Pope John Paul II, *The Gospel of Life*, no.73.

<sup>25</sup> Mary Hayden Lemmons, "Juridical Prudence and the Toleration of Evil: Aquinas and John Paul II," *Univ. St Thomas Law J.* 4.1 (2006): 31.

<sup>26</sup> Lemmons, "Juridical Prudence and the Toleration of Evil: Aquinas and John Paul II," 31–32.

<sup>27</sup> Alison McIntyre, "Doing Away with Double Effect," *Ethics* 111.2 (2001): 222.

means that “the good consequences are commensurate with the evil consequences.”<sup>28</sup> However, it is not entirely clear how legislation that restricts abortions after fifteen weeks outweighs the evil effects of abortions obtained prior to fifteen weeks —especially when a significant number of abortions occur early in pregnancy. Consequently, because John Paul’s juridical prudence is not derived from the biblical text, Evangelical Protestant abolitionists reject its validity, claiming it is another form of consequentialism.

Moreover, John Paul’s argument for incrementalism seems to read as a Papal pronouncement rather than a biblical argument with explicit textual support. Evangelical Protestants greatly respect the way in which the Catholic Church has defended many misrepresented Christian teachings, and they recognize the important role of the pontificate in social teaching. But Evangelical Protestants do not accept arguments that are not clearly supported by the biblical record. Evangelical Protestants reject all claims of papal infallibility made for the church magisterium and councils.<sup>29</sup> Subsequently, *Evangelium Vitae* serves as a significant apologetic and authoritative pronouncement for Roman Catholics, but Evangelical Protestants may argue that it does not present adequate scriptural support for incrementalism.

### As in Heaven, so on Earth

St. John Paul’s juridical prudence argument is laudable. But Catholics and Evangelical Protestants have commonalities that provide a more substantial unity. The Lord’s Prayer is central for both modes of Christianity, and within the prayer, there are explicit principles relevant

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<sup>28</sup> James Sterba, "Introduction," in *The Ethics of War and Nuclear Deterrence* (Belmont, CA: Wadsworth, 1985), 2–3.

<sup>29</sup> Colson, *Evangelicals and Catholics Together*, 51.



to Christian engagement in the world. The Lord's Prayer comprises six requests, and its third recognizes how God engages His creatures. The third petition in most English translations reads "Your kingdom come, your will be done, on earth as it is in heaven." English translations reverse the word order of heaven and earth. The Greek translation reads "as in heaven so on earth." The Greek structure emphasizes God's manner of engaging humanity as well as humanity's obligation to conform to God's will. The clause "as in heaven so on earth" implies that all human activity should be patterned in God's interaction with creation. St Augustine's sermon on the Lord's prayer contends that the third petition contains an imperative that Christians are to engage their enemies in a manner likened to God's engagement with His church.<sup>30</sup> God's participation with his church is characterized by mercy, patience, and incremental revelation. John Calvin also believed the clause "as in heaven, so on earth" included an imperative for Christians to imitate heavenly activity in the earthly realm. Calvin contended that God revealed his will in a continual and progressive manner by the light of his Word; thus, as Christians pray and engage the world, they are to imitate God's manner of involvement.<sup>31</sup> The second clause of the third petition refers to the growth and progress that began with Christ's incarnation and continues throughout the church age.<sup>32</sup> Consequently, the clause "as in heaven so on earth" includes an explicit desire that Christ's love would subdue the human will, and that Christian activity in the world ought to mirror God's activity.

### **The Doctrine of Divine Revelation**

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<sup>30</sup> Augustine of Hippo, *Sermons on Selected Lessons of the New Testament*, vol. 1 (Oxford: London: John Henry Parker; J.G.F and J. Rivington; J. and F. Rivington, 1844), 71.

<sup>31</sup> John Calvin, *Commentary on a Harmony of the Evangelists Matthew, Mark, and Luke*, vol. 3 (Bellingham, WA, 2010), 320.

<sup>32</sup> Thomas Tehan and David Abernathy, *An Exegetical Summary of the Sermon on the Mount*, 2nd ed. (Dallas, TX: SIL International, 2008), 114.

Christianity contends that God revealed himself to humanity through words, deeds, and the person of Jesus. The Christian faith claims that divine special revelation was communicated progressively to over forty authors who recorded God's word and actions over several thousand years. But divine special revelation's progressive nature does not mean it is continuous in the sense that Christians constantly add to scripture; orthodox modes of Christianity affirm a closed canon.<sup>33</sup> The concept of progressive revelation means that God communicated his salvation plan along a historical line and that this historical line has a certain character to it. The line's most apparent division is divided into the Old and New Testament periods.<sup>34</sup> Even in the New Testament, there is a division between the events prior to Pentecost and those after Pentecost. Evangelical theologian Bernard L. Ramm notes that unless one recognizes the principle of progressive revelation, there can be no clear exegesis.<sup>35</sup> Progressive revelation also means that as the timeline unravels, the purposes of God become clearer and fuller. It involves the enlargement of the idea of God, the purification of ethical ideals, the spiritualizing of worship, and progress in divine redemption.<sup>36</sup> Progressive revelation recognizes the church has found its fullness of revelation, its supreme doctrine of God, and its final ethical imperatives in the New Testament and not the Old.<sup>37</sup>

Moreover, Pope Paul VI recognized progressive revelation in *Dei Verbum*. The Pope stated in §8 that "as the centuries succeed one another, the Church constantly moves toward the

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<sup>33</sup> Orthodox Christian revelation differs from the claims made within Islam or Mormonism in that the biblical record was formed in the community over time. Moreover, both the Roman Catholic and Protestant Church affirm a closed canon. In contrast, theological cults contend that divine special revelation maintains a continuous nature.

<sup>34</sup> Bernard L. Ramm, *Biblical Interpretation*, ed. Ralph G. Turnbull (Grand Rapids, MI: Grand Rapids, Baker Book House, 1967), 105.

<sup>35</sup> Ramm, *Biblical Interpretation*, 105.

<sup>36</sup> Ramm, *Biblical Interpretation*, 105.

<sup>37</sup> Ramm, *Biblical Interpretation*, 105.

fullness of divine truth until the words of God reach their complete fulfillment in her.”<sup>38</sup>

Lawrence Feingold’s commentary on §8 notes that Christ’s promise of the Holy Spirit (cf. Jn 16:13) was evidence that divine revelation would come in the stages of history until God’s people found truth’s full expression.”<sup>39</sup> Feingold said that,

Revelation is the education of the human race, as taught by God Himself. Now, just as no sensible teacher teaches everything at once but rather teaches progressively according to the growing capacity of the students, so also God wisely reveals Himself progressively to mankind, in stages, gradually preparing His pupils for more difficult lessons.<sup>40</sup>

Consequently, Roman Catholics and Evangelical Protestants agree that divine special revelation is authoritative because it is not the product of a singular event recorded by one person but follows a progressive continuum among God’s people.

### Progressive Revelation and Incrementalism

The Lord’s prayer implies that human engagement should mirror God’s activity with humans.

And God’s activity in progressive revelation means he takes humans where he finds them.

Ramm notes that if revelation is to make contact with empirical humans, then revelation must

meet humans where they are.”<sup>41</sup> He argues that whatever notion a person has of God and his

ethical principles, God seeks to lead the person high and higher.<sup>42</sup> God’s revelation comes to

humanity through sensible realities, is socially communicated, is embedded in historical events,

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<sup>38</sup> Paul VI Pope, *Dei Verbum*, vol. Vatican II Documents (Vatican City: Libreria Editrice Vaticana, 1965), §8.

<sup>39</sup> Lawrence Feingold, *Faith Comes from What Is Heard: An Introduction to Fundamental Theology* (Steubenville, OH: Emmaus Academic, 2016), 12.

<sup>40</sup> Feingold, *Faith Comes from What Is Heard*, 13.

<sup>41</sup> Ramm, *Biblical Interpretation*, 106.

<sup>42</sup> Ramm, *Biblical Interpretation*, 105.

and progressively unfolds in history.<sup>43</sup> Consequently, the nature of God's progressive revelation seems to offer a foundation for incrementalism that both Roman Catholics and Evangelical Protestants can affirm.

Moreover, when one considers the command to reflect God's activity in the Lord's prayer and the doctrine of progressive revelation, one finds a biblical precedent for incremental approaches concerning many social issues. For instance, in places where Christian witness is weak or absent, secular minds will undoubtedly take time to fully digest the concept of *Imago Dei*. The nature of progressive revelation is such that it takes people where they are and incrementally dispenses more truth as they can digest it. Christ's command to engage one's neighbor in a manner that reflects his engagement seems to provide a pattern for ongoing social engagement. Hence, if pro-lifers are to win hearts and minds, they must be willing to patiently persuade people just as God incrementally prepares the human mind to receive news of his divine love.

### **The Doctrine of Salvation**

The New Testament speaks of salvation in various ways. Salvation is the ultimate or eschatological rescue from sin and its consequences, the final state of safety and glory to which we are brought in both body and soul.<sup>44</sup> Roman Catholics and Evangelical Protestants affirm that salvation is a gift of God's grace alone. Roman Catholics and Evangelical Protestants also affirm that salvation's gift is received through the instrument of faith. Unfortunately, Catholics and Evangelical Protestants often misunderstand and distort one another's views regarding salvation. But in the spring of 1994, Roman Catholic and Evangelical Protestant theologians attempted to

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<sup>43</sup> Feingold, *Faith Comes from What Is Heard*, 9.

<sup>44</sup> Colson, *Evangelicals and Catholics Together*, 34.

clarify the false characterizations that often hinder cooperative work. A joint statement titled *The Gift of Salvation* helped explain several points of agreement. First, the statement affirmed that Roman Catholics and Evangelical Protestants agree that in the doctrine of justification, we receive the gift of the Holy Spirit, through whom God's love is poured into our hearts (Rom. 5:5).<sup>45</sup> Second, the statement affirmed the grace of Christ and the gift of the Spirit received through faith (Gal. 3:14) are experienced and expressed in diverse ways by different Christians and in different Christian traditions.<sup>46</sup> Third, both groups affirmed that saving faith involves participation in the body of Christ—the visible Church. Finally, Roman Catholics and Evangelical Protestants agree that individuals bound to Christ through faith and baptism are called to live according to the law of love in obedience to Jesus Christ the Lord. Scripture calls this the life of holiness or sanctification (2 Cor. 7:1).<sup>47</sup> Catholics and Evangelicals agree that sanctification is not fully accomplished at the beginning of our life in Christ. Sanctification is the ongoing supernatural work of God to rescue justified sinners from the disease of sin and to conform them to the image of his son: holy, Christlike, and empowered to do good works. Sanctification happens progressively and incrementally as Christians struggle through temptations and trials in this life. Subsequently, Roman Catholics and Evangelical Protestants are in agreement that salvation is both immediate and incremental.

However, Roman Catholics and Evangelical Protestants do not agree regarding several aspects of salvation. The Roman Catholic Catechism teaches that justification is conferred in baptism, the sacrament of faith. Justification conforms us to the righteousness of God, who

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<sup>45</sup> Colson, *Evangelicals and Catholics Together*, 35.

<sup>46</sup> Colson, *Evangelicals and Catholics Together*, 35.

<sup>47</sup> Colson, *Evangelicals and Catholics Together*, 35.

makes us inwardly just by the power of his mercy.<sup>48</sup> Protestant Evangelicals differ regarding the nature of baptism and justification. First, Evangelicals disagree that righteousness is infused in baptism. Evangelical Protestants are not monolithic in their understanding of baptism. However, most historical and contemporary Evangelical Protestants see baptism as symbolic of the regeneration that occurs by faith. Second, Evangelicals disagree over the nature of justification. The English word *justification* is derived from the Latin term *justificare*, which literally means “to make righteous.”<sup>49</sup> The early Latin fathers studied the Scriptures using the Vulgate and developed their doctrine of justification from the Latin translation. But the Protestant Reformers revived the Greek text. The Magisterial Reformers developed their doctrine of justification using the Greek word *δικαιοσύνη*, which means “to declare righteous” rather than “to make righteous.” The distinction between “make” and “declare” is no small matter. In Evangelical Protestantism, justification is understood to come before the process of sanctification. In contrast, Roman Catholics believe justification happens as a result of sanctification.<sup>50</sup> Evangelical Protestants believe Christ’s righteousness is “imputed” through faith, whereas Roman Catholics believe humans are made righteous through sanctifying grace.<sup>51</sup> Consequently, Roman Catholic and Evangelical Protestants still maintain substantive disagreements on significant doctrinal issues relating to salvation.<sup>52</sup>

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<sup>48</sup> Catholic Church, *Catechism of the Catholic Church*, 2nd ed. (Washington, D.C.: United States Catholic Conference, n.d.), 482.

<sup>49</sup> R. C. Sproul, *Are We Together?: A Protestant Analyzes Roman Catholicism* (Orlando, FL: Ligonier Ministries, 2012), 30.

<sup>50</sup> Sproul, *Are We Together?*, 30.

<sup>51</sup> Catholic Church, *Catechism of the Catholic Church*, 898.

<sup>52</sup> A deep exploration of the differences between Roman Catholic and Evangelical Protestant soteriology is beyond the scope of this essay. However, it is essential to note that both modes of Christianity agree that justification entails sanctification, and agreement here provides enough unity to form a coherent strategy for joint social engagement.

Nevertheless, Roman Catholics and Evangelicals agree that salvation is an ongoing and an incremental process. Catholics and Evangelicals agree that God redeems his creatures through the Holy Spirit's slow and incremental work whereby he purifies and frees believers for the purpose of good works (Eph 2:10). Sanctification's progressive and incremental nature necessarily indicates that God endures a certain amount of imperfection within his redeemed. When one considers Christ's command to model human relationships after God's activity in the world, it seems one can embrace slow and incremental change within society. Consequently, if God implements a strategy of progressive sanctification in saving human souls, pro-life Christians can embrace the same strategy in saving unborn lives.

### **The Doctrine of Eschatology**

Eschatology is the doctrine of the last things. Christian eschatology addresses issues such as life after death, Jesus' second coming, the final judgment, and the kingdom of God. Eschatology is not without controversy among all modes of Christianity. But Roman Catholic and Evangelical Protestants maintain much agreement concerning the Kingdom of God. Catholics and Evangelicals agree that Jesus Christ's kingdom was inaugurated with his incarnation, and they agree that the kingdom grows in a gradual and incremental manner. On the most basic level, in this age, the kingdom of God is present wherever the king is to be found. Jesus is present by his Spirit both in the church and in the world. The Catholic Catechism states,

The Kingdom of God lies ahead of us. It is brought near in the Word incarnate, it is proclaimed throughout the whole Gospel, and it has come in Christ's death and Resurrection. The Kingdom of God has been coming since the Last Supper and, in the Eucharist, it is in our midst. The kingdom will come in glory when Christ hands it over to his Father.<sup>53</sup>

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<sup>53</sup> Catholic Church, *Catechism of the Catholic Church*, 675.

The Catechism clarifies that the Kingdom of God began with Christ's first appearance and anxiously awaits its future completion. Evangelical Protestant theologian George Eldon Ladd also posits that the Kingdom of God unfolds incrementally. Ladd argued that the Kingdom expands incrementally as Christ's reign is exercised in the heavens and on earth (Ps103:9). Ladd contended that Christ is presently king over all creation, and he is becoming king as his rule subdues the human heart.<sup>54</sup> Additionally, Ladd argued the Kingdom of God maintains a dualistic nature. The Kingdom of God maintains a present reality as Christ rules in the resurrected state, and The Kingdom of God maintains a future reality whereby Christ will physically rule on earth in the age to come.<sup>55</sup> Jesus affirmed the kingdom's progressive and incremental nature in his mustard seed and leaven parables (Matt 13:31–32). Jesus stressed that his way of life and teaching would begin small, like a mustard seed, in humanity's heart and expand until it reached every tribe and tongue on earth. Consequently, the doctrine of the kingdom reinforces that God deals with humanity along an incremental and progressive continuum.

### **Threats to Dobbs**

Dobbs was a victory for human dignity, but it does not mean that Dobbs is settled law. While the meaning of "settled law" has proven stubbornly elusive, it is generally agreed that "settled law" has several characteristics.<sup>56</sup> First, a law is considered "normatively" settled when it has achieved the correct substantive result. Law is considered settled when it rightly aligns with constitutional principles. Second, a law is "descriptively" settled when it achieves a broad consensus. G. Alexander Nunn and Alan M. Trammell argue that a law is "descriptively" settled

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<sup>54</sup> George Eldon Ladd, *A Theology of the New Testament*, Subsequent edition. (Grand Rapids, MI: Eerdmans, 1993), 61.

<sup>55</sup> Ladd, *A Theology of the New Testament*, 62.

<sup>56</sup> Alexander Nunn and Alan Trammell, "Settled Law - Virginia Law Review," *Virginia Law Rev.* 107.1 (2021): 58.



when everyone recognizes that “it is here to stay.”<sup>57</sup> Ilya Somin notes, “A precedent might become settled despite continuing widespread doubts about its correctness if getting rid of it would inflict massive costs by upsetting expectations or generate an overwhelming political backlash.”<sup>58</sup> Subsequently, when one considers the polarization surrounding abortion and the assorted opinions between states, it seems unlikely that a broad consensus on Dobbs is coming soon, which means Dobbs may not be as secure as pro-lifers believe.

Moreover, pro-abortion scholars are developing new legal strategies aimed at overturning Dobbs.<sup>59</sup> Scholars David S. Cohen, Greer Donley, and Rachel Rebouché encourage abortionists to file creative and novel cases that will put the pro-life movement on the defensive. The pro-abortion scholars contend that legal cases relating to travel rights, health justice, procedural due process, and religious liberty will undermine Dobbs.<sup>60</sup> Legal scholar Stephen G. Gilles recognizes that religious liberty cases may present a unique threat to Dobbs. In a forthcoming article, Gilles argues that a woman may sometimes be entitled to an abortion under the Free Exercise Clause of the federal Religious Freedom Restoration Act (“RFRA”) because of her sincere religious belief that it would be immoral for her not to terminate her pregnancy.<sup>61</sup> Consequently, Dobbs will no doubt face mounting legal attacks from all directions in the months and years to come.

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<sup>57</sup> Nunn and Trammell, “Settled Law - Virginia Law Review,” 61.

<sup>58</sup> Ilya Somin, “Why ‘Settled Law’ Isn’t Really Settled -- and Why That’s Often a Good Thing,” September 9, 2018, <https://reason.com/volokh/2018/09/09/why-settled-law-isnt-really-settled-and/>.

<sup>59</sup> David S. Cohen, Greer Donley, and Rachel Rebouché, “Rethinking Strategy After Dobbs,” *Stanford Law Rev.* 75 (2022): 1.

<sup>60</sup> Cohen, Donley, and Rebouché, “Rethinking Strategy After Dobbs,” 7.

<sup>61</sup> Stephen G. Gilles, “Religiously Compelled Abortions After Dobbs,” publication forthcoming (2023).

## **Conclusion**

Dobbs will not go unchallenged, and the legal contests will not be settled soon. Dobbs localized the abortion issue and made it a significant factor in state and local elections. Voters now must consider how pro-life concerns impact municipal offices in towns, villages, state legislators, and governor's mansions. The localizing effect of Dobbs also means Roman Catholic and Evangelical Churches must win the hearts and minds of their closest friends and neighbors. However, the abortion abolitionist movement within Catholicism and Evangelicalism makes this task increasingly difficult. The abolitionist policy of prosecuting post-abortive women increases political polarization, fails to consider the circumstances of some women, and undermines the church's social witness. At the heart of the abolitionist movement is a sincere misunderstanding regarding what is theologically permissible and realistically achievable in our zeal to protect unborn life. This essay seeks to clarify the theological principles that support a continued incremental strategy against abortion while ardently contending for unborn life. The Dobbs era will require that Roman Catholics and Evangelical Protestants pro-lifers maintain a unifying, compassionate, and hopeful message if we are to win the hearts and minds of voters—and within our shared theological beliefs, we have the principles to achieve this vision.

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