

Daily Meditation 07/05/2023

Justice Jackson Challenges the Supreme Court's Aristocracy

Good morning.

Today we're continuing meditations on the Supreme Court's recent decisions in light of the need for social justice and justice being an integral part of the meaning of holiness today.

How are we resisting injustice? How are we forwarding justice?

I remember a special occasion to me that occurred many, many years ago. It would have been around 1971. And I sat down to have lunch with a former next door neighbor of mine, who was a couple of years younger than myself. And I'd just come back from my doctoral studies in France, and he had just received a law degree from Harvard University.

And before we started talking, he said to me "Now, I have to tell you one thing. There is no relationship whatsoever between law and justice at this time in American history."

Now, that impacted me. Obviously, I've remembered all these years --what is that, over 50 years ago, 53 years ago. But it came to the fore again with last week's release of Supreme Court decisions and other decisions we've undergone in the last year.

And then I came across this article two days ago, called "Our Supreme Court Reactionaries Still Fear the French Revolution," right here in The Nation magazine. And it begins this way. He says,

A specter is haunting the Supreme Court. The unruly ghost of the French Revolution -- bane of reactionaries for the last two centuries -- continues to trouble the judges who dominate the most autocratic institution in America.

The Supreme Court, most autocratic institution in America.

And he makes the point then that the execution of Louis the 16th in 1793, was to the left "the stirring moment where the masses entered into history, ceasing to be subjects owing obedience to a capricious monarch."

For the right, the French Revolution remains "the original sin of modernity, the opening of the era of mob rule and revolutionary terror."

And what's so striking is that he sees this dynamic going on in the Supreme Court today.

In a certain way, the Supreme Court Justice Jackson sees it too, because she brought up the topic of "let them eat cake" from the King's wife.

And the author goes on:

The justices on the Supreme Court continue to echo in explicit terms the polarized politics that grew out of the storming of the Bastille.

And then he refers to the "let them eat cake" slogan.

But the evil is "challenging aristocratic rule." And he proposed in the past what John Roberts and Clarence Thomas are defending. John Roberts actually wrote that modifying the student debt to offer relief -- he called in this analogy from history, and that's a quote from the Justice:

The Secretary's plan has 'modified' the cited provision only in the same sense that 'the French Revolution "modified" the status of the French nobility'— it has abolished them and supplanted them with a new regime entirely.

He often makes the point -- this is strange language. And it's not the first time that Roberts has used this analogy comparing modifying some situations, which is after all, the task of the legislature, to doing away with the French aristocracy. And he talks about how Clarence Thomas and Justice Roberts have regularly talked about Burke's disapproval of the Revolution and how popular backlash is something they are afraid of, and I guess they compare to the French Revolution.

But hopefully there is a popular backlash. And women have organized around the Dobbs decision, and students and schools should organize around the recent decision.

Thank you. We'll see you tomorrow.