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THEOLOGICAL REFLECTIONS ON CATHOLICS IN POLITICAL LIFE AND THE RECEPTION OF HOLY COMMUNION

by Archbishop William J. Levada June 13, 2004

In an opinion piece carried by *The New York Times* on May 28, 2004, Kenneth Woodward neatly sums up the issue before the bishops' Task Force on Catholics in Public Life this way: "The point of contention is whether Catholic politicians ... can claim to be Catholics in good standing, and therefore worthy of the Eucharist, while vigorously pursuing a policy of 'choice' that is tantamount to unrestricted abortion."

Over the years since the 1973 *Roe v. Wade* Supreme Court decision, the frustration of many Catholics, bishops among them, about Catholic politicians who not only ignore Church teaching on abortion but actively espouse a contrary position has continued to grow. Within the past year a few bishops have publicly called upon such politicians to refrain from receiving Holy Communion; one has invoked Church canon law to impose a penalty restricting several Catholic legislators from receiving Holy Communion until they have publicly changed their pro-abortion (pro-choice) positions.

Response of 48 Members of Congress

In response 48 Catholic Members of Congress wrote a letter to Cardinal Theodore McCarrick, Archbishop of Washington, voicing their concerns "about the apparent threat of withholding [the] sacrament [of Holy Communion] to an individual on the basis of a voting record." They present themselves as faithful Catholics whose lives of public service are dedicated to the promotion of human dignity in many sectors, although they may disagree among themselves about abortion. They say it "is deeply hurtful" to them to be "singled out by the refusal of communion or other public criticism" for doing their civic duty.

The many points they offer in delineating their concerns will no doubt provide useful issues for dialogue among Catholics, especially bishops, in further discerning the complex questions that lie at the intersection of religious faith and public life. Indeed, as they conclude their letter, they indicate that they would like to "begin a dialogue on these issues which are so important to the Church and to us." I think the bishops and the Task Force should welcome the opportunity for dialogue with these members of Congress and other Catholics in political life. For many Catholic bishops and Catholics active in the pro-life movement, it may seem naive to think that such a dialogue is at a "beginning" stage. But there are several signs, not least in the letter itself, but also in our general Catholic and political culture in America, that while bishops have long been engaged in teaching and internal Church "dialogue," that dialogue has not been effectively

engaged for many Catholics in political life and in American culture at large.

Moral Principles in Catholic Teaching and American Political Life

In the letter it seems to me that there are two principal issues that are open to misunderstanding. The first is brought into focus by their statement, "As Catholics, we do not believe it is our role to legislate the teachings of the Catholic Church." And the second is the suggestion that abortion is the "single issue" on which the sanctions are based, whereas Church teaching is much broader. Addressing these two issues is necessary to provide the indispensable framework for discerning the responsibilities of Catholics (not to mention other persons of religious faith) in political life.

Thanks to the United States Constitution, we have been blessed to live in a land that guarantees us the natural human right of religious freedom. We all have the right to profess our faith according to our conscience. The prohibition against government "establishment" of any particular religion has allowed our government to adopt a "disinterested" stance toward all religious faiths; their doctrines and creeds are not under scrutiny of government (unless a question of public order might be involved). Hence Catholics are free to profess as true the doctrines that are revealed in the Bible, and taught by the Church for 2,000 years - doctrines such as the Trinity (three Persons in one God) and the Eucharist (in which bread and wine become the Body and Blood of Christ). The Catholic Church in no way asks that these doctrines or its Creed be legislated for Americans. Indeed, the Church understands and enthusiastically agrees with the constitutional prohibition against the establishment of religion or the interference with its free exercise.

On the other hand, there is another intersection of religion and politics that is not proscribed. It addresses the area of morality and ethics. In many religious traditions, it is commonplace to speak about the "moral law." In others, and among non-religious people, it is not uncommon to refer to ethical judgments or traditions.

Most people, including Catholics, are convinced that our lives must be guided by moral judgments about right and wrong, that we must seek to do good and avoid evil. These involve moral judgments that are common to humanity, what our nation's founders referred to in the Declaration of Independence as "the laws of nature and of nature's God." Prohibitions against killing innocent life or stealing, while surely reinforced by religious teachings like the Ten Commandments, are not in themselves "confessional" values; they are ethical values rooted in human nature itself. These common ethical or moral values are often the subject of legislative activity, since the good order of society often depends on their being codified into law.

Catholic teaching has outlined fundamental and inalienable ethical demands over the centuries. Paramount among these moral principles is the sanctity of human life. In order to guarantee such a principle, society's rule of law should defend the basic right to life from conception to natural death.

At the same time, we all recognize that moral principles by their very nature must be applied in concrete situations. Catholic moral teaching over the centuries has developed many useful guidelines to facilitate the formation of a person's conscience in judging the right or wrong of particular applications of the moral principle in a concrete circumstance of life.

Analogously, persons in society charged with the application of moral principles in law must also be guided by a properly-formed conscience, although the political process, conflicting points of view in society, and the recognition that laws may have to take into account prevailing societal attitudes and customs will make the application of such principles at times a complex and difficult task. The Catholic tradition offers a developing corpus of Catholic social teaching to assist Catholics in political life in addressing their weighty responsibilities. Yet we should also recall that our Catholic tradition does not offer the same careful range of guidelines in the area of the application of moral principles in political life as has been developed over the centuries in moral theology for the guidance of personal formation of conscience.

This can provide a good basis for beginning the above-mentioned dialogue. Catholic teachers and bishops need to hear from our Catholics in political life the challenges they face in the application of just moral principles in the arena of American political life, constitutional issues, and party politics. Such dialogue can assist us in offering better-informed teaching and pastoral guidance to members of the lay faithful who have generously undertaken public service, and to our Catholic people as a whole.

Abortion: a "Single Issue" or a Unique Status in Catholic Moral and Social Teaching?

In the letter the Members of Congress raise their concerns about being singled out for their stance on abortion, their "pro-choice" position, while their support for many other aspects of the social teaching of the Church places them on the side of "pro-life" concerns in a variety of ways: "If Catholic legislators are scorned and held out for ridicule by Church leaders on the basis of a single issue, the Church will lose strong advocates on a wide range of issues that relate to the core of important Catholic social teaching."

It is important to clarify this important point. On the one hand one finds people who develop "scorecards" of Catholic teaching, on which a "pro-choice" politician who supports many important aspects of Catholic social teaching, but is pro-abortion, will get a "high" mark of 80% or 90% support for Catholic teaching. At the same time, a "prolife" politician who is also pro-death penalty, pro-Iraq war, etc., will be ranked "low" on a "support for Catholic teaching" index. The implication here is that all Catholic teaching has the same "rank" in terms of its obligation upon the Catholic conscience.

It is true that the accusation of "single issue" politics is intended to marginalize the accused from the political mainstream of American life, where there are so many important issues of concern to the creation and maintenance of a just and beneficent society. Since the concern is raised about Catholics [and especially bishops] falling into the "single issue" trap, it might be useful to recognize the reality of our political choices. While most of us are concerned about a fairly broad range of issues, we tend to become particularly energetic about a few: environment, housing, health care, war and peace, abortion.

Parenthetically, since the letter was signed by 48 Democratic members of Congress, it may not be out of place here to recall a recent example of "single issue" politics offered by the Democratic presidential campaign. In the press reports about a rumored invitation to Republican Sen. John McCain to become a running-mate for Vice President on the Democratic ticket, the single condition for acceptance by McCain was that he would guarantee he would not appoint

any judge who would overturn the *Roe v. Wade* decision!

Catholic social teaching covers a broad range of important issues. But among these the teaching on abortion holds a unique place. Not all moral issues have the same moral weight as abortion and euthanasia. For example, if a Catholic were to disagree with the Holy Father on the application of capital punishment or on the decision to wage war, he would not for that reason be considered unworthy to present himself to receive Holy Communion. While the Church exhorts civil authorities to seek peace, not war, and to exercise discretion and mercy in imposing punishment on criminals, it may still be permissible to take up arms to repel an aggressor or to have recourse to capital punishment. There may be a legitimate diversity of opinion even among Catholics about waging war and applying the death penalty, but not with regard to abortion and euthanasia.

In his 1995 Encyclical Letter *Evangelium Vitae* ("The Gospel of Life" no. 62) Pope John Paul II taught that "direct abortion, that is, abortion willed as an end or a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, [as] transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium." This teaching, he says, was implicit in Sacred Scripture, whose many texts "show such great respect for the human being in the mother's womb that they require as a logical consequence that God's commandment 'You shall not kill' be extended to the unborn child as well" (no. 61). Moreover, since the earliest days of Christianity, the Church taught the evil of abortion and infanticide, widely practiced in the Greco-Roman world of that time.

The clear and unanimous tradition of the Church has only in recent decades been challenged in practice. In order to preclude confusion among Catholics, Pope Paul VI had already declared this tradition "unchanged and unchangeable." Pope John Paul II, after consultation among the bishops of the world, declared on his apostolic authority in *Evangelium Vitae* that this moral doctrine was part of the patrimony of faith taught infallibly by the universal ordinary Magisterium of the Church, i.e., the College of Bishops united in their teaching throughout history and throughout the world.

A Catholic, to be in full communion with the faith of the Church, must accept this teaching about the evil of abortion and euthanasia. The Encyclical Letter *Evangelium Vitae*, with reference to judicial decisions or civil laws that authorize or promote abortion or euthanasia, states that there is "a grave and clear obligation to oppose them by conscientious objection" (no. 73). Moreover, it says that "in the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is never licit to obey it, or to take part in a propaganda campaign in favor of it, or vote for it."

Cooperation in Evil Actions

Evangelium Vitae also reiterates Catholic moral teaching about the sinfulness of cooperation in evil actions. "Christians, like all people of good will, are called upon under grave obligation of conscience not to cooperate in practices which, even if permitted by civil legislation, are contrary to God's law. Indeed, from the moral standpoint, it is never licit to cooperate formally in evil" (no. 74). The Encyclical goes on to describe "formal" cooperation: It "occurs when an action, either by

its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it." Examples of such formal cooperation might be the father of a child about to be aborted urging the woman to have an abortion, or consenting to it; in the case of a doctor performing an abortion, a nurse who prepares for and assists in the procedure willingly would be guilty of formal cooperation.

Can a politician be guilty of formal cooperation in evil? If the person **intends** to promote the killing of innocent life, s/he would be guilty of such sinful cooperation. If such an intention were present, even a voter could be guilty of such cooperation. But this seems unlikely as a general rule. Should every Catholic politician who has voted for an unjust law favoring abortion be judged to have this intention? I hope not. The public nature of such votes raises the question perforce. But this is the point of a pastor's solicitude for this member of his flock. He will need to inquire of his fellow Catholics about their intentions, about their understanding of their faith obligations, about their concept of their role in living out their faith in political life, about how they recognize their duty to uphold the "law of nature and of nature's God" through the legislation of just laws, and the avoidance of unjust ones.

By way of further illustration, the authors of the letter say in their defense, "we live in a nation of laws and the Supreme Court has declared that our Constitution provides women with a right to an abortion. Members who vote for legislation consistent with that mandate are not acting contrary to our positions as faithful members of the Catholic Church." But Supreme Court decisions are not infrequently changed or reversed over time. The Dred Scott decision on slavery is perhaps the most often cited case in point. The Supreme Court's judgment about the application of the Constitution should also be guided by the principles of the moral law.

Catholics in political life can be helped by a deeper understanding of the longstanding recognition in Catholic moral teaching that those who make and interpret the law are not always able to deal with ideal or perfect solutions. St. Thomas Aquinas wrote about the principle of "toleration" of evil in his 13th-century *Summa*: "Human government is derived from the divine and should imitate it. God, although he is omnipotent and perfectly good, permits some evils to occur in the universe, evils which he could prohibit. He does this because if these evils were removed, greater evils would ensue. Thus also in human government, those who rule properly should tolerate certain evils lest other good things are lost and even worse evils come about." (*Summa Theologiae, Secunda Secundae*, q. 10, art. 11 c)

Perhaps the complex moral analysis of the liceity of material cooperation in evil can be helpful as guidance for Catholics in political life. When formal cooperation (evil as intended) is excluded, some degree of material cooperation may be justified, according to the analysis of an individual situation: Is the person's right intention known sufficiently? Will scandal be avoided? Does the cooperation aim at lessening the bad effects of the cooperation? Such pastoral guidance also takes into account the right of the person to their good name and reputation as they grapple with the complexity of the situation at hand.

Pope John Paul II made reference to such complex situation, when he wrote in *Evangelium Vitae* (no. 73) that "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 proposal 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."

Reception of Holy Communion

No bishop is eager to forbid members of his flock from receiving the precious Body and Blood of Jesus Christ, who invites us into communion with Himself and his Body, the Church, as grace and salvation. Only the fear that saying nothing in the face of a long-term public refusal to adhere to the teachings of Christ proclaimed by his Church would convince a bishop that, in order to avoid scandal - positions of Catholic politicians that might lead members of his flock into similar patterns of sinful behavior - he must publicly reprove the person who persists in such behavior by imposing a penalty such as the prohibition to receive Holy Communion. Canon 915 says that those "who obstinately persist in manifest grave sin are not to be admitted to Holy Communion."

The practice of the Church is to accept the conscientious self-appraisal of each person. Canon 912 says, "Any baptized person who is not prohibited by law can and must be admitted to Holy Communion." Hence the discernment of the state of a person's awareness of their situation is of paramount importance.

It may be useful to recall the traditional teaching of the Church regarding the reception of Holy Communion. Canon 916 puts it succinctly: "A person who is conscious of grave sin is not to celebrate Mass or to receive the Body of the Lord without prior sacramental confession, unless a grave reason is present and there is no opportunity of confessing. In this case the person is to be mindful of the obligation to make an act of perfect contrition, including the intention of confessing as soon as possible." This Church law fulfills the instruction of the Apostle St. Paul, who wrote in his first letter to the Corinthians: "Whoever eats the bread or drinks the cup of the Lord in an unworthy manner will be answerable for the body and blood of the Lord. Examine yourselves, and only then eat of the bread and drink of the cup. For all who eat and drink without discerning the body, eat and drink judgment against themselves" (1 Cor 11:27-29).

The examination of conscience implied in this Church law is a serious obligation. It may be that they will find themselves in a situation of recognizing a grave sin in their life; or they may find themselves in a life-situation or pattern of life that objectively contradicts a commandment of the Lord. In such cases, their conscience will tell them they are not prepared to receive Holy Communion without the prior confession of their sins in the Sacrament of Reconciliation, where they can receive the absolution of their sins and renew their firm purpose of amendment. Then they will be prepared for the worthy reception of Holy Communion.

In the case of the full acceptance of the teaching of Christ as proclaimed by the Church, persons who knowingly reject a divinely revealed truth of faith (e.g. the Trinity or the Eucharist mentioned above) are in a situation of heresy. They may not receive the sacraments unless and until they are able to make a full profession of faith in the Creed, including all the truths the Church has defined as part of divine Revelation.

In the case of persons who do not accept some teaching of the faith that has been definitively (infallibly) taught necessarily connected with divine Revelation, but not expressly and

categorically set forth as divinely revealed, their rejection of such a truth (e.g. the evil of abortion) would affect and diminish their full communion with the faith and life of the Church. In such cases, the practice of the Church does not per se exclude such persons from the reception of the sacraments (cf. "Some Brief Responses to Questions Regarding the *Professio Fidei*," no. 6; in *Proclaiming the Truth of Jesus Christ* [Papers from the Vallombrosa Meeting], USCCB Publications, 2000). Rather, the Church invites such persons to a fuller understanding of the truth and a conversion of mind and heart to embrace the fullness of Christ's teaching. In this case, the bishop will want to use the virtue of prudence in judging how best to ensure the Catholic person's understanding of the situation for their Catholic faith.

Some elements of the letter referenced above would seem to show that many Catholic politicians do not have a clear understanding of the teaching of the Church in this matter. It would seem that we bishops have as our first duty, then, to undertake the appropriate dialogue with our Catholic faithful in public service to listen to their concerns, offer them the opportunity for a fruitful examination of Catholic teaching, and look for ways to assist them to exercise their public responsibilities in ways that are compatible with Catholic faith and life. In this task, our State Catholic Conference officers and boards can provide indispensable assistance in providing a forum for such dialogue with Catholic politicians across the political spectrum.

Who is to judge the state of a Catholic communicant's soul? Who may make the decision to refuse Holy Communion? Ministers of Holy Communion may find themselves in the situation where they must refuse to distribute Holy Communion to someone in rare cases, such as in cases of a declared excommunication, interdict, or an "obstinate persistence in manifest grave sin." A classic instance is the practice of a divorced and civilly remarried Catholic who is publicly known to be in this situation and still insists on presenting himself for Holy Communion. Here the 2002 Declaration "Holy Communion and Divorced, Civilly Remarried Catholics" by the Pontifical Council for Legislative Texts indicated that when "precautionary measures have not had their effect or ... were not possible," and the person in question still presents himself for Holy Communion with obstinate persistence, "the minister of Holy Communion must refuse to distribute it." With regard to Catholic politicians, the prudent practice for ministers of Holy Communion would be to refer any question in regard to their suitability to receive the sacrament to the bishop of the Diocese. Otherwise, the good reputation of the person might unnecessarily be jeopardized.

Political Life in the United States

Americans consider the right to vote according to their conscience a precious, indeed "inalienable," right. The independence of voters from government coercion extends in the minds of most Americans also to the pressures of influence from other institutions. Hence penalties imposed on voters for their exercise of their voting privileges, and also upon politicians for exercising their political judgment in the conduct of their affairs, will seem to many Americans an interference in the constitutional rights to political freedom.

Bishops, on the other hand, are primarily concerned for the good order of the Church. If members of the Church are misled by scandalous behavior by their elected or appointed leaders, it seems imperative that the bishops act to clarify the confusion of the situation. This conflict in perceptions calls for us bishops to exercise our leadership as shepherds with reliance on the virtue of prudence. As teachers and preachers of the Gospel, how will our teaching about the

Gospel of life best be heard? How can we best be persuasive for the rights of our brothers and sisters from conception to the grave?

In our desire to reach out with clarity and compassion to all the members of our flock, we bishops must also remember that we are called to shepherd the unity of the Church, in all its diversity. Thus the application of restrictive practices regarding the reception of Holy Communion in one diocese necessarily has implications for all. In this matter, we bishops owe it to our people to achieve a reasonable consensus among ourselves on issues affecting the common status of Catholics in American culture and political life.

The challenge we face in teaching and preaching in contemporary American culture is formidable. But our task is not ours alone. We are called as bishops to shepherd our Catholic people in order to help them inculcate the values of the dignity of every human person, both in American society and throughout the world of today. To do so we must always be apostles of truth and charity toward all those whom we are called to serve.

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