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Title: Catholic Bishops and Politicians: Concerns about Recent Developments

The most recent election cycle featured a number of novel developments on the American political scene. Included among these were the proliferation of “Section 527” political advocacy groups not officially affiliated with either party, the first widely successful use of the internet for fund-raising and organizational purposes, an intensification of focus on a few key swing states in the race for president, and a new style of involvement of certain Catholic bishops in commenting on the choices before voters in this election. This article addresses a set of concerns regarding the last item on this list.

While official Catholic voices have long been heard along the sidelines of presidential electoral politics, in 2004 they entered the partisan fray in an unprecedented way. A small but significant number of U.S. Catholic bishops publicized their opinions about the worthiness of certain candidates to receive the support of Catholic voters. Not satisfied merely to stand behind the quadrennial pre-election statement of the U.S. bishops’ conference (the most recent is the October 2003 document *Faithful Citizenship: A Catholic Call to Political Responsibility*)<sup>1</sup>, this handful of bishops asserted their voices regarding particular life and family issues as they bore on the election. In a few cases, bishops threatened to deny the sacraments to Catholic politicians, including Democratic presidential nominee John Kerry, who did not pass muster on these issues. Media coverage swirled around the claim that Catholic leaders were suddenly morphing into proponents of the practice of single-issue voting, recommending it openly to all who would listen, and on occasion suggesting that no faithful Catholic could act otherwise. Reports delivered to the United States Conference of Catholic Bishops (hereafter U.S.C.C.B.) by its “Task Force on Catholic Bishops and Catholic Politicians” in June and November of 2004 did not go very far in resolving the matter.

It is easy to admire these outspoken bishops for their forthright commitment to principled moral advocacy. Their support of unborn life and concern about the health of American families is a commendable witness to important principles of our faith. These bishops certainly appear genuine in their concern for values that all Catholics should share, and are bold enough to utter a counter-cultural, even prophetic word in support of a distinctive vision of the common good. Further, these bishops appear to have violated none of the church’s canons in exercising their prerogatives as teachers and gatekeepers of the sacraments within their respective dioceses. However, once we begin to consider some wider potential implications of recent events, we may have reason for concern

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<sup>1</sup> Available in *Origins* 33, no. 20 (23 Oct. 2003): 321-330. The full text is also available online at <http://www.nccbuscc.org/faithfulcitizenship/bishopStatement.html>

about the long-term consequences of the events that unfolded during the 2004 electoral campaign.

There are various categories of objections to the course of action pursued by these few bishops. The most substantial concerns, the ones that involve the proper understanding of the mission of the church as it addresses itself to temporal affairs, will be taken up in the second half of this paper, where I offer suggestions for shaping future advocacy. But it would be unwise to overlook or disregard an additional set of concerns regarding how recent events have been received in the broadest circles of U.S. public life. Because of the way such controversies may alter public perceptions of Catholic influence on political life, they hold the potential to inflict serious harm upon the entire American political system. Allow me to explain briefly at the outset why I make this claim.

The bishops who scolded or disciplined Catholic politicians resorted to a style of religious leadership and single-issue political advocacy that a vast majority of Americans find objectionable. Although it is difficult to find quantitative evidence to support this claim, I would contend that the style of leadership displayed by this minority of Catholic bishops in 2004 exceeded the threshold level of political involvement that Americans are comfortable witnessing from religious leaders.<sup>2</sup> Frequent letters to the editor printed in numerous publications during the election season revealed that many Americans found the actions of these bishops overly partisan, adversarial and even arrogant. By selectively subjecting certain candidates for public office to a litmus test that consists of a small subset of Catholic moral principles, individual bishops who target politicians with such criticism expose our entire political community to unfortunate and unintended consequences. Catholic politicians who fail to pass such litmus tests, and even those who do, are less likely to be viable candidates capable of winning election. The majority of the electorate that is not Catholic may come to look upon Catholic candidates for public office with considerably less enthusiasm, and may harbor doubts about the independence of the judgments of any Catholic politician experiencing such pressure from church authorities. In a sense, the continuation of this type of scrutiny may foster a return to a problematic former era of American politics, before Catholics were accepted as equal partners worthy of a full share of civic trust. Recall the appalling treatment just a few decades ago of Catholics such as Alfred E. Smith, the Democratic Party's nominee for president in 1928. In a travesty of political unfairness and thinly veiled anti-Catholic prejudice, Smith was derided as unfit for the White House, as nothing more than a potential papal pawn. His loss to Herbert Hoover was a bitter defeat for all Catholics, who were forced to defer their political coming of age until 1960.

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<sup>2</sup> One comprehensive, though somewhat dated, account of U.S. opinion on this topic is found in the September 1996 report "The Diminishing Divide: American Churches, American Politics" produced by the Pew Research Center for the People and the Press. These findings about the receptivity of Americans to religious leaders speaking out on public issues are summarized very clearly in Gustav Niebuhr, "Public Supports Political Voice for Churches," *Religious Studies News*, vol. 11, no. 3 (Sept. 1996): 1, 3. Post-election statistics from 2004 on this same matter compiled by Zogby polling are reviewed in Peter Steinfelds, "Beliefs: The Bishops and the Vote," *New York Times*, 1 January 2005, A14. Zogby data suggest that Americans have grown so averse to appeals from religious leaders regarding voting choices that, by a margin of 25 to 19 percent, these interventions by bishops actually diminished the likelihood that Catholic voters would vote the way their bishops appeared to advise.

The eventual conclusion of this chain of events may well be the marginalization in our political discourse of the principles that form the core of Catholic social teaching, including support for public policies that assist the poor and vulnerable. The “carriers” of important ideas regarding social justice and the common good may consequently and most unfortunately find themselves under-represented in the corridors of power in our nation. Because they raise the specter of reviving or exacerbating anti-Catholic suspicions, these developments represent a distressing turn in the road for Catholics and for all Americans. Unless reversed, they hold the potential to inflict serious damage upon the vitality of the Catholic community and its ability to participate on a favorable basis in the democratic political system of a pluralistic society like ours.

Even if the above analysis regarding potential political outcomes is completely accurate, the matter of charting the proper course of action is, of course, far from settled. This is so because there may be times when church leaders need to act in defense of moral principles even in the face of likely negative political fallout. Concern about political outcomes may constrain our choices, but it certainly does not determine them. Still, these potential ramifications constitute a weighty matter that must be factored into any informed future deliberations over the style of public advocacy practiced by the church. The remainder of this essay is divided into two sections that seek to shed light upon the optimal approach to the particular set of circumstances we encounter in contemporary American society. First, by tracing the relevant events of the two years that preceded the November 2004 election, we investigate how we reached this troubling juncture. Second, against the background of my claim that these developments are potentially harmful to the Catholic community, I will offer a set of conditions that must be met before we can with confidence judge similar future interventions of church leaders in public life to be constructive.

#### 1) The Catholic Church and U.S. Politics, 2003-2004

The first widely recognized sign that the 2004 election campaign would feature qualitatively new types of tensions between bishops and Catholic politicians appeared on 8 January 2004. On that date, Archbishop Raymond Burke (now Archbishop of St. Louis, but at the time finishing his work as administrator of the diocese of La Crosse, Wisconsin) published in *The Catholic Times* (La Crosse’s Catholic newspaper) a canonical notification and pastoral letter regarding his disciplining of Catholic legislators who lived in the diocese of La Crosse. These two documents were actually dated 23 November 2003, and it is believed that Burke intended to give the three recipients of personal letters on these matters six weeks to respond before publicizing them. The documents read in part: “Catholic legislators who are members of the faithful of the Diocese of La Crosse and who continue to support procured abortion or euthanasia may not present themselves to receive holy communion. They are not to be admitted to holy communion, should they present themselves, until such time as they publicly renounce their support of these most unjust practices.”<sup>3</sup> The most prominent of the three targeted legislators is Representative David R. Obey, a Democrat who represents Wisconsin in the

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<sup>3</sup> Archbishop Raymond Burke, “Catholics and Political Responsibility,” *Origins* 33, no. 33 (29 Jan. 2004): 559.

United States Congress.<sup>4</sup> At about the same time, Archbishop Alfred Hughes of New Orleans followed suit by publishing a column in his diocesan newspaper and delivering a homily in his cathedral, each of which expressed similar messages and communicated similar intentions.<sup>5</sup>

In supporting their action, both Burke and Hughes cited the authority of canon law (specifically canon 915), the 1995 papal encyclical *Evangelium Vitae*, and a more recent Vatican document that had hitherto been little noticed on this side of the Atlantic. Authored by the Congregation for the Doctrine of the Faith and titled “Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life,” this relatively brief document was released 16 January 2003, although it is dated 24 November 2002.<sup>6</sup> The “Doctrinal Note” seeks to clarify the relationship between the moral teaching of the church and the functioning of the political order. Much of the document will sound like mere boilerplate to students of Catholic social ethics. Here we find familiar claims about promoting the common good, the protection of the rights and dignity of persons, and an insistence upon a moral basis that should underlie all civil laws. Citing the Second Vatican Council’s *Gaudium et spes*, the “Doctrinal Note” acknowledges that the political sphere possesses “a certain autonomy” of its own. Nevertheless the document also reminds us that the obligation to truth underlies all social arrangements and systems of government, and that this solemn duty is not displaced or dislodged by the operations of freedom, democracy and pluralism. Catholic legislators, therefore, are under a grave obligation to oppose “any law that attacks human life. For them, as for every Catholic, it is impossible to promote such laws or to vote for them” (no. 4).

Actually, Burke and Hughes were not the very first American bishops to cite the “Doctrinal Note” to challenge Catholic lawmakers. In January 2003, Bishop William Weigand of Sacramento, in a sermon at the cathedral in that capital city of California, proclaimed that then Governor Gray Davis, a Catholic, should not receive communion as long as he supports abortion.<sup>7</sup> In April 2003, Bishop Robert Carlson of Sioux Falls, South Dakota sent a letter to then Senator Tom Daschle warning that he should not identify himself as a Catholic while supporting abortion rights. Weigand and Carlson both cited the “Doctrinal Note,” as would Archbishop John Myers of Newark in May 2004 when he subsequently challenged New Jersey Catholic politicians to refrain from communion until they renounced their stances in support of abortion rights and same-sex marriage. Among the targets of Myer’s words were Governor James McGreevey (who announced that he would comply with the order to refrain from communion,<sup>8</sup> shortly before he resigned his

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<sup>4</sup> Obey’s account and analysis of these events appears in “My Conscience, My Vote,” *America*, 16-23 August, 2004, 8-12.

<sup>5</sup> The text of both items appears in Archbishop Alfred Hughes, “Catholics, the Common Good and Public Policy,” *Origins* 33, no. 33 (29 Jan. 2004): 562-64.

<sup>6</sup> The full text appears on the Vatican website as well as in *Origins* 32, no. 30 (30 Jan. 2003): 537-43.

<sup>7</sup> Thoughtful commentary on the Weigand-Davis episode appears in the unsigned editorial “Catholics and Politics,” *Commonweal*, 14 March 2003, 5.

<sup>8</sup> David Kocieniewski, “Governor Puts Communion Aside after Upsetting New Jersey Bishops,” *New York Times*, 16 May 2004, A27.

office due to a sex scandal) and Bernard F. Kenny, Jr., the New Jersey Senate majority leader, who responded to Myers by announcing that he was leaving the Catholic Church.<sup>9</sup>

Three developments that unfolded during spring 2004 “upped the ante” of this controversy. The first occurred when Bishop Michael Sheridan of Colorado Springs issued a 14 May pastoral letter saying that Catholics should not present themselves for communion in his diocese if they so much as vote for politicians who defy church teachings on abortion rights, same-sex marriage, euthanasia or stem-cell research.<sup>10</sup> A subsequent exchange of opinions on the matter of the culpability of such voters ensued, one which reached all the way to Rome when Joseph Cardinal Ratzinger weighed in with a clarification involving the concepts of double effect, proportionate reasons, remote material cooperation, and a voter’s primary intentions in voting.<sup>11</sup> While most Catholic laity probably had difficulty decoding the categories invoked by learned commentators upon Sheridan’s actions, the drama surrounding a second major development of the Lent and Easter seasons of 2004 was most accessible and on ready display. Journalists came to refer to this as the “Kerry wafer watch,” involving as it did Senator John Kerry, the newly anointed Democratic nominee for president whose credentials as a practicing Catholic suddenly came under intense scrutiny. As it became clear that Kerry, whose voting record in the Senate has been decidedly pro-choice, would win the nomination, several archbishops (Hughes of New Orleans, Burke of St. Louis and John Vlazny of Portland, Oregon) commented in the media that Kerry would be refused if he attempted to receive communion in their dioceses.<sup>12</sup> To the relief of many, no altar-rail confrontations ensued, largely because Archbishop Sean O’Malley of Kerry’s home diocese of Boston declined to issue or enforce a sacramental ban against the Senator.

A third related development was a campaign by the four bishops of Massachusetts to pressure Catholic state legislators to vote in favor of an amendment to that state’s constitution that would ban gay marriage. This came in the wake of a November 2003 Supreme Judicial Court ruling that denial of same-sex marriage amounted to unwarranted legal discrimination against the gay community. The bishops described their efforts as an unprecedented campaign to mobilize Massachusetts Catholics (who account for 48% of all voters and 67% of state legislators) to advocate for

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<sup>9</sup> The observation that none of the four politicians mentioned in this paragraph could within a year still be called “Catholic officeholders” supports the claim in the previous section regarding the possible diminishment of Catholic influence in American public life. Although each of the four left office or left the church for his own distinctive reason, it is arguably more than a coincidence that these political events coincided with ecclesiastical developments regarding politics.

<sup>10</sup> Media coverage of Sheridan’s statement was extensive, including: Laurie Goodstein, “Bishop Would Deny Rite for Defiant Catholic Voters: Colorado Prelate Expands Church Debate,” *New York Times*, 14 May 2004, A14; David Kelly, “Colorado Bishop Echoes Warning on Receiving Communion,” *Boston Globe*, 15 May 2004, A2.

<sup>11</sup> See the unsigned news story, “Ratzinger Advises U.S. Bishops on Principles for Denying Communion and Voting,” *America*, 19-26 July 2004, 4. Although such communications ordinarily remain confidential, this news story mentions that a six-point memorandum from Cardinal Ratzinger to Cardinal McCarrick containing this analysis was published online on 3 July 2004 by the Italian magazine *L’Espresso*.

<sup>12</sup> Typical coverage in the news media appears in Katharine Q. Seelye, “Kerry Attends Easter Services and Receives Holy Communion,” *New York Times*, 12 April 2004, A15; Glen Johnson, “Kerry Celebrates with Communion: Marks Easter Rite despite Criticism,” *Boston Globe*, 12 April 2004, A3.

the proposed “Marriage Affirmation and Protection Amendment.”<sup>13</sup> It marked what many viewed as a new style and scale of advocacy on the part of bishops for specific legislation on hot-button issues.

The cumulative weight of all these developments focused many eyes on the report of a U.S.C.C.B. “Task Force on Catholic Bishops and Catholic Politicians” that had been appointed in 2003 to study these delicate matters regarding the participation of Catholics in political life. The ad hoc committee, chaired by Cardinal Theodore McCarrick of Washington, D.C., delivered an interim report at the spring 2004 meeting of the bishops’ conference, held June 14-19 in Englewood, Colorado, just outside of Denver. A brief (1000-word) common statement based on the committee’s recommendations was approved by a vote of 183-6 on the floor of the bishops’ assembly. This document clearly represents an effort towards compromise and conciliation, an attempt to defuse a potentially explosive situation among bishops who are generally averse to airing sharp disagreements. Its wording and overall sense of balance suggest that the assembly of bishops was eager to reach an outcome acceptable to both sides: the dozen or so bishops who supported the use of ecclesiastical sanctions against politicians whose public actions were at variance with church teachings as well as the vast majority of more moderate bishops who favor alternative means for dealing with such controversies. The document articulates the judgment that canonical and pastoral principles are elastic enough that “bishops can legitimately make different judgments on the most prudent courses of pastoral action.”<sup>14</sup> It affirms the principle that each bishop has the authority to decide policies within his own diocese regarding the eligibility to receive communion, but it also announces that the national body of bishops would not entertain proposals to establish national guidelines, such as binding recommendations for mandatory sanctions against pro-choice politicians.

When the bishops next met in full assembly just two weeks after the 2004 election, they received a rather perfunctory final report of the same task force. Cardinal McCarrick and the other bishops on the committee expressed their desire to move forward in harmony and with a “spirit of collegiality” despite lingering differences. Their irenic three-page statement disappointed many church observers who hoped for a more thorough engagement and analysis of these divisive issues. The text of the statement ducks such calls by affirming that “our common statement, overwhelmingly adopted in Denver, and the report of the Task Force continue to serve our Conference well.”<sup>15</sup>

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<sup>13</sup> For a description of the bishops’ efforts, see Michael Paulson, “Bishops Try to Mobilize on Marriage,” *Boston Globe*, 17 Jan. 2004, A1, A7. The campaign included joint appearances, sermons, and the mailing of literature, including over a million copies of a pamphlet “Marriage in Massachusetts: Crisis and Challenge” available from the Massachusetts Catholic Conference.

<sup>14</sup> U.S. Bishops, “Catholics in Political Life,” *Origins* 34, no. 7 (1 July 2004): 99. This quote comes from the brief text summarizing the interim report of the task force, upon which the bishops voted. This same issue of *Origins* (see 100-09) contains the longer texts of presentations of several bishops at the meeting under the title “Interim Reflections of the Task Force on Catholic Bishops and Catholic Politicians.”

<sup>15</sup> Cardinal Theodore McCarrick, “Report of Task Force on Catholic Bishops and Catholic Politicians.” The report is dated 17 November 2004 and available at <http://www.usccb.org/bishops/mccarrick1104.htm>.

## 2) Concerns about the Health and Mission of the Church: Under What Conditions Should Individual Bishops Engage in Similar Advocacy in the Future?

Anyone who wishes the Catholic Church in the United States to flourish and to advance its mission will be concerned about the events surveyed above. This second part of the present essay is divided into four clusters of concerns that relate to recent developments. In keeping with my judgment that it would not be wise to repeat what unfolded over this span of time, I am eager to offer advice for future directions in church policy. While canon law clearly allows each bishop to teach, advocate and oversee the administration of the sacraments in his own diocese as he chooses, not every possible course of action and style of involvement will prove equally constructive. In many cases, policies and responses on the part of church officials must be tailored to fit the challenges of particular local circumstances. Each section below contains a recommendation for the conditions that would make similar interventions in the future appropriate and advisable.

### A) Concerns about Perceptions Regarding Church Unity

There will always be disagreement among members of the Catholic Church, both on internal church matters and on questions regarding the church's stances on public issues. How much unity or diversity of opinion and practice is desirable and sustainable within the Catholic Church remains a debatable question. By temperament, some favor a "big tent" approach while others are disposed to prefer a stricter adherence to uniformity in belief and practice. While such diversity of opinion is inevitable, the events of 2003-2004 threaten to expose the U.S. Catholic Church to a situation where it has exceeded its "carrying capacity" for disagreement. A prolongation of recent divisions on the role of Catholics in politics may confront the Catholic community with a future inability to present a public face that features the requisite unity of an effective actor capable of carrying out its mission of evangelization in a credible way.

The matter of church unity on matters of policy is notoriously difficult to gauge. Indeed, few observers would expect, for example, a deliberative body of over two hundred Catholic bishops to agree unanimously on many items at all, so the inability of official church leaders to speak with a single voice may not initially seem particularly distressing. However, consider the following example that highlights the effects of such sharp divisions on a local level. On 4 August 2004 John F. Donoghue, at the time Archbishop of Atlanta, published a joint statement<sup>16</sup> with two other bishops (Robert J. Baker of Charleston and Peter J. Jugis of Charlotte) banning Catholic politicians or candidates for office from receiving communion within their diocese if those figures support the continuation of legalized abortion. However, the other two bishops (F. Joseph Gossman of Raleigh and J. Kevin Boland of Savannah) who fell under Archbishop Donoghue's jurisdiction as metropolitan and who were surely invited to sign, declined to

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<sup>16</sup> The full text appears in *Origins* 34, no. 12 (2 Sept 2004): 188-9.

do so.<sup>17</sup> Bishop Gossman, in fact, had four weeks earlier published his own statement outlining his reasons for rejecting this course of action, explaining that it is the “long-standing practice in the church not to make a public judgment about the state of the soul of those who present themselves for holy communion.”<sup>18</sup>

In that region of the South, the resulting policy split among local bishops no doubt raised numerous eyebrows, particularly in the two states (Georgia and North Carolina) where more than one ecclesiastical policy applies within a single political entity. Attempts to implement such non-uniform policies become confusing, unenforceable, unworkable and may even invite scorn and derision. In a region where Catholics still struggle for acceptance, the unwelcome prospect of “bishops meddling in politics” is only compounded by the perceptions that the leaders of the five nearest Catholic dioceses cannot even agree among themselves on matters involving “Communion politics.” Perhaps this is one example of the concern Cardinal William H. Keeler expressed when, speaking for the Task Force of which he was a member, he mused: “This [practice of imposing sanctions] could divide the bishops and our community not just on issues but on the role of the church in public life. This could make it more difficult to teach and persuade.”<sup>19</sup>

Recommendation: On sensitive issues such as Communion sanctions, the bishops of a state or region should work closely to adopt a uniform policy. Where differences remain, the dioceses involved should make a concerted effort to offer ample explanation for the diversity of positions and policies.

## B) The Unfortunate Decline of Civility in Church Circles

Even if the cacophony that rocked the church during the last election cycle does not ultimately constitute a serious threat to her existence or effectiveness, it is nevertheless easy to agree at least that the shrillness of the charges and counter-charges quickly became unpleasant. As soon as we witnessed the floating of claims regarding the normativity of single-issue voting for Catholics, a hotly contentious atmosphere enveloped our church life, particularly its organs of public communication. Profound and delicate questions were bandied about in a cavalier fashion: If there is to be a litmus test, what precisely does it include? How rigorously will it be enforced? To what positions and activities does it apply? What level of name-calling and mud-slinging will be tolerated in the ensuing exchange of charges and counter-charges? Here are four cases of what I judge to be excessive contentiousness presented in the media in recent months. Note that the strident voices on display span a wide range of points on the ideological spectrum.

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<sup>17</sup> “More Bishops Weigh in on Communion Debate,” *America*, Aug. 30-Sept. 6, 2004, 5.

<sup>18</sup> The full text appears in *Origins* 34, no. 12 (2 Sept 2004): 189-90.

<sup>19</sup> “Interim Reflection of the Task Force on Catholic Bishops and Catholic Politicians,” *Origins* 34, no. 7 (1 July 2004): 106.

Item 1: A man named Ono Ekuh was fired from his job as program coordinator of the U.S. bishops' Secretariat for African-American Catholics on March 9. This 33-year old father of two was let go from his job because he was discovered to be the moderator of an email discussion group linked to the "Catholics for Kerry" website. In late February, Ekuh was "outed" by Deal Hudson, then editor and publisher of *Crisis* magazine and a point man in the Bush campaign outreach to Catholic voters.<sup>20</sup> Hudson subsequently had to resign his post at that right-wing Catholic magazine when the left-leaning *National Catholic Reporter* unearthed an episode when Deal Hudson apparently coerced a drunken female student into having sex with him when he taught at Fordham University in the 1990s. The entire episode is sordid from beginning to end, and does not reflect well on any aspect of American Catholic life.

Item 2: A full-page ad appeared in several publications<sup>21</sup> in July 2004, shortly after the aforementioned U.S. bishops' meeting in Colorado. Recall that the bishops voted 183 to 6 to approve a statement that allowed bishops the option of not denying Holy Communion to pro-abortion Catholic politicians and those who vote for them. The ad, signed by the "American Life League's Crusade for the Defense of Our Catholic Faith" contains the bold headline "183 Catholic Bishops Lost in the Rockies." It pictures a group of cartoonish bishops looking befuddled and turning their back on a cross that is perched majestically amidst the Rocky Mountains.

Item 3: In the early months of 2004, Ashley Merriman, a Los Angeles lawyer, started a website called CastTheFirstStone.net. According to reports in several periodicals,<sup>22</sup> she uses it to encourage people to join her campaign of mailing large stones to certain bishops, along with a note explaining her objections to the policies of those bishops who support disciplining pro-choice Catholic politicians. Among the bishops on her list are Raymond Burke of St. Louis and Michael Sheridan of Colorado Springs, perhaps the most outspoken prelates threatening sanctions against pro-choice politicians and those who vote for them.

Item 4: Barbara A. L'Italien was asked to step down as the cantor and leader of the children's choir at St. Augustine Church in Andover, Massachusetts. The request came from the pastor of St. Augustine, Rev. William M. Cleary, who insisted that he was merely applying what he understood to be normative church principles to a local case.<sup>23</sup> L'Italien serves as a Representative in the Massachusetts General Assembly and has supported abortion rights and gay rights, including the right to same-sex marriage. A local newspaper columnist commented on the chain of events: "Regardless of where you

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<sup>20</sup> Joe Feuerherd, "Washington Notebook: Catholic for Kerry Ousted at Bishops' Conference," *National Catholic Reporter*, 2 April 2004, 9. Subsequent issues of the same periodical contain extensive coverage of subsequent related events, as does the publication's website <http://www.nationalcatholicreporter.org>.

<sup>21</sup> See, for example, the paid advertisement in *National Catholic Reporter*, 16 July 2004, 15.

<sup>22</sup> Dennis Coday, "Lawyer's Stone Campaign Takes Bishops to Task," *National Catholic Reporter*, 17 Sept. 2004, 8; Daniel J. Wakin, "A Divisive Issue for Catholics: Bishops, Politicians and Communion," *New York Times*, 31 May 2004, A12.

<sup>23</sup> Donovan Slack, "Priest Asks Lawmaker to Quit Choir Post: Views on Abortion, Gay Marriage Cited," *Boston Globe*, 17 Nov. 2004, B1, B6.

come down on same-sex marriage, it is profoundly offensive to imply that it has anything to do with conducting a children's church choir."<sup>24</sup>

These four examples could be multiplied many times over. Each illustrates the kind of sensationalism and petty contentiousness that we might expect from crude political operatives or in the "gotcha" journalism prevalent in our rather coarse media such as talk radio and certain cable news networks. It is sobering to realize that these types of attacks, coming as they do from all sides of the political spectrum and targeting a wide variety of figures, are motivated by unchecked religious zeal, and feature uncivil behavior not often seen in religious circles in our country. The impression they afford to outsiders about the Catholic Church is that the most important aspect of American Catholic life today is how one votes. These episodes suggest that to be a Catholic is to be contentious, judgmental and eager to condemn—a far cry from the example and command of Jesus Christ, a Savior who embodied love for others. Regardless of the merits of the arguments presented, we clearly sacrifice something when, as a church, we become embroiled in controversies related to single-issue voting and establishing moral purity in political behavior. Prescinding from the assignment of blame, we should all join the bishops<sup>25</sup> in lamenting the recent proliferation of incivility in the life of the church.

Recommendation: Church officials should be very cautious regarding the possibility of perpetuating further rounds of public mudslinging. Contemporary American culture is hypersensitive to even the appearance of arrogance and excessive judgmentalism. Particularly in the wake of the clergy sex abuse scandals of recent years, Church policies should be crafted in such a way as to communicate modesty and openness to dialogue rather than an excessive eagerness to condemn.

### C) Distortion of Focus and Potential Politicization

Neither of the major political parties in the United States today provides a perfect match for the concerns expressed in the social teaching of the Catholic Church. The Democratic platform reflects certain of the values recommended by the church (e.g., a deep commitment to labor rights, the well-being of immigrants and assistance to poor families) while the Republican platform incorporates others more closely (e.g., protection of fetal life and opposition to euthanasia and embryonic stem cell research). Catholics have learned to use the principles and ethical guidelines contained in social teaching documents to fashion a faith-based response to the mix of values they find in the world of partisan politics. From year to year, Catholic voters reach various conclusions about which candidates from the major parties deserve their support. Indeed, by and large, the "Catholic vote" (inasmuch as it makes sense to speak of such an entity) is so closely split between the two major parties that it usually winds up voting with the winner in presidential races, no matter which party the candidate represents, often by a margin of five points or less. Election data compiled over many years indicate that Catholics

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<sup>24</sup> Adrian Walker, "Of Church and State," *Boston Globe*, 18 Nov. 2004, B1.

<sup>25</sup> Cardinal McCarrick, writing for the Task Force, featured this sentiment prominently in his brief 17 Nov. 2004 report (as above).

represent a “swing” voting group precisely because so many Catholics find the relative merits of the parties’ positions a rather close call from election to election. To introduce the notion that Catholics should subject candidates for office to strict and narrow litmus tests, as some bishops have done in recent months, threatens to upset a delicate balance of discernment. Whatever the merits of such a proposal, it is clearly a departure from the previous voting behavior displayed by the one-quarter of the American electorate who self-identify as Catholics.

In the 2004 election, both parties demonstrated a keen desire to win the votes of Catholics, particularly those who live in key swing states. Thus, when certain bishops began to interpret the Vatican “Doctrinal Note” discussed above in ways suggesting that Catholics were under an obligation to treat the election as a referendum upon abortion, numerous observers reached the conclusion that these bishops were intervening *simpliciter* to support Republican candidates. Many who initially resisted this perception were convinced by the proliferation of “voters’ guides” targeted at Catholics. One guide frequently found in the vestibules and literature racks of Catholic parishes was “A Brief Catechism for Catholic Voters.” This 16-page pocket-size pamphlet written by Rev. Stephen Torracco of Assumption College was distributed quite widely by the Leaflet Missal Company of St. Paul, Minnesota. On page five, it asserts that “a candidate for office who supports abortion rights or any other moral evil has disqualified himself as a person that you can vote for.” Another widely distributed booklet is “Voter’s Guide for Serious Catholics” published by the group “Catholic Answers” based in San Diego. It lists five “non-negotiables:” abortion, euthanasia, fetal stem cell research, human cloning and homosexual marriage. These are all issues on which the Republican Party’s platform closely matches Catholic teaching.<sup>26</sup> Similar messages were available to Catholic voters in at least two other ways. One was the website *KerryWrongForCatholics.com* maintained by the Republican National Committee, which featured quotes from Senator Kerry that contrasted particularly sharply with church teachings and social priorities.<sup>27</sup> The other consisted of the efforts of a few Catholic bishops to emphasize the importance of the abortion issue in shaping Catholic voting decisions. In a front-page *New York Times* feature story, Archbishop Charles J. Chaput of Denver was surprisingly open in advocating his support for the reelection of President Bush. The prelate demonstrated no compunction against condemning Kerry for his support of abortion rights and identifying those who would vote for him as sinners in need of a trip to the confessional.<sup>28</sup>

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<sup>26</sup> No mention is made in this voting guide of the dozens of issues on which official Catholic teachings line up more closely with planks of the platform of the Democratic Party. One widely used resource that provides some balance to the messages of these conservative voters’ guides is the website <http://www.votingcatholic.org>. The information provided here allows the reader to conclude that, on the vast majority of issues (with the notable exception of abortion policy), the Democratic Party reflects official Catholic positions more consistently.

<sup>27</sup> For a description of this and other Republican efforts to attract Catholic votes, see Michael Kranish, “GOP Urges Catholics to Shun Kerry,” *Boston Globe*, 26 Sept. 2004, A1, A8. This article describes the broader Republican strategy targeting Catholic voters, an effort that included the recruitment of over 50,000 volunteers who agreed to serve as “Catholic Team Leaders” to encourage members of their parishes to support Bush. In some dioceses, Republican attempts to obtain parish directories to facilitate phone banks and direct mailing campaigns in support of Bush were rebuffed as too blatantly political.

<sup>28</sup> David D. Kirkpatrick and Laurie Goodstein, “Group of Bishops Using Influence to Oppose Kerry,” *New York Times*, 12 Oct. 2004, A1.

Now, it is no secret that Americans have long flouted the supposedly absolute prohibition against religious leaders openly endorsing candidates. Although technically any such act might endanger the tax-exempt status of a church or religious organization, such actions have generally met with a certain tacit cultural acceptance. There is a long tradition of African-American pastors supporting candidates quite frankly, even from the pulpit. In Catholic circles, most observers look the other way when certain archbishops arrange their schedules with such painstaking care that photo opportunities are possible with their favorite politicians, but never with their opponents. Nevertheless, Archbishop Chaput's lack of subtlety in candidly endorsing Bush over Kerry raised many eyebrows in the charged atmosphere of the 2004 election, when religious participation in the electoral process was under particular scrutiny. The nation was surprised to witness a novel style of unabashed partisanship on the part of certain Catholic bishops, one that raised profound questions about the church's role in the political process. The actual words uttered by the bishops in question were generally carefully chosen to appear non-partisan, but most observers easily detected the meanings behind the coded speech. These church leaders were perceived as actively discouraging Catholics from voting for Democrats because of the party's stance on abortion and a few other issues. Perhaps it was precisely their concern for electoral outcomes, and not just for their continued eligibility to receive the sacraments, that motivated 48 Catholic Democratic members of the House of Representatives (including a dozen with strong anti-abortion voting records) to send a 10 May 2004 letter to Cardinal McCarrick to air their concerns to the Bishops' Task Force.<sup>29</sup> In a word, church leaders had served as accomplices to the politicization of official Catholic discourse, permitting frankly partisan considerations to creep into the church's hitherto nonpartisan advocacy of ethical values in public issues.

Events over the past two years raised many questions in the minds of observers. If the official documents of Catholic social teaching emphasize a large array of issues, why are American Catholic voters suddenly being encouraged to narrow the range of relevant items to consider in choosing their political leaders? If the U.S.C.C.B.'s own quadrennial election statement *Faithful Citizenship* lists over fifty issues for Catholic voters to research and consider in shaping their choices, why do only a few (or even just one) seem to matter to certain prominent bishops? As the aforementioned *New York Times* story about Archbishop Chaput noted, "never before have so many bishops so explicitly warned Catholics so close to an election that to vote a certain way was to commit a sin."<sup>30</sup>

Any trend toward politicization of church activity poses a serious threat to the Catholic Church's stance of non-partisanship, a quality that should be assiduously safeguarded by any church that aspires to serve society as an effective agent of reconciliation. These constitute weighty reasons to avoid recommending any highly specific political behavior to Catholic laity, much less voting advice that so readily appears arbitrary in its selection. Once church leaders start down the road of publicly

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<sup>29</sup> Joseph Feuerherd, "Catholic Democrats Decry Eucharist Sanctions," *National Catholic Reporter*, 28 May 2004, 9; Alan Cooperman, "48 House Catholics Warn Bishops' Stance Could Spark Bigotry," *Washington Post*, 19 May 2004, A1.

<sup>30</sup> Kirkpatrick and Goodstein, "Group of Bishops," A1.

signaling their preferences, numerous questions arise: If litmus tests are to be applied, why do these not include items, such as the death penalty, where the Democratic Party reflects Catholic positions more closely? Moreover, why have no Republicans yet been challenged by bishops or targeted for sanctions, despite the pro-choice stances of many prominent Catholic Republicans (e.g., Rudolph Giuliani, Tom Ridge, Arnold Schwarzenegger)? The arbitrary nature of the communion sanctions so far imposed has not gone unnoticed. In a recent article on the desperate struggle to distribute more widely the drugs that treat the AIDS virus, one prominent Catholic ethicist referred obliquely to seeming incongruities in these bishops' approaches by asking: "Have any bishops considered denying Communion to Catholic C.E.O.'s and boards of drug corporations, or to government officials who advocate for tighter patent protections, or who obstruct larger U.S. donations to the Global Fund to Fight AIDS, Tuberculosis and Malaria?"<sup>31</sup> Other observers might lament that a narrow concern with just a few issues such as abortion marginalizes other issues over which ecclesiastical discipline might just as readily be imposed. For example, in expounding on the examination of conscience that should precede reception of holy communion, Pope John Paul II in his 2003 encyclical *Ecclesia de Eucharistia* recalls what St. Paul wrote in chapter 11 of the First Letter to the Corinthians: those who are indifferent to the suffering of the poor are unworthy to partake in the Eucharist.<sup>32</sup> A conscientious Catholic should check a candidate's positions on welfare reform as well as abortion. Bishops considering censoring Catholic officeholders would do well to be mindful of both bundles of issues, and many others beyond these.

An overly exclusive focus on a few particular issues, then, has a way of distorting the internal life as well as public perceptions of the church. It potentially plays into the hands of leaders of political parties, who have every incentive to manipulate even rumored church endorsements to their advantage and to use the perception of church support to fashion sharper edges on cultural "wedge issues." Furthermore, it is far from clear that such an unprecedented descent into the partisan fray is at all likely to secure any desired results, on abortion or any other issue. Even if the Republican Party were to parlay its newfound Catholic support into such a power advantage that it finds itself in a position to change laws to reduce or eliminate abortions, there is considerable doubt that it would spend the requisite political capital to accomplish this goal. This dynamic of dashed hopes has been a major source of disillusionment for the Christian Right in recent years.<sup>33</sup> Catholics who throw their support to Republicans at the promptings of bishops may also find themselves tasting the disappointment that will inevitably accompany the failure of the Republican Party to deliver on social issues such as abortion. One need not impute cynical motives to Republicans to account for such disappointments. Sometimes parties and their operatives are genuinely surprised by events, such as the defection of

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<sup>31</sup> Lisa Sowle Cahill, "Realigning Catholic Priorities: Bioethics and the Common Good," *America*, 13 Sept. 2004, 12.

<sup>32</sup> John Paul II, *Ecclesia de Eucharistia*, no. 20. The full text of this encyclical letter appears in *Origins* 32, no. 46 (I May 2003): 753-768. This observation in number 20 appears on page 759.

<sup>33</sup> Various spokespersons for the Christian Right in the 1990s expressed their disappointment regarding the failure of Ronald Reagan and other Republicans whom they supported to deliver on social issues (such as school prayer) close to the center of their agenda. Among these crestfallen figures were Paul Weyrich, longtime advisor to Pat Robertson, and the prominent authors of the following volume: Cal Thomas and Ed Dobson, *Blinded by Might: Can the Religious Right Save America?* (Grand Rapids, Mich.: Zondervan Press, 1999).

three Republican appointees to the Supreme Court (David Souter, Sandra Day O'Connor and Anthony Kennedy) to the pro-choice majority in recent years.

A further concern that arises when church leaders encourage a nearly exclusive focus on abortion involves the matter of church credibility. A church known by the label "catholic" has a duty to maintain a certain universality of social concern. In her Presidential Address to the Catholic Theological Society of America 10 June 2000, Margaret A. Farley, RSM, called attention to many of the liabilities noted above and called for this course of action:

The answer may be simple: decenter abortion in the church's political agenda, allow more nuanced attention to issues heretofore attached to abortion, revise priorities for political action, and identify the ways in which trust can be restored between those whose vocation is theology and those whose vocation is church leadership; let the sign of the church be more clearly "how much they love one another."<sup>34</sup>

Farley laments that, in a situation where church leaders focus inordinately upon the issue of abortion to the exclusion of other issues, "the credibility of the church's political agenda is compromised and the effectiveness of its political action impaired."<sup>35</sup> Two pieces of evidence that suggest the salience of these fears recently crossed my own desk. Although anecdotal in nature, each item illustrates the salience of Farley's fear that the excessive focus on abortion on the part of some bishops has adversely shaped public perceptions of the Catholic Church and its advocacy of social issues. Each relates to the conduct of the election of November 2004. Just days after the election, a young Jewish man who is well-disposed to the content of most of Catholic social teaching expressed his frustration with the reasons cited by many voters for their election-day decisions:

This "moral values" thing baffles me. Apparently, churchgoers and their pastors care about abortion and gay marriage, but not about peace or economic justice, and this is open and unselfconscious. The message this sends seems to me to be that the main function of religion in America, far and away, is to regulate sex.<sup>36</sup>

The second item comes from a Catholic layman who is the president of the local chapter of a major national labor union. In a letter addressed to a priest active in the labor movement, he wrote:

I resent the millions of dollars the church spent to help re-elect George W. Bush on moral issues like same-sex marriage and abortion. The election was not even about these issues, but the church made it about these issues, which hurt Labor. . . If the church were truly concerned for working people they would, at a minimum,

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<sup>34</sup> Margaret A. Farley, RSM, "Presidential Address: The Church in the Public Forum: Scandal or Prophetic Witness?" *Proceedings of the Annual Convention of the Catholic Theological Society of America*, vol. 55 (2000): 87-101 at 99.

<sup>35</sup> *Ibid.*, 98.

<sup>36</sup> Anonymous source in private correspondence with the author, 23 Nov. 2004.

have stayed out of politics. . . . As I see it, at this moment, the church has demonstrated it is against Labor.<sup>37</sup>

These two opinions serve as sober reminders of the maxim that elections should not be portrayed as referenda on a single issue, no matter how vital a particular issue might seem to a given church leader. Prevailing judgments about the church's motives and intentions are fragile and are subject to perceptions, warranted or not, grounded in a variety of factors outside the control of bishops. Reducing voting behavior to a single variable fails to honor the host of issues and concerns on the mind of citizens, who, whether they identify themselves as Catholic or not, may resent any narrowing of focus on the part of official spokespersons of the church.

Recommendation: In order to prevent undue politicization of the church, bishops should avoid every appearance of endorsing a specific candidate or party. In considering courses of action regarding ecclesiastical discipline or tacit approval of specific public policies or political platforms, bishops should refrain from singling out individual politicians or issues unless they are willing to take similar actions across the board in the interest of consistency with the entire array of church teachings.

#### D) Neglect of Key Theological Concepts and the Collapsing of Vital Distinctions

Longtime observers of the involvement of Catholics in American politics will not be surprised that, in the heat of an election, simplifications of complex but important concepts abound. Every controversy involving Catholics in U.S. politics seems to leave a trail of discarded categories and collapsed distinctions on the ground, collateral damage of the struggle of the moment. In 1960, candidate John F. Kennedy mouthed what he thought he needed to say in order to assuage prevalent fears that he would take orders from Vatican officials. Kennedy sought to avoid the debacle experienced by Alfred E. Smith, the only previous Catholic to win the presidential nomination of a major party, and whose defeat in 1928 is generally attributed, at least in part, to anti-Catholic sentiments and suspicions. On 12 September 1960, Kennedy famously offered this formula to the potentially hostile audience of the Greater Houston Ministerial Association: "I do not speak for my church on public affairs--and the church does not speak for me."<sup>38</sup> In positing a hermetical seal separating the moral values associated with religion and the public policy issues facing public officeholders, Kennedy indulged in a gross simplification that suggests a failure to take his faith adequately seriously.

Four decades later, candidate John Kerry would offer similarly un-nuanced explanations of these same matters. His stock answers during the 2004 campaign suggested a sharp bracketing off of the content of faith convictions from the realm of public duties. In the interest of displaying his appreciation of the necessity of maintaining

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<sup>37</sup> Letter of November 10, 2004. Both sender and recipient must remain anonymous.

<sup>38</sup> John F. Kennedy, "Remarks on Church and State" appendix 7 in Mary C. Segers and Ted G. Jelen, *A Wall of Separation? Debating the Public Role of Religion* (New York: Rowman and Littlefield Publishers, Inc., 1998), 142.

an institutional separation of church and state, Kerry endorsed a most unfortunate notional separation of faith and public life. Somewhat more convincing was the synthesis provided by Mario Cuomo during a series of controversies involving bishops and Catholic Democrats in 1984. In a noteworthy campaign-season address at Notre Dame,<sup>39</sup> Cuomo sought to explain the distinction between private religious convictions and public morality appropriate for officeholders. While it is to be commended for its unusually acute appreciation for subtleties regarding a range of relevant considerations, Cuomo's position is still ultimately vulnerable to charges that his stance (frequently summarized, perhaps somewhat unfairly, as "I am personally opposed, but cannot as Governor impose my private beliefs on others") allows great atrocities to persist in the name of the principle of toleration and respect for differences. The usual criticism of Cuomo's stance is that, confronted with opposition of any significant strength, it too readily cedes moral ground and fails to mount adequate efforts to foster greater coherence between principles and public practices.<sup>40</sup>

There are, then, numerous theological concepts and distinctions that need to be recognized and respected in fashioning a socially responsible and convincing Catholic position regarding the complex relationship between faith convictions and public life. This is not the place to develop a comprehensive inventory, but a very good partial list would be generated by a systematic perusal of two bodies of literature: 1) the works of John Courtney Murray, S.J., the preeminent pioneer of the church's recent efforts to understand the full implications of religious liberty in pluralistic societies;<sup>41</sup> and 2) recent documents of the U.S.C.C.B. such as their quadrennial statements on political responsibility. Two terms that surface in this literature and that have been largely neglected in the controversies sketched above are conscience and prudential judgments. We conclude with a brief look at the role of each concept.

To insist on a prominent place in moral theology for the role of conscience is to respect a distinction that involves the basic human faculty of moral freedom. We do well not to hold church authority and free conscience in any sort of crass opposition, but to attempt a constructive synthesis, whereby a healthy conscience is informed by the wisdom of Christian tradition as well as by authoritative teachings of the church magisterium. The Second Vatican Council was eloquent in locating secular matters primarily within the purview of the laity, who are called to exercise well informed consciences in a secular sphere that enjoys a proper autonomy. In recognizing the limits of their competence, clergy and magisterial authorities appropriately leave to laity the tasks of pursuing the common good in social sectors such as business, government, science and the arts.<sup>42</sup> A healthy freedom to discern proper courses of action in secular

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<sup>39</sup> Mario M. Cuomo, "Religious Belief and Public Morality: A Catholic Governor's Perspective," Address at University of Notre Dame, 13 September 1984, appendix 8 in Segers and Jelen, *A Wall of Separation?* (as above), 144-59.

<sup>40</sup> See, for example, Kenneth L. Woodward, "Catholics, Politics and Abortion: My Argument with Mario Cuomo," *Commonweal*, 24 Sept. 2004, 11-13. Cuomo responds in "Persuade or Coerce?" on 13-15.

<sup>41</sup> An excellent recent evaluation of Murray's contribution is Gregory A. Kalscheur, "American Catholics and the State: John Courtney Murray on Catholics in a Pluralistic Democratic Society," *America*, 2-9 August 2004, 15-18.

<sup>42</sup> See *Gaudium et spes*, Part I, chaps. 3 and 4, esp. nos. 36 and 43.

matters falls to lay people, who are charged with interpreting the moral law and applying it to spheres of life that fall outside the boundaries of the church.

A related term, prudential judgments, is found frequently in the documents of Catholic social teaching. Like conscience, it has been too rarely invoked in recent controversies in Catholic circles, often dropping out as a neglected concept. The term is a something of a placeholder, a vital reminder of the indeterminacy of ethical principles when they confront particularities of social contexts. Politics remains the art of the possible, an arena where compromise is inevitable because it involves negotiating acceptable courses of collective action with multiple agents who espouse diverse ethical agendas. When disagreement on public issues arises, acceptable political outcomes are usually found near the middle of a continuum that runs from one pole of “moral perfectionism” (where the highest aspirations and convictions of a particular faith community reside) to another pole of “utter compromise” (where the rejection of any moral constraints whatsoever is counted as the necessary price of toleration and peace).

However strongly we Catholics are convinced of the wisdom of particular positions on public issues, we are wise to acknowledge that to have made the moral argument for certain courses of action (such as a ban on abortions) is not necessarily to have made an adequate legal argument, for civil laws rely for their effectiveness on public consensus in a pluralistic polity. We are naïve if we expect our confessionally grounded moral commitments<sup>43</sup> to win ready acceptance in the public sphere. Such an outcome is unlikely where Catholics are a minority, and where we face weighty objections about respect for the rights of religious minorities in other cases. Even those Catholic voices most reluctant to compromise on vital issues do well to heed the wisdom of our forebears, such as Thomas Aquinas and John Courtney Murray, S.J., each of whom offer profound reflections on the relation between the natural moral law and particular civil laws. We need not reinvent the wheel. The Catholic tradition of reflection on political choices that we inherit exhibits a healthy realism capable of recognizing political constraints and fashioning acceptable strategies to achieve the best possible outcomes within less than ideal circumstances.

Catholic officeholders are not well served when they find themselves in situations where a lack of appreciation of these complexities forces them to make excruciating choices between their faith commitments and their public responsibilities to represent diverse constituencies under a system of law that does not always exhibit a high regard for the values Catholics commonly profess. An awareness of the necessity of political compromise in such situations is evident in the two Vatican documents

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<sup>43</sup> A very promising and growing strategy of some parts of the pro-life movement consists of emphasizing in public discussions that a rejection of abortion need not be based on confessional commitments, but may be grounded in scientific evidence and philosophical and even legal theory that is accessible to all. Among recent proponents of fashioning public arguments in this way are John F. Kavanaugh, S.J. (see his “Abortion, Faith and Politics,” *America*, 16 Feb. 2004, 6) and Bishop David Ricken of Cheyenne, Wyoming (see his “Letter to Catholic Politicians and Public Officials on the Subject of Abortion and the Law,” *Origins* 34, no. 12 (2 Sept. 2004): 193-99).

(*Evangelium Vitae* and the 2002 “Doctrinal Note”<sup>44</sup>) of most immediate relevance to our analysis. Each makes explicit provision for Catholics licitly to act so as to engage such unjust laws in ways that seek to limit the harm done under their provisions. In doing so, lay Catholic voters and legislators exercise prudential judgments regarding the application of ethical principles to less than ideal situations. These concepts and distinctions were largely and distressingly absent from U.S. Catholic discourse about political choices in the run-up to the 2004 election. Too many observers, including some bishops, operated out of the assumption that those who profess Catholic beliefs are automatically guilty of formal cooperation with evil unless they follow quite specific political strategies to counter abortion, euthanasia and other objectionable social practices in the most direct of ways. If they are not easily persuaded to do so, the argument runs, Catholic politicians and voters should be disciplined into doing so through sacramental sanctions or public shaming. Only by appreciating a number of relevant distinctions and concepts such as the role of prudential judgments can we hope to nudge the dialogue away from this overly simple analysis of the situation. The retrieval of these concepts and vital distinctions holds the promise that Catholic identity may again be viewed as something that shapes rather than determines political behavior regarding contingent questions within a pluralistic society.

Recommendation: While all Catholics have an obligation to work to bring the civil law closer to the content of the moral law as we understand it, we must also pay close attention to the style of our political efforts to do so. Our activism in support of life, human dignity, peace and social justice should emphasize persuasion rather than coercion. The Catholic community should seek to engage in genuine dialogue with others whose sincere discernments of conscience lead them to disagree with our conclusions. In a pluralistic democracy, our respect for the consciences of others is the condition for the religious liberty we expect to retain. While the practice of pastoral leadership may sometimes necessitate firm denunciations of errors, bishops should seek to avoid placing Catholic officeholders in the impossible situation of having to choose between ongoing constructive engagement in the political process and continued membership in good standing in the Catholic Church.

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<sup>44</sup> On this point, see no. 73 of *Evangelium Vitae*, which specifically treats laws regarding procured abortions, and no. 4 of the Doctrinal Note.