

Faithful Citizenship

Principles and Strategies to Serve the Common Good

Edited by Dennis Hamm, S.J., and Gail S. Risch

I Read the Document Differently

Response to Hollenbach

James R. Cunningham, Nebraska Catholic Conference

Introduction

[1] I feel honored to have an active role in this symposium. Given the subject matter and my own personal and professional interest in it, it's likely I would have made a point of attending, to listen and to learn from this impressive grouping of scholars and experts; but to actually be part of the agenda is especially gratifying, and I thank Father Hamm for the invitation.

[2] At the same time, for me this is a daunting, intimidating, almost overwhelming challenge. I have no particular credential as a scholar and I am long-separated from any regular, direct involvement in the academic sphere. My point of reference is that of a state Catholic conference director, who represents the interests and concerns of the Nebraska-serving Catholic Bishops before pluralistic audiences in our state legislature and other parts of the public-policy sphere. In attempting this relatively brief transition from one sphere to the other and taking a bit of liberty with a concept well-described and presented by Father

Hollenbach, I can assure him and all of you that I approach this challenge with an abundance of intellectual humility!

[3] Nonetheless, I want to claim just a bit of credit: for realizing that I could not even begin to handle this challenge without some supportive assistance. Therefore, I want to acknowledge the input and highly valued counsel of some of my veteran colleagues in our unique realm of the Church.¹

[4] Since the current call to political responsibility from the U.S. Catholic Bishops – *Forming Consciences for Faithful Citizenship* – is the foundational context for this symposium, allow me to express a few general observations about the document from my vantage point. This is, I believe, the seventh such document I have encountered in my professional tenure. Certainly, there have been transformations and improvements over time, but generally speaking I find this document to be rather typical. It is nuanced in tone. It does not try to address every aspect of Church teaching or of Church life. It encourages readers to supplement their knowledge and understanding by reading from other sources and by engaging others in study and discussion. I understand how the document can be viewed as falling short of every expectation, that it is not everything one might like it to be. Nonetheless, it emanates from a consistent moral framework and can be a tool to help Catholics understand and reflect upon how their faith relates to citizenship and how the wisdom of our religious and moral tradition contributes to the processes that determine public policy.

Threefold Reaction

[5] Moving on to my thoughts regarding Father Hollenbach's presentation – a longer, written version of which was shared with me in advance – let me preface them with the sincerest assurance that they are expressed with all due respect. Moreover, I trust my previously expressed disclaimers provide sufficient caution regarding my approach.

[6] From an overall perspective, I would describe my reaction as threefold: in part I feel expanded, stimulated and encouraged, in part somewhat perplexed, and in part a bit perturbed. I think that is an appropriate, healthy reaction.

[7] As I understand Father Hollenbach's thesis, it is that the Catholic Church in the U.S. has generally been pretty good on social solidarity, but has failed to fulfill its capabilities for contributing to intellectual solidarity, especially regarding the public role of the bishops and most notably as expressed in and gauged by *Forming Consciences for Faithful Citizenship* [hereafter, *Faithful Citizenship*].

Process Dictates Give-and-Take Engagement

[8] My niche is narrow in relation to the universe of the Church's concerns and involvement in society; I focus most extensively on state government, including the Nebraska Unicameral Legislature. This reality makes it difficult, if not impossible for me to defend, or even to assess the adequacy of the U.S. Church's overall contribution to intellectual solidarity. I

¹ I am humbly grateful to Christopher Dodson and John Huebscher, my counterparts as executive directors of the North Dakota and Wisconsin Catholic Conferences respectively; and also to Greg Schleppebach, State Director of the Bishops' Pastoral Plan for Pro Life Activities within the Nebraska Catholic Conference.

know what our office does, in representing and advocating for the positions and concerns of the bishops serving in this state, and it involves regular engagement in deliberation, intellectual exchange and civil debate on a range of public-policy issues, most of which are multi-dimensional. To a large extent, this reciprocal, give-and-take engagement is both dictated and facilitated by the nature and scope of the public-policy processes.² It is similar, no doubt, for the other state bishops' conferences and the U.S. Conference of Catholic Bishops. Rarely do we intentionally or consciously practice any method of avoidance, although in our uniqueness and purpose we are not typically within the lobbying mainstream, so to speak.

[9] By virtue of my everyday experiences, I am convinced and confident that these endeavors contribute in a positive way to the deliberative process that develops public policy, and ultimately to the common good. Likewise, I am convinced and confident that the Church's voice remains a respected one in policy debates. Legislators and other public officials who may disagree with us on abortion, euthanasia and/or stem cell research, for example, often welcome our interventions regarding matters such as the death penalty, minimum wage, immigration and public-assistance policy.

Fulfilling a Teaching Role with Clarity

[10] Father Hollenbach criticizes the bishops' approach in *Faithful Citizenship* for using the wording "intrinsically evil," describing it in part as "remarkably strong language" and concluding that it is counterproductive. I prefer to conclude that this is a matter of the bishops striving to fulfill their teaching role with due consideration, clarity and leadership.

[11] I have no specific knowledge of how or why the decision was made to use "intrinsically evil," but I know enough generally to trust that it was a judgment not made casually, but with considerable deliberation and input. John Carr confirmed as much during his excellent overview, which keynoted this symposium.

[12] The use of "intrinsically evil" may seem uncompromising, but sometimes it is necessary not to mince words. These are used, not as a matter of mere expression, but to emphasize an indisputable moral truth regarding the sacredness of human life, reflecting constant teaching by the highest teaching authority of the Church. I do not think it is reasonable or fair to suggest that the bishops have repudiated the virtue of intellectual solidarity by expressing in no uncertain terms their unwillingness to acquiesce to the view that direct attacks on innocent human life are not evil by their nature. The bishops cannot teach, nor would we want them to teach, that Catholics should renounce or subordinate fundamental principles in order to have dialogue, notwithstanding that the overriding moral, social and political context surrounding abortion, euthanasia and embryo-destructive research is more intensely controversial than that of most issues.

² It was, I daresay, a good deal of intellectual exchange, dialogue and give-and-take, much of it involving representatives of the Nebraska Catholic Conference, which resulted in the near-unanimous passage of what has generally been described as "compromise legislation" during the recently concluded session of the Nebraska Legislature; legislation that prohibits governmental support and facilitation of embryonic stem cell research and cloning in Nebraska, but does not ban such practices in the private sector.

[13] Father Hollenbach contends that “[N]o other considerations, such as efforts to secure justice for women, are seen as relevant to the abortion debate;” and that “[T]he official church seems willing [to] collaborate with others on abortion-related matters only if they are already absolutely opposed to all abortion.”

[14] My experience in the public-policy arena indicates otherwise. The bishops, albeit most often through their authorized representatives, do indeed collaborate with those who do not fully agree with the fullness of Catholic teaching on life issues. The USCCB regularly works with members of Congress on legislation that seeks to provide assistance to pregnant women and other supportive measures. So too at the state level; Catholic Conferences work with others to secure just and effective programs and policies.

[15] For example, just last year, Nebraska became one of a very few states to actually repeal the child-exclusion/family cap policy that had been so politically popular, and enacted into law during the waves of “welfare reform” more than a decade ago. This policy, which was motivated in large part by desires to reduce state expenditures for welfare and to teach welfare mothers a lesson in behavior modification, excluded from receiving otherwise applicable additional cash assistance any child born more than 10 months after the family unit’s initial eligibility for AFDC.³

[16] A collaborative effort from several advocacy groups and associations, including the Nebraska Catholic Conference, over a period of years resulted in the repeal of this public policy. Many of those who collaborated do not agree with the Nebraska Catholic Conference on issues of abortion and the moral status of the unborn child. But we all did agree that the child-exclusion/family cap policy was punitive and unjust toward women and children. I recall that some of the most thorough policy analyses and most persuasive advocacy pieces were provided by Planned Parenthood.

[17] Similarly, on other matters involving women and children, not only Aid for Dependent Children, but including child care, food stamps, housing, education and transportation, even criminal law, we have blended advocacy voices with those who do not agree with us on abortion. On one such occasion, stemming from our efforts to secure legislation to recognize the unborn as separate victims of homicide and assault, outside of the context of abortion, we collaborated with those of an opposing view on that particular idea to bring about enhanced penalties when the victim of assault is pregnant.⁴

Important Paragraph Mischaracterized

[18] From my perspective, another substantive difficulty with Father Hollenbach’s efforts to solidify his thesis is the manner in which he addresses how the bishops, in *Faithful Citizenship*,

³ The level of aid-for-dependent-children payments for impoverished family units that meet eligibility tests of both assets and income is based generally on family size. The basic AFDC unit is one adult and one child, for which the base payment is \$293 per month. But if there is more than one child in the eligible family unit, an additional \$71 per month is the maximum amount provided for each additional child. (This maximum amount has been unchanged since July 1, 1988.) The child exclusion operated as a “family cap” on subsistence cash assistance.

⁴ This was LB 57, enacted by the Nebraska Legislature and approved by the Governor in 2006.

prioritize issues, i.e., ascribing greater moral weight and urgency to certain issues within the range of issues to be considered.

[19] I struggle to comprehend his treatment of this context. I have concluded that it mischaracterizes one of the most important paragraphs of *Faithful Citizenship*, no. 29. Father Hollenbach sets forth the following:

It would appear, however, that *Forming Consciences for Faithful Citizenship* regards the issues presented as “intrinsically evil” as outweighing the other moral matters treated. *The basis for this priority is explicitly*, though perhaps inadvertently, *set forward when the bishops write that that [sic] “resorting to unjust war” and “an unjust immigration policy” are “serious moral issues that challenge our consciences.”* But the bishops then go on to note that *“these and other compelling threats to human life and dignity are matters for principled debate”* (Emphasis added).

[20] Thereupon, perhaps even with a little “gotcha” flavor, Father Hollenbach says that what the bishops have stated must be “an inadvertent statement [and also that it is self-contradictory language], because a war or an immigration policy that is unjust cannot be a matter of “principled debate.” If a war or immigration policy is unjust, it is immoral, period.”

[21] But for me, what’s perplexing, if not somewhat curious, is that Father Hollenbach’s analysis, i.e., what he wants us to accept (for his purposes) as the bishops’ explicit setting forward of the basis for prioritizing issues, is reliant upon a quote that is, for whatever reason, incomplete and out of context.

[22] Paragraph 29 does not say what Father Hollenbach purports it to say. Here is what the bishops actually have written:

. . . Catholics are urged to seriously consider Church teaching on these issues [i.e., concerns that are not optional and cannot be dismissed], racism and other unjust discrimination, use of the death penalty, resorting to unjust war, the use of torture, war crimes, hunger, lack of health care, unjust immigration policy. Although choices about how best to respond to these and other compelling threats to human life and dignity are matters for principled debate and decision, this does not make them optional concerns or permit Catholics to dismiss or ignore Church teaching on these important issues.

[23] Inexplicably, Father Hollenbach omits the first eight words of the relevant sentence. (He also omits several subsequent words and phrases of the sentence as well.) Obviously, the subject of “are matters for principled debate and decision” is not “these and other compelling *threats* to human life and dignity” as he indicates; rather, the subject is “*choices* about how best to respond” (Emphasis added). This discrepancy, it seems to me, is substantive and significant. The actual, accurate language does not support the point Father Hollenbach attempts to make. His characterization of the Bishops’ basis for prioritizing issues stands on a false premise. What’s more, the wording from paragraph 29 is not self-contradictory.

[24] As I view it, the basis for giving greater moral weight and urgency to certain issues is set forth quite convincingly in paragraphs 22 through 28, culminating with this statement,

addressing “moral equivalence,” in the latter paragraph: “*The direct and intentional destruction of innocent human life from the moment of conception until natural death is always wrong and is not just one issue among many*”⁵ (Emphasis added).

[25] The fact that the bishops draw attention to this critical and necessary distinction is, in my estimation, a strength and an essential contribution of the *Faithful Citizenship* document. There is a risk, of course, that doing so will lead some to disregard the importance of the Church’s teaching on other matters that cannot be dismissed (e.g., torture, war, the death penalty, the right to health care, poverty, immigration). Nevertheless, in my view, the conclusion of the bishops (and the experiences of state Catholic conference directors) is that the risk of losing legitimacy by not honestly and accurately setting forth Church teaching as it differentiates these issues is greater. Glossing over the differences by treating all issues with moral equivalence and as subject to the same type of judgment would be the wrong approach.

[26] Even as the bishops emphasize the dignity and value of human life and the wrongness of abortion and other attacks upon it, they recognize that the political process does not always permit perfect solutions.⁶

[27] It is my impression that Father Hollenbach’s presentation excuses acceptance of the legality of abortion by appealing to efforts to reduce the incidence of abortion and to the perceived improbability of prohibiting abortion. By addressing the societal factors that lead women to consider abortion we can reduce the number of abortions.

[28] This argument is troublesome. It assumes that the reduction of abortion can and should be the only goal for the Catholic, whether politician or common folk, who believes that abortion is morally wrong. The Church’s teaching is abundantly clear, however, that, in addition to the number of abortions, the existence of an unjust law that allows the killing of

⁵ Likewise, the U.S. Bishops inspiring statement from 1998, *Living the Gospel of Life: A Challenge to American Catholics*, provides a compelling description and guidance on the priority of issues. Paragraph 23 of that document sets forth the following: “Adopting a consistent ethic of life, the Catholic Church promotes a broad spectrum of issues ‘seeking to protect human life and promote human dignity from the inception of life to its final moment.’ Opposition to abortion and euthanasia does not excuse indifference to those who suffer from poverty, violence and injustice. Any politics of human life must work to resist the violence of war and the scandal of capital punishment. Any politics of human dignity must seriously address issues of racism, poverty, hunger, employment, education, housing and health care. Therefore, Catholics should eagerly involve themselves as advocates for the weak and marginalized in all these areas. Catholic public officials are obliged to address each of these issues as they seek to build consistent policies which promote respect for the human person at all stages of life. *But being ‘right’ in such matters can never excuse a wrong choice regarding direct attacks on innocent human life.* Indeed, the failure to protect and defend life in its most vulnerable stages renders suspect any claims to the ‘rightness’ of positions in other matters affecting the poorest and least powerful of the human community. If we understand the human person as the ‘temple of the Holy Spirit’ – the living house of God – then these latter issues fall logically into place as the crossbeams and walls of that house. *All direct attacks on innocent human life, such as abortion and euthanasia, strike at the house’s foundation.* These directly and immediately violate the human person’s most fundamental right – the right to life. Neglect of these issues is the equivalent of building our house on sand. Such attacks cannot help but lull the social conscience in ways ultimately destructive of other human rights.”

⁶ The discussion of prudence in paragraphs 19 and 20 and the discussion of making moral choices in paragraphs 31-33 of *Faithful Citizenship* appeal to me as examples of realism and humility.

an innocent human being is alone a wrong that must be opposed. Exercising prudential judgment determines how we direct our efforts and in what order, but as Catholics we have a moral obligation to work both to reduce abortions AND to eliminate the unjust law.

[29] Father Hollenbach uses rather loaded terminology to describe this latter goal and efforts to achieve it: “coercive legislation,” “banned by coercive law,” “coercively ban,” also, as the bishops’ response “in the first instance.” I do not think this is an accurate or fair description of a complex legal situation.

No Definitive Explanation

[30] With regard to the research Father Hollenbach cites relating to the extent to which non-immigrant Catholics are leaving the U.S. Church; I agree that it points to a serious concern. But it does not presume to explain why people are leaving. I note that Father Hollenbach acknowledges this, as well as his own limitations on offering a definitive explanation. By no means am I able to do so, other than to comment that whatever the primary reasons for such exodus may be, I am inclined to think that public policy positions are not to any significant extent among them.

Judge for What It Is, Not What It Is Not

[31] On another point, I am uncomfortable with the idea of using the 1986 pastoral statement, *Economic Justice for All* as a model for how the bishops should help Catholics understand their faith in relation to their lives as citizens, i.e., as a standard for judging *Forming Consciences for Faithful Citizenship*. While related from a general perspective of Catholic teaching, these are two entirely different documents.

[32] *Economic Justice for All*, unarguably an important document in its own right, was a lengthy, prophetic, pastoral document for purposes of presenting broad outlines of a biblical and Christian vision of justice and the common good and sharing the Church’s vision with a wider world. *Forming Consciences for Faithful Citizenship*, on the other hand, is a relatively brief statement, guiding individual Catholics on what the Church teaches regarding political responsibility and the formation of conscience in relation to political matters.

[33] Moreover, portraying *Economic Justice for All* non-critically ignores facts regarding how it has been received through the years. In my own experiences of hearing from Catholic business professionals and others, I recall it being scrutinized and challenged, even with some animosity and bitterness, for straying too far into matters that rightly belong to the prudential judgment of the laity. From the perspective of some, it might even be argued that *Economic Justice for All* suffered from its own lack of intellectual humility.

[34] The nature, purpose, history and weaknesses of *Economic Justice for All* do not make it the proper standard by which to judge *Forming Consciences for Faithful Citizenship*. Rather, the latter should be judged for what it is – not for what it is not. Read and reflected upon in its entirety, it can be understood as building upon other Catholic teaching and other statements from the bishops, including *Economic Justice for All*. It identifies key themes of Catholic social teaching and offers them as a framework for the involvement of faithful citizens in public life. It affirms the importance of a wide range of issues as worthy of our attention, reflection and action.

[35] As for Father Hollenbach's contention that *Faithful Citizenship* offers "relentlessly moralistic lists of do's and don'ts, prescriptions and proscriptions" – I think paragraphs 40-88 of the document suggest otherwise.

Bibliography

United States Conference of Catholic Bishops (USCCB)

- 1986 *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy.* Available online at <http://www.usccb.org/sdwp/international/EconomicJusticeforAll.pdf>.
- 1998 *Living the Gospel of Life: A Challenge to American Catholics.* Available online at <http://www.usccb.org/prolife/gospel.shtml>.
- 2007 *Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States.* Washington, DC: USCCB. Available online at <http://www.usccb.org/bishops/FCStatement.pdf>.